

# Land, People, and Power in Post-Roman Britain and Gaul

c. 400-800

A Documentary and Archaeological Analysis

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# Abstract

As an agrarian society, agricultural land lay at the heart of the early medieval world. Yet the social relationships which governed the holding and exploitation of that land remain opaque. In particular, conflicting ideas about how barbarian incomers were settled on and held land in post-Roman Britain and Gaul continue to fuel fierce debates. These often focus on the interaction between such settlers and a remaining Roman elite, while the position of the peasantry, so poorly represented in the sources, is rarely explored. This thesis approaches a series of questions about who held land and on what terms by analysing the relationships across society which were affected by tenure. It does so by examining both documentary and archaeological evidence. The primary documentary source is the collected appurtenance clauses of charters from Gaul and Britain between the sixth and eighth centuries. The primary archaeological source is the evidence for settlement between the fifth and seventh centuries. Documentary sources are used to generate a series of hypotheses which are then tested in an analysis of the archaeology. This suggests that elites in Gaul were already seeking to exert ownership over land and lordship over people by the sixth century, at a time when agriculture was still largely a domestic and dispersed activity. By contrast, elites across Britain at this time seem to have been content with a form of tributary overlordship, and were less quick to see land and people as possessions. This analysis supports the view that, in both areas, the use of charters, widely acknowledged as establishing written title, finally supplanted a complex mix of custom and Roman law, with drastic consequences for peasant proprietors.

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## Abbreviations

See Bibliography for full bibliographic information

Artem	<i>Chartes originales antérieures à 1121 conservées en France</i>
Beyer	<i>Urkundenbuch zur Geschichte der mittelrheinischen Territorien</i> , ed. by Heinrich Beyer
Bouchard, <i>Flavigny</i>	<i>The Cartulary of Flavigny</i> , ed. by Constance Brittain Bouchard
Bouchard, <i>Montiers</i>	<i>Cartulary of Montier-en-Der</i> , ed. by Constance Brittain Bouchard
Brequigny, <i>Diplomata</i>	<i>Diplomata, Chartae, Epistolae, et Alia Documenta, ad Res Francicas Spectantia</i>
CBMA	Corpus Burgundiae Medii Aevi
CDL	<i>Codice Diplomatico Longobardo I</i> , ed. by L. Schiaparelli
CEMA	Cartae Europae Medii Aevi
Chartae Galliae	<i>Chartae Galliae</i> , Edition électronique
Chevrier and Chaume	<i>Chartes et documents de Saint-Bénigne de Dijon</i> , ed. by Chevrier and Chaume
ChLA	<i>Chartae Latinae Antiquiores</i>
CIC	<i>Corpus Iuris Civilis. Text und Übersetzung. I, Institutionem</i> , ed. and transl. by Otto Behrends, Rolf Knütel, Berthold Kupisch, and Hans Hermann Seiler
C. Just	Corpus Iuris Civilis, The Civil Law, ed. by S. P. Scott
C.Theo	<i>Theodosiani, Libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum Pertinentes Vol. I</i> , ed. by Th. Mommsen and Paul M. Meyer
DD Arnulf	<i>Die Urkunden der Arnulfinger</i> , ed. by Ingrid Heidrich, Monumenta Germaniae Historica
DD Karol I	<i>Die Urkunden der Karolinger Vol. 1</i> , ed. by Engelbert Mühlbacher, Monumenta Germaniae Historica
DD Merov	<i>Die Urkunden der Merowinger</i> , ed. by Theo Kölzer, with Martina Hartmann and Andrea Stieldorf, Monumenta Germaniae Historica
DD Merov (1872)	<i>Diplomatum Imperii</i> , Vol. 1, ed. by George Heinrich Pertz, Monumenta Germaniae Historica
DEEDS	Documents of Early England Data Set
Déléage, <i>Autun</i>	<i>Recueil des actes du prieuré de Saint-Symphorien Autun de 696 à 1300</i> , ed. by A. Déléage
DMLBS	R. E. Latham, D. R. Howlett, & R. K. Ashdowne, eds, <i>The Dictionary of Medieval Latin from British Sources</i>

Epp. GPR	<i>Epistolae, Gregorii I Papae Registrum Epistolarum</i> , ed. by Paul Ewald and Ludovic M. Hartmann, Monumenta Germaniae Historica
FLC	Formulae-Litterae-Chartae
Formulae	<i>Formulae Merovingici et Karolini Aevi</i> , ed. Karl Zeumer, Monumenta Germaniae Historica
Gaffiot	Félix Gaffiot, <i>Dictionnaire Latin-Français</i> (1934)
Glöckner & Doll	<i>Traditiones Wizenburgenses</i> , ed. by Karl Glöckner and Ludwig Anton Doll
Guerard, <i>Saint-Bertin</i>	<i>Cartulaire de l'abbaye de Saint-Bertin</i> , ed. by Benjamin Guerard
HE	Bede, <i>Historia Ecclesiastica Gentis Anglorum</i>
d'Herbomez, <i>Gorze</i>	<i>Cartulaire de l'abbaye de Gorze</i> , ed. by A. d'Herbomez
Kelly <i>Glastonbury</i>	<i>Charters of Glastonbury Abbey</i> , ed. by S. Kelly
Kelly <i>St Augustine's</i>	<i>Charters of St Augustine's Abbey Canterbury and Minster-in-Thanet</i> , ed. by S. Kelly
LD	<i>Liber Diurnus Romanorum Pontificum</i> , ed. by Hans Foerster
Lebeuf, <i>Mémoires</i>	<i>Mémoires concernant l'histoire civile et ecclésiastique d'Auxerre et de son ancien diocèse</i> , Vol. 4, ed. by Jean Lebeuf
Lewis and Short	Charlton T. Lewis and Charles Short, <i>Lewis and Short's Latin-English Lexicon</i>
LH	Gregory of Tours, <i>Decem Libri Historiarum</i>
LL nat. Germ. LB	<i>Leges Nationum Germanicarum Vol. II Part I, Leges Burgundionum</i> , ed. by Ludovic Rudolf De Salis, Monumenta Germaniae Historica
LL nat. Germ. LR	<i>Leges Nationum Germanicarum Vol. III Part II, Lex Ribuaria</i> , ed. by Franz Beyer and Rudolf Bruckner, Monumenta Germaniae Historica
LL nat. Germ. LV	<i>Leges Nationum Germanicarum Vol. I, Leges Visigothorum</i> , ed. by Karl Zeumer, <i>Liber iudicorum sive Lex Visigothorum</i> , Monumenta Germaniae Historica
LL nat. Germ. PLS	<i>Leges Nationum Germanicarum Vol. IV Part I, Pactus Legis Salicae</i> , ed. by Karl August Eckhardt, Monumenta Germaniae Historica
Logeion	University of Chicago, <i>Logeion</i>
Manteyer, <i>Avignon</i>	<i>Les chartes du pays d'Avignon, 439-1040</i> , ed. by Georges de Manteyer
Merlet & Lépinos	<i>Cartulaire de Notre-Dame de Chartres</i> , ed. by Merlet & Lépinos

Niermeyer	J. F. Niermeyer, <i>Mediae Latinitatis Lexicon Minus</i>
Pardessus	<i>Diplomata, Chartae, Epistolae, Leges, aliaque instrumenta ad res Gallo-Francicas Spectantia</i> , Vol. 1, ed. by J. M. Pardessus
Poupardin	<i>Recueil des Chartes de l'abbaye de Saint-Germain-des-Prés</i> , ed. by René Poupardin
Prou & Vidier	<i>Recueil des chartes de l'abbaye de Saint-Benoît-sur-Loire</i> , ed. by M. Prou and A. Vidier
PPU	<i>Papsturkunden, 896-1046</i> , ed. by Harald Zimmerman
Quantin, Yonne	<i>Cartulaire général de l'Yonne</i> , Vol. 1, ed. by Maximilien Quantin
Rath & Reiter	<i>Das älteste Traditionsbuch des Klosters Mondsee</i> , ed. by Gebhard Rath and Erich Reiter
S	P. H. Sawyer, <i>Anglo-Saxon Charters: an Annotated List and Bibliography</i> and 'Electronic Sawyer'
SS rer. Merov. 2.	<i>Scriptores reurm Merovingicarum 2, Frederagrii et Aliorum Chronica. Vitae Sanctorum</i> , ed. by Bruno Krusch, Monumenta Germaniae Historica
Stengel	<i>Urkundenbuch des Klosters Fulda</i> , ed. by Edmund Stengel
<i>The Táin</i>	<i>The Táin, A New Translation of the Táin Bó Cúlailnge</i> , trans. by Ciaran Carson
TC:	<i>The Theodosian Code and Novels and the Sirmondian Constitutions</i> , ed. and transl. by Clyde Pharr
Wampach	<i>Geschichte der Grundherrschaft Echternach im Frühmittelalter</i> , ed. by C. Wampach
Wartmann	<i>Urkundenbuch der Abtei Sanct Gallen</i> , Vol. 1, ed. by Hermann Wartmann

# Archaeological drawing conventions

Necessary details are given on individual plans, but the following conventions are observed:



Limit of excavation



Wall lines, trenches, fencelines, and ditches



Conjectured wall lines, trenches, fencelines, and ditches



Post holes



Sunken-featured buildings  
(details of fills on individual plans)



Slope and direction of slope

All plans were produced using Inkscape 1.3.2



## 1: Introduction

It is a truism to say that land lay at the heart of the early medieval world. As an agrarian society, most people primarily depended on their labour on the land to feed themselves and their families. Elites also relied on this product, although the ways in which it was transferred to them, and the reciprocal arrangements of which this was presumably a part, are not always clear and undoubtedly varied with time and place. On the one hand, peasants may have handed over produce as a form of tribute or tax to elites who exercised supremacy over land but not possession. On the other, they may have paid rents to elites who were controlling landlords, possibly with the added power of social jurisdiction. The division between these two concepts, and the points at which one morphed into the other, is not clear in the historiography, and may not always have been clear on the ground at the time. The collision between these paradigms has prompted much debate concerning the status of royal, private, and family land; the systems by which lordship was established and maintained; and the existence and position of peasant proprietors. Because of the fundamental importance of land, such questions concern the foundation stones upon which these societies were constructed.

This thesis will explore these issues through both documentary and archaeological evidence. Neither of these sources provides easy answers. Documents do not tell us directly about social arrangements, since the people of the time knew how their society worked. They no more needed an explanation than people of the modern world need a letter every month explaining why the government has taxed their pay. Similarly, archaeology cannot tell us directly about social organization; that can only be reconstructed from physical remains through a process of inference and analogy. However, by combining both types of evidence,

theories derived from one can be tested in the other, interactively generating new research questions. In this way, it is hoped that it might be possible, to some degree, to compensate for the deficiencies of each.

The period covered here is relatively broad, roughly 400 to 800 AD. Within this span, large areas of Europe went through tumultuous changes which affected not only their political, economic, and religious organisation, but also people's very perception of their identity. Some of these changes may have occurred rapidly and some slowly, and they happened at different times, and to different degrees, in different areas. A broad range is therefore necessary. This range is also necessary because of the limitations of the sources: reliable documents only become available for the latter part of the period; archaeological evidence is often sparse and sometimes difficult to date with absolute precision.

For a long time, this period suffered from a form of twin neglect. While being dismissed as a 'Dark Age' whose lack of written evidence prohibited serious exploration, it was, at the same time, summed up in a series of unchallenged yet categorical statements: the Romans departed, the barbarians invaded, inhabiting populations fled or were subdued, and new nations were created which owed little or nothing to that which had gone before. Such statements were derived from a small number of sources (essentially Gildas in Britain, for example), but owed as much, or more, to the politics of later centuries. In Britain, this cleared the way for an English story devoid of foreign influence or antecedents; in Germany it prompted significant quantities of scholarly output (which often still form the standard editions) dedicated to showing how 'Germanic' barbarians had freed and reinvigorated Europe.<sup>1</sup> Although the legacy in France was more complicated, with historians often appealing

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<sup>1</sup> For a discussion, see Guy Halsall, *Barbarian Migrations and the Roman West 376-568* (Cambridge: Cambridge University Press, 2007), pp. 22-24.

to a Gallic past, this was as much prompted by the country's nineteenth-century rivalry with Germany as it was by evidence.<sup>2</sup> These perspectives have been slow to change. When *The Making of the English Landscape* was published in 1955, W. G. Hoskins could still speak of Anglo-Saxon settlers clearing the wildwood which had grown back since Rome's fall, and laying out English villages *de novo*.<sup>3</sup> That change is, however, well-illustrated by comparing Myres' contribution to *Roman Britain and the English Settlements* in 1936 to its reissue as a stand-alone volume in 1986.<sup>4</sup> If anything, the pace of conceptual change has accelerated since then. Gildas is no longer seen as a voice of unqualified reliability,<sup>5</sup> and the latest DNA work is showing that the post-Roman story might be more nuanced, and more local, than was ever thought.<sup>6</sup>

The geographical range of this thesis, covering both northern and southern Gaul, and eastern and western Britain, has been chosen partly to escape the straitjacket of this former historiography. To examine only the area which is now England, for example, is to impose artificial boundaries upon the landscape and society of the time. It is clear that parts of western England were 'British' until well into the period covered here; it is less clear how far British culture may have continued to exercise a pervading influence over areas further east. Similarly, while it is generally accepted that southern Gaul remained more Romanised than the north, the degree to which a Roman-style culture permeated both areas is only now

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<sup>2</sup> Edward James, *The Franks* (Oxford: Blackwell, 1988), pp. 240-242.

<sup>3</sup> W. G. Hoskins, *The Making of the English Landscape* (London: Hodder & Stoughton, 1955; reprinted Penguin, 1985), p. 44.

<sup>4</sup> R. G. Collingwood and J. N. L. Myres, *Roman Britain and the English Settlements* (Oxford: Oxford University Press, 1936); J. N. L. Myres, *The English Settlements* (Oxford: Oxford University Press, 1986) see especially pp. xxiii and 75-82.

<sup>5</sup> For competing views on Gildas, see Susan Oosthuizen, *The Emergence of the English* (Leeds: Arc Humanities Press, 2019), pp. 20-23, and T. M. Charles-Edwards, *Wales and the Britons 350-1064* (Oxford: Oxford University Press, 2013; paperback, 2014), pp. 202-219.

<sup>6</sup> J. Gretzinger, D. Sayer, P. Justeau, *et al.*, 'The Anglo-Saxon migration and the formation of the early English gene pool', *Nature*, 610 (2022), 112-119.

emerging in the wake of the 'barbarian invasion' hypothesis. However, the geographical range was also chosen to allow the utmost evidence to be squeezed from the sources: Gaul provides far more documentary evidence than Britain, for instance. But it is not just a matter of quantity or quality of evidence. The comparison of data from different areas allows another avenue for testing conclusions through the analysis of similarities and differences. This is not to say that a similar outcome in different areas must be the result of the same circumstances, but such similarities can generate possible explanations, which can then sometimes be tested through other evidence. Perhaps the most notable example of such an approach is Wickham's *Framing the Early Middle Ages*.<sup>7</sup>

Within this comparative framework, this thesis will consider the extent to which prevailing ideas about land tenure (set out in section 1.1, below) are borne out by the documentary and archaeological evidence. It will examine the evidence for 'ownership', at both an elite and peasant level, it will explore the relative potential contribution of both Roman and native law to tenure in the target areas, and it will ask to what degree the social systems of tenure might be expressed in the landscape. 'Ownership is, therefore, central to this thesis, but it is 'ownership' in an inherently social context. Far from being a simple term, it has caused human society much anguish. The most basic proposition equating possession with ownership (summed up in the expression 'possession is nine tenths of the law') ran into immediate problems, since theft brings possession but not the moral right to possess. The attempt to reach a satisfactory solution to this problem can be seen running through Roman law in the ongoing efforts to define *dominium* and *possessio*.<sup>8</sup> This perhaps illustrates that

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<sup>7</sup> Chris Wickham, *Framing the Early Middle Ages* (Oxford: Oxford University Press, 2005; paperback, 2006).

<sup>8</sup> See, for example, Christian Baldus, transl. by David Kerr, 'Possession in Roman Law', in *The Oxford Handbook of Roman Law and Society*, ed by Paul J. Du Plessis, Clifford Ando, and Kaius Tuori (Oxford: Oxford University Press, 2016), pp. 537-552 (p. 538).

'ownership', far from being an absolute, is a form of legal right, and that such rights are always being redefined in an ongoing social conversation. The more voices which participate in that conversation, the fairer that society is generally deemed to be. When the range of voices allowed to participate is limited, the law can become an expression of vested interest. It was perhaps such a situation which prompted the French anarchist Proudhon to answer his question, 'what is property?' by saying, 'property is theft'.<sup>9</sup> Therefore, to consider landholding in the early Middle Ages is also to consider the social relations between the people in those societies. The identity of the people who held land, the terms on which they held it, and the nature of the interactions this generated with those who did not, gives a window into social structure and social systems.

The following sections set out the sources used, the overriding methodology, and the various limitations attendant upon them. Firstly, however, the next section considers theories of land tenure and inheritance which have been advanced in the historiographical record for elites and peasants, and the problems and gaps which these have left.

## 1.1: Theories of land tenure

### 1.1.1: Elite land tenure

Considerations of early medieval elite landholding in Britain and Gaul have been dominated by two different debates. In Britain, this has centred on whether what was granted to elites was outright ownership of land, or rights over it, which Maitland summed up as

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<sup>9</sup> P. J. Proudhon, *What is Property? Works, Vol. I*, (Princeton: Benjamin R. Tucker, 1876). Although often described as a slogan, the argument is developed at some length, see, for example, p. 262.

'superiority'.<sup>10</sup> In Gaul, the corresponding debate has focused not on supposed barbarian custom, but on barbarian settlement. This bears some resemblance to the discussion in Britain, since it revolves around the question of whether incoming barbarians were given physical land by the Roman state, or whether they were given rights to yields from that land (the '*hospitalitas* question').<sup>11</sup>

Maitland argued for the idea of 'superiority' rather than ownership after addressing the fundamental contradiction at the heart of Anglian and Saxon land tenure. Land had been depicted as belonging to the people or the tribe, personified in the figure of the king. Thus, no one 'owned' land, but they occupied it by the king's largesse, and he took a render of foodstuffs as his payment.<sup>12</sup> However, kings then seem to have been able to give this tribal land away, ceding it first of all to the Church and later to the laity. As Maitland stated, for the king to give land in this way, he would have needed to have been an absolute landowner and there would have been no room for any other land holders, only for subject tenants of the king who could be traded with the land. This seemed unlikely, since kings would have needed the support of followers in order to become king.<sup>13</sup> Wickham echoed this sentiment, suggesting that such absolute powers would have made the rulers of early Anglian and Saxon polities more powerful than Merovingian kings or even Roman emperors.<sup>14</sup>

Maitland believed that this superiority took two forms, fiscal and judicial, and identified the fiscal with the king's *feorm*. Stenton elucidated how this *feorm* evolved from hospitality given in the subject's home as the king and his retinue traversed the kingdom, to

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<sup>10</sup> F. W. Maitland, *Domesday Book and Beyond*, (Cambridge: Cambridge University Press, 1897; reprinted, Fontana, 1969), p. 278

<sup>11</sup> For a thorough review of the historiography of this, see Halsall, *Barbarian Migrations*, pp. 422-432.

<sup>12</sup> The best description of this putative system is probably that given by Wickham, *Framing*, p. 305.

<sup>13</sup> Maitland, *Domesday Book and Beyond*, p. 277-278.

<sup>14</sup> Wickham, *Framing*, p. 318.

renders supplied to a royal *vill* and overseen by a royal reeve. This concept was also accepted by John in the 1960s and by the majority of scholars since.<sup>15</sup> Only occasional voices have argued against it. Chadwick, writing at the turn of the twentieth century, accepted that aristocrats held land by the king's grace, but insisted that grants to the Church must have given actual ownership. He concluded that grants of *feorm* only would not have been sufficient, in the quantities given by early charters, to sustain monasteries. He also used the example of the 250 slaves transferred to Wilfrid of York (c.636-709) along with land at Selsey to argue that this granted outright ownership, since the slaves must have originally belonged to the king and must have worked land directly owned by him.<sup>16</sup> John countered this by pointing out that the gift must have given Wilfrid some means of profiting from the freemen on the estate or he could not have manumitted the slaves. The receipt of a *feorm* previously given to the king was, in John's opinion, the most likely explanation. This is supported by the suggestion that the number of hides referred to in charters did not indicate a spatial measure of land but an amount of *feorm* owed.<sup>17</sup> Charles-Edwards argued that this also applied to the measurements used in the Llandaff charters, which specified not a physical measure of land, but a quantity of ale owed, the amount of ale then determining the other renders.<sup>18</sup> Nonetheless, Chadwick's distinction between the elite and the Church is important since, at least for the Anglo-Saxons, it may pinpoint a conceptual difference between land originally bestowed by the king's word and land bestowed by charter. Whether donor and recipient were aware of this difference at the time is unclear. Blair certainly believed that the Church

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<sup>15</sup> Frank Stenton, *Anglo-Saxon England*, 3<sup>rd</sup> edn. (Oxford: Oxford University Press, 1971), pp. 287-289; For example, Rosamond Faith, *The English Peasantry and the Growth of Lordship*, (Leicester: Leicester University Press, 1997; paperback, 1999), pp. 7-14.

<sup>16</sup> H. Munro Chadwick, *Studies on Anglo-Saxon Institutions* (Cambridge: Cambridge University Press, 1905; reissued New York: Russell and Russell, 1963) pp. 371-374. The account is given in Bede, HE, IV. 13.

<sup>17</sup> Maitland, *Domesday Book*, pp. 452-453; John, *Land Tenure*, pp. 30-31.

<sup>18</sup> Charles-Edwards, *Wales and the Britons*, pp. 274-277.

understood, but he also allowed kings more agency, suggesting that the documents may have veiled commercial transactions which they found equally profitable.<sup>19</sup>

Overall, on current readings of the evidence, the concept of 'superiority' seems best suited to the circumstances, and, superficially, the idea put forward by Fustel de Coulanges in the 1870s for the barbarian settlement of Gaul may seem similar. De Coulanges argued that barbarian settlers were not given ownership of land, but rights to take yields from it. While this smacks of Maitland's 'superiority', there are problems with such a comparison. Under Maitland's scheme, it was the king who gave up rights to yields from the land in favour of his supporters. The equivalent within the Roman Empire must be either to imagine the Emperor giving up yields from Imperial estates, or Roman citizens being dispossessed of part of their income, even if their 'capital' landholding remained theoretically untouched. This problem was addressed by Walter Goffart, when he proposed that it was the right to collect a portion of taxes which was assigned to support barbarian settlers. This gave the Roman state an easy method of accommodating the barbarians, without directly dispossessing its own citizens, using a method which it had used to pay its officials.<sup>20</sup> Goffart's ideas met with considerable opposition, leading him to revisit and defend his hypothesis.<sup>21</sup> In doing so, he stressed the multi-faceted nature of the term 'land', arguing that it could simultaneously mean agricultural produce, rent, or tax depending on perspective.<sup>22</sup>

This argument agrees with the multiplicity of perspectives implied by the ownership/superiority debate, and it is clear that any analysis of early medieval land tenure

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<sup>19</sup> John Blair, *Church in Anglo-Saxon Society* (Oxford: Oxford University Press, 2005), pp. 87-90.

<sup>20</sup> Walter Goffart, *Barbarians and Romans, A.D. 418-584. The Techniques of Accommodation* (Princeton: Guildford: Princeton University Press, 1980), see pp. 50-54 for an outline of his thesis.

<sup>21</sup> Walter Goffart, *Barbarian Tides* (Philadelphia: University of Pennsylvania Press, 2006). See further discussion in Chapter Four.

<sup>22</sup> Goffart, *Barbarian Tides*, p. 126.

must be able to accommodate varying levels of definition. However, this variety of perspectives creates its own problem. Wickham noted the persistence of Roman forms of landowning in the sixth-century will of Bishop Remigius of Rheims, and this is also implied in the barbarian law codes.<sup>23</sup> At the same time, it is clear that barbarian landholders at some point became 'owners' of family land. Wickham believed this had happened by the late sixth century, based on the account of Gregory of Tours, and he suggested that if such land had originated in royal grants, that had been forgotten by this point.<sup>24</sup> In parts of Gaul, therefore, distinct systems of possession coexisted: one Roman, with landholders paying tax, and one Frankish, with landholders owing military service.<sup>25</sup> It is therefore pertinent to ask about the influence that these Roman landowners had on the sensibilities of their Frankish neighbours, who, in theory, did not enjoy automatic rights of succession or alienation. By contrast, legalistic Roman ownership disappeared in Britain in the wake of Roman collapse, with continued possession probably initially dependent on the use of force.<sup>26</sup> The landscape then appears to have been divided along political rather than tenurial lines.<sup>27</sup> There is, however, a unifying factor between the two areas: at some point, and by some process, the more general rights of superiority and *hospitalitas* developed into *de facto* ownership.

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<sup>23</sup> Wickham, *Framing*, pp. 170-184.

<sup>24</sup> Wickham, *Framing*, p. 183.

<sup>25</sup> Guy Halsall, *Settlement and Social Organisation: The Merovingian Region of Metz*, (Cambridge: Cambridge University Press, 1995; paperback, 2002), p. 49; Halsall, *Barbarian Migrations*, p. 446; Wickham, *Framing*, pp. 170-184. See also Chapter Four, pp. 225-233.

<sup>26</sup> James Gerrard, *The Ruin of Roman Britain. An Archaeological Perspective* (Cambridge: Cambridge University Press, 2013; paperback, 2016), pp. 258-259.

<sup>27</sup> Wickham, *Framing*, pp. 325-326.

### 1.1.2: Peasant tenure

Theories of peasant tenure have normally revolved around the way in which their land was organised, that is to say, whether this organisation was autonomous or externally directed. There are several models. The first is large scale slave labour of the kind thought to typify the vast Roman estates called *latifundia*. At one time, this was thought to have been widespread in the Roman empire, but its prevalence has since been revised, and it is also thought to have become less common in the Late Roman world.<sup>28</sup> The second model, the *seigneurie* or bipartite estate, can be seen as a development of this, in which a central area (the demesne) was kept under direct lordly control, and worked by slaves or other unfree tenants. However, outlying areas were worked by people with a greater degree of freedom, but who owed a certain degree of labour service to the lord. The degree to which peasant proprietors could be incorporated into this system has been disputed.<sup>29</sup> Both this and the slave model were characterised, as Wickham observed, by direct lordly control over agricultural production, in the sense that they controlled the possible marketisation of any surplus, as well as satisfying their own needs.<sup>30</sup> Such estates were once presumed to have represented the standard model.<sup>31</sup> However, bipartite estates do not appear to have emerged much before the eighth century, and only become more evident in the polyptychs of the

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<sup>28</sup> C. R. Whittaker and Peter Garnsey, 'Rural life in the Later Roman Empire', in *Cambridge Ancient History, Vol. XIII. The Late Empire, AD 337-425*, ed. by Avril Cameron and Peter Garnsey (Cambridge: Cambridge University Press, 1997), pp. 277-311 (p. 291); Paul Van Ossel and Pierre Ouzoulias, 'Rural settlement economy in Northern Gaul in the Late Empire: an overview and assessment', transl. by R. Bruce Hitchner, *Journal of Roman Archaeology*, 13 (2000), 133-160 (pp. 150-157)

<sup>29</sup> Adriaan Verhulst, *The Carolingian Economy* (Cambridge: Cambridge University Press, 2002), pp. 34-36; Adriaan Verhulst, *The Carolingian Economy* (Cambridge: Cambridge University Press, 2002), pp. 34-36; Adriaan Verhulst, 'Economic Organisation', in *The New Cambridge Medieval History, Vol. II, c. 700-c. 900*, ed. by Rosamund McKitterick (Cambridge: Cambridge University Press, 1995), pp. 481-509 (pp. 488-489).

<sup>30</sup> Wickham, *Framing*, pp. 264; 536.

<sup>31</sup> Wickham, *Framing*, pp. 280.

ninth. Even here, Devroey noted that this form of organisation accounted for less than one per cent of land.<sup>32</sup> Their wider dissemination therefore seems to have been relatively late. This also seems to be true of the inland/warland system proposed for Britain, in which the inhabitants of the warland had considerable freedom, paying tribute, rather than rent, at comparatively low levels.<sup>33</sup>

The final model, which may have interacted with those above, is of land-holding peasant cultivators, mostly occupying small farms but with some variability, who operated within an economy of subsistence agriculture and local exchange. In the terminology of the early Middle Ages (see Chapter Four), these people would have been free, but this does not mean that they had no obligations. In the societies examined here, one of their primary obligations may have been military service. However, they may also have owed tax or tribute. The difference between these will be more fully discussed in Chapter Six, but at the simplest level, where tax was paid in kind, there may have been little distinction for those at the bottom of the social pyramid. However, when tax is monetarised, and contributions in kind from smaller producers are converted to coin by intermediaries, it requires a more complex economic organisation than that normally envisaged for a tribute system of the kind described above.<sup>34</sup> This simpler system of tribute from largely autonomous peasant cultivators has sometimes been described as 'extensive lordship', although it fits within the broader category of 'peasant societies'.<sup>35</sup>

Widespread peasant landholding is now accepted for large areas of post-Roman Gaul, at least until the seventh century, while a similar situation is assumed for Britain, where

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<sup>32</sup> Verhulst, 'Economic Organisation', p. 489; Jean-Pierre Devroey, *Puissants et misérables Système social et monde paysan dans l'Europe des Francs (VIe-IXe siècles)*, (Brussels: Académie royale de Belgique, 2006), p. 277.

<sup>33</sup> Faith, *English Peasantry*, pp. 89-152.

<sup>34</sup> The distinction between these will be further discussed in Chapter Six, pp. 353-356.

<sup>35</sup> Faith, *English Peasantry*, pp. 1-14; Wickham, *Framing*, pp. 519-588; Devroey, *Puissants et misérables*, p. 369

Stenton suggested such free peasants were the bedrock of Anglo-Saxon society.<sup>36</sup> However, the evidence for this is often late. Faith, for example, relied on obligations set out under Alfred in the ninth century to identify possible allodial landholders liable to serve in the *fyrd*.<sup>37</sup> Wickham detected references to landholders below the nobility in two Merovingian royal charters from the late seventh and early eighth century,<sup>38</sup> and Sato found independent landholders in the Touraine in the seventh-century accounts of Saint-Martin-of-Tours.<sup>39</sup> Loveluck has also identified potential peasant landholders in the archaeological record.<sup>40</sup> One aim of this thesis will be to seek further evidence for such a class in both the documentary and archaeological record.

However, the concept of peasant landholders creates a fundamental disjunct with theories of elite tenure, since, if elites held land at the king's largesse, it leaves the peasants, as proprietors, enjoying a more secure tenure than their social superiors. This situation hardly seems likely. In order to avoid this, it is necessary to assume that customary, familial inheritance needed approval from above in a situation which mirrored the king's confirmation of a lord's children succeeding to their 'superiority'. Unfortunately, neither such a customary inheritance nor a confirmatory procedure are easily identifiable in the sources. It has been suggested that the answer might lie in Anglo-Saxon uses of *bocland* and *folcland*, with *folcland* identified as the 'land of the people'. However, Vinogradoff argued against this, pointing out that internal contradictions had forced proponents of this theory to introduce a range of terms (*ethel*, *allod*, family land) which did not occur in the Anglo-Saxon legal documents. The

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<sup>36</sup> Stenton, *Anglo-Saxon England*, pp. 277-279.

<sup>37</sup> Faith, *English Peasantry*, pp. 95-98.

<sup>38</sup> Wickham, *Framing*, p. 404. The charters are M227 and M340. See Chapter Two and Appendix B.

<sup>39</sup> Sho-ichi Sato, 'Remarques sur les exploitations rurales en Touraine au haut Moyen Âge', *Annales de Bretagne et des Pays de l'Ouest*, 111, 3 (2004), 27-36 (pp. 32-34).

<sup>40</sup> Christopher Loveluck, *Northwest Europe in the Early Middle Ages, c. AD 600-1150* (Cambridge: Cambridge University Press, 2013, paperback, 2017), pp. 37-54.

evidence, he argued, only suggested that *folcland* should be seen as land held by folk-right, as opposed to *bocland* held by book-right.<sup>41</sup> Maitland still believed that these categories could explain the apparent contradiction of peasant and elite tenure, arguing that a ‘folk-right’ allowed *folcland* to be the land occupied by a freeman at the same time as it was the *bocland* of a lord who possessed the superiority.<sup>42</sup> Unfortunately, this still leaves the question of what ‘folk-rights’ were unanswered. It may also be that any link between *folcland* and folk-rights is illusory. Blair used references to forms of public land in ninth-century Kentish charters to renew the argument that *folcland* was actually a specific form of royal land which could only be alienated with broader consent.<sup>43</sup> He rejected the idea that it had any connection with ‘folk’ rights, although he suggested that similar land, reserved for the support of the king and their ministers, could have existed earlier under a different name. And he acknowledged that some ‘folk’ term might also have applied to family land, although, as he rightly asserted, there is no evidence for this.<sup>44</sup>

Both Blair and Hudson agreed that there was no reason to see *folcland* as something ancient.<sup>45</sup> Indeed, since it is mentioned only three times in legal documents (and once in a poem), none earlier than the ninth century, it is not surprising that Vinogradoff called it the ‘will o’ the wisp of Anglo-Saxon history’.<sup>46</sup> The debates over *bocland* and *folcland* are probably most meaningful when applied to the period at which both references become current: the ninth century and after. The term *folcland* is of doubtful usefulness in discussing the centuries before this. Only by developing some concept of tenure in the immediate post-Roman period

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<sup>41</sup> Paul Vinogradoff, ‘Folkland’, *English Historical Review*, VIII, XXIX (1893), 1-17 (p. 11).

<sup>42</sup> Maitland, *Domesday Book*, p. 305.

<sup>43</sup> John Blair, ‘The Limits of Bookland’, *Anglo-Saxon England*, 49 (2020), 197-252 (pp. 206-217).

<sup>44</sup> Blair, ‘The Limits of Bookland’, p. 217.

<sup>45</sup> Blair, ‘The Limits of Bookland’, p. 206; John Hudson, *The Oxford History of the Laws of England: 871-1216* (Oxford: Oxford University Press, 2012), pp. 102-108.

<sup>46</sup> In the laws of Edward the Elder and two charters S1202 and S328; Paul Vinogradoff, ‘Folkland’, p. 17.

could a comparison with the possible meanings of this term and an evaluation of its antiquity be made. Unfortunately, as both Bloch and Wickham noted, free peasants are, by their nature, less visible in the written evidence. Equally, since their homes would have been smaller, humbler, and more ephemeral, they are also difficult to trace in the archaeology.

### 1.1.3: Inheritance

Since it is not normally possible to bequeath a tenancy without some form of external endorsement, the ability to bequeath, sell, or otherwise alienate land is clearly an essential component of ownership. However, inheritance also acts at a more fundamental level. Agricultural labour is an ongoing process which affects the land across the generations, often to the benefit of the agricultural process (clearing stones and weeds, building fertility, building boundaries), occasionally to its detriment. People may well have been engaged in labour whose full outcome they would not live to see. Unless these people were slaves, they needed some guarantee that they and their families would continue to enjoy the fruits of their work. Some form of customary inheritance, regulated by the family, could have provided this, but it is difficult to trace in the sources. It is not clear whether Maitland envisaged the existence of such a system, but he certainly thought that folk law allowed no power of testamentary bequests.<sup>47</sup> Stenton also thought that *folcland* was not heritable while *bocland* was.<sup>48</sup> John went further and argued that any form of pre-existing inheritance system was unlikely, and that charters not only created a more permanent form of land tenure, but also a wholly original power to bequeath.<sup>49</sup> However, Wickham pointed out that some sense of heritability

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<sup>47</sup> Maitland, *Domesday Book*, p. 289

<sup>48</sup> Stenton, *Anglo-Saxon England*, p. 311.

<sup>49</sup> Eric John, *Land Tenure in Early England* (Leicester: Leicester University Press, 1960), pp. 39-45

must have existed in the pre-charter age, since Bede refers to it as an apparently unexceptional practice. He therefore argued that charters were not the originators of such a right.<sup>50</sup>

It is possible that a clearer view of customary inheritance might be found in Wales. Davies used the same kind of charter phrases as John to argue that inheritance must have existed, although she acknowledged that either outright possession or rights of superiority could have been passed on.<sup>51</sup> Welsh laws, recorded in the twelfth century, but argued to rest on an earlier framework, specify inheritance operating within a group of agnatic co-heirs down to the fourth generation.<sup>52</sup> However, this does not necessarily imply that people were free to alienate the land they occupied. Davies suggested that initially only kings may have had the power to alienate land, since the consent of the king seems to have been required in early charters. The fact that land transactions were carried out at public meetings may also suggest that the community exercised some form of oversight on the transference of land.<sup>53</sup>

However, the clearest annunciation of a system of customary inheritance is that recorded in the barbarian law codes from the area of Gaul. These are discussed more fully in Chapter Four, but they do provide sequences of inheritance which, while they might favour male relatives, also made provision for women to inherit.<sup>54</sup> Much attention has focussed on references in the Lex Salica to 'Salic land', which could only be inherited by a male heir, but Anderson believed that this was an external proscription imposed upon the Franks when they

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<sup>50</sup> Wickham, *Framing*, p. 317; Bede, HE, V.12.

<sup>51</sup> Wendy Davies, *Wales in the Early Middle Ages* (Leicester: Leicester University Press, 1982) p. 76.

<sup>52</sup> Charles-Edwards, *Wales and the Britons*, p. 294.

<sup>53</sup> Wendy Davies, 'Land and power in early medieval Wales', *Past and Present*, 81 (1978), 3-23; p. 11, p.14. See Chapter Four, pp. 240-246 for further discussion.

<sup>54</sup> Alexander C. Murray, *Germanic Kinship Structure. Studies in Law and Society in Antiquity and the Early Middle Ages* (Toronto: Pontifical Institute of Mediaeval Studies, 1983), pp. 207-212. See Chapter Four, pp. 228-240, for further discussion.

were serving in the Roman army.<sup>55</sup> This aside, it certainly appears that both the Pactus Legis Salicae (hereafter PLS) and wider barbarian legal practice envisaged forms of family land being inherited by both sons and daughters.<sup>56</sup> Moreover, while different codes give different scope for the individual to exercise choice about who should inherit, there is also the existence of a 'free share' which seems to have been at the free disposition of the testator, and was frequently used for religious endowment.<sup>57</sup>

The evidence therefore suggests that the concept of heritability was understood and practised in areas of Gaul and western Britain, even if the systems governing this were complex and possibly multiple. It would, then, be a striking particularity if there were no such systems in eastern Britain. Again, however, the suggested presence of inheritance practices produces difficulties when placed alongside 'superiority' theory, since it would either give both elites and peasants land which was beyond the king's control, or, as discussed above, there must have greater level of confirmatory practice than the sources make clear. The following sections will outline the sources and the methodology which will be used to attempt to explore these difficulties with theories of tenurial status and inheritance practice.

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<sup>55</sup> Thomas R. Anderson, 'Roman military colonies in Gaul, Salian ethnogenesis and the forgotten meaning of Pactus Legis Salicae 59.5', *Early Medieval Europe*, 4 (1995), 129-144, reprinted in *Warfare in the Dark Ages*, ed. by Jogn France and Kelly DeVries (Aldershot: Ashgate Publishing, 2008), pp. 38-48 (pp. 41-48).

<sup>56</sup> Murray, *Germanic Kinship Structure*, pp. 187-189; 207-212.

<sup>57</sup> Susan Wood, *The Proprietary Church in the Medieval West* (Oxford: Oxford University Press, 2006), p. 21-22; 60. For a fuller discussion of inheritance, see Chapter Four.

## 1.2: The sources of evidence

### 1.2.1: Documentary

The principal documentary source for this thesis is the corpus of early medieval charters from the areas now covered by England, France, and Wales. While these documents have always excited interest, their status as reliable sources has taken time to establish. The first step in this process was made by Jean Mabillon's *De Re Diplomatica* (1681), which sought to rescue Merovingian texts from blanket accusations of forgery. As Roach described, the differentiation of forgeries from reliable texts has engaged much of the attention of diplomatists since then, with historians more belatedly realising that fake documents had their own story to tell.<sup>58</sup> However, whenever attention is focused on the early centuries of the Middle Ages, the question of forgery remains pertinent, since fake documents may tell us much about a later time, but can only blur our picture of the immediate post-Roman world.

The road towards establishing reliable corpora of early texts has taken slightly different directions in Britain and France, primarily as a result of the differing numbers of documents. In Britain, the first collection of Anglo-Saxon charters was the *Codex Diplomaticus Aevi Saxonici* of John Mitchell Kemble, published between 1839 and 1848. This was followed by Birch's *Cartularium Saxonicum* between 1883 and 1893.<sup>59</sup> As monumental as these two works were, revisions in the identification, transcription, and interpretation of documents continued, and the next milestone was the publication of P. H. Sawyer's *Anglo-Saxon*

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<sup>58</sup> Levi Roach, *Forgery and Memory at the End of the First Millenium* (Woodstock: Princeton University Press, 2021), pp. 4-5.

<sup>59</sup> Kemble: The Anglo-Saxon Charters Website, 'Codex Diplomaticus' available at <https://dk.robinson.cam.ac.uk/node/160> and 'Walter de Gray Birch' available at <https://dk.robinson.cam.ac.uk/node/171> [accessed 01.07.24]

*Charters: an Annotated List and Bibliography* in 1968, revised under the auspices of the British Academy for the online database from the 1990s.<sup>60</sup> This was accompanied by the creation jointly by the British Academy and Royal Historical Society of a series of new editions of the charter corpus which now runs to twenty volumes.<sup>61</sup> However, although all these editions and catalogues constituted massive undertakings, the scale of the task is dwarfed by that facing editors of the Merovingian documents. The royal diplomas were first gathered together by the *Monumenta Germaniae Historica* in 1872, in an edition by Pertz which was immediately criticised.<sup>62</sup> A new edition was produced in 2001, under the direction of Theo Kölzer, while an edition of charters from the early Carolingian ‘Arnulfing’ mayors was published in 2011. However, it is the vast number of texts from private documents which make the French charters so much more complicated. The majority of these are known only from later cartularies, many of which were themselves lost during the French Revolution and were preserved by the transcriptions of antiquarians. Editions of these have appeared in a steady trickle from the eighteenth century onwards, and, by 1940, Lot’s ‘Liste des cartulaires et recueils contenant des pièces antérieures à l’an 1000’ counted 161 of them.<sup>63</sup> Many of these editions have themselves been historically hard to source. However, in recent years, a number of databases have sought to alleviate this problem, while the advent of the *Cartae Europae Medii Aevi* database has provided a single, searchable access point to 270,000 documents from the fifth to fifteenth centuries.<sup>64</sup> The sources for documents used here are presented

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<sup>60</sup> P. H. Sawyer, *Anglo-Saxon Charters: an Annotated List and Bibliography* (London: Royal Historical Society, 1968); Electronic Sawyer, <https://esawyer.lib.cam.ac.uk/about/index.html>

<sup>61</sup> The British Academy, <https://www.thebritishacademy.ac.uk/publishing/specialist-scholarly-publications/anglo-saxon-charters/>

<sup>62</sup> David Ganz and Walter Goffart, ‘Charters Earlier than 800 from French Collections’, *Speculum*, 65 (1990), 906-932 (p. 908).

<sup>63</sup> *Archivum Latinitatis Medii Aevi*, Vol. XV, 1, ed. by J. H. Baxter, C. H. Beeson, F. Muller, L. Nicolau D’Olwer, V. Ussani, F. Lot (Brussels: Union Académique Internationale, 1940).

<sup>64</sup> *Cartae Europae Medii Aevi*, <https://cema.lamop.fr/>

more fully in Chapter Two, while the complex story of the Welsh charters is discussed in Chapter Four.

Information gleaned from charters has fed into a range of historical research, from place name studies to political history, in a symbiotic relationship in which historical knowledge had also been used to verify texts (for example, by establishing whether supposed witnesses were extant at that time). This thesis incorporates a detailed study of appurtenance clauses in an attempt to discern a picture of the early medieval countryside, as it appeared to those involved in making the charters. Since the majority of these charters involve kings granting land to the Church, it might be objected that they do not tell us about private tenure. However, it seems clear that, in Merovingian Gaul, the King was the pre-eminent, rather than the only, landholder, even in royal heartlands such as the Île-de-France.<sup>65</sup> The terms upon which he held land therefore had a direct connection with the terms of his inferiors; there is a relationship between the two. Moreover, if, as seems to be the case, the men who drew up the charters were themselves part of the landholding elite, then the language they used in writing of land may well reflect the views of their class.<sup>66</sup> The Church does not stand aloof from this. As will be discussed further in Chapter Six, the Merovingian Church was not primarily a limb of an overarching international institution, but a local and frequently family concern. It interacted with the landholding laity and is therefore likely to have shared their interests. It did, however, possess a concept of tenure as a perpetual right, a concept which may have fed back into lay families, even if it was, at times, in conflict with them. Admittedly, the picture in Britain, where the surrounding sources are so much slighter, is more obscure,

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<sup>65</sup> Wickham, *Framing*, p. 403.

<sup>66</sup> See further discussion in Chapter Two.

but there is still an evident interaction between King, Church, and elite. Chapter Six will further discuss possible elements of similarity and difference between the two areas.<sup>67</sup>

It might also be objected that attempting to read systems or attitudes from any textual detail in charters is futile, since it has been argued that such documents' power lay in their symbolic representation of the moment of agreement and transfer, rather than in the wording of their text.<sup>68</sup> Ryan has also contended that their authority in disputes came from the process itself, which could either confirm or overturn them.<sup>69</sup> It certainly appears to be the case that the sheer physicality of charters stood as evidence of a transaction properly conducted according to quasi-ritualistic mores.<sup>70</sup> But, in many ways, this remains true of legal documents today, since the law is inherently ritualistic. Neither this, nor the ability of a legal process to rule on the validity of a charter, means that the text is irrelevant. The apparent arbitrariness by which elements were included or omitted from early medieval charters is belied by the greater consistency in the style of the document. It is this consistency which allows the existence of the study of diplomatic at all, and it is this consistency which allows us to say with relative confidence which documents have a claim to validity, and which do not. Only a minority of charters had appurtenance clauses, so it was clearly not an essential element.<sup>71</sup> However, this might suggest that they tended to be included when either, or both,

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<sup>67</sup> Chapter Six, pp 362-368.

<sup>68</sup> Susan Kelly, 'Anglo-Saxon lay society and the written word', in *The Uses of Literacy in Early Medieval Europe*, ed. by Rosamond McKitterick (Cambridge: Cambridge University Press, 1990; paperback, 1992), pp. 36-62 (p. 46); Blair, 'Limits of Bookland', p. 202.

<sup>69</sup> Martin J. Ryan, "'Charters in Plenty, if Only they were Good for Anything": the Problem of Bookland and Folkland in Pre-Viking England', *Problems and Possibilities of Early Medieval Charters*, ed. J. Jarrett and A. S. McKinley (Turnhout, 2013), pp.19–32 (pp. 29-30). For an example of charters being used in a legal process see Chapter Two, pp. 65-66

<sup>70</sup> Kelly, 'Anglo-Saxon lay society and the written word', p. 44. Similar arguments have been made in relation to Merovingian Gaul: Warren C. Brown, 'The gesta municipalia and the public validation of documents in Frankish Europe', in *Documentary Culture and the Laity in the Early Middle Ages*, ed. by Warren Brown, Marios Costambeys, Matthew Innes, and Adam Kostó (Cambridge: Cambridge University Press, 2013), pp. 95-124 (pp.95-98); Alice Rio, 'Merovingian Legal Cultures', *The Oxford Handbook of the Merovingian World*, ed. by Bonnie Effros and Isabel Moreira (Oxford: Oxford University Press, 2020), pp. 489-507 (p. 493).

<sup>71</sup> About a third: see figures in Chapter Two.

the donor or recipient desired it.<sup>72</sup> It was important, then, at the moment of writing, and presumably could remain so in the years immediately after. As time went on, it would, it is true, become increasingly irrelevant, and the mere existence of the charter would be the important factor.

As will be discussed more fully in Chapter Two, appurtenance clauses have received relatively little attention. Schweineköper used them in his work on water rights, while Tits-Dieuaide attempted to read estate organisation from them, but without establishing a reliable paradigm for sixth- and seventh-century terminology.<sup>73</sup> A lack of engagement may in part be due to an early perception that they were mere runs of formula with no connection to external reality. This was stated by Giry in 1925, and has only been challenged relatively recently.<sup>74</sup> This thesis uses a novel analysis of the formulaic nature of appurtenances clauses, in a comparative context, to assess their significance and consider how this formula was adjusted in practice. Chapter Four will then expand the documentary approach to consider the appurtenance clauses of the Anglo-Saxon, Welsh, and Merovingian charters in the broader context of early medieval diplomatic, before focusing on some of the most detailed elements of description contained in the sixth-century testament of Ermentrude. This chapter also brings in other documentary evidence, including the ‘barbarian’ law codes of the Salian Franks, the Burgundians, and Visigoths, the Anglo-Saxon laws of Æthelberht, and the later Welsh Laws of Hywel Dda.

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<sup>72</sup> Doublets from Weissenberg show they could want different things: Christopher Hopkins, ‘Owning descriptions in early medieval charters’, unpublished paper delivered at the European Society for Textual Scholarship Annual Conference, ‘Authorship, Identity, and Textual Scholarship’ (University of Kent, April 13-14, 2023).

<sup>73</sup> Berent Schweineköper, “‘Cum aquis aquarumve decursibus’”. Zu den Pertinenzformeln der Herrscherurkunden bis zur Zeit Ottos I’, in *Festschrift für Helmut Beumann*, ed. by Kurt-Ulrich Jäschke and Reinhard Wenskus (Sigmaringen: Jan Thorbeck, 1977), pp. 22-56; M. J. Tits-Dieuaide, ‘Grands domaines, grandes et petites exploitations en Gaule mérovingienne. Remarques et suggestions’, in *Le grand domaine aux époques mérovingienne et carolingienne*, ed by A. Verhulst (Gent: 1985), pp. 23-50.

<sup>74</sup> A. Giry, *Manuel de Diplomatique* (Paris: Librairie Felix Alcan, 1925), p. 552; Olivier Guyotjeannin, ‘La diplomatique médiévale et l’élargissement de son champ’, *La Gazette des archives*, 172 (1996), 12-18.

### 1.2.2: Settlement archaeology

The second source of evidence employed is a corpus of archaeological reports of early medieval settlement sites. Early medieval settlement archaeology has progressed considerably since Leeds was moved to describe the presumed homes of sunken-featured buildings as 'hovels'.<sup>75</sup> Increasingly sophisticated archaeological techniques, coupled with the boom in rescue archaeology have produced a burgeoning of recognised sites and available data. This boom followed revisions of UK planning guidelines in 1990, while comparable changes occurred in France with the creation of the *Institut national de recherches archéologiques préventives* (INRAP) in 2002. Yet, in spite of the increase in data, there has been, as Loveluck observed, a tendency to concentrate upon the lives of the elite members of early medieval society. To a degree, this is understandable. The wealthy tend to leave more evidence, since they normally consume more and own more durable goods. There has also been a desire to find the great halls described in epics such as *Beowulf*, or the Merovingian palaces mentioned in Gregory of Tours. Part of this desire was more than a kind of Schliemann-esque urge to substantiate the written accounts, but to actually find evidence of elite groups who seemed to be otherwise lacking in anything but burials. As more data accumulates, however, an increasing number of settlements are emerging which do not display signs of great wealth, and which might be described as 'vernacular'. What remains problematic, as Loveluck also observed, is the placing of these settlements along the finer gradations of status which one might suppose existed in these societies.<sup>76</sup>

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<sup>75</sup> E. T. Leeds, *Early Anglo-Saxon Art and Archaeology* (Oxford: Oxford University Press, 1936; reprinted 1968), p. 21.

<sup>76</sup> Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 13-14.

This thesis will attempt to consider the inter-relation of these settlements, the greater and the lesser, through their morphology. This will centre on a number of specific areas: in Chapter Three, the evidence for the location and scale of agricultural storage and processing, and the distribution of this evidence in relation to large buildings and archetypally elite sites, and, in Chapter Five, the use of boundary structures in the possible delineation of tenurial units, and the changing concepts of what an 'estate centre' should be. In this way, this study hopes to explore the degree to which elites directly controlled agricultural production, and, by extension, the land, and the degree to which the surrounding peasants possessed autonomy and, possibly, their own family land.

This narrow focus on structures means some important categories of evidence have not been considered. The first of these is cemetery data. Studies of cemeteries have provided some of the most detailed evidence of social structure, yet it remains difficult to relate evidence from cemeteries to evidence of settlement structure. In part, this is due to difficulties associating settlements with specific cemeteries, but also their inherent complexity means few synthesising studies have the capacity to deal with both. Unfortunately, this must remain true here. Secondly, although data relating to artefactual finds were noted for each site surveyed, it was not possible to conduct a full study of this. Similarly, although zooarchaeological and archaeo-botanic environmental evidence were recorded where available, no in-depth study of these is included here. Artefactual and environmental evidence were used, however, to inform broader interpretations.

Since there are now a considerable number of known early medieval settlement sites, only a selection of those sites could be studied for this thesis. The first step in making that selection was to impose limitations on the target areas of Britain and Gaul. Only sites from what is now England and Wales (the former Roman province of Britannia) were considered in

Britain, while only sites now in modern France were considered from what had been the province of Gaul. The target areas were then divided. France was divided into North and South on the criteria used by Peytremann.<sup>77</sup> British sites were grouped into the provinces of South-East, Central, and Northern and Western Britain created by Roberts and Wrathmell.<sup>78</sup> These areas were then further broken down into regions in France, and counties in Britain. The available evidence is not the same across these areas. There is a heavy concentration from southern Britain and northern France, with the greatest intensity in the Île-de-France and in the British South-East and southern Midlands. Blair has argued that this is a genuine reflection of archaeological visibility,<sup>79</sup> and this view has much to commend it. However, it is difficult not to believe that the preponderance of new developments in these areas, with a corresponding amount of rescue archaeology, is in part responsible. Early medieval archaeology, being both difficult and unspectacular, has not always been the highest priority in areas where there is an abundance of evidence from other periods (for example, Roman archaeology in Southern France; prehistoric archaeology in Western Britain).

Ultimately, finding corresponding quantities of evidence did not prove to be possible. One difficulty was that the corpus of sites was initially compiled during Covid restrictions when only online material was available. This undoubtedly skewed the resulting site list, but it was exacerbated by the fact that much French archaeology has never been fully published (beyond the hard copy files of INRAP), with sites appearing only in summary or interpretive articles. In an attempt to even the spread, a goal was set of a minimum of two sites from each

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<sup>77</sup> Northern France was defined as the area between the Loire and the Rhine: Édith Peytremann, *Archéologie de l'habitat rural dans le nord de la France du IV<sup>e</sup> au XII<sup>e</sup> siècle. Volume 1* (Chelles: Association française d'archéologie mérovingienne, 2003), p. 14.

<sup>78</sup> B. K. Roberts and S. Wrathmell, *An Atlas of Rural Settlement in England* (London: English Heritage, 2000), pp. 40-57.

<sup>79</sup> John Blair, *Building Anglo-Saxon England* (Princeton; Oxford: Princeton University Press, 2018), pp. 31-32.

French region and English and Welsh county. Data were taken from the fullest published account; summaries were only used when these were not available. However, it quickly became apparent that this goal was unattainable, partly because the evidence in some areas (notably southern France) was too sparse, while others possessed several important sites which could not be ignored. Some bias towards these was therefore unavoidable. Limitations of time also meant that it was not possible to study every identified site. The final list was, consequently, something of a compromise. All the sites studied are shown in the Sites Gazetteer contained in Appendix A, while the individual methodologies are described in Chapters Three and Five.

### 1.3: Terminology

#### 1.3.1: Defining elites

Until now, this chapter has discussed both 'elites' and 'peasants' without seeking to define these terms. There is clearly a need to do this, since not only can such terms be differently understood, but they occupy a spectrum on which the relative boundaries need to be identified. There are also a number of related terms such as 'aristocrat' and 'noble' which are often used interchangeably, but which can be equally contentious. While noting that Fox differentiated between aristocrats and elites, the second term is preferred here as it avoids connotations of hereditary status.<sup>80</sup> Some, if not many, of the early medieval elites may have held hereditary status, but it seems to have been potentially fleeting when compared to the

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<sup>80</sup> Yaniv Fox, *Power and Religion in Merovingian Gaul* (Cambridge: Cambridge University Press, 2014; paperback, 2018), p. 51.

more longstanding aristocracies of the later Middle Ages.<sup>81</sup> Similarly, 'nobility' is avoided because of connotations of title. Again, many members of the elite may have held titles, but some, at least, of these may have derived from functions they performed rather than from personal entitlement. In addition, as Airlie pointed out, the term 'elites' includes anyone who wielded power over others, whether lay or ecclesiastical.<sup>82</sup>

Putting aside the subtle differences between these terms, and concentrating on the broad category of elites, there is some agreement on a number of factors which might define them. Both Fox and Wickham identified closeness to the king as important, a closeness which might be associated with the holding of a particular office.<sup>83</sup> Loveluck further stressed how this covered a range of levels, from those who held posts at the king's court to those with purely local authority.<sup>84</sup> Wealth was another defining factor, and one which was frequently associated with the holding of land.<sup>85</sup> However, Loveluck pointed out that relative wealth might depend heavily on local circumstances, with some comparatively humble coastal communities, for example, displaying material wealth more often associated with high status sites.<sup>86</sup> Consequently, the presence of 'luxury' items alone may not be sufficient to identify high status sites.<sup>87</sup> Similarly, however, the absence of such items, as for instance on the early Saxon sites of eastern Britain, cannot be taken as indicating an absence of elites.<sup>88</sup> As Van der

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<sup>81</sup> Fox, *Power and Religion in Merovingian Gaul*, pp. 54-56.

<sup>82</sup> Stuart Airlie, 'The Historiography of Elites in Gaul', unpublished paper, available at <[https://lamop.pantheonsorbonne.fr/sites/default/files/inline-files/HMA\\_elites\\_Gaule\\_Airlie\\_2003.pdf](https://lamop.pantheonsorbonne.fr/sites/default/files/inline-files/HMA_elites_Gaule_Airlie_2003.pdf)>

<sup>83</sup> Wickham, *Framing*, pp. 168-203; Yaniv Fox, *Power and Religion in Merovingian Gaul*, pp. 54-55.

<sup>84</sup> Christopher Loveluck, 'Problems of the Definition and Conceptualisation of Early Medieval Elites, AD 450-900: The Dynamics of the Archaeological Evidence', in *Théorie et pratiques des élites au Haut Moyen Âge. Conception, perception et réalisation sociale: Theorie und Praxis frühmittelalterlicher Eliten. Konzepte, Wahrnehmung und soziale Umsetzung*, ed. by F. Bougard, H.-W. Goetz, and R. Le Jan (Turnhout, Belgium: Brepols, 2011), pp. 21-68 (p. 39).

<sup>85</sup> Wickham, *Framing*, pp. 168-203.

<sup>86</sup> Loveluck, 'Problems of the Definition and Conceptualisation of Early Medieval Elites', pp. 56-57.

<sup>87</sup> Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 12-14.

<sup>88</sup> Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 105-107.

Veen showed, the lack of evidence for conspicuous consumption does not equate to a society free from privilege, since such privilege might reside purely in being given better cuts of meat at communal feasts, an entitlement which would leave no physical trace.<sup>89</sup> Again, therefore, it is necessary to conceive of elites as a relative category. The final defining factor which Wickham selected was a sense of moral superiority. In this, Wickham was referring specifically to the remaining Roman elites of early medieval Gaul, but it is worth considering how far this sense moved from a Roman context into the Christian Church, and from there into elites more broadly.<sup>90</sup> This will be revisited in Chapter Six.<sup>91</sup>

It also evident, then, that rather than drawing a clear dividing line between the elite and the peasantry, we should see them as two poles on a scale with an intermediate belt of intermix and exchange. The possibility existed for peasants to rise into the elite, and for elites to fall back into the peasantry. However, this possibility does not change the fact that a division did exist which would have been apparent to people of the time, and which, as will be discussed further in Chapter Five, people were keen to stress. For example, the wave of burial with high status goods which passed across the target areas from the fourth to the eighth centuries has been interpreted as a competition for status.<sup>92</sup> It is also the case that while centres of privileged consumption persisted throughout the period in some areas, they occurred more commonly across the target areas by the seventh century. The terms 'elite' and 'peasantry' are therefore used in this study to recognise these extremes, while acknowledging the broad border and fluidity between them. This is an issue which will be discussed further in Chapter Six.

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<sup>89</sup> Marijke Van der Veen, 'When is food a luxury', *World Archaeology*, 34, 3 (2003), 405-427, pp. 411-412.

<sup>90</sup> Wickham, *Framing*, pp. 168-203.

<sup>91</sup> See Chapter Six, pp. 362-368.

<sup>92</sup> Bonnie Effros, *Merovingian Mortuary Archaeology and the Making of the Early Middle Ages* (Berkeley: University of California Press, 2003), pp. 125-130; Halsall, *Settlement and Social Organisation*, p. 248.

### 1.3.2: Attitudes towards 'Anglo-Saxons'

While an agreed terminology is essential for easy discussion in any discipline, it is also true that such terminologies do not remain static. Recently, controversy has arisen over the use of the term 'Anglo-Saxon'. One of the foremost voices in this debate has been the Canadian academic Mary Rambaran-Olm, who argued that the term promotes a normalised idea of white supremacy and effectively effaces the multi-ethnic population of early medieval Britain. She also noted that outside academic circles the term was used by far-right political groups to support notions of racial purity.<sup>93</sup> Rambaran-Olm's points have resonated widely, although it has been argued that this is largely an American issue (notably in the term WASP for 'white Anglo-Saxon protestant': a gathering together of terms seen as describing the dominant characteristics of the American ruling class), and that the term has always enjoyed a wider use in the British Isles. However, the fact that Britain's European neighbours, notably France, sometimes use 'Anglo-Saxon' to refer to a perceived shared UK-USA culture shows that it is not limited to North America. Rambaran-Olm's arguments have gained traction, perhaps partly because of a desire not to feed rightwing political ideologies, but also because the term 'Anglo-Saxon' seems less and less appropriate to the people of eastern Britain in the fifth to eighth centuries, many of whom, while they may have adopted styles of dress and art recently imported from northern Europe, were, by descent, Romano-British. Rambaran-Olm's contention that the term strips away the migrant identity of post-Roman

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<sup>93</sup> A number of papers deal with this issue, for example: Mary Rambaran-Olm, 'Misnaming the Medieval: Rejecting "Anglo-Saxon" Studies', *History Workshop*, 4 November 2019, available at <https://www.historyworkshop.org.uk/anti-racism/misnaming-the-medieval-rejecting-anglo-saxon-studies/> [accessed 02.07.2024]

incomers is also valid, and one which recent research on ancient DNA throws into sharp relief.<sup>94</sup>

Various replacements have been suggested, although attempts to replace it with a blanket use of 'early English' are extremely problematic and risk creating deeper political problems, as well as being essentially ahistorical. Archaeologists have for some time employed 'early', 'mid', and 'late' Saxon to denote periods in the study of what is now England, while Rambaran-Olm and Wade have argued for the most specific term possible, be that Angles, Saxons, Mercians or so on.<sup>95</sup> This has much to commend it, although it is not always possible to enact, and it is in-keeping with Halsall's proposal that the adoption of the name Angle or Saxon was a self-conscious positioning in the face of political upheaval, possibly influenced by differing perceptions of the Roman past.<sup>96</sup> Halsall also noted that 'Anglo-Saxon' is not the only problematic term, criticising both 'Celtic' and 'Germanic' as having inherent political connotations which owe nothing to the period under study and everything to the centuries since, and proposing that they should only be used of language groups.<sup>97</sup>

This thesis has experimented with restricting the use of the term 'Anglo-Saxon' to those occasions in which a specific distinction needs to be drawn and for which there is, as yet, no other serviceable term. A good example is the discussion of Anglo-Saxon charters, an instantly identifiable corpus of documents, where references to 'Saxon charters' would surely

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<sup>94</sup> Mary Rambaran-Olm and Erik Wade, 'The Many Myths of the Term 'Anglo-Saxon'', *Smithsonian Magazine*, July 14, 2021, available at <https://www.smithsonianmag.com/history/many-myths-term-anglo-saxon-180978169/> [accessed 02.07.24]; Gretzinger, Sayer, Justeau, *et al.*, 'The Anglo-Saxon migration and the formation of the early English gene pool'.

<sup>95</sup> Rambaran-Olm and Erik Wade, 'The Many Myths of the Term 'Anglo-Saxon'', *Smithsonian Magazine*, July 14, 2021.

<sup>96</sup> Halsall, *Barbarian Migrations*, pp. 318; 390.

<sup>97</sup> See earlier, pp. 2-3, and Halsall, *Barbarian Migrations*, pp. 22-24.

be confusing. This experiment has not been entirely successful, however, producing a number of circumlocutions which, while reasonably accurate ('Anglian and Saxon cultural areas of Britain', for example), become tedious in repetition. In the absence of a new agreed term, recourse has therefore been made to 'Anglo-Saxon' at some times. Where possible the term 'western Britain' has been used for those areas which were either only slowly incorporated into the 'Anglo-Saxon' kingdoms or were never thus incorporated, while 'eastern Britain' has been used to refer to those areas which were more rapidly acculturated. The terms 'England' and 'France' are only used to refer to the geographical entity described by the modern polity. Any other use would be anachronistic and teleological. 'Britain' and 'Gaul' are both used where possible to avoid such teleologically charged terms, since these were the last collective names given to these territories at the time, before the arrival of new collective names such as 'Francia'. 'Celtic' and 'Germanic' are similarly used sparingly, although, once again, it has proved impossible to utterly avoid them or to confine them solely to references to language. Ironically, it is for the moment necessary to describe such things as the barbarian laws as 'Germanic' even while challenging the idea that they had any such cultural affinity. Beyond this, it is simply noted that the resolution of such issues lies beyond the scope of this thesis.

#### 1.4: Method and Structure

This thesis was planned as an investigation. Rather than approaching the sources with a specific hypothesis, it was always envisaged that the two forms of evidence would be used to help interrogate the other. Therefore, if examination of the charters suggested a line of inquiry, this would be used to generate research questions for the archaeology. The answers to those questions might then support or contradict hypotheses derived from the documents,

generating new questions with which to revisit the documentary corpus. In this way, it was hoped that the some of the sources' limitations could be overcome.

These limitations warrant some consideration. For the documents, the first problem is one of date. This was a period of rapid change and development. The answers to the questions posed in Section 1.2 above may have been different in the fifth, sixth, or seventh centuries. But we have no documents from the fifth century, and few which are reliable before the seventh. The world to which they belonged and which they reflect may, therefore, have been very different, giving all the dangers of seeking to work back from later evidence. Secondly, the charters are enigmatic as social documents. Not only are they highly stylised, but they were simply never intended to give a picture of their world. We are, therefore, attempting to derive information from them which they were never designed to provide. A similar problem besets the law codes which form part of the evidence in Chapter Four. Dating can also be a problem where the archaeology is concerned. As will be outlined in Chapter Three, significant changes are thought to have taken place from the seventh century, reflecting substantial shifts in early medieval society.<sup>98</sup> But phases of settlement are not always easy to place within narrow timeframes, meaning that it can be hard to say if a feature belongs to this development, or if it is precocious.<sup>99</sup> Secondly, when looking at settlement, we are reliant on some form of physical evidence to show the function of structures. This can, for example, take the form of hearths and domestic pottery for dwellings. Unfortunately, floor levels on early medieval sites have often been removed by later ploughing, while pottery was used far less widely than in the Roman period or even the Iron Age. This creates considerable problems of interpretation, especially when looking for signs of agricultural activity. Finally,

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<sup>98</sup> See Chapter Three, pp 94-97.

<sup>99</sup> See, for example, the debate about boundary features on Anglo-Saxon sites in Chapter Five, p. 276.

archaeology, too, is somewhat enigmatic. Building plans, settlement layouts, and even whole landscapes do not, of themselves, convey social structure, let alone reveal the machinery by which such structures were upheld. There is, then, always something of an interpretative leap, and the confidence placed in such leaps must be related to the level of available evidence.

The originality of this thesis lies partly in this interdisciplinary approach, and in the interactive manner in which the analysis of the two sets of sources is conducted. However, Chapter Two also employs an innovative method to compare the corpus of charter appurtenance clauses across the target areas in the period. This identifies distinct patterns between the two document sets which reveal a difference in focus, with the Merovingian texts clearly paying more attention to the productive infrastructure of the countryside in terms of buildings and people. Chapter Three then poses the question of whether this perceived documentary difference was reflected in reality, by searching for the structures of the Merovingian charters, and, conversely, by asking whether the countryside of Anglian and Saxon areas of Britain were as undeveloped as the texts might suggest. To do this, it attempts a new study of the form and function of agricultural buildings, including specialised structures such as grain dryers and mills, on early medieval sites. Since the archaeology shows no substantive difference between the largely uncentralised agriculture of Britain and Gaul, new research questions are proposed with which to revisit the documents. These centre on the relationship between people, asking whether the Merovingian elite displayed an active desire to extend their control.

This is pursued in Chapter Four through a consideration of the language used to describe people in the Merovingian charters and barbarian laws, and through a test case study of the sixth-century testament of Ermentrude. While these sources allow the existence of peasant proprietors, a mismatch in their language, and examples from Ermentrude's

testament suggest that the Merovingian elite may have been seeking to translate some form of nominal overlordship, such as that reflected in the tribute relationship, into the more formal control of tenancy or outright ownership. A comparison with eastern and western Britain shows no comparable ambition among the elite at this time, leaving the possibility of peasant proprietors open, although such people may have held their land as a kin rather than through individual possession.

These possibilities are pursued further in Chapter Five by returning to the archaeological evidence and considering the social implications of settlement boundaries. It asks whether their existence forms a potential signal of freedom or of tenure, and contrasts the different social registers in which boundaries appear. Finally, it asks why, if people were signalling control in the landscape, Roman villas, the pre-eminent symbol of rural control of their day, were not perpetuated, and suggests that a fundamental change in the nature of the elite might lie behind their abandonment. In addition to the first detailed analysis of charter appurtenance clauses, this thesis therefore proposes a broad comparison of Britain and Gaul at an earlier point than the majority of studies so far undertaken. In doing this, it seeks to bridge the gulf between the Late Antique and early medieval, as well as that between the 'Anglo-Saxons' and the societies to their east and west.

## 2. The land of the charters

### 2.1: Introduction

It has long been thought that charters might give us some description of the land of which they dispose. Researchers have generally looked for this in boundary clauses, as, for example, in the work of Della Hooke.<sup>100</sup> However, the study of boundary clauses is only effective in charters from the mid-eighth century, when perambulatory boundaries became more common, and a walking route around the limits of the property was described in detail.<sup>101</sup> Earlier charters, where they gave them at all, tended to use a formula seen in Roman deeds, describing which land lay to the north, south, east, and west. This presumably worked well enough for the people of the time, but they occurred primarily in more urban contexts, and lacked the references to landscape features which have made later clauses so informative to researchers today.<sup>102</sup> One constituent of charters which has received less attention is the appurtenance clause, where work has often focussed on aspects of diplomatic, such as Schwineköper's analysis of later appurtenances, or Uddholm's work on the Marculf formulary.<sup>103</sup> However, appurtenance clauses, while only present in some charters, do appear to give us a description of the component parts of the land being ceded. It is true that these clauses are highly formulaic, and, consequently, might be dismissed as nothing more than

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<sup>100</sup> See, for instance, Della Hooke, *The Anglo-Saxon Landscape: The Kingdom of the Hwicce* (Manchester: Manchester University Press, 1985) pp. 50-71.

<sup>101</sup> Frank Stenton, *Latin Charters of the Anglo-Saxon Period* (Oxford: Oxford University Press, 1955), p. 56; Edward Roberts, 'Boundary clauses and the use of the vernacular in eastern Frankish charters, c.750-c.900', *Historical Research*, 91, 254 (2018), 580-604 (p. 580).

<sup>102</sup> Kelly, 'Anglo-Saxon lay society and the written word' in *The Uses of Literacy in Early Medieval Europe*, ed. by McKitterick, p. 46; Roberts, 'Boundary clauses and the use of the vernacular', p. 583.

<sup>103</sup> Schwineköper, "'Cum aquis aquarumve decursibus". Zu den Pertinenzformeln der Herrscherurkunden bis zur Zeit Ottos I', in *Festschrift für Helmut Beumann*, ed. by Jäschke and Wenskus, pp. 22-56; Alf Uddholm, *Formulae Marculfi: Études sur la langue et le style* (Uppsala: Almqvist and Wiksells Boktryckeri AB, 1953).

unthinking legalese. This was the position taken by Giry in his 1925 treatise on diplomatic, in spite of the fact that he went on to undermine his own argument by pointing out their variation from region to region.<sup>104</sup> Since then, this view has been moderated, with Guyotjeannin pointing out that studying the evolution of such formulae might show small changes in the landscape, and both Costambeys and Halsall arguing that regional variation showed choice at work.<sup>105</sup>

One initial difficulty in considering appurtenance clauses lies in determining their exact nature. In modern property law (in the UK and USA), the word ‘appurtenant’ is used to describe the transfer of rights along with the land with which they are associated. For example, if a right of way crosses the garden of a house, the obligation to permit that right passes with every sale of the property. It is tied to the property, not the owner.<sup>106</sup> A similar concept existed in Roman law in the form of the *servitutes* which qualified *dominium*.<sup>107</sup> However, rather than restrictions upon the property, the appurtenances of early medieval charters referred to the benefits which accompanied it: the same sort of rights which, it has been suggested, kings conferred on their elite supporters.<sup>108</sup> Some of these benefits were the tangible features of the property, but others were undoubtedly rights. For example, where a river (*flumen*) is mentioned, the grantor of the charter can hardly be conferring possession of the river, since that is not contained within the property. Rather it is the right to the benefits of the river (such as drawing water) where it runs through the property.<sup>109</sup> Hunting (*venatio*,

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<sup>104</sup> Giry, *Manuel de Diplomatique*, p. 552.

<sup>105</sup> Guyotjeannin, ‘La diplomatique médiévale’, p. 15; Marios Costambeys, ‘An aristocratic community on the northern Frankish frontier 690-726’, *Early Medieval Europe*, 3,1 (1994), 39-62; Guy Halsall, *Settlement and Social Organization*, p. 189.

<sup>106</sup> Roger Smith, *Property Law*, 7<sup>th</sup> edn. (Harlow: Pearson Addison Wesley, 2011), pp. 494-514.

<sup>107</sup> Richard A. Epstein, ‘The Economic Structure of Roman Property Law’, in *The Oxford Handbook of Roman Law and Society*, ed. by Paul J. Du Plessis, Clifford Ando, and Kaius Tuori (Oxford: Oxford University Press, 2016), pp. 513-523 (p. 521).

<sup>108</sup> See Chapter One, pp. 6-8.

<sup>109</sup> Schwineköper, “Cum aquis aquarumve decursibus”, pp. 50-51.

*aucupatio*) must also have been a right, since there was no physical object to be conveyed, as wild animals were not considered property. Goldberg believed that Merovingian law, like Roman, allowed hunts to trespass on the land of others, unless specifically barred by the landowner.<sup>110</sup> A growing tendency for such bars is consistent with the relatively late appearance of hunting in appurtenance clauses.<sup>111</sup> Other items listed in appurtenance clauses, such as buildings (*domi, aedificia*), fields (*campi*), orchards (*pomaria*), and woods (*silvae*), were apparently physical. However, Goffart pointed out that 'land' could simultaneously mean different things to different groups of people, ranging from a right to cultivate the soil to a share in rent or taxes.<sup>112</sup> In the same way, some appurtenance terms could refer both to a physical object and to a right. References to woods may not have granted possession as such, but the right to take wood and use pasture there, a right which may have been shared with other homesteads. Similarly, references to pasture (*pasuum*) might mean a piece of land or the rights to graze stock on common land. It is, therefore, necessary to hold both these meanings in mind when considering the clauses, and to consider how much difference there was between right and ownership in the minds of the people of the time.

Although, on the surface at least, appurtenance clauses do not appear to help us distinguish between right and possession, it is the contention of this chapter that they were, while following standardised terminology and patterns, genuine descriptions of the land concerned. It will further suggest that the language with which people described this land can tell us something about attitudes towards land holding. Section 2.2 will present the methodology used to gather and study appurtenance clauses. Section 2.3 will analyse clauses

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<sup>110</sup> Eric J. Goldberg, *In the Manner of the Franks. Hunting, Kingship, and Masculinity in Early Medieval Europe* (Philadelphia: University of Pennsylvania Press, 2020), pp. 39-42; 61.

<sup>111</sup> See this chapter, p. 54.

<sup>112</sup> Goffart, *Barbarian Tides*, pp. 126-127.

from royal charters of the seventh and eighth century to 750, and argue that they present a very different picture of the landscape in Gaul and Britain. Section 2.4 will analyse the private charters, at this time largely from Gaul, and compare their language and construction with the royal documents. Sections 2.5 and 2.6 will then examine how far scribes were constrained by formulaic models and regional trends, and whether appurtenance clauses can add anything to the ongoing debate about authenticity and the detection of forgeries. Finally, Section 2.7 will suggest that the language in the Gallic charters indicates an attempt to memorialise family power among the Merovingian elite. It will ask how this accords with theories on land tenure, and what it might mean for the picture of land tenure in Britain.

## 2.2: Methodology

Two main issues affect the analysis of Late Antique and early medieval documents. First of all, few exist, relative to the corpus available for later periods. Ganz and Goffart noted that survival rates for documents from 1250 to 1350 were estimated at two per cent, and suggested that Merovingian levels would be even lower, especially since many were written on papyrus.<sup>113</sup> It has also been speculated that early Anglo-Saxon documents, if they existed, might also have been written on papyrus.<sup>114</sup> It is ultimately impossible to know how many documents originally existed and hence impossible to know what proportion of the original corpus the survivals represent. Secondly, the medieval penchant for copying, altering, and fabricating documents has proved to be a double-edged sword. It is largely thanks to Saint-Denis' eleventh-century dispute over immunity with the Bishop of Paris that any early

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<sup>113</sup> David Ganz and Walter Goffart, 'Charters Earlier than 800 from French Collections', p. 912.

<sup>114</sup> Kelly, 'Anglo-Saxon lay society and the written word', p. 41.

Merovingian single-sheet documents survive. However, this is not because the monastery carefully preserved them, but because it used the papyrus upon which they were written to provide the medium for fabricated texts which better helped its cause, gluing them together writing-face to writing-face.<sup>115</sup> The hidden texts were only discovered over time, as sheets were separated, and it is this discovery which creates the preponderance of Saint-Denis documents in the early record. Not only has it been necessary for palaeographers and diplomatists to differentiate forged single sheets from those of a genuine date, but also from contemporaneous copies. This distinction is obviously important, since if a text is to be used as a source, it is necessary to know the era to which it relates. Contemporaneous copies are likely to have been created for the same purpose as the original and are therefore likely to bear an uncorrupted text. Pseudo-original single sheets, such as the eleventh-century creations of Saint-Denis, were often made to serve specific later needs. Consequently, even if based on an earlier text, they may have been rewritten.

Similar considerations affect the texts collected in the cartularies which began appearing in eastern Francia from the ninth century. It is because of such codices that we have far more texts than single-sheet documents. However, these cartularies are not now seen as simple compendiums, but rather as having been created for a multitude of functions from the internal administration of monastic estates, to the commemoration of valued benefactors, to the maintenance of ecclesiastical rights in the face of royal challenge.<sup>116</sup> The likelihood of texts being adapted in such collections is therefore partly dependent on the weighting of these functions. As the case of Saint-Denis shows, medieval monasteries were

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<sup>115</sup> Jean Vezin and Hartmut Atsma, 'Les faux sur papyrus de l'abbaye de Saint-Denis' in *Finances, pouvoir et memoire: Homages à Jean Favier*, ed. by Jean Kerhervé and Albert Rigaudiere (Brest: Fayard, 1999), pp. 674-699 (pp. 679-680); Patrick J. Geary, *Phantoms of Remembrance. Memory and Oblivion at the End of the First Millenium* (Princeton: Princeton University Press, 1994), pp. 108-113.

<sup>116</sup> Geary, *Phantoms of Remembrance*, pp. 86-87.

not above strengthening their hand with forged documents. Fortunately, although Geary criticised the tendency of diplomatists to 'look through' cartularies and called for more study of their structure, such work over several centuries has established a corpus of documents in which degrees of trustworthiness have been identified with some confidence.<sup>117</sup> Naturally, many disagreements still remain, and the process of assessment continues. Therefore, any analysis of this corpus can only be a snapshot in time since the corpus itself is liable to evolve.

The documentary corpus for this thesis has been compiled from a number of sources. Single-sheet charters from Merovingian Gaul were taken in the first instance from the Telma/Artem online database and cross-referenced in the *Chartae Latinae Antiquiores*.<sup>118</sup> Kölzer's edition of Merovingian royal diplomas in the *Monumenta Germaniae Historica* series was then used to provide those texts from later sources whose provenance is less secure.<sup>119</sup> A number of different online databases were used to source the private documents, and these were supplemented by editions such as those of Pardessus and Poupardin.<sup>120</sup> As described in Chapter One, these databases have greatly facilitated the task of accessing private charters from Merovingian Gaul.<sup>121</sup> The documents from Britain were taken in the first instance from the Electronic Sawyer online database and then cross-referenced for text and commentary in the British Academy series of Anglo-Saxon charters.<sup>122</sup> Again, other editions and commentaries such as those of Hart and Finberg were consulted where necessary.<sup>123</sup> The

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<sup>117</sup> Geary, *Phantoms of Remembrance*, p. 83.

<sup>118</sup> Artem; *ChLA*, vols 13-19. This sequence was dictated by Covid restrictions in place at the commencement of the study.

<sup>119</sup> *DD Merov.*

<sup>120</sup> Pardessus, Poupardin. Primary databases were Artem, CBMA, CEMA, *Chartae Galliae*, DEEDS, FLC.

<sup>121</sup> See Chapter One, p. 18.

<sup>122</sup> This sequence was necessitated by Covid restrictions in place at the time and was less than optimal. An initial recourse to the British Academy volumes would undoubtedly have saved time.

<sup>123</sup> C. R. Hart, *The Early Charters of Northern England and the North Midlands* (Leicester: Leicester University Press, 1975); H. P.R. Finberg, *The Early Charters of the West Midlands* (Leicester: Leicester University Press, 1961).

charters from what is now Wales provide something of a special case, and here the work of Wendy Davies in analysing the Book of Llandaff was relied upon.<sup>124</sup> Davies concluded that the appurtenance clauses of the Llandaff charters were largely later additions. However, she identified other references to appurtenant possessions which seemed to be original. The nature of these references makes them unsuitable for analysis here, but they will be considered in Chapter Four.<sup>125</sup> Therefore, in the discussion of seventh- and eighth-century charters which follows, the charters from Britain are necessarily limited to the Anglo-Saxon documents listed by Sawyer.

Since the Merovingian period is deemed to have ended with Pippin III's installation as king in 751,<sup>126</sup> analysis of the eighth-century Gallic documents was only taken to 750. The same end date was applied to the Anglo-Saxon documents for the sake of parity. This had the advantage of limiting what was an already large corpus (especially since the number of surviving texts begins to grow as the eighth century progresses); coincidentally and serendipitously, it also provided a roughly comparable number of appurtenance clauses from the two sets of royal documents.<sup>127</sup> However, royal texts from the second half of the eighth century were examined in order to ascertain if there were sudden shifts within this period. Since no shift was detected, and for reasons of brevity, these texts will not be considered in this chapter, but the results are presented in Appendix D. Charters from the Arnulfing dynasty from before 750 are listed as private charters. Heidrich distinguished between Arnulfing texts which followed the form of private charters and those with a more 'sovereign' quality.

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<sup>124</sup> Wendy Davies, *An Early Welsh Microcosm: Studies in the Llandaff Charters* (London: Royal Historical Society, 1978), p. 34.

<sup>125</sup> See pp. 202-205.

<sup>126</sup> Ian Wood, *The Merovingian Kingdoms, 450-751* (London: Routledge, 1994), pp. 290-292.

<sup>127</sup> See this chapter, pp. 44 and 52.

However, this was not an issue for this thesis, since none of the reliable, pre-750 placita-style charters from the Arnulfings possessed appurtenance clauses.<sup>128</sup>

In dealing with the reliability of charter texts, a traffic light system of validity was used for both sets of documents. Those considered to be substantially reliable by a majority of commentators were given a green light; those where opinion is divided or where some original basis is thought to exist in a later construction were given an amber. Where opinion was overwhelmingly in favour of a document being unreliable, it was given a red light. Green and amber documents were considered first, in the hope that this would allow any authentic appurtenance tradition to emerge. Red light documents were then considered separately so that their appurtenance clause sequences could be compared.

The charters for Britain were listed by Sawyer number, as is now standard practice in the literature. For the charters covering France, a multiplicity of references exist and no one system predominates. Therefore, the Gallic charters have been allotted a reference number specific to this thesis. This uses 'M' (for 'Merovingian') and a simple three-digit code based on chronological sequence: 001 to 100 being fifth and sixth centuries, 101 to 300 seventh, 301 to 499 the eighth century to 750, and 500 onwards for post 750. Since the dating is often not secure, the earliest possible date given by an edition was used, purely for reasons of consistency. It is recognised that this may mean that, in the case of Merovingian diplomas, some documents are listed here as being earlier than recorded by Kölzer; however, given that changes involving land are slow and processual, this difference is unlikely to affect the results. This same reason renders the division into centuries used here arbitrary, since change does not begin or end with the turn of calendars, but it has been used for practical reasons as the

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<sup>128</sup> DD Arnulf., p. xxxi-xli

most neutral approach. Any attempt to impose a different periodisation onto the documents could also impose an analytical bias. A full concordance of these 'M' numbers with external lists is provided in Appendix B.

The content of appurtenance clauses found in these documents were recorded on Excel spreadsheets, which logged the order in which terms were listed (these are available on the Open Science Framework website via a link in Appendix E). These were used to create a frequency distribution for the number of occurrences of appurtenance clause terms in the reliable royal Merovingian and Anglo-Saxon documents of the seventh and eighth centuries. They were also used to create an ordinal scale in which appurtenance terms were ranked in the sequence in which they most commonly occurred. This allowed the creation of an appurtenance 'constant': a recurring pattern within the clauses, with which the unreliable documents, the Formulary appurtenance clauses, and the private charters could be compared. The creation of this constant 'appurtenance pattern' allowed comparisons in spite of the different number of documents available. This was also combined with a more qualitative analysis which considered potential interpretations of individual terms, and of their inclusion or exclusion from specific clauses.

For the purposes of this thesis, an appurtenance clause was defined as a list of features of the land with a minimum of two items (*'campis, pratis'*, for example). Some texts use a generalised formula such as *'cum omnibus ad se pertinentibus'* (S16, for instance),<sup>129</sup> others break down appurtenances into specific attributes of named estates. For instance, Sigibert III's foundation grant to Cugnion-sur-Semois in 643-648 (M157) includes *'leuvas tres de silva nostra'* ('three leagues of our wood').<sup>130</sup> Neither of these qualifies as an appurtenance clause

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<sup>129</sup> Kelly, *St Augustine's*, p. 36.

<sup>130</sup> DD Merov., p. 204.

for this study. General terms such as *appendiciis* are included, but only when they form a constituent of such a list and not when they appear singly.

It is worth considering these terms briefly before examining the results, although selected terms will be discussed further below. In general, there is some difficulty in deciding whether dictionary definitions capture meanings in this early period, or whether the greater abundance of later sources makes them more applicable to a time when words had broadened or narrowed their meanings. The word *campus*, for example, may have been applied more to arable fields in Britain than Gaul, particularly as time went on. The term was less popular in Gaul, where it seems to have been used for both grassland and cultivated fields.<sup>131</sup> This difficulty is addressed in part by comparing entries in Lewis and Short, *The Dictionary of Medieval Latin from British Sources*, and Félix Gaffiot, as contained in the Logeion database maintained by the University of Chicago, and J. F. Niermeyer's *Mediae Latinitatis Lexicon Minus*.<sup>132</sup> But it is also necessary to choose the best definition in any given context. At times, for example, the *DMLBS* may give a better definition for a seventh century Gallic term than one of the French dictionaries, because it happens to preserve an earlier meaning. Ultimately, definitions must remain flexible, since the use of a term in one document is not a guarantee that it will be used the same way elsewhere. For instance, M201 gives land '*cum terries et incultis*', suggesting cultivated and uncultivated land,<sup>133</sup> although, as will be seen, *terra* seems more often to have a generalised meaning. A full list of all these terms, including abbreviations used in the tables, is included in Appendix C.

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<sup>131</sup> Gaffiot, <<https://logeion.uchicago.edu/campus>> [accessed 14 September 2021].

<sup>132</sup> Lewis, and Short, *DMLBS*, Gaffiot; *Logeion*, Niermeyer.

<sup>133</sup> DD Merov., p. 292.

## 2.3: The royal charters

### 2.3.1: The seventh-century clauses

When considering representations of early land tenure and agricultural practice in the documentary record, the most obvious place to start would be with texts from the fifth and sixth centuries, since these should be most likely to encapsulate the situation of the immediate post-Roman period. However, of the 26 royal and four lay charters from Gaul which purport to be from this time, the majority are generally dismissed as inauthentic. The only Anglo-Saxon document with any claim to come from the sixth century, S1244, a supposed grant of privileges by Saint Augustine, is also dismissed as a fabrication.<sup>134</sup> It could be misleading, then, to base any conclusions on the appurtenance clauses in these charters, since it may lead to seeing later constructions as typical of this early period. This study will therefore begin by analysing the clauses contained in the acceptable seventh-century charters from Britain and Gaul. Any inferences drawn from these should be more reliably related to their time. The fifth- and sixth-century documents will then be judged against these conclusions later in the chapter.

The documentary corpus for the seventh century consists of 128 royal charters from Gaul and 67 from Britain. Of the Gallic charters, 51 are thought to be broadly reliable texts, while 77 are of doubtful reliability, existing only in later documents considered to be forgeries or extensive interpolations. Nine of the reliable documents and 34 of the doubtful ones have appurtenance clauses (18 and 44 per cent, respectively). The relationship between these two

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<sup>134</sup> Kelly, *St Augustine's*, pp. 21-22.

sets of documents will be considered later. Of the documents from Britain, 37 are accepted as being broadly reliable, while twenty are widely rejected as later forgeries or as such drastic interpolations that the confident recovery of any original material is problematic. A further 10 are partial texts which are difficult to evaluate or analyse. Ten of the reliable documents and two of the doubtful ones have appurtenance clauses (27 and ten per cent, respectively). Therefore, a roughly comparable number of acceptable documents with appurtenance clauses exist for both Gaul and Britain, although these represent different proportions of their respective corpora.

Figure 1 (below) shows a comparison between the frequency distribution of appurtenance clause terms in these two sets of reliable documents (see Appendix E for data link). It is immediately apparent that references to people and buildings appear almost exclusively in the charters from Gaul, while references to some natural features, such as rivers, springs, and marshes, are found only in the Anglo-Saxon documents. Some features are common to both, notably *silva*. In itself, this is not surprising: wood would have been the fuel most people relied on and access to it was a matter of life or death, while timber was essential for building.<sup>135</sup> Equally unsurprisingly, fields feature highly in both sets of charters, especially if the references to *campus* and *terra* are combined in the Merovingian sources. However, beyond this, the Gallic charters focus on the human element within the countryside. They are concerned with the people who worked the land and the buildings they used to do so. Five Gallic charters mention *aedificiis*, six mention *domibus*, and one mentions *casis* (M233). Two mention *farinariis*, which is sometimes interpreted as referring to mills, but may be to granaries, as Gaffiot suggested.<sup>136</sup> Only one of the Anglo-Saxon charters mentions any

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<sup>135</sup> Oliver Rackham, *The History of the Countryside* (London: Dent, 1986; paperback, 1987), pp. 64-85.

<sup>136</sup> Gaffiot, <<https://logeion.uchicago.edu/farinarium>> [accessed 25 March 2022].

sort of structure (*domibus* in S10). As well as the structures, the Gallic charters talk about the people, with eight mentions of *mancipiis*, and four of *accolabus*. These references will be discussed in detail in Chapter Four. People are absent from the Anglo-Saxon documents. Instead, these focus on the natural resources which can be exploited, not only in terms of pasture and meadowland (*pasuis* five times, *pratis* nine times), but also the saltmarshes where stock could be grazed (*paludibus* three times), and the marshes (*mariscis* four times) which might provide opportunities for reed-cutting and fowling. On this topic, however, it should be noted that seven of these charters are from Kent, whose topography at that time means that some weighting towards marshland is to be expected. Nonetheless, the agriculture of the Gallic charters seems to have a more developed infrastructure: beyond the buildings already described there are five references to vines, compared to two references to orchards in Britain.

The apparent importance placed on buildings and people by the Merovingian charters is further substantiated if the order in which features are mentioned is examined. Table 1 (below) shows an ordinal ranking of features, created by counting the number of times each feature is mentioned in that position, and taking the highest count for each one. This reveals what might be called the ‘appurtenance pattern’ for the surviving Merovingian charters. Seven of the nine documents mention *terra*, and, when mentioned, it is always listed first.

Buildings are listed next, most commonly as ‘homes’ (*domi*), but also as more general structures (*aedificia*). The people on the land follow, with half of the documents making some distinction in status, before the clauses turn to characteristics of the land, beginning, where they exist, with the labour-intensive vineyards, and then moving on to woodland. The land of

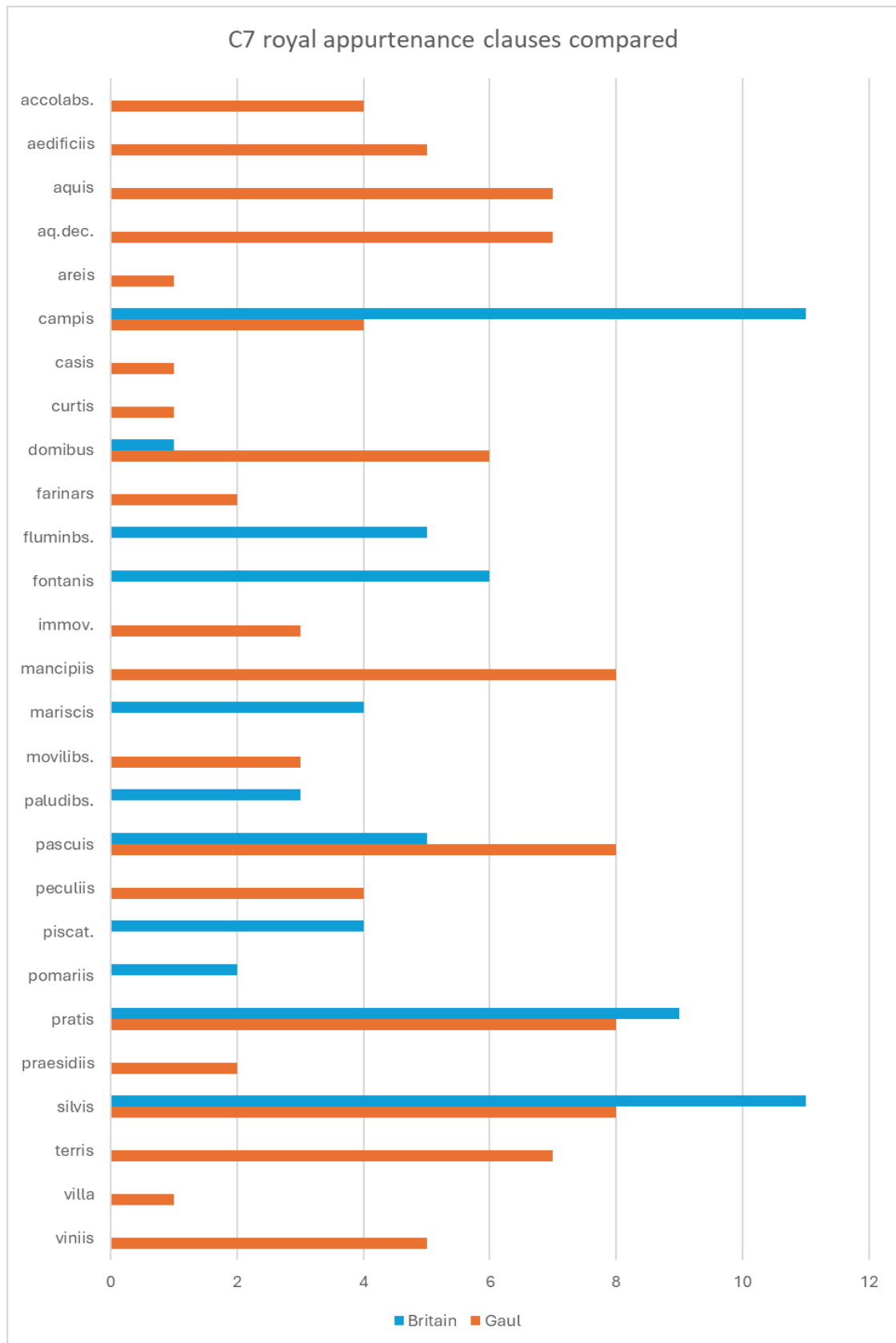


Fig. 1: Frequency distribution of appurtenance terms in seventh-century royal charters from Britain and Gaul.

pastoral farming, meadows and pastures, follows next (although their individual positions are largely interchangeable), and water and running water finish the clause. The appurtenance tradition in the Anglo-Saxon charters is much simpler, as shown in Table 2 (below). Again, most clauses start with a reference to the land, here under the term *campus*. Wood follows most often, although a subset have *pascuum* here. Pastoral land normally comes next, although there is a significant mixing of terms for this land through the charters, and references to water most often come in final position.

Place	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
<b>Category</b>	Land	Buildings	People	Land		Wood	Land		Water	
<b>Term</b>	terris	domibus (aedificis)	mancipiis (accolabus)	vineis pascuis	vineis	silvis	campis pascuis	pratis	aquis	aquarumve decursibus
<b>No. of mentions in place</b>	7	6 (1)	4 (3x in 4 <sup>th</sup> place)	1 each	3	4	2	2	1	1

Table 1: 'Appurtenance pattern' derived from reliable seventh-century Merovingian royal charters.

Place	1st	2nd	3rd	4th	5th	6th
<b>Category</b>	Land	Wood	Land	Water		
<b>Term</b>	campis	silvis	pratis (mariscis)	fontanis (pascuis)	fontanis fluminibus piscationibus	fluminibus piscationibus
<b>No. of mentions in place</b>	6	4	3 (2)	3 (2)	2 (1) (2)	2 (2)

Table 2: 'Appurtenance pattern' derived from reliable seventh-century Anglo-Saxon royal charters.

The exact meaning of the first term in each pattern is elusive. Since a distinction is often drawn between pasture (*pascuum*) and meadow (*pratium*), it might be reasonable to identify *terra*, in the Merovingian charters, and *campus*, in the Anglo-Saxon, as references to arable land. However, their position at the head of the clause might suggest that they are being used more generically to mean the 'lands' as a whole. This could accord with the use in

M121 (a confirmation of a land grant by Dagobert I to Saint-Denis, dated 632-633) of *'areis'*, here mostly probably meaning the plots of farms.<sup>137</sup> However, since this is a partial text reconstructed from a damaged papyrus, it is difficult to know whether this was the first term in the list, or if it followed *terris*. An association with arable is perhaps strongest for the use of *campus* in the Anglo-Saxon documents, since it accompanies other specific types of land (for example, *'cum campis et silvis et pratis'* in S8),<sup>138</sup> whereas *terra* in the Merovingian ones is isolated at the head of the clause, which then moves on to buildings and people. However, towards the end of the seventh century, *terra* and *campus* both begin to appear in the Merovingian documents (for example, *'cum terris, domebus, mancipiis, acolabus, viniis, silvis, campis, pratis, pascuis...'* in M223).<sup>139</sup> This suggests that *campus* was being used in the narrower sense of an arable field rather than the broader sense of a field laid down to grass, especially given its appearance in a number of charters alongside *pascuum* (see also M237).

A distinction is also clearly made between pasture and meadowland. McKerracher has contended that the creation of hay meadows were, in Britain at least, a seventh-century innovation and that archaeological evidence does not support documentary suggestions of their existence before this.<sup>140</sup> Work carried out by Robinson on the flood meadows of the Upper Thames valley, also suggested a mid-Saxon origin for species-rich grassland. However, Robinson concluded that this was in part due to the time taken for alluvial soil to accumulate, and that hay production may have commenced in the Roman period. Even with continued meadow management, it would then have taken some time for the rich mix of species to

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<sup>137</sup> Artem, no. 4504 <<http://www.cn-telma.fr/originaux/charte4504/>> [accessed 29 March 2022]; Niermeyer, p. 58.

<sup>138</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/8.html>> [accessed 28 March 2022].

<sup>139</sup> Artem, no. 4466 <<http://www.cn-telma.fr/originaux/charte4466/>> [accessed 29 March 2022]; DD Merov., pp. 332-334.

<sup>140</sup> Mark McKerracher, *Farming Transformed in Anglo-Saxon England* (Oxford: Oxbow Books, 2018), p. 30.

develop.<sup>141</sup> However, it may be possible to reconcile the apparent dearth of archaeological evidence for meadows with documentary references such as those in the charters. Firstly, it should be noted that the archaeological evidence is not absolute. Robinson described how both evidence from pollen and preserved seeds have their drawbacks, with pollen making it difficult to distinguish between meadows and other grassland, and grass species being difficult to identify from seeds.<sup>142</sup> More significantly, though, the discrepancy may be a question of degree. It may well be that meadowland became more widespread through the course of the seventh and eighth centuries, but this need not imply that it did not have an important role, albeit on a more limited scale, before this. Some amount of winter fodder would always have been necessary, even under the abatement pattern of agriculture, and particularly so where the elite were keeping horses. The terminology of the appurtenance clauses certainly suggests that distinctions could be made between types of grassland put to different purposes.

The term *peculium* in the Gallic charters of this period appears to refer to livestock, since it was sometimes accompanied by references to sex or size (for example, '*peculiis utriusque genere sexsus*' in M223).<sup>143</sup> However, Halsall believed it could refer more generally to the possessions of the unfree, based upon references in the *Lex Ribuaria*.<sup>144</sup> According to Gaffiot, it was this meaning which later came to the fore in France.<sup>145</sup> Similarly, it is difficult to determine whether the term *movebilis* refers to stock, or to items such as tools, or even to people, although given its context a stock/tools definition seems most likely.

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<sup>141</sup> M. Robinson, 'The palaeoecology of alluvial hay meadows in the Upper Thames valley', *Fritillary*, 5 (2011), 47-57 (pp. 53-55).

<sup>142</sup> Robinson, 'The palaeoecology of alluvial hay meadows in the Upper Thames valley', p. 48.

<sup>143</sup> Artem, no. 4466 <<http://www.cn-telma.fr/originaux/charte4466/>> [accessed 29 March 2022].

<sup>144</sup> Halsall, *Settlement and Social Organization*, p.55.

<sup>145</sup> Gaffiot, <<https://logeion.uchicago.edu/peculium>> [accessed 24 March 2022].

It is not surprising that both sets of documents feature references to water rights, since access to water was vital for both humans and animals. This was a point made by Schwineköper in relation to the Gallic charters, when he argued that real rights lay behind the phrase *aquis aquarumve decursibus*, no matter how formulaic it may have been.<sup>146</sup> Schwineköper believed that, while it generally referred to a right to draw water, it could also relate to rights to irrigate land, maintained even when the infrastructure for such irrigation had either disappeared or simply did not exist.<sup>147</sup> This idea might draw some support from Levy's description of how language relating to public rights, such as that for drawing water from a public aqueduct, came to be used for private privilege.<sup>148</sup> The terminology is certainly strikingly different to that used in the Anglo-Saxon charters, which refer only to the natural features of rivers and springs, and lack these more complex echoes. Schwineköper also interpreted some references to mills as watermills (others may have been powered by draft animals), but these were tenth century and used forms of *molendinum* which do not generally occur in the seventh-century charters. The only exception is the mention of '*officina molendini*' in the 651 testament of Abbot Leodebod of Saint-Aignan (M162), which could be either water or stock driven.<sup>149</sup>

### 2.3.2: Royal charters to 750

As with the seventh century, the first half of the eighth provides a comparable number of appurtenance clauses from royal documents, even if the overall number of texts differs

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<sup>146</sup> Schwineköper, "*Cum aquis aquarumve decursibus*", p. 49.

<sup>147</sup> Schwineköper, "*Cum aquis aquarumve decursibus*", p. 51.

<sup>148</sup> Ernst Levy, *West Roman Vulgar Law*, (Philadelphia: American Philosophical Society, 1951), pp. 55-56.

<sup>149</sup> *Chartae Galliae*, no. 266204 <<http://www.cn-telma.fr/chartae-galliae/charte266204/>>

considerably. This corpus contains 43 diplomas issued by Merovingian kings between 700 and 750, of which 17 are thought to be genuine texts and a further 7 are thought to be broadly acceptable. Ten of these 24 have appurtenance clauses (42 per cent). From Britain, there are 76 royal charters, of which 20 are thought to be reliable and another 25 broadly trustworthy. Thirteen are generally rejected as forgeries or corruptions, and 18 are lost or incomplete texts. In the 45 trustworthy texts there are just 8 appurtenance clauses (18 per cent). Once again, therefore, in spite of the widely differing percentage of the corpus which they represent, there are a roughly comparable number of clauses.

These two sets of clauses are compared in Figure 2 (below), and show a broadly similar pattern to the seventh century (data link in Appendix E). Once again, the Merovingian documents focus heavily on buildings and people, with meadows and vineyards featuring significantly among the agricultural elements. Interestingly, *campus* is used more often in these texts, appearing alongside *pasuum* and again suggesting some kind of distinction was being made, while *terra* remains an apparently encompassing term for the lands being conveyed. There are fewer references to *pasuum* in the eighth-century Anglo-Saxon documents than in the seventh, although this may be no more than an accident produced by the small number of documents. The difference in geographical focus in this set of documents, with only one from Kent, might help explain other differences, such as the disappearance of references to marsh and reduction of those to marsh pasture.

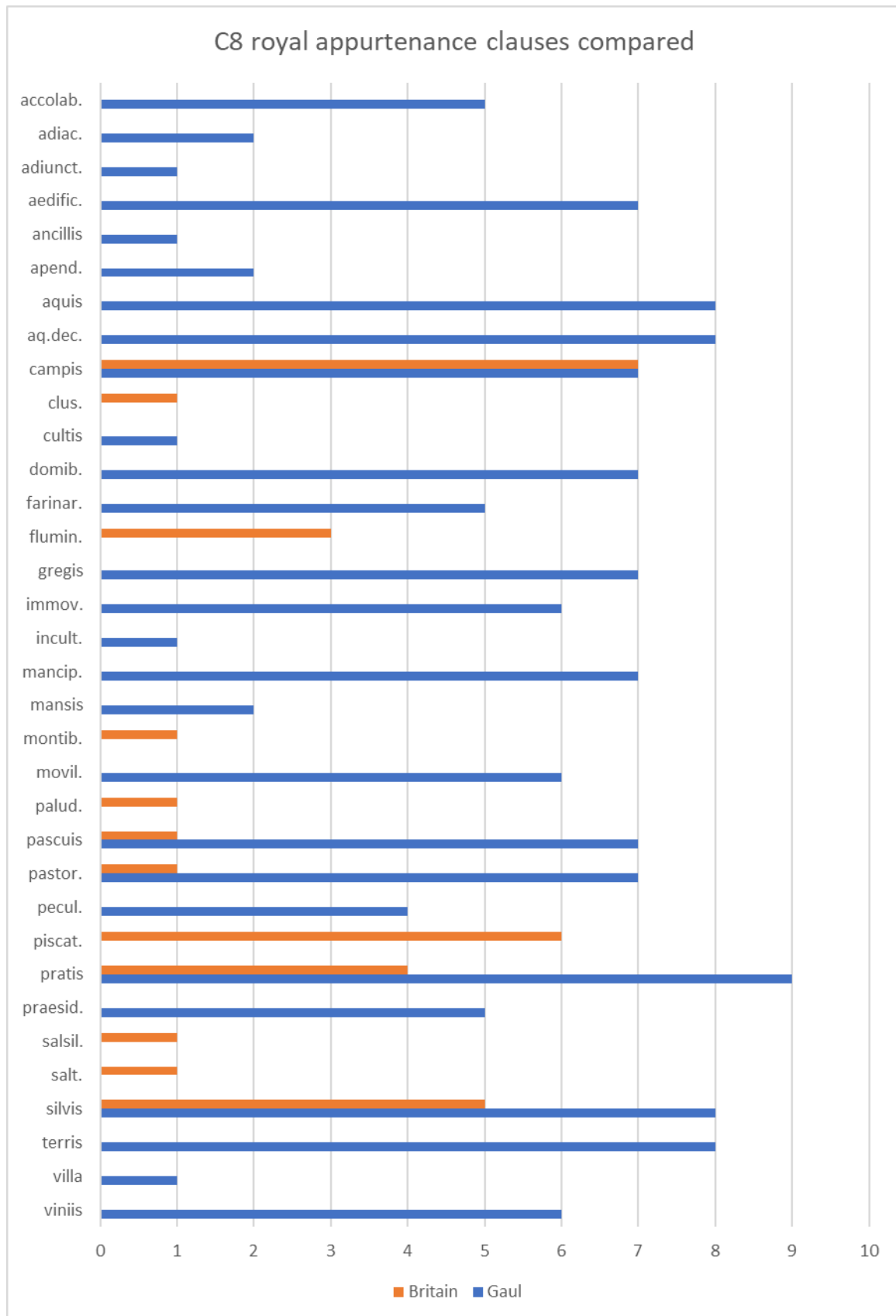


Fig. 2: Frequency distribution of appurtenance terms in eighth-century royal charters from Britain and Gaul.

An ordinal ranking of the terms shows that the patterns in which they appear had changed little by this time. If anything, the pattern for Gaul (Table 3 below) seems to show a strengthening of the land-buildings-people-land pattern, while that of the Anglo-Saxon charters (Table 4 below) shows a similar consolidation. This lack of change is striking, but perhaps not surprising. Even if a process of agricultural intensification had begun by 750, it would not have been universal, and it is quite possible that it would have taken some time to filter through to the documents. What is more surprising is that there is virtually no change even in the Anglo-Saxon diplomas from the second half of the eighth century (see Appendix D and E). Structures, including mills, and people remain invisible. The only significant change in the 18 acceptable Anglo-Saxon clauses post 750 is the inclusion of three references to hunting (one to *aucupatio* and two to *venatio*).

Place	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
<b>Cat.</b>	Land	Buildings		People		Land	Wood	Land		Water	
<b>Term</b>	terris	domibus	aedificiis	accolabus	mancipiis	viniis	silvis	campis pratis	pascuis	aquis	aq. dec.
<b>No.</b>	7	7	7	4	4	4	5	3 3	2	3	3

Table 3: 'Appurtenance pattern' derived from reliable eighth-century Merovingian royal charters.

Place	1st	2nd	3rd	4th	5th
<b>Category</b>	Land	Wood	Land	Water	
<b>Term</b>	campis	silvis	pratis	fluminibus	piscationibus
<b>No.</b>	6	4	4	2	2

Table 4: 'Appurtenance pattern' derived from reliable eighth-century Anglo-Saxon royal charters.

### 2.3.3: The dubious documents

The number of royal diplomas would certainly be increased if all those of doubtful validity could be included. There are some 78 texts from seventh-century Gaul (34 with appurtenance clauses) and 21 from the eighth century (only four with clauses) which Kölzer rejected as fundamentally unsound. In his analysis, Kölzer relied upon a close examination of the use of diplomatic formulae, with some of the purportedly seventh-century texts showing a starkly different wording and structure to the single sheets. Some, for instance, have a Carolingian style *intitulatio* using ‘*X dei gratia rex*’ rather than the Merovingian style of ‘*X rex Francorum viris inlustribus*’ (see, for example, M132).<sup>150</sup> This need not necessarily mean that every such text is a complete fabrication, and passages from authentic texts may well have been copied and recycled in their creation. The difficulty lies in deciding which passages might have some original antecedent, and whether these pertained to the land and people in question, or whether they were taken from different documents entirely. It is beyond the scope of this thesis to challenge opinions about validity, although it will return briefly to the discussion in Chapter Four, and it is worth noting that a slightly less absolute position has tended to prevail in studies of the Anglo-Saxon documents in Britain, where some possibility of original basis in later interpolations is more often acknowledged. That said, the Anglo-Saxon charters have little to offer in terms of comparison. There are only four unreliable charters with appurtenance clauses from the seventh century, and only four from the eighth. These will be considered later.

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<sup>150</sup> DD Merov., p.135

It might be hoped that a study of appurtenance clauses could add something to the debate on validity, and initial readings of the rejected Gallic documents certainly seem to suggest a greater range of terminology and frequently long lists. However, a closer comparison shows that this does not constitute a systematic difference. To take the seventh century as an example, there are 20 different terms used over the nine acceptable documents, with a mean score of 10.6 terms per document. The smallest number of terms in a clause is six (M170), the greatest 15 (M211). In the 34 dubious documents (data link in Appendix E), 49 different terms are used, with a mean score of 8.8 terms per document. The smallest number is just two (M122), while the greatest is 23 (M107). This demonstrates that, while there might be a greater variability, there is not a consistent lengthening of appurtenance clauses in dubious texts, which might have been expected where documents were fabricated to extend the later rights of religious institutions. It may be, therefore, that the apparent ‘noise’ of the unacceptable documents is simply a product of their greater number and geographical range, since they are culled from cartularies of institutions across France, where the acceptable texts rely so heavily on the archive of Saint-Denis.

Some of the suspect texts do give appurtenance lists which differ highly from the norm. This is, for instance, the case with M112, which purports to be the gift of churches and land in Poitou by Dagobert I to Saint-Denis between 629 and 639.<sup>151</sup> Here the various different parcels of land are named, and each is followed by a brief clause such as ‘*cum terris et decimis et aquis*’, ‘*cum servis et ancillis et decimis*’, or ‘*cum terris et pratis et decimis*’. This contrasts with other royal charters of this date, but it does have certain similarities with private charters of that time (see Section 2.4, below). If the charter belonged to an institution other than Saint-

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<sup>151</sup> DD Merov., p. 97

Denis, it would, therefore, be difficult to condemn its divergent nature as fraudulent, when it may have been simply that it was composed by a scribe more used to lay documents. In the case of Saint-Denis, its deviation from the pattern described above is more condemnatory, and Kölzer did indeed reject it as unreliable, stating that it seemed to show no knowledge of Merovingian formulae.<sup>152</sup>

There are also a number of appurtenance terms in the unreliable Gallic documents which are not present in the reliable corpus. Terms referring to people will be discussed in Chapter Four, but of the remainder, *communiis* (*communis*) in M224 is interesting since it mostly likely refers to some form of land (woodland or pasture) held in common, that is with shared rights among a number of communities.<sup>153</sup> This kind of right corresponds to the rights in woodland and water discussed earlier and does not seem out of place in an early context, but the term itself is rare before the ninth century.<sup>154</sup> There are also a number of other terms for woodland: *nemoribus* (*nemus*) occurs three times, and *saltibus* (*saltus*) once. There are even two references to species of tree. The term for oak-coppice, *garricis* (*garrica*),<sup>155</sup> occurs together with *ulmis* (*ulmus*), elm tree,<sup>156</sup> in both M141 and M171. On the face of it, these could be seen as regional variations in terminology, rather than variations over time. Certain species of tree, in particular, may have been linked to local industries, and the most prolific species in any woodland would have varied to some degree by region. However, neither *garrica* nor *ulmus* appear again outside of these two charters before the ninth and tenth centuries.<sup>157</sup> Also of interest are a group of terms referring to rights. M119 and M155 both

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<sup>152</sup> DD Merov., p. 98.

<sup>153</sup> Niermeyer, p.223

<sup>154</sup> CEMA, 'communiis' word search <<https://cema.lamop.fr/search/#page-content>> [accessed 28 March 2022].

<sup>155</sup> Niermeyer, p. 462

<sup>156</sup> Lewis and Short, <<https://logeion.uchicago.edu/ulmus>> [accessed 28 March 2022].

<sup>157</sup> CEMA, 'garrica', 'ulmus' word search <<https://cema.lamop.fr/search/#page-content>> [accessed 28 March 2022].

list *decimiis* (*decimus*, a tenth),<sup>158</sup> and the latter also lists *premiiciis* (possibly from *primitiae*, first fruits).<sup>159</sup> These appear to refer to rights to take certain amounts of produce, or produce at certain times, from the tenants on the land, in a similar way to *vectigalis* (also in M119), a term also found in some Anglo-Saxon charters. While the concept of such rights was certainly current in the seventh century, and may even have been the most important element of ‘possession’, these are not common terms for the period. Indeed, after M155, *premiiciis* does not appear again until the twelfth century.<sup>160</sup>

The endings of appurtenance clauses have been used to argue for and against a document’s validity, but this, too, can be problematic. Kelly, for example, resisted Scharer’s condemnation of S7 as a fabrication. He had based this partly upon the expression ‘*cum omnibus ad eandem pertinentibus rebus*’ at its end,<sup>161</sup> but Kelly pointed out that the same phrase appears in S45, broadly accepted as a reliable text dated 692, and that the tendency for variation in Anglo-Saxon charters made it difficult to enforce such strict parameters.<sup>162</sup> The ending of the appurtenance clause tends to be a legalistic ‘catch-all’ phrase with the function of saying ‘and whatever else may belong to this land’. The exact form of this does vary, although the predominance of Kent charters in the seventh-century Anglo-Saxon sample does appear to give something of a local pattern. These tend to use either a catch-all phrase similar to those described above, or a statement regarding the nature of the right. So, S8 has ‘*omnibus ut dictum est ad eandem terram pertinentia*’, S9 has ‘*cum omnibus ad supradictam terram aratrorum trium pertinentia*’, and S15 has ‘*quicquid ad supradictam terram*

<sup>158</sup> Lewis and Short, <<https://logeion.uchicago.edu/decimus>> [accessed 28 March 2022].

<sup>159</sup> Lewis and Short, <<https://logeion.uchicago.edu/primitiae>> [accessed 28 March 2022].

<sup>160</sup> CEMA, ‘premiiciis’ word search <<https://cema.lamop.fr/search/#page-content>> [accessed 28 March 2022].

<sup>161</sup> Kelly, *St Augustine’s*, pp. 26-30.

<sup>162</sup> Kelly, *St Augustine’s*, p. 28.

*pertinet*'.<sup>163</sup> Statements regarding rights are interesting, since they refer to the ancestors of the kings ceding the land. S7 has '*in ipsa quantitate sicut antiquitus predecessores mei reges*', while S13 has '*in ipsa quantitate sicut principes a regibus antiquitus perdonatum possederunt*'.<sup>164</sup> S10, however, combines both forms in '*omnibus ad eandem pertinentibus rebus in ipsa quantitate sicut antiquitus principes a regibus sibi perdonatam habuerant*'.<sup>165</sup> Kelly discussed the similarity of S7 and S10 in rejecting Sharer's condemnation of both documents, and argued that this was best seen as a product of their contemporaneous production, rather than of following a later, possibly eighth-century, model.<sup>166</sup> Certainly, as far as the ending of the appurtenance clause is concerned, both of these models appear to have been in contemporaneous use, and there is no reason why a scribe should not have decided to combine the two. Indeed, by doing so, they effectively covered two legal bases: the catch-all inclusion of anything omitted from the appurtenance list, and a clarification of rights under which the land would be held. Of the remaining seventh-century Anglo-Saxon documents, those from Essex and Sussex are similar to the Kentish ones, in that they use a catch-all ending (S45 from Selsey '*cum omnibus ad eam pertinentibus*' and S65a from Barking '*cum omnibus ad se pertinentibus*'),<sup>167</sup> but the two Worcester charters are quite different. Both of these stress the willingness of the donor ('*Et eam liberam conscribo ab omnibus tributis et vectigalibus*' in S52 and '*Et ego libenter petitioni ejus adquiescens particulam terræ illius quam ille postulavit*' in S75).<sup>168</sup> How far this can be taken as an early Worcester tradition

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<sup>163</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/8.html>> [accessed 28 March 2022]; Kelly, *St Augustine's*, pp. 26; 154.

<sup>164</sup> Kelly, *St Augustine's*, pp. 26; 149-150.

<sup>165</sup> Kelly, *St Augustine's*, pp. 139-140

<sup>166</sup> Kell, *St Augustine's*, p. 145.

<sup>167</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/45.html>>; <<https://esawyer.lib.cam.ac.uk/charter/65a.html>> [accessed 28 March 2022].

<sup>168</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/52.html>>; <<https://esawyer.lib.cam.ac.uk/charter/75.html>> [accessed 28 March 2022].

is unclear, since, while both of these documents are considered to have some original basis, the degree to which they were altered at a later date is unknown.

The Merovingian charters also use a catch-all phrase, and the following forms are all attested in the acceptable seventh-century documents: M233 has '*vel reliquis rebus*', and M109 has the longer phrase '*vel reliquis rebus seu adjacentiis ad ipsa pertinentibus*'. M223 has '*vel reliquis quibuscumque beneficiis*' as a variation on the same theme, while M211 has a similar variation with '*cum reliquis beneficiis mobilibus et immobilibus*'. M237 rephrases the idea again with '*rem exquisita quicquid dice aut nomenare potest*'.<sup>169</sup> All of these forms can be found in the dubious documents of the seventh century. For example, M130 has '*vel relicis quibuscumque beneficiis*' and M207 has '*vel reliquis quibuscumque beneficiis cum omni usufructario*', while M107 uses '*...omne que rem ad exquisitas quicquid dici aut nominare potest*'.<sup>170</sup> Another sound document, M121, has a reference to the royal fisc in '*...qualiter ab ipsis dominetur vel ad fisco nostro presente tempore*', and this is also echoed in the unsound texts, such as M136.<sup>171</sup> But perhaps the most striking thing about these phrases is that in the nine acceptable seventh-century documents there are nine different phrases, allowing for repetitions of single words such as '*rebus*' or '*beneficiis*'. Given this range, the variety among the unsound documents is hardly surprising, and objections to validity based on these phrases would have to be highly localised if they were to be convincing.

To return to the rejected Anglo-Saxon charters, the eight examples of appurtenance clauses shown in Table 5 (below) are, on the whole, quite simplistic, although most do not

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<sup>169</sup> DD Merov., pp. 351; Artem, no. 4507 <<http://www.cn-telma.fr/originaux/charte4507/>> [accessed 29 March 2022], DD Merov., p. 87; Artem, no. 4466 <<http://www.cn-telma.fr/originaux/charte4466/>> [accessed 29 March 2022], DD Merov., p. 333; 314; Artem, no. 4472 <<http://www.cn-telma.fr/originaux/charte4472/>> [accessed 29 March 2022], DD Merov., p. 358.

<sup>170</sup> DD Merov., pp. 131; 306; 85 108; 141.

<sup>171</sup> Artem, no. 4504 <<http://www.cn-telma.fr/originaux/charte4504/>> [accessed 29 March 2022], DD Merov., pp. 108; 141.

conform to the typical pattern. However, S4, purportedly a 605 grant by Æthelberht to St Augustine's, stands out as more divergent. The inclusion of '*mancipiis*' and the use of '*cultis vel incultis*' is highly unconvincing for this period. This is, perhaps, consistent with other anachronistic features, such as the highly discursive nature, which Kelly noted.<sup>172</sup> The other feature of note is the use of '*captura piscium*' in S227, a grant by King Cenwealh to Glastonbury Abbey dated 670. This term is reflected in the confirmation of Cynehelm's possession of the monastery by Pope Leo III, dated 798. It could, therefore, reflect local terminology (which is certainly consistent with the local topography), even if, as Kelly suspected, the charter itself is a later production based upon an early model.<sup>173</sup>

<b>AS C7 pattern</b>	campis	silvis pascuis	pratis mariscis	fontanis	fluminibus piscationibus	fluminibus piscationibus		
<b>S4</b>	mancipiis	silvis	cultis	incultis	pratis	pascuis	paludibus	fluminibus
<b>S1609</b>	campis	silvis	pascuis					
<b>S6</b>	pascuis	paludibus	pratis	silvis				
<b>S227</b>	cap. pisc.	paludibus	silvis	pascuis	apium			
<b>AS C8 pattern</b>	campis	silvis	pratis	fluminibus	piscationibus			
<b>S242</b>	pratis	silvis	pascuis					
<b>S78</b>	pratis	pascuis	silvis	ecclesiis				
<b>S83</b>	campis	pascuis	pratis	silvis				
<b>S47</b>	campis	pratis	fluminibus					

Table 5: Comparison of appurtenance clause patterns from seventh- and eighth-century unreliable Anglo-Saxon charters.

Overall, therefore, it is not possible to rely on appurtenance clauses alone in the debate on originality. Even where some of the terminology is divergent, this need not necessarily invalidate the whole list, and the inherent variability of the clauses, coupled with

<sup>172</sup> Kelly, *St Augustine's*, pp.16-18.

<sup>173</sup> *Cartularium Saxonum: A Collection of Charters Relating to Anglo-Saxon History, Vol. 1, AD 430-839*, ed. by Walter De Gray Birch (London: Whiting & Co., 1885), No. 284; Kelly, *Glastonbury*, p. 212. For potential local influence on Papal privileges see discussion in Chapter Four, pp. 193-194.

the limited number of original exemplars beyond Saint-Denis, makes the creation of a defining model almost impossible. Appurtenance clauses may, however, be able to contribute to the broader case for or against a particular document or section of document, as is certainly the case with those described above.

## 2.4: The non-royal charters

### 2.4.1: The seventh century

The corpus of non-royal documents includes those of both lay and ecclesiastical elites, since, as Wickham observed of Bertram of Le Mans, where clergy were disposing of property they seem to have been acting as members of a broader elite.<sup>174</sup> A comparison of this corpus with royal diplomas presents a number of problems. Firstly, while the number of Merovingian non-royal documents outweighs that from Anglo-Saxon collections across all periods, there are only 18 private and 12 ecclesiastical Anglo-Saxon documents for the seventh and early eighth centuries. Many of these documents occupy a difficult middle ground between royal and non-royal documents, having been issued by sub-kings (S1165, S1169, S1177, S1181) or by the relatives of kings (S1171, S1172, S1174, S1180). Also, only two of these 30 texts have appurtenance clauses, and since one dates from the end of the seventh century and one from the eighth, they will be considered in Section 2.4.2. It is sufficient to note here that the disparity in numbers makes direct comparison almost impossible. Secondly, most of the Gallic and Anglo-Saxon documents consist of texts copied into cartularies, with the earliest British

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<sup>174</sup> Wickham, *Framing*, pp. 186-187.

manuscript copies dating from the eleventh century. This raises all the problems of validity and reliability mentioned in Section 2.2. Finally, while it is possible to list the majority of extant Merovingian royal diplomas, and hence to know roughly what percentage carried appurtenance clauses, it is not possible to confidently claim to have listed all the private charters from cartularies which purport to include Merovingian-era documents. It would be difficult to guarantee that every charter with appurtenances had been included, and therefore impossible to say with any accuracy what percentage of these charters carried such a clause. As a result, where the royal documents constituted an effective population of clauses, the private ones may only constitute a sample.

It is, then, necessary to consider the nature of the sources from which the seventh century non-royal texts (data link in Appendix E) are taken. There was a difference in the production and use of royal and non-royal charters in Gaul, which did not exist at this time in the Anglo-Saxon areas of Britain. Gallic royal diplomas were produced in a letter form by an official *referendarius*, and were addressed to the king's elite supporters.<sup>175</sup> In this way, the king's will, whether to grant land, privilege, or pass judgement, could be made known and upheld by his followers. The private charters of Gaul were written by scribes who might or might not be clerics, and who often worked in a particular geographical area, or were attached to a particular elite family. They were sometimes monks at recipient institutions, but this was not so frequently the case before the late eighth century.<sup>176</sup> In contrast, the scribes who wrote the Anglo-Saxon charters were clerics, and the production of documents lacked

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<sup>175</sup> Giry, *Manuel de Diplomatie*, pp. 707-709.

<sup>176</sup> Rosamond McKitterick, *The Carolingians and the Written Word* (Cambridge: Cambridge University Press, 1989), pp. 115-117, 129; Hans Hummer, 'The production and preservation of documents in Francia: the evidence of cartularies', in *Documentary Culture and the Laity in the Early Middle Ages*, ed. by Brown, Costambeys, Innes and Kosto, pp. 189-230 (pp. 217-219).

the lay setting which it had in Gaul.<sup>177</sup> Gallic private charters also formed part of a process of public declaration and authorisation. In theory, this involved entering the transactions concerned into the *gesta municipalia*,<sup>178</sup> but Brown argued that fossilised references in formularies imply that the *gesta* did not survive as institutions, but that what was meant was a public reading of the documents in which they were validated by figures of authority.<sup>179</sup> As part of the completion of this validation, copies of the charter were kept by both parties. Remnants of this process can be seen in the duplicated documents at Weissenburg, which came about when the monastery acquired donors' copies which had been stored in local churches.<sup>180</sup> As a result, the texts of the Weissenburg cartulary (c. 860) have a particular reliability, since they often reinforce each other's authenticity, even down to the names of the different scribes who wrote the charters for the monastery and the donor.

As discussed in Section 2.2, early cartularies were not attempts to record a monastery's entire archive. Geary traced the origin of cartularies from the 'tradition notices' of Salzburg in the late eighth century. He believed that the wave of cartulary production which affected eastern Francia in the ninth century, beginning around 828 at Fulda when some 2,000 documents were copied into 15 separate codices, was connected to the eclipse of regional ducal power by the Carolingians. He identified three main motives: internal administration, memorial, and the pursuit of specific claims.<sup>181</sup> Innes stressed the importance of enhancing relationships with particular benefactors in the selections which were made.<sup>182</sup>

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<sup>177</sup> Kelly, 'Anglo-Saxon lay society and the written word', p. 42.

<sup>178</sup> Wood, *Merovingian Kingdoms*, p. 204.

<sup>179</sup> Brown, 'The *gesta municipalia* and the public validation of documents in Frankish Europe', in *Documentary Culture*, ed. by Brown, Costambeys, Innes and Kosto, pp. 95-124 (pp. 104-106).

<sup>180</sup> Hummer, 'The production and preservation of documents in Francia', pp. 213-220.

<sup>181</sup> Geary, *Phantoms of Remembrance*, pp. 85-96.

<sup>182</sup> Matthew Innes, 'Archives, documents and landowners in Carolingian Francia', in *Documentary Culture*, ed. by Brown, Costambeys, Innes and Kosto, pp. 152-158 (p. 164).

The exact nature of this could vary. Geary believed the selections made by Cozroh at Freising c. 811-835, and ordered chronologically, were linked to liturgical reforms initiated by Bishop Hitto, since liturgies had to be said for those benefactors. In contrast, he thought those at Weissenburg, ordered geographically, showed a greater concern to protect land given out as *precaria*.<sup>183</sup>

While this means that the overall picture of early documents generated by cartularies is distorted, it does give some confidence in the accuracy of individual texts, since the patron families would still have been extant at the time of the cartulary's creation. The same proviso does not apply to royal documents, which, particularly if granting privileges, could be useful things for monasteries to find among their muniments. One example is the supposed grant by Dagobert I to Saint-Denis (M118), created from two documents on papyrus during the institution's eleventh-century dispute with the Bishop of Paris.<sup>184</sup> However, the later the date of a cartulary's creation, the less likely it was that there was a relationship to preserve between monastery and benefactors, and the more room there was for embroidery and exaggeration.

The kind of problems which may arise can perhaps best be illustrated by the example of a 697 text (M217) in which Gammo and his wife Adalgudis founded the nunnery of Limeux, installed their daughter Bertha as abbess, and placed it under the protection of Saint-Vincent (later Saint-Germain-des-Prés). The text was recorded by Poupardin in his 1909 collection of that monastery's charters, having been found in both the B and D versions of the cartulary at the Archives Nationales.<sup>185</sup> Poupardin appears to have thought it reliable, but the text has not

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<sup>183</sup> Geary, *Phantoms of Remembrance*, pp. 93; 96.

<sup>184</sup> The document is AN K1 no. 7/2: Papyrus 4 in Vezin and Atsma, 'Les faux sur papyrus de l'abbaye de Saint-Denis', in *Finances, pouvoir et memoire*, ed. by Kerhervé and Rigaudiere, p. 680.

<sup>185</sup> Poupardin, *Recueil*, pp. 15-18.

appeared in subsequent collections. It is quite long, but conforms largely to the style of the time, although elements such as references to Judas in the anathema seem slightly elaborate. However, this same grant was then the subject of a ‘Scheinprozess’, an artificial legal hearing designed to confirm possession, recorded in an original placitum of Childebert III in 702 (M306). At this hearing, Abbot Chedelmarus presented the original charter (*‘ipsa strumenta in presenti ostendit ad relegenda’*) which Childebert upheld.<sup>186</sup> It seems, therefore, that there was a document in existence in 702, but whether this was the genuine gift by Gammo and Adalgudis, or whether the monastery created it for the hearing, is unknown. It appears likely that the cartulary entry was based upon this text since its appurtenance clause and that of Childebert’s placitum are very similar. In this case, then, the existence of the second charter in a reliable format lends weight to the earlier text having at least some authentic basis. A number of points can be drawn from this. Firstly, the existence of an early ‘original’ does not, in itself, guarantee legitimacy. Secondly, the possibility of later embellishment does not automatically invalidate a document. Thirdly, the further it is possible to see into the relationship between the monastery and its donors, the more possible it is to be confident about individual documents. Finally, the repeated use of a document by modern researchers may instil a confidence born of multiple judgements, but neglect should not utterly undermine it.

Turning to the seventh century with these stipulations in mind, Merovingian charters from the cartularies of Echternach, Saint-Bénigne, Saint-Bertin, Saint-Nazaire, Montier-en-Der, and Weissenburg have been included here. There are also three lengthy testaments from cartularies, one granting land in the Ardennes, the others relating largely to Fleury and Notre-

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<sup>186</sup> DD Merov. 153, pp. 382-384.

Dame-la-d'Hors in Auxerre. Two documents, one relating to Bruyères-le-Chatel (M196), the other to Saint-Germain-des-Prés (M216), exist as single-sheets. Of the cartularies, the most reliable, in that it is the earliest, is that of Weissenburg. Hummer believed that all but one of its documents was a dependable copy, and his charting of the relationships between Alsatian dynasties and their monasteries lends support to this.<sup>187</sup> The cartularies of Saint-Bertin and Montier-en-Der date to the twelfth century,<sup>188</sup> while that of Saint-Bénigne dates to the second half of the eleventh.<sup>189</sup> Many of the documents in these are apparently complete, with a seemingly full witness list, including scribal identification, and full anathemas, often with civil penalty. Details such as these, and the inclusion of phrases like '*stipulatione subnixa*', which Brown saw a Roman fossilisation,<sup>190</sup> might suggest that they descend from authentic texts. However, it is worth remembering that their inclusion or exclusion might also be affected by the motive behind the cartulary's production. For example, Geary noted that where internal administration was concerned, as at Mondsee, witness lists might be omitted.<sup>191</sup> That said, the biggest outlier here is the charter relating to Saint-Nazaire and Saint-Symphorien, Autun (M243), which comes from a nineteenth-century copy of a lost cartulary.<sup>192</sup> This has some peculiarities in the construction of its appurtenance clauses,

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<sup>187</sup> Hummer, *Politics and Power*, pp. 18-19; 26-55; 65-71.

<sup>188</sup> Boulogne-sur-Mer (BM, ms.146); *Chartae Galliae*, no. 205084 <<http://www.cn-telma.fr/chartae-galliae/charte205084/>> [accessed 17 March 2022]; Guerard, *Saint-Bertin*; S. G. Bruce, 'Review of The Cartulary of Montier-en-Der, 666-1129, by C. B. Bouchard', *Speculum*, 80, 1 (2005), 192-193, <<http://www.jstor.org/stable/20463178>> [accessed 17 March 2022].

<sup>189</sup> Dijon. Ms 591, Bibliothèque municipale de Dijon, 'Manuscrits de l'abbaye de Saint-Bénigne', <[http://patrimoine.bm-dijon.fr/pleade/ead.html?id=FR212316101\\_saintbenigne#!{%22content%22:\[%22FR212316101\\_saintbenigne\\_D11011462%22,false,%22%22\]}>](http://patrimoine.bm-dijon.fr/pleade/ead.html?id=FR212316101_saintbenigne#!{%22content%22:[%22FR212316101_saintbenigne_D11011462%22,false,%22%22]}) [accessed 17 March 2022].

<sup>190</sup> Warren C. Brown, 'Laypeople and documents in the Frankish formula collections', in *Documentary Culture*, ed. by Brown, Costambeys, Innes and Kosto, pp. 125-151 (p. 133).

<sup>191</sup> Geary, *Phantoms of Remembrance*, p. 90.

<sup>192</sup> Déléage, *Autun*, no. 1, CBMA <<http://documents.cbma-project.eu/texte/AutunStSymphorien.pdf>> [accessed 18 March 2022].

however, the fact that it includes details such as the scribe's name might suggest the cartulary copy was not heavily edited.

In some ways, the testaments are harder to judge. Inhabiting a shifting position between Roman wills and *pro anima* grants, this changing character and their longer format, with multiple gifts and recipients, makes them less susceptible to the normal processes of diplomatic.<sup>193</sup> The difficulties involved in identifying 'typical' characteristics of such documents are well illustrated by the debate over the shorter will of Remigius.<sup>194</sup> However, all three testaments included here have largely been accepted,<sup>195</sup> and certainly that of Deacon Grimo (M126) and Abbot Leodebod (M162) appear to conform to the pattern of the testament of Ermentrude (M133) which exists as a single sheet, albeit believed to be an early or near contemporaneous copy.<sup>196</sup> The will of Leodebod may have been truncated, whereas Deacon Grimo's includes a full witness list and the name of the scribe. The testament of Vigilus (M192), taken from a twelfth-century copy, is perhaps more problematic in that it seems to have been shorn of more its diplomatic, and lacks any kind of penal clause or anathema.<sup>197</sup> In spite of this, the general pattern of its appurtenance clauses seems consistent with other private documents of the period, although some terms, for example '*habitoribus*', are rare at that time.<sup>198</sup> However, even if the testaments are accepted as

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<sup>193</sup> Josiane Barbier, 'Testaments et pratique testamentaire dans le royaume franc (vie-viiiie siècle)', in *Sauver son âme et se perpétuer: Transmission du patrimoine et mémoire au haut Moyen-Âge*, ed. by François Bougard, Cristina La Rocca, and Regine Le Jan (Rome: Publications de l'École française de Rome, 2005), pp. 7-79 (pp. 1-12).

<sup>194</sup> For an account of this see, Edward Roberts, 'Flodoard, the will of St Remigius and the see of Reims in the tenth century', *Early Medieval Europe*, 22, 2 (2014), 201-230 (pp. 203-205).

<sup>195</sup> For Deacon Grimo see Jean-Pierre Devroey and Nicolas Schroeder, 'Beyond royal estates and monasteries: landownership in the early medieval Ardennes', *Early Medieval Europe*, 20, 1 (2012), pp. 39-69 (pp. 42-43); for Leodebod see *Chartae Galliae*, no. 266204 <<http://www.cn-telma.fr/chartae-galliae/charte266204/>> [accessed 18 March 2022].

<sup>196</sup> See Chapter Four, pp. 218-228.

<sup>197</sup> See Lebeuf, *Mémoires*, no 4 bis, CBMA <<http://documents.cbma-project.eu/texte/Lebeuf4.doc>> [accessed 17 February 2022].

<sup>198</sup> CEMA, '*habitoribus*' word search <<https://cema.lamop.fr/search/#page-content>> [accessed 18 March 2022].

having a reliable basis to the core of their texts, their multiple appurtenance clauses (15 in the case of Vigilius) would skew the results, since they constitute more than half the seventh century total. Therefore, they have been removed from the list for the initial analysis, but will be considered later (data link in Appendix E).

The difference in numbers between the private and royal documents means that a frequency distribution of the kind used earlier is not helpful. However, by treating the remaining private documents as a bloc, it is possible to produce an ordinal ranking and generate an appurtenance pattern which can be compared with the 'standard' royal model elucidated above. It might have been expected that the broader geographical catchment area of the private documents, which might show a variety of charter-writing traditions as well as agricultural practice, would produce a divergent pattern to the royal documents. However, Table 6 (below) shows that, in spite of notable variation which leads to two different placings of *aedificiis*, and an alternative beginning with *domibus* in some charters, the overall pattern is largely consistent. It is interesting to note that *accolabus*, while present in seven of the 21 clauses, is so scattered that it does not appear in the table, breaking the *accolabus/mancipiis* partnership that became such a feature of the royal charters by the eighth century. This does not appear to be due to the use of a broader range of terminology for people, since both *libertis* and *servis* only occur twice. Similarly, *vineis* occurs nine times in the private clauses, but is once again distributed in such a way that it does not appear in the table. While most of the main terms used are consistent with royal charters, there are a number of rarer terms. For example, a 696 charter by Bishop Ansbert to Saint-Nazaire, Autun, (M243) includes the term *accensis* (*accensa*: leased farm),<sup>199</sup> and the term *casticiis* occurs twice (in M216 from

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<sup>199</sup> Niermeyer, p. 9

Saint-Germain-des-Prés and M219 from Saint-Bertin), here presumably in its meaning of a general building. Another Autun charter (M210), a 677 grant by Bishop Leodagarius to Saint-Nazaire, includes *catallis* (*catallum*: chattel)<sup>200</sup> in first place. The ‘*aquis aquarumve decursibus*’ formula is maintained in most references to water, although M210 lists ‘*aquis, stangnis*’, presumably a misspelling of *stagnis*.

Place	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Category	Land	Buildings		People	Bldngs	Land					Water	
Term	domibus terris	domibus aedificiis	aedificiis	mancipiis (vineis)	aedificiis	campis	silvis	pratis	pascuis	pascuis	aquis	aq. dec.
Mentions	8 6	8 6	8	6 (3)	5	5	5	6	5	2	3	3

Table 6: Seventh-century appurtenance clause pattern derived from private charters.

As with the unreliable documents considered above, initial inspections of the seventh-century Merovingian private appurtenance lists might suggest that a greater number and variety of terms are being included than was the case with the royal charters. An analysis of the average number of terms per charter bears this out to some degree, although it is not pronounced. Numbers of terms range from three to 20 in the private documents, compared to five to 15 in the royal, while the average number of items is 11.6 for the private charters compared to 10.6 for the royal. However, if the appurtenance clauses of the three testaments are considered, the variety increases. The ordinal ranking of terms in these clauses in Table 7 (below) shows that there is no single consistent pattern. The testament of Abbot Leodebod (M162) is broadly consistent with the alternative pattern of the private documents which puts *domibus* first. There is, however, a hint in the testament of Vigilius (M192) of the *mansis* pattern which would become more popular in the eighth century. This could be seen as a

<sup>200</sup> DMLBS, <<https://logeion.uchicago.edu/catallum>> [accessed 28 March 2022].

relatively early adoption of *'mansus'* as an estate holding, or a later interpolation from when it had become more widespread.<sup>201</sup> Vigilius' testament also includes a greater range of terms for people than other documents, with *ancillis*, for example, a term which does not appear in the royal or other private documents of the seventh century, occurring 11 times in the 15 clauses. For all these reasons, it may be that the testament of Vigilius should be viewed with some caution. In contrast, the testament of Deacon Grimo (M126) produces a much simpler appurtenance pattern, although one quite different from the bulk of private charters above. Finally, all three put less stress on water rights, which, although present, occur in only a handful of the multiple clauses.

Place	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
<b>M162</b>	domibus mansis	aedificiis	mancipiis	viniis	silvis	campis	pratis	pascuis	aquis	aq.dec.
<b>Mentions</b>	6 3	6	6	4	5	4	4	4	1	1
<b>M192</b>	mansis (servis)	aedificiis (ancillis)	accolab.	servis mancipiis viniis	ancil. silvis	campis	pratis	pascuis	cultis	incultis
<b>Mentions</b>	8 (3)	6 (3)	4	3 2 3	3 3	6	7	5	5	5
<b>M126</b>	mancipiis	aedific	campis	pratis	silvis	aquis	aq.dec.			
<b>Mentions</b>	5	5	3	3	4	2	2			

Table 7: Seventh-century appurtenance clause pattern derived from private testaments.

A number of conclusions might be drawn from this. Firstly, the greater geographical area, and accompanying differences in charter-writing traditions, must be considered as the cause of some of the variation. Although the main components of medieval agricultural land will always be largely consistent (arable, pasture, woodland), other features such as vineyards are more geographically limited. This is particularly clear in the clauses of the testaments: the

<sup>201</sup> On *'mansus'* see Adriaan Verhulst, 'Economic Organisation', in *The New Cambridge Medieval History Volume 2, c. 700-900*, ed. by McKitterick, pp. 481-509 (p. 493).

simplest explanation for the dearth of vineyards in the testament of Deacon Grimo is that only one piece of land bore vines. At the same time, the fact that patterns emerge from the multiple clauses of a single document suggests that individual scribes had favoured ways of writing appurtenance clauses. But they did vary them, as the clauses of Vigilius' testament and the variations in the private pattern show. The presence or absence of certain features certainly seems to be one reason for this. Another, however, might be the relative importance placed on a feature by the private donor. Since the scribe had a more personal relationship to the donor than the *referendarius* of the royal documents (indeed, some may have been family members),<sup>202</sup> it is possible that the donor could have made direct requests about wording which stressed what they saw as the most important features of the gift.<sup>203</sup> It is particular tempting to interpret the testaments in this way, since this could explain the greater variety found here.

#### 2.4.2: The eighth century

The corpus of private Merovingian documents for the first half of the eighth century is three times larger than that of the seventh (data link in Appendix E), and while the list of recipient monasteries is broadly the same, it is dominated by charters related to Weissenburg.<sup>204</sup> The eighth century also sees the appearance of a number of new institutions, and once again most of the texts come from cartularies. The exceptions to this are the

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<sup>202</sup> Hans J. Hummer, *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600-1000* (Cambridge: Cambridge University Press, 2005), p. 69; Hummer, 'The production and preservation of documents', pp. 213-217.

<sup>203</sup> As has been argued for the use of vernacular language in boundary clauses as a way of strengthening claims to land: Roberts, 'Boundary clauses', pp. 602-603.

<sup>204</sup> Two large testaments, that of Abbo and Bertram, are omitted from this section because their multiple appurtenance clauses would skew the results. However, they are considered in Chapter Four, pp. 222-226.

charters in this corpus from St-Gall, Murbach, and one from Reims (M334), which exist as single sheets. Documents from the cartularies of Flavigny, Mondsee, Prüm, and the Yonne department have been included as likely to have some basis for acceptability. The cartulary of Flavigny was created in the eleventh century, but lost during the French Revolution, and was reconstructed from seventeenth- and eighteenth-century copies. Bouchard was, however, confident about the earlier documents,<sup>205</sup> although there are some distinctive features, such as the use of *'exaratum'* rather than *scripsi* in M406.<sup>206</sup> Two of the Flavigny documents are testaments of Wideradus, which exist in alternate forms, tending to increase confidence in the texts.<sup>207</sup> The cartulary of Mondsee has a wide range, beginning in the ninth century, with additions continuing to the early thirteenth. It survives as a manuscript in the Austrian State Archive.<sup>208</sup> There is only one document from Prüm in the corpus, found in the tenth-century *Liber Aureus*, and nothing in its text is glaringly anachronistic,<sup>209</sup> while the document from the Yonne appears to conform to the style of a Merovingian private charter and contains such details as the name of the scribe.<sup>210</sup> However, the foundation grant by Bishop Chrodegang of Metz (M402) was omitted, since objections to this raised by Herbomez do not seem to have been answered, although it should be noted that it is currently recorded as 'not suspect' on the *Chartae Galliae* website.<sup>211</sup>

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<sup>205</sup> Bouchard, *Flavigny*, pp. 4-6.

<sup>206</sup> Bouchard, *Flavigny*, no. 6, pp. 38-40.

<sup>207</sup> Bouchard, *Flavigny*, pp. 13-16; 27-28.

<sup>208</sup> AT-OeStA/HHStA HS B 70 Mondseer Traditionskodex, 10. Jh. (Einzelstück (Aktenstück, Bild, Karte, Urkunde)) <<https://www.archivinformationssystem.at/detail.aspx?id=12388>> [accessed 28 March 2022]; Rath and Reiter.

<sup>209</sup> Beyer, no. 8.

<sup>210</sup> Quantin, *Yonne*, no. X, CBMA <<http://documents.cbma-project.eu/texte/YonneCartulaireTome1.txt>> [accessed 19 February 2022].

<sup>211</sup> d'Herbomez, *Gorze*, pp. 365-367; *Chartae Galliae*, no. 222407 <<http://www.cn-telma.fr/chartae-galliae/charte222407/>> The appurtenance clause is not wildly unusual in its terminology, although the order is less standard, as is the use of the phrase *'aquis aquarumve discursibus'*.

As with the seventh-century private documents, an analysis of frequency distribution is not appropriate because of the difference in sample numbers, and so, once again, the broader patterns created by ordinal rankings have been compared. There are two interesting results from comparing the eighth-century private pattern shown in Table 8 (below) with that of the seventh-century private documents and the royal charters. Firstly, the use of *mansis* which began to appear in the seventh-century private charters has now overtaken *terris* as the most popular term at the head of the list. This seems to confirm a meaning of ‘lands’ or ‘estates’ for the term in this position. Secondly, beyond this, the rigidity of the pattern has largely broken down. In part, this appears to be a result of a greater variability introduced by the greater number of documents. For example, a number of eighth-century charters do use the term *acolabus* (found in 22 out of 69 clauses), but it is so widely spread throughout the pattern that it does not appear in the table. Moreover, a number of other terms relating to people appear (*libertis* ten times, *servis* five times, *ancillis* twice). Therefore, although it seems that people feature less strongly in the pattern of Table 8, this is a result of their wider distribution through the lists, not of a lack of interest on the part of the scribes or donors. The ‘Saint-Denis’ pattern examined earlier may have been lost in a wealth of regional and scribal variation, but the overwhelming interest in land, buildings, and people remained.

Place	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Category	Land	Buildings							Water	
Term	mansis terris	domibus aedificiis casis	campis mancipiis	pratis	silvis	mancip pascuis	silvis pratis mancipiis	pascuis campis silvis	aquis	aq. dec.
Mentions	20 19	12 12 11	13 10	15	14	11 9	12 10 8	8 8 7	10	10

Table 8: Eighth-century appurtenance clause pattern derived from private charters.

One interesting feature of the eighth-century references to water rights is the use of forms of *watriscapum* (*watrischafo* in M317 and *uidriscapis* in M362). Schwineköper interpreted this as a reference to drainage ditches, although it could also refer to wells or springs.<sup>212</sup> If a drainage ditch meaning was accepted, however, the use of a Germanic term might imply that it is less of an empty echo of Roman legal language, as Schwineköper thought *aquis aquarumve decurisbus* might sometimes be, and more a reference to real structures. This was the view of Costambeys, who argued that *watriscafus* in Toxandrian charters was a Latinisation of the word used by local inhabitants to describe the land.<sup>213</sup>

References to water provide an interesting point of comparison with the two appurtenance clauses from Anglo-Saxon non-royal documents.<sup>214</sup> The first of these, S1171, is the only surviving single sheet among the British non-royal documents being considered here. Written in Uncial and dating from 685 to 694, it records a grant of land by Æthelred, a kinsman of King Sebbi, to Abbess Æthelburh and Barking abbey. This appears to be both a confirmation and extension of an earlier grant by King Swæfred (S65 and S65a), which raises unanswered questions about its status as royal/non-royal. The document is accepted as broadly authentic, although with an eighth-century addition in a different hand.<sup>215</sup> The land is granted '*cum omnibus ad se pertinentibus cum campis siluis pratis et marisco*',<sup>216</sup> which is entirely consistent both with the general pattern for Anglo-Saxon royal documents of the seventh and eighth centuries, with the focus on descriptive natural terms for water features, and with the topography of Essex. However, the other charter, S1181, exhibits an intriguing departure from

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<sup>212</sup> Schwineköper, "Cum aquis aquarumve decursibus", p. 50; Niermeyer, p. 1131.

<sup>213</sup> Marios Costambeys, 'An aristocratic community on the northern Frankish frontier 690-726', *Early Medieval Europe*, 3,1 (1994), 39-62 (p. 58).

<sup>214</sup> Data for these is available via the link in Appendix E. Data from post-750 Anglo-Saxon private charters is included in the same spreadsheet although not discussed here.

<sup>215</sup> Cyril Hart, *The Early Charters of Essex* (Leicester: Leicester University Press, 1971), p. 9.

<sup>216</sup> Electronic Sawyer, <https://esawyer.lib.cam.ac.uk/charter/1171.html> [accessed 28.05.24].

this pattern. Dated to 727, this is a grant by Frithuwold, described as a *subregulus* of Surrey, and Eorcenwold to Chertsey abbey. It exists in a thirteenth century manuscript, but is almost universally considered to be spurious.<sup>217</sup> The appurtenance clause would certainly support this verdict. The clause is added as a kind of afterthought, after both the anathema and a Biblical quote, and runs: '*cum omnibus per circuitum ad se rite pertinentibus scilicet campis pascuis pratis silvis aquis stagnis et rivulis*'. Although the beginning of this list conforms to the overall Anglo-Saxon pattern, the end is noteworthy. The '*aquis stagnis et rivulis*' construction also occurs in S127, a confirmation of privileges by Offa of Mercia, which is thought to be a forgery.<sup>218</sup> A similar construction of '*aquarum rivulis*' occurs in S117, another grant of Offa, also thought to be doubtful.<sup>219</sup> What is interesting is that in import it mirrors the *aquis aquarumve decursibus* phrase of the Merovingian documents, in that it seeks to refer to standing and running water in a more legalistic phrase than the natural descriptions normally favoured in Britain. Since both S1181 and S127 belonged to the Chertsey archive, this raises an interesting question about Frankish influence there at some point. Unfortunately, given the absence of original documents, this question is probably unanswerable.

## 2.5: The 'Saint-Denis pattern', Formularies, and regionalism

Throughout the discussion of the unreliable documents and of the private charters, one question which has surfaced at several points is how far regional variety is responsible for changes in the 'Saint-Denis' pattern derived from the reliable seventh-century royal

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<sup>217</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/1181.html>> [accessed 19 May 22]; London, British Library, Cotton Vitellius A. XIII, ff. 23v-24v.

<sup>218</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/127.html>> [accessed 19 May 22].

<sup>219</sup> Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/117.html>> [accessed 19 May 22].

documents. One possible way of trying to answer this might be to compare the charter appurtenance clauses with those from the Formularies, as representatives of both a 'rulebook' and regional traditions. Rio has shown that formulae were not static legal templates but evolved over time to meet changing needs, and that the collections as arranged by Zeumer for the MGH cannot be relied upon for either dating or location.<sup>220</sup> Nonetheless, similarities and differences between the clauses in the early charters and the Formularies may yet be informative, even bearing in mind that the direction of influence (formula-to-charter or charter-to-formula) and the rigidity of any 'rule' remain unclear. This is an exercise which can only be conducted for Gaul, since, if they ever existed, no Anglo-Saxon formularies survive.

It is perhaps useful to begin with a comparison of the Saint-Denis charters and the clauses in Marculf. This collection of documentary models, based around a series of seven surviving manuscripts dating from the ninth century onwards, is named after its author, thought by many to have been a monk at Saint-Denis. Rio argued that there was no secure reason for such an identification, any more than for the contending suggestions placing him at Metz or Meaux.<sup>221</sup> There is, however, certainly a high degree of similarity between the appurtenance clauses of the early Saint-Denis charters and those of Marculf. Indeed, Uddholm compared the order of '*mancipiis, accolabus*' in these two groups and argued that their order was switched at Saint-Denis in the late seventh century and that this new order then influenced Marculf. This led Uddholm to conclude that Marculf must have composed his formulae after c.688.<sup>222</sup> Table 9 (below), which compares one example from Marculf (Liber II,

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<sup>220</sup> Alice Rio, *Legal Practice and the Written Word in the Early Middle Ages* (Cambridge: Cambridge University Press, 2009; paperback 2011), pp. 67-101; 167-173.

<sup>221</sup> Rio, *Legal Practice*, pp. 88-92.

<sup>222</sup> Uddholm, *Formulae Marculfi*, p. 20.

4)<sup>223</sup> with the ‘Saint-Denis pattern’ identified in section 2.3, shows that this switch is the only difference between the two. Beyond this, the broad categories of land, buildings, people, remain the same.

	Land	Buildings		People		Land	Wood	Pastoral land			Water	
<b>Marculf</b>	terris	domibus	aedificiis	accolabus	manciis	vineis	silvis	campis	pratis	pascuis	aquis	aquarumve decursibus
<b>‘St-D’ pattern</b>	terris	domibus	aedificiis	manciis	accolabus	vineis	silvis	campis	pratis	pascuis	aquis	aquarumve decursibus

Table 9: One example from Marculf compared with the averaged ‘Saint-Denis pattern’

To explore regionalism, however, it is necessary to look at a greater range of Formulary clauses. Figure 3 (below) shows appurtenances from Marculf and other Formularies in comparison with those from the reliable seventh-century royal charters. The Formularies chosen for this were the *Formulae Andecavenses*, the *Formulae Marculfi*, the *Formulae Turonenses*, and the *Collectio Flaviniacensis* as contained in the MGH edition.<sup>224</sup> These were selected on the basis of Rio’s analysis as the most coherent of the editions likely to contain documents with an early date of composition.<sup>225</sup> Matching terms have been picked out in the same colour in order to aid identification. Two things immediately become apparent. First of all, the Angers formulae represent something of an outlier and will be discussed shortly. Second, there is far more variation among the charter clauses, even those from Saint-Denis, than among the Formularies.

Regional variation could explain some of the differences between the charters. For example, three of the charters dispense with the initial ‘land’ category (and with the word *terra*), while M233, a 693 confirmation of a land grant to Stavelot and Malmedy by Clovis III,

<sup>223</sup> *Formulae*, p. 76.

<sup>224</sup> *Formulae*, pp. 1-26; 32-107; 128-159; 469-489.

<sup>225</sup> Rio, *Legal Practice*, pp. 67-121.

relegates references to people to the end of the clause.<sup>226</sup> None of these are Saint-Denis documents. However, there is also regional patterning within the Formularies. There seems, for example, to be a Tours pattern, with six of the nine appurtenance clauses following a *terris/aedificiis/accolabus* schema. The Tours and Flavigny formulae also introduce *libertis* into the pattern, which is absent elsewhere. Both the evidence of the charters and the Formularies are, therefore, consistent with models which devolved from local lay scribes working within small areas or for certain families.<sup>227</sup>

It is possible, however, that variation depends upon chronology as much as geography, with standardisation increasing over time. The Angers formulae are thought to be the earliest of the models, and these show the greatest diversity from the 'Saint-Denis pattern'. Similarly, M121, a land confirmation by Dagobert I dated 632-633, and one of the earliest in this list, shows a striking divergence not simply from the normal terminology, but also from the broader 'land-buildings-people-land' pattern, although it should be stressed that it is a partial text. As discussed earlier, monastic scribes came to dominate charter production by the late eighth century.<sup>228</sup> Wood believed that the compilation of the Formularies could have been linked to a decline in scribal activity,<sup>229</sup> and it may have been a decline in the numbers of lay scribes, as monasteries usurped their role, which led to the growth in demand for models and, consequently, to a decrease in regional variety. However, some caution needs to be exercised here, since Schweineköper's review of later appurtenance clauses showed that regional diversity did not entirely die out, while the analysis in this chapter suggests that the

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<sup>226</sup> DD Merov. 139, p. 351.

<sup>227</sup> Hummer, 'The production and preservation of documents', pp. 217-219.

<sup>228</sup> McKitterick, *The Carolingians and the Written Word*, p. 120; Hummer, 'The production and preservation of documents', p. 219.

<sup>229</sup> Ian Wood, 'Administration, law and culture in Merovingian Gaul', in *The Uses of Literacy in Early Medieval Europe*, ed. by McKitterick, pp. 63-81 (p. 64).

Formulary	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Andec. 1c	casa	mobile	immobile	vineas	silvas	prates	prates	paschas	aquas	agua, dec.										
Andec. 7	casis	campis	terris	mancipii	accolabus	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Andec. 41	domibus	aedificiis	mancipii	vineis	silvis	pratis	pratis	accolabus	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Andec. 46	terris	domibus	aedificiis	mancipii	accolabus	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Andec. 58	casas	domibus	aedificiis	mancipii	campis	vineis	vineis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Marculf I, 13	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf I, 14	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf I, 31	silvas	mancipii	aedificiis	accolabus	aurum	argentum	speciebu;	ornament;	mobile	immobile	immobile	immobile	immobile	immobile	immobile	immobile	immobile	immobile	immobile	immobile
Marculf I, 33	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 3	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 4	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 6	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 7	terris	vilabus	domibus	presidio	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 11	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 19	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 23	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Marculf II, 25	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Turo. 1b	terris	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 14	terris	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 15	terris	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 16	terris	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 17	terris	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 21	terris	domibus	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 25	terris	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 26	terris	domibus	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Turo. 37	terris	domibus	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Flavi. 7	terris	domibus	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Flavi. 8	terris	domibus	aedificiis	accolabus	mancipii	libertis	vineis	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
Flavi. 43	domibus	aedificiis	mancipii	accolabus	libertis	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
Charter																				
M121/SD	?	areis	silvis	pratis	paschas	aquis	aquis	agua, dec.												
M168/SD	terris	domibus	mancipii	accolabus	vineis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M170/SD	terris	domibus	aedificiis	mancipii	paschas															
M223/SD	terris	domibus	mancipii	accolabus	vineis	silvis	silvis	campis	campis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M237/SD	terris	domibus	aedificiis	accolabus	mancipii	vineis	vineis	silvis	silvis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis	campis
M109/P(S/D)	terris	aedificiis	mancipii	vineis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M165/P(S/D)	terris	domibus	aedificiis	mancipii	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M196/Bc	domibus	aedificiis	accolabus	mancipii	campis	silvis	silvis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M216/SigBp	domibus	aedificiis	mancipii	accolabus	silvis	campis	campis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M211/S&M	vilabus	domibus	mancipii	accolabus	vineis	silvis	silvis	campis	campis	pratis	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas	paschas
M233/S&M	terris	curtilibus	casis	campis	pratis	silvis	silvis	aquis	aquis	agua, dec.	mancipii	aedificiis								

Fig. 3: Appurtenance clauses from selected Formularies and seventh-century charters.

number of appurtenance terms may have increased over time (see Sections 2.4.1 and 2.4.2).<sup>230</sup>

However, the last possible explanation for the greater variety among the charter clauses, and perhaps the simplest, is that the land concerned did not have all the features of a standardised list. This seems to be the case with M165 and M170, where the most likely explanation for the omission of *vineis* is that the land in question had no vines. It is less clear why *domibus* and *accolabus* are both missing from M109, and why it was felt sufficient to record *aedificiis* and *mancipiis*. However, it may be that the Formularies presented a list of possible terms from which scribes chose those which were appropriate to the individual case. This element of choice is implicit within the Formularies themselves, since a number do not give full lists but only a framework of, for example, '*cum terris, aedificiis, accolabus, mancipiis, vel cetera quae secuntur*' (*Formulae Turonenses*, 25),<sup>231</sup> or even '*cum terris et cetera*' (Marculf I, 15).<sup>232</sup>

This element of choice is less obvious in the simpler Anglo-Saxon clauses, but when the reliable seventh-century royal charters are considered by archive, as in Figure 4 (below), then some suggestion of a similar tendency towards regional patterning can be discerned. The archetypal *campis-silvis-pratis* pattern appears to develop at Christ Church Canterbury, but also occurs at Barking and, if the initial '*cum omnibus ad eam pertinentibus rebus*' is ignored, at Selsey. St Augustine's and Minster-in-Thamet followed a similar approach in which *campus* appeared further down the list. This tends to contradict a general 'lands' meaning for this term, and might lend weight to an arable land interpretation. Certainly, these clauses could be determined by the land they are describing. The areas around Stodmarsh granted in

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<sup>230</sup> Schwineköper, "*Cum aquis aquarumve decursibus*".' pp. 30-39.

<sup>231</sup> *Formulae*, p. 149.

<sup>232</sup> *Formulae*, p. 53.

S7 and S9 may well have had more open land than woodland, although it is interesting that the drier land (*pratis* and *campis*) is privileged above the wet land (*paludibus*, *mariscum*) in the lists. Similarly, the placing of *silvis* first in S10 and S13 may indicate a high premium given to woodland on the island of Thanet. The contemporaneous similarity between S7 and S10, which Kelly noted,<sup>233</sup> might imply a certain traffic in diplomatic formulae or exemplars, or indeed scribes, among the Kentish houses, although if it does, the appurtenance clause evidence suggests Christ Church remained aloof. Finally, the two Worcester charters stand apart, both in the short structure of their clauses and in the use of some distinct terminology, with an apparent reference to wood pasture in '*silvaticis pascuis*' in S52.<sup>234</sup> There is, therefore, a suggestion of some degree of 'house style' in the appurtenance clauses, although, once again, the small number of documents makes it impossible to construct any robust theory. It is also equally clear that there was a considerable degree of flexibility, and that scribes did include or omit terms as the description of the land required.

1	Charter	Archive	1	2	3	4	5	6	7	8
2	S7	StA	pratis	campis	siluis	fontanis	paludibus	fluminibus	omnibus rebus	
3	S9	StA	pratis	campis	siluis	fontanis	mariscum			
4	S10	MinT	siluis	paludibus	fluminibus	fontibus	pratis	pomariis	domibus	omnibus rebus
5	S13	MinT	silvis	campis	paludibus	fluminibus	fontibus	pratis	pomariis	omni. utensilbs
6	S15	MinT	pratis	campis	fontanis	siluis	piscariis	fluminibus	marisco	
7	S8	CCC	campis	pascuis	mariscis	siluis	fontanis	piscariis		
8		CCC	campis	siluis	pratis					
9		CCC	campis	pascuis	mariscis					
10	S1171	Bark	campis	siluis	pratis	marisco				
11	S65a	Bark	campis	siluis	pratis	pascuis	piscariis			
12	S45	Selsey	omnibus rebus	campis	siluis	pratis	pascuis			
13	S52	Worc	silvaticis pascuis	campis	pratis	fluminalibus piscationibus				
14	S75	Worc	campis	silvisque						

Figure 4: Appurtenance clause patterns from Anglo-Saxon archives compared. The archives, from top to bottom, are St Augustine's, Minster-in-Thamet, Christ Church Canterbury, Barking, Selsey, and Worcester.

<sup>233</sup> Kelly, *St Augustine's*, pp.141-145.

<sup>234</sup> Electronic Sawyer, < <https://esawyer.lib.cam.ac.uk/charter/52.html> > [accessed 29 March 2022].

Some caution is required, however, since the strictures of land conveyance meant that all appurtenance clauses would feature similar elements, and a tendency towards patterns is not therefore surprising. Uddholm argued that Late Antique appurtenance clauses resembled those used by the Assyrians and Babylonians,<sup>235</sup> and this may have been as much by complementary evolution as influence. There may also have been other forces at work in shaping the clauses, in the form of Roman law and education, with its rhetorical emphasis. Wood has argued that the elaborate grammar and rhetoric of some early Merovingian writing implies that a Roman-style education may still have been accessible.<sup>236</sup> Rhetoric certainly seems to have influenced appurtenance clauses, which show a marked preference for grouping terms in pairs where possible: '*mobilis et immobilis*', '*cultis, incultis*' and, of course, '*aquis aquarumve decursibus*'. However, rhetorical skills may have been harder to come by as the Roman tradition faded, so once a pleasing model had been established, it is not surprising that it was transmitted and used, although, as Rio has pointed out in relation to the formulae, scribes would also change a model when occasion required.<sup>237</sup> There is, therefore, a certain tension between the desire for rhetorical melliflence and the demands of practicality. This is a theme which will be returned to below.

## 2.6: The fifth and sixth centuries

As stated earlier, most of the royal and private charters purporting to date from the fifth and sixth centuries have been almost universally condemned as inauthentic. Only one

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<sup>235</sup> Uddholm, *Formulae Marculfi*, p. 213. Some of the earliest Late Antique appurtenance clauses come from the Ravenna papyri: see Chapter Four.

<sup>236</sup> Wood, 'Administration, law and culture in Merovingian Gaul', pp. 72-73.

<sup>237</sup> Rio, *Legal Practice*, p. 170.

single sheet survives, the confirmation of a testament by Chlothar II (M027), which almost certainly dates to the seventh century and only appears in this section by a technicality.<sup>238</sup> There are, in total, 26 royal diplomas from this period, of which 11 have appurtenance clauses (42 per cent). Of these, Pertz had accepted two as reliable (M016 and M019), although Kölzer rejected this verdict.<sup>239</sup> It is worth noting, however, that Pardessus also thought the second of these had some basis.<sup>240</sup> With regard to the private documents, it is not possible, within the limitations of this thesis, to put a figure on the number preserved in cartularies. Many of these records are partial, at best, such as a charter given by Bishop Nectaire in favour of Vienne in 439, of which only two lines of text remain.<sup>241</sup> For the purposes of this study, only three private charters were found with intact texts, of which only two have appurtenance clauses. Of these, the 519-534 testament of Theodechilde (M011), named in the document as the daughter of Clovis, has been rejected as inauthentic, not least because Clovis did not have a daughter of this name. It was largely agreed, however, that the document referred to Clovis' granddaughter and that there may be some basis to her foundation of Saint-Pierre-le-Vif.<sup>242</sup> The second, a grant of Bishop Gregory of Landres to Saint-Bénigne (M012), was taken from the cartulary of that monastery, which was found to have some reliability in the consideration of the private documents.

Without seeking to challenge these overall verdicts, the appurtenance clauses of these documents (data link in Appendix E) were examined in the light of all that has been discussed. Most are notably divergent, although the clause of M019 may show the influence of the

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<sup>238</sup> DD Merov. 22, pp. 62-64, Atsma and Vezin, 'Les faux', Papyrus 2.

<sup>239</sup> DD Merov. (1872), 3, pp. 5-6 and 5, pp. 7-8; DD Merov. 11, pp. 39-40 and 13, 43-46.

<sup>240</sup> Pardessus, pp. 116-118.

<sup>241</sup> Manteyer, *Avignon*, p. 1; *Chartae Galliae*, no. 225056, <<http://www.cn-telma.fr/chartae-galliae/charte225056/>> [accessed 24 March 2022].

<sup>242</sup> Quantin, *Yonne*, p. 2.

'*mansis*' pattern which emerged in private documents from the later seventh century. However, four of the royal documents (M010, M015, M029, M030) conform strongly to the pattern described above, with clauses which run: '*terris, domibus, aedificiis, mancipiis, vineis, silvis, pratis, pascuis, aquis aquarumve decursibus*'. Three of these are considered to be forgeries based upon M030, itself seen as an interpolated document.<sup>243</sup> If so, M030 may preserve a genuine early appurtenance pattern given the relative simplicity of the sequence, with a complete absence of '*accolabus*'. It is difficult to understand why this would have been omitted if the text had been copied from a seventh-century original. The clauses from the private charters are harder to judge. Those from M011 follow a '*mansis*' pattern which, in the evidence gathered here, is more frequently found as a later feature. That of M012 follows a highly individual pattern of '*campis, pratis, silvis, pomariis*'. On one hand, this could reflect an early form created by a scribe in response to the donor's preferences and before the Formulary models took hold. On the other, it could be a later confection by a scribe who was unfamiliar with the Merovingian pattern. For the moment, this issue will be left with the suggestion that there may be some basis to the clause of M030, but this will be pursued in more detail in Chapter Four.<sup>244</sup>

## 2.7: Family memorialisation?

Given the constituent elements of the Merovingian charters, it is tempting to see the 'lands' they describe as complete and coherent estates, furnished with buildings and peopled with tenants. This would contrast with the Anglo-Saxon documents, which refer only to the

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<sup>243</sup> DD Merov. 25, pp. 82-83.

<sup>244</sup> See pp. 212-213.

natural components of the farms: the people and their homes receive no attention. This might suggest that at least parts of northern Gaul, the source of the majority of these charters, had progressed beyond a system in which what was ceded was the collection of tax revenues or tribute and progressed towards a more fully-fledged demesne system. If this were so, then the listings of people and structures could be seen in an economic light, with landowners interested in exploiting the full financial potential of the land, rather than overlords content to receive a constant level of tribute.<sup>245</sup> This seems unlikely, and Wickham and Verhulst have both argued against it.<sup>246</sup> What is perhaps more likely is that these physical attributes of the countryside, the buildings and people, were being read not as economic assets but as symbols of family power. In this interpretation, these listings may not have been economic records but attempts to monumentalise family power in a similar way to that suggested for the construction of a church on family land, or through the endowment of independent churches.<sup>247</sup> This is consistent with the use of charter clauses for what Guyoteannin has described as ‘propaganda’.<sup>248</sup>

In this context, it is interesting to consider how far expressions of the donor’s familial rights to land are formulaic prescriptions and how far they are assertions of entitlement. Such references do occur in the Formularies, and so could be seen as mere boilerplate. There are 25 forms of *allodis* in the texts of the Angers and Marculf Formularies, while Marculf has five instances of forms of *hereditas*, and two of *portio*. The phrase *successione parentum* occurs

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<sup>245</sup> This constancy is hinted at in Ine’s laws. See Stefan Jurasinski and Lisi Oliver, *The Laws of Alfred: The Domboc and the Making of Anglo-Saxon Law* (Cambridge: Cambridge University Press, 2021), 72, L70.1, pp. 430-431.

<sup>246</sup> Wickham, *Framing*, pp. 263-265; Verhulst, ‘Economic Organisation’, pp. 485-486, 488-490.

<sup>247</sup> For the former, see Peter Brown, *Through the Eye of a Needle. Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD* (Princeton; Oxford: Princeton University Press, 2012; paperback, 2014), pp. 469-470, for the latter Susan Brown, *Proprietary Church*, pp. 26-30.

<sup>248</sup> Guyotjeannin, ‘La diplomatie médiévale et l’élargissement de son champ’, p. 15.

three times.<sup>249</sup> It may be, therefore, that references in charters to *'hereditatem nostram'* (M188), *'portionem nostram'* (M243), or *'de alode parentum meorum'* (M219) are simply rote expressions.<sup>250</sup> However, a number of charters embellish these phrases, from the relatively simple *'de alodo parentum meorum tam de paterno quam de materno'* (M243), and *'quantumcumque ex successione paterna vel materna michi obvenit'* (M250), or *'ex successione paterna vel materna michi'* (M251), to the more detailed phrase *'quantum cumque de parte genitore meo Gundoino quondam, vel genetrice mee obuenit mihi'* found in M256.<sup>251</sup> As greater insistence is put upon named and unnamed ancestors, it is tempting to read these as statements of familial power. One of the strongest statements of familial pride and power in the early documents is the testament of Ermentrude, which exists on papyrus and is thought to date to around 637 (M133).<sup>252</sup> This is discussed more fully in Chapter Four, but its level of detail seems to go beyond what would have been legally necessary. There is a sense in which the testament is being used to state and reinforce family influence across a wide range of territory and with a large number of religious institutions.

This hypothesis still begs the question of why there were no such assertions of family power in the Anglo-Saxon documents. It may be that the countryside in these areas was genuinely underdeveloped by comparison, a possibility which will be examined in Chapter Three, and that there was, consequently, less to monumentalise. As will be seen, the

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<sup>249</sup> *Formulae-Litterae-Chartae*, <<https://werkstatt.formulae.uni-hamburg.de/>> [accessed 23 March 2022].

<sup>250</sup> Bouchard, *Montier*, No. 3; Déléage, *Autun*, no. 1, CBMA <<http://documents.cbma-project.eu/texte/AutunStSymphorien.pdf>> [accessed 18 March 2022]; *Chartae Galliae*, no. 205085, <<http://www.cn-telma.fr/chartae-galliae/charte205085/>> [accessed 18 March 2022], Guerard, no. XI.

<sup>251</sup> Déléage, *Autun*, no. 1; Wampach, nos. 3 and 4, < <https://werkstatt.formulae.uni-hamburg.de/texts/urn:cts:formulae:echternach.wampach0003.lat001/passage/all>> and <<https://werkstatt.formulae.uni-hamburg.de/texts/urn:cts:formulae:echternach.wampach0004.lat001/passage/all>>; Glöckner & Doll, no. 240 < <https://werkstatt.formulae.uni-hamburg.de/texts/urn:cts:formulae:weissenburg.gloeckner0240.lat001/passage/all>> [accessed 18 March 2022].

<sup>252</sup> Artem, no. 4495 <<http://www.cn-telma.fr/originaux/charte4495/>> [accessed 18 March 2022].

archaeological record suggests that the Anglo-Saxon areas of Britain began to experience agricultural development in the seventh to eighth centuries. McKerracher has shown how an increase in structures such as grain dryers accompanied this development.<sup>253</sup> And yet still the appurtenance clauses of later Anglo-Saxon charters do not reflect this. Those clauses never feature buildings and people in the way and to the degree which the Merovingian charters do. The reasons for this are unclear, but will be considered further in Chapters 4 and 6.

However, the central objection to the inferences drawn above must remain the idea asserted by Giry that appurtenance clauses were mere formalities, and should not be read as a statement of what the land contained. Giry's position is somewhat self-contradictory, since he immediately followed this assertion with a statement that the terms of clauses are full of interest for the study of land and people, and an acknowledgement that these terms vary by time and place.<sup>254</sup> Variations by time and place could be explained by the adoption of different formulae, each of which, presumably, would bear no relation to the physicality of the land. But if this were so, then it is hard to see how the terms could have any interest to the study of that land. This thesis does not deny that appurtenance clauses were formulaic, but it argues that this need not mean that their wording was not considered. In this, it agrees with Schwineköper, who argued that genuine legal considerations permeated the formulas,<sup>255</sup> and with Costambeys, who maintained that minor local differences within the formula of the clauses demonstrated scribal initiative.<sup>256</sup> More than this, however, this thesis argues that it is exactly because the clauses were formulaic that it is possible to detect potentially meaningful changes. This chapter has identified appurtenance clause traditions which are

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<sup>253</sup> McKerracher, *Farming Transformed*, p. 121.

<sup>254</sup> Giry, *Manuel de Diplomatie*, p. 552.

<sup>255</sup> Schwineköper, "Cum aquis aquarumve decursibus", p. 29.

<sup>256</sup> Costambeys, 'An aristocratic community', pp. 49-50.

specific to Merovingian Gaul and Anglo-Saxon areas of Britain. It has then found what might be called sub-traditions in the Gallic royal and private documents. However, there are also differences in terminology from document to document within these traditions, and occasionally from clause to clause within documents. This thesis asserts that the simplest and most compelling reason for these differences is that scribes were reacting to differences in the land they were describing.<sup>257</sup>

The example of the inclusion or omission of vineyards has already been referred to in both the section on private documents and that on the Formularies, but other examples abound. For instance, a Visigothic charter of 522 mentions olives (*'cum edificiiis, vineis, oleis'*): a reference not found in the predominantly northern charters of Merovingian Francia, but which is found in the 739 testament of Abbot Abbo of Novalaise, in the modern *département* of Savoie (*'una cum arvis et campos, vineis et olivetis, mancipiis, pascuis'*).<sup>258</sup> The same charter also mentions *'alpibus'*, a term which is, not surprisingly, absent in other regions. But this kind of selection is not only found in reference to mountains and exotic fruit, as was seen in Figure 4 above. The easiest place to see this is in the multi-clause testaments. In Deacon Grimo's testament (M126), the second clause introduces the highly specific *'prato secto'* to the list; the fourth omits *mancipiis* from the beginning, but introduces *domibus* towards the end; the fifth begins with *'villas terras'* in contrast to all the others, and introduces *argentum* and *aurum* which are not found elsewhere in the charter.<sup>259</sup>

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<sup>257</sup> This was also a point made by Tits-Dieuaide, 'Grands domaines, grandes et petites exploitations en Gaule mérovingienne', in *Le grand domaine aux époques mérovingienne et carolingienne*, ed by Verhulst, pp. 23-50 (p. 30).

<sup>258</sup> CEMA, Guillermo Tomás Faci and Jose Carlos Martin, 'Cuatro documentos inéditos del monasterio visigodo de San Martin de Asán (522-586)', *Mittellateinisches Jahrbuche*, 2,2 (2017), pp. 261-268, no. 1.

<sup>259</sup> Beyer, no. 6.

Not all such changes need be explained by differences in the land being described. The role of rhetoric has already been discussed, and it is possible that scribes sometimes included or omitted terms because they believed it made the text read better. Since it is thought that charters in both Britain and Gaul were designed for occasions of public performance, this sensibility may have been important.<sup>260</sup> However, it is also possible that similar terms such as *mancipium* and *accola* or *campus* and *pascum* were included as a form of legal repetition designed to prevent the potential subversion of the charter. In this way, it would not be possible for someone to claim that a person or physical feature was not defined by the charter, and therefore was not subject to it. However, the same sense of legal necessity also works in favour of the literal nature of the appurtenance clause. It would not have made sense to refer, for example, to *silva* if no wood or rights to wood existed. Writing the word in the charter could not produce the feature, and a disingenuous description could have led to difficulty between donor and recipient. It was, therefore, in the interests of both donor and recipient that the charter was accurate. The donor, whether royal or private, would hope for gratitude for the gift, the recipient would want their hold of any given asset legally protected. The appurtenance clause could not have performed its function if it was a mere formula utterly divorced from physical reality.

## 2.8: Conclusion

This chapter has argued that, in spite of their undoubtedly formulaic nature, charter appurtenance clauses do relate to the land which was being given or confirmed. Their

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<sup>260</sup> Brown, 'The *gesta municipalia*', p. 96

terminology, although largely standardised, gives a description of the main elements of the land as it was important to the people of the time. As such, their focus on fields, woods, and water is entirely consistent with a semi-subsistent agrarian society. Moreover, it is that same formulaic quality which allows us to detect patterns and differences in pattern. As a result, when a scribe left out a normally standard term, it is necessary to ask why. The simplest answer will normally be that the particular feature in question was not present in the landscape, but other answers relating to the will of the donor or scribe, or to the dictates of rhetoric are always possible. This chapter examined the appurtenance clauses of seventh- and eighth-century Britain and Gaul using a mixture of descriptive statistics and qualitative analysis. In doing this, it established a marked difference between the clauses of these two areas which raises a number of questions about their relative agricultural development, and about the terms of land tenure at that time. Clauses from authentic texts and reliable copies were used to create standardised patterns against which other texts could be compared. This showed that, while there were indeed differences between the clauses of the reliable and unreliable Gallic documents, they were not systematic enough to independently rule on a document's authenticity. Appurtenance clauses could, however, be used as an additional form of evidence in any such assessment. This was carried out for the documents from fifth- and sixth-century Gaul and one clause was identified which could have some claim to validity. This process also allowed a comparison with the private documents which revealed a greater variety of form and terminology, consistent with their greater geographical range and the role of lay scribes. Unfortunately, these kind of judgments were not possible for the Anglo-Saxon charters because of the small number of clauses in the unreliable texts, and an almost complete absence of clauses in private documents. Finally, the issue of regionality was explored by comparing Gallic charter clauses with those from a range of early Formularies,

and by considering the archival base of the Anglo-Saxon charters. Both methods suggested a certain degree of regional individualism which seemed to diminish over time. However, it is noted that this regionalism did not disappear, and regional variation is reported in the later charters which lie beyond the scope of this study.

There are, however, a number of limitations which must be revisited. It should be stressed once again that these conclusions are ultimately based on a small number of documents which form the only available corpus for this period. This must provoke questions of how representative these documents, their clauses, and the patterns drawn from them, really are. While this can be offset to some degree, at least in Gaul, by the complementary evidence of the Formularies, caution over the size of the sample cannot be entirely abandoned. At the same time, questions must remain about how far it is possible to rely on texts which exist only in later copies. Again, it is possible to create a reasonable degree of confidence by the kind of substantiating processes described above. A good example of this is Hummer's work, which found groups of charters emanating from the same kin-group, reported in mutually supporting duplicate documents, showing that early cartularies often have a reasonable reliability. Nevertheless, any attempt, such as this study, to take appurtenance clauses *en masse* risks including examples which may be anachronistic. For all these reasons, any conclusions should be seen as provisional rather than categorical.

Bearing these provisos in mind, this chapter has asked whether the difference in appurtenance clauses between Britain and Gaul, and in particular the Gallic stress on buildings and people, echoes a difference in attitudes to land tenure. It has suggested that developing elite families in Gaul already saw their land as a hereditary possession and that, perhaps partly in want of real legal confirmation, they sought to enhance and declare that possession by monumentalising their ownership in the buildings and landscapes they described, and in the

free and unfree tenants who lived and worked there. In turn, this raises questions about land tenure in Britain, where the Anglo-Saxon charters only reveal the conveyance of land from kings to the Church, either directly or through the medium of a lay individual. This difference, with the elite in Britain seemingly less connected to the land than their Gallic counterparts, may reflect an earlier stage in the development of that class. However, it may also be nothing more than a documentary anomaly, generated by the differences in style and production between the two areas.

Other forms of evidence are needed to attempt to answer these questions. The next chapter will consider the archaeological evidence of settlement. It will ask whether this apparent picture of a more developed landscape in Gaul is borne out by the evidence, that is, whether it is possible to find the buildings and estates with which the charters seem to populate the countryside. It will also consider whether the Anglo-Saxon areas of Britain were as undeveloped as earlier studies, and the documents, claim. By doing this, it will attempt to draw some conclusions about the emerging elites in the societies, and about their relationship with those above and below them in the social scale. Chapter Four will then continue this theme by returning to the documents and examining the people who are reported in them, attempting to put this in the context of early medieval law and custom.

### 3. The land behind the charters

#### 3.1 Introduction

Chapter Two found that the appurtenances clauses of Merovingian charters contained sustained references to people and structures which were absent from their Anglo-Saxon counterparts. It was suggested that these references, rather than comprising a listing of economic resources, were a form of memorialising family power in the course of gifts to religious institutions and other land transactions. The question was posed as to whether this form of family power ran ahead of legally-recognised ownership, that is to say whether families were boasting of their influence through rights to tax or tribute, as much as through their possessions. It was also acknowledged that the difference between the two sets of texts could simply be a difference in documentary tradition. These aspects will be further explored in Chapter Four, but this chapter will consider whether this dichotomy could be explained by a genuine difference in the development of the countryside in Britain and Gaul by analysing the archaeological evidence of settlement. In order to do this, Chapter Two proposed the following research questions:

- i) Is it possible to find the buildings and estates which the Gallic charters suggest existed in the countryside?
- ii) Were the Anglo-Saxon areas of Britain as undeveloped as the documents seem to show?

This chapter will attempt to answer these questions by analysing the archaeological record for settlement in the sixth and seventh centuries, the core period covered by the

charters studied in Chapter Two. The latter part of this period has been more fully studied than the earlier, for the simple reason that evidence becomes more abundant. Early settlements in the Anglo-Saxon cultural areas of Britain appear to have been dispersed and lacking in social differentiation.<sup>261</sup> It has also been argued that they lacked topographical stability, shifting across the landscape as successive buildings were constructed. However, this idea has been challenged, allowing the possibility that some early settlements were more structured.<sup>262</sup> It is broadly agreed, however, that such structure increased in the course of the seventh century, as existing settlements acquired new boundaries or new, more ordered settlements were founded.<sup>263</sup> There have been several attempts at creating a typology of settlement structures based on a distinction between ‘rectilinear’ and ‘enclosed’, but these have had to acknowledge a high level of crossover between types.<sup>264</sup> The picture for early Merovingian Gaul is not entirely dissimilar, at least in the north. Peytremann identified three types of settlement there: dispersed habitats, loosely grouped settlements, and nucleated settlements. She noted that the number of dispersed habitats decreased from the mid-seventh century, as the number of grouped and nucleated settlements grew. There was also an increase in the prevalence of zoning, with more settlements displaying specialised areas for cooking, craft, and agriculture.<sup>265</sup> In the south, however, Loveluck argued that social hierarchy continued to be expressed in fifth- and sixth-century settlements, in the form of

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<sup>261</sup> Helena Hamerow, *Rural Settlements and Society in Anglo-Saxon England* (Oxford: Oxford University Press, 2012; paperback, 2014), pp. 70-72; Loveluck, *Northwest Europe in the Early Middle Ages*, p. 105.

<sup>262</sup> Hamerow, *Rural Settlements and Society*, pp. 67-70; Blair, *Building Anglo-Saxon England*, pp. 139-142; Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 85-89.

<sup>263</sup> Hamerow, *Rural Settlements and Society*, pp. 72-83; Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 108-113.

<sup>264</sup> Andrew Reynolds, ‘Boundaries and settlements in later Sixth to Eleventh Century England’, in *Anglo-Saxon Studies in Archaeology and History*, 12, ed. by David Griffiths, Andrew Reynolds, and Sarah Semple (Oxford: Oxford University School of Archaeology, 2003), pp. 98-136 (p. 119); Hamerow, *Rural Settlements and Society*, p. 73.

<sup>265</sup> Edith Peytremann, ‘Rural life and work in Northern Gaul during the Early Middle Ages’, in *The Oxford Handbook of the Merovingian World*, ed. by Effros and Moreira, pp. 693-717 (pp. 694-698).

villas, hilltop sites, and episcopal and monastic centres. Moreover, similar expressions of social distinction, albeit in different architectural media, could also be found in western Britain.<sup>266</sup>

The seventh century increase in morphological organisation seems to have occurred in tandem with a degree of agricultural intensification. The post-Roman period saw a return to pastoralism in many areas, as a more market-driven agriculture disappeared. This pastoralism was extensive in the sense that animals were allowed to roam over large areas of pasture (both grass and woodland) with a minimum amount of human intervention.<sup>267</sup> However, it is now widely believed that an increase in arable production from the seventh century led to a decrease in available pasture, meaning that animals had to be kept closer to settlements in order that they could be folded on stubble and fallow ground. This, in turn, necessitated ditching and fencing which would keep animals from grazing crops and the thatched roofs of houses, paddocks where they could be mustered, and drove roads by which they could be led from one pasture to another. This is reflected as a proliferation of ditches in the archaeological record.<sup>268</sup>

At the same time, the archaeobotanical record shows a change in the nature and quantity of arable crops. Banham and Faith tentatively suggested that this arable expansion was connected to greater use of the mouldboard plough and of bread wheat.<sup>269</sup> Working with a bigger dataset, McKerracher argued that it was not solely dependent on bread wheat, but was achieved by choosing crops which suited the soil type, which he called 'fine-tuning'. As a

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<sup>266</sup> Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 106-108.

<sup>267</sup> Debbie Banham and Rosalind Faith, *Anglo-Saxon Farms and Farming* (Oxford: Oxford University Press, 2014; paperback 2020), pp. 141-142.

<sup>268</sup> Hamerow, *Early Medieval Settlements. The Archaeology of Rural Communities in Northwest Europe 400-900* (Oxford : Oxford University Press, 2002), pp. 94-97; Hamerow, *Rural Settlements*, p. 89; Banham and Faith, *Anglo-Saxon Farms and Farming*, p. 129; Mark McKerracher, *Farming Transformed*, pp.39-42.

<sup>269</sup> Banham and Faith, *Anglo-Saxon Farms and Farming*, pp. 33; 70-71.

result, production not only of bread wheat, but also of rye and oats increased.<sup>270</sup> A similar picture has emerged for Continental Northwest Europe, with a diversification of crop types and changes in farming practice leading to an apparent increase in yields in the eighth century.<sup>271</sup> There is now widespread agreement that these changes constituted an agricultural ‘revolution’, which Hamerow defined as the cumulative effect of a series of changes, some slow and long-term.<sup>272</sup> This ‘revolution’ led to a gradual increase in crop processing and storage structures such as grain dryers and mills. Again, these changes have been linked to increasing lordship, and in particular to the needs and influence of monasteries and the Church.<sup>273</sup>

These seventh-century developments complicate attempts to answer this chapter’s research questions, and present a *prima facie* contradiction in the evidence. There is a consensus that morphological changes involving the creation of ordered landscapes, and processing and storage structures occurred from the seventh century onwards. The fact that this change is recognisable implies the absence of such structures before this period. If the documentary evidence reviewed in Chapter Two reflected the real nature of the countryside, we might expect references to agricultural structures to proliferate from the seventh century. However, as was shown, such references are present in Gaul before this period and do not appear in Anglo-Saxon charters after it. The focus of this chapter should therefore rest on the period before the agricultural ‘revolution’. This is challenging, since archaeological evidence

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<sup>270</sup> McKerracher, *Farming Transformed*, p. 106.

<sup>271</sup> Nicolas Schroeder, ‘The Cerealization of Continental North-West Europe c. 800-1200’, *New Perspectives on the Medieval ‘Agricultural Revolution’: Crop, Stock and Furrow*, ed. by Mark McKerracher and Helena Hamerow (Liverpool: Liverpool University Press, 2022), pp. 199-210.

<sup>272</sup> Helena Hamerow, ‘The “FeedSax” Project: Rural Settlements and Farming in Early Medieval England’, in *New Perspectives on the Medieval ‘Agricultural Revolution’*, ed. by McKerracher and Hamerow, pp. 3-24 (p. 5).

<sup>273</sup> See, for example, Blair, *Building Anglo-Saxon England*, pp. 139-155; Neil Faulkner, ‘An Agro-Social Revolution in a Mid Saxon Village: Making Sense of the Sedgford Excavations’, in *New Perspectives on the Medieval ‘Agricultural Revolution’*, ed. by McKerracher and Hamerow, pp. 161-178 (p. 174).

cannot always be so accurately dated, with many of the examined sites only broadly dateable to the sixth to seventh centuries.

Putting this issue aside for the moment, the features which would provide the clearest positive answer to research question one would be those associated with significant estate centres: large buildings which housed either the landholder themselves or their agents, surrounded by the machinery of agricultural production (threshing floor, barns, granaries, grain dryers, and mills) and, perhaps at a remove, the humbler homes of the estate workers. At the same time, structures such as churches and family cemeteries might suggest familial attachment and commitment to the land. The clearest positive response to question two would be the absence of such features. However, as will be seen, the picture is not that clear cut. Firstly, archaeological evidence does not easily lend itself to providing such a binary answer. Traces of early medieval buildings are often vestigial and easy to miss. Where they are detected, their function may not be clear, since occupation levels have often been lost to later ploughing. Secondly, the model estate described above need not necessarily apply to every age. While some form of 'estate' centre might be expected, there is no particular reason why it should include all the equipment of agricultural processing, nor that the homes of peasants should be nearby. Loveluck has drawn attention to the potential variety of estate centres, in particular noting the difference between a centre serving a resident elite family, with evidence of conspicuous consumption, and one serving an ecclesiastical institution, where the goods would be consumed off-site.<sup>274</sup> In order to avoid potential confusion, this thesis will reserve 'estate centre' for a site at which the elite were resident, and will use

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<sup>274</sup> Loveluck, *Northwest Europe in the Early Middle Ages*, p. 74.

'service site' for a location where agricultural produce was processed for consumption elsewhere.

It is acknowledged, however, that the paradigm used here of large buildings surrounded by the structures of agricultural processing and storage would not work in all areas and for all sites. In particular, it would not be appropriate for areas such as Gallia Belgica or Scandinavia where longhouses were constructed. In this sense, the geographical boundaries described in Chapter One are both an enabler and a limitation.<sup>275</sup> This paradigm also does not apply easily to monastic sites. Whether these sites took the form of a large building (the church) surrounded by monastic cells, or a large building (church) surrounded by sizeable communal structures, they clearly disrupt the pattern used here. Consequently, only monastic sites with an early lay phase (such as Lyminge) will be considered here. While this is undoubtedly another limitation, it is justified on three grounds. Firstly, it is still frequently difficult to determine whether a site was lay or monastic (see discussion of Poundbury in Chapter Four). Secondly, the shifting nature of some sites from lay to monastic, and possibly back again, not only makes categorisation problematic, but also frequently pushes the monastic phase beyond the temporal limits of this chapter (as is the case at Lyminge, for instance). Finally, where monastic sites saw intense later development, it can impose restrictions on excavation and/or produce complexities whose interpretation would be beyond the capacities of this chapter (see, for example, Marmoutiers, where a working area was identified, but where further work was required to clarify the extent and nature of the activities).<sup>276</sup>

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<sup>275</sup> See pp. 23-24.

<sup>276</sup> For discussion of Lyminge, see pp.; for discussion of Poundbury see pp.; Elisabeth Lorans, 'Marmoutier (Tours), a late Roman and early medieval monastery in the Loire Valley (fourth-eleventh centuries)', in *Early Monasticism in the North Sea Zone*, ed. by Gabor Thomas and Alexandra Knox (Oxford: Oxford University School of Archaeology, 2017), pp. 55-66 (pp. 63-64).

Within these limitations, the evidence surveyed by this chapter will suggest that the majority of agricultural processing before the seventh century occurred either domestically or at what are defined here as service sites, which appear at this point to have been relatively small and lacking in monumental storage and processing facilities. It will argue that this is consistent with a tribute-supported elite. However, that does not necessarily mean that some members of that elite did not have a perception of 'family' land.

The next section will describe the methodology employed to search for the type of features described above, and to deal with the dating difficulties. The following sections will consider evidence for structures on sites across the target areas, attempting to discern which are dwellings and which might be agricultural buildings. They will endeavour to determine whether the working buildings of the countryside, if identifiable, were grouped around the homes of the wealthy or dispersed with those of the peasantry. And they will consider whether this evidence best supports a theory of estate centres, such as those described above, of some less centralised model, or a system of tribute. Initially, because of the difficulties associated with function outlined above, the analysis will focus on building size, although other factors, such as morphology, and material or method of construction, will be considered.

### 3.2: Methodology

The methodology for the selection of sites was described in Chapter One, and those studied are listed in the gazetteer in Appendix A. The presence or absence of key features on these sites was recorded on Excel spreadsheets (posted on the Open Science Framework website and available through a data link in Appendix F). These features were: domestic

buildings, analysed by size; ancillary buildings, analysed by possible function; sunken-featured buildings, analysed by possible function; and other structures, primarily granaries, silos and pits, grain dryers, and ovens. Boundary structures will be analysed in Chapter Five, in the context of ideas of tenure. The theoretical underpinning to each of the above is discussed in the relevant sections. Broadly, however, the goal was to distinguish between levels of activity which were familial, communal, and hierarchical, or, to put it at its simplest, whether people were feeding themselves, each other, or someone else. Since the occurrence and preservation of these features is not constant, sites effectively selected themselves according to which features were present. Hence, what emerges is a composite picture. This is appropriate in obtaining a cross-section of these societies, but means that interpretation must be cautious, since there are many factors which may affect the presence and detection of such features (variations in agricultural practice, soil type and topography, subsequent land use, and the nature and extent of the excavation).

The problem of dating has already been referred to in Section 3.1 above. Many sites cannot be dated more accurately than a broad phase which often encompasses more than one century. Undecorated early Anglo-Saxon pottery, for example, is difficult to date more specifically than 450-850 AD.<sup>277</sup> Even where radiocarbon dates are available, they only relate to individual structures and rely on stratigraphy to help date broader occupation. This problem is particularly acute given the seventh-century agricultural watershed described above. Consequently, although structures from both sides of this watershed are discussed, only those which can be securely dated to the sixth century are considered to give positive answers to the research questions. While this may lead to some evidence being wrongly

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<sup>277</sup> Paul Blinkhorn, 'Early and Middle Saxon Pottery', in Gill Hey, *Yarnton. Saxon and Medieval Settlement and Landscape*, Thames Valley Landscapes Monograph No. 20 (Oxford: Oxford Archaeology, 2004), pp. 267-273 (p. 269).

discounted, it should provide a more reliable overview. That overview will begin with an analysis of buildings.

### 3.3: Buildings

Theoretically, the presence of an elite can be deduced from evidence of conspicuous consumption.<sup>278</sup> While part of that consumption is represented by the things they ate and wore, another is the construction of large domestic buildings. Larger buildings require a larger plot of land, more materials, and more time and labour to build. These are all, generally, associated with greater wealth, and greater wealth is normally accompanied by status. It might, therefore, be expected that people wishing to signal that they were the holder of a given area of land might choose to do so, in part, through the size of their dwelling, storage buildings, or ritual structures. However, not every large building need imply elite presence, and the absence of such buildings cannot be taken as an absence of power. This point was made by Hamerow, who cautioned against straightforward analogies between the size of houses and social status,<sup>279</sup> and Porte, who pointed out that several early sites with high-status finds were architecturally insignificant. He suggested that the aristocracy of the early Merovingian period displayed status through arms and jewels, not through the grandeur of their homes.<sup>280</sup>

There are two further difficulties with the identification of such structures. Firstly, they do not have a single social interpretation: a lordly dwelling might just as likely be a feature of

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<sup>278</sup> Although whether this is either necessary or sufficient is debatable: see Chapter One, pp. 26-27; Loveluck, *Northwest Europe in the Early Middle Ages*, pp. 12-13; 98-99; Loveluck, 'Problems of the definition and conceptualisation of early medieval elites', 21-32.

<sup>279</sup> Hamerow, *Early Medieval Settlements*, pp. 89-90.

<sup>280</sup> Patrick Porte, *Domaine ruraux et forteresses de hauteur*, p. 41-42.

a food-render regime, demonstrating social power rather than direct control over, or any interest in, the land. Secondly, it can be difficult to identify the function of buildings since occupation floor levels are often lost. Without such evidence, it may be impossible to distinguish between a house or work building.<sup>281</sup> Context can help with the first of these. If a large domestic building is surrounded by equally monumental structures for the storage and processing of crops, then it could be inferred that the occupant of that building took a direct interest in the products of the land. If, by contrast, its surroundings showed no direct relation to agriculture, then it could be inferred that the sustenance of its inhabitants was maintained by renders of food, and that they felt no need to concern themselves with the farming round. By extension, it could even be theorised that they were keen to distance themselves from agriculture as a symbol of their different status. This matches the picture of a render-supported warrior elite, who signalled status primarily through personal ornament. Even large buildings were a secondary, and later, extension to this.<sup>282</sup> With the second, it might be noted that any large structure, domestic or otherwise, implies a similar investment of land, time, and labour. In some circumstances, therefore, either a large barn or house can be an indicator that someone powerful was controlling that area of land, although a barn does not tell us whether they were resident on the land. The exception to this would be an instance in which such a barn was the product of communal effort. There is little clear evidence of this in Britain and Gaul, although it is present elsewhere: some level of communal enterprise is implied by

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<sup>281</sup> Hamerow, *Rural Settlements and Society*, pp. 43-46; Helena Hamerow, 'Timber buildings and their social context', in *The Oxford Handbook of Anglo-Saxon Archaeology*, ed. by Helena Hamerow, David A. Hinton, and Sally Crawford (Oxford: Oxford University Press, 2011; paperback, 2020), pp. 128-155 (pp. 136-141).

<sup>282</sup> Blair, *Building Anglo-Saxon England*, pp. 114-115.

the substantial workshops, presses, and threshing floors of peasant-owners in Northern Syria, Samaria, and Galilee.<sup>283</sup>

The materials and method of construction are, if anything, even harder to read. At one time, it was broadly accepted that a switch from widespread use of stone during the Roman period to a widespread use of wood in its aftermath signalled a decline in prosperity and technological knowledge.<sup>284</sup> While this argument still persists, building in wood has also come to be seen as a positive cultural choice, and the point has been made that wooden buildings can be equally as grand and impressive as those in stone or brick.<sup>285</sup> It is, of course, also the case that topography plays a part in the choice of materials: suitable building timber may have been scarce in some areas, while accessible stone was rare in others. However, this itself suggests a greater reliance on local materials in the post-Roman period which could be attributed to a decline in distribution networks. The materials used must, therefore, be considered alongside the method of construction. Here, elements such as dressed stonework and the use of plaster are normally interpreted as expressions of *Romanitas*, or perhaps more accurately with a desire on the part of the occupiers to present themselves as the rightful successors to Roman power - an expression which would increasingly be found in a Christian context.<sup>286</sup> In Britain, particularly, the building methods of timber buildings have been read along ethnic lines, with earth-fast, post-in-hole or trench structures with opposing central

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<sup>283</sup> Tamara Lewit, 'Absent-minded landlords and innovating peasants? The press in Africa and the Eastern Mediterranean', in *Technology in Transition AD 300-650, Late Antique Archaeology Vol. 4*, ed. by Luke Lavan, Enrico Zanini and Alexander Sarantis (Leiden; Boston: Brill, 2001), pp. 119-139 (pp. 129-130).

<sup>284</sup> Edward Thurlow Leeds, *The Archaeology of the Anglo-Saxon Settlements* (Oxford: Clarendon Press, 1913), p. 15.

<sup>285</sup> A negative view of wooden buildings: Bryan Ward-Perkins, *The Fall of Rome and the End of Civilization* (Oxford: Oxford University Press, 2005; paperback, 2006), pp. 109-110; a positive one: Blair, *Building Anglo-Saxon England*, pp. 51-60.

<sup>286</sup> Luc Bourgeois, 'The fate of small towns, hilltop settlements, and elite residences in Merovingian-Period Gaul', in *The Oxford Handbook of the Merovingian World*, ed. by Effros and Moreira, pp. 611-640 (pp. 623-629; 634); Jeremy K. Knight, *The End of Antiquity* (Stroud: Tempus, 2007), pp. 100-101.

doors seen as the 'Anglo-Saxon' model, while fully-framed sill-beam structures have been labelled 'Romano-British'. However, James, Marshall and Millett argued that this distinction was too cleanly cut, and that early medieval building should, rather, be seen as a hybrid tradition. Importantly, they also found that similar construction methods tended to be used on small and large buildings, and therefore suggested that this was regardless of status.<sup>287</sup> Nevertheless, as will be seen below, some elements of construction can be and still are read as signals of social standing.

This section will consider these aspects by analysing buildings grouped according to size, beginning with the largest structures on the sites analysed, which is defined here as a structure larger than 150m<sup>2</sup>, and then in descending sized groups of 50 and 25m<sup>2</sup>.

### 3.3.1: Buildings greater than 150m<sup>2</sup>

Buildings greater than 150m<sup>2</sup> are shown in Table 10 (below). This lists the site, the name of the building as identified in the report (where none was given, names allotted for this thesis are displayed in brackets), suggested function (as domestic, ancillary, or ritual), size, material of construction and details on method where available, and the positioning of doorways, where established. There is a reasonably even spread of large buildings across the surveyed areas, although the largest, and the majority of those in stone, are in southern France. This appears consistent with a greater survival of elites and of Roman tradition and influence in southern Gaul. While the role of topography in the choice of materials cannot be discounted, there are qualitative differences in the way these stone buildings were

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<sup>287</sup> Simon James, Anne Marshall, and Martin Millett, 'An Early Medieval Building Tradition', *Archaeological Journal*, 141, 1 (1984), 182-215 (pp. 205-206; 186).

constructed which seem to follow cultural divisions. This can be seen in a comparison of La Malène and Larina. The former sits on a limestone plateau in the Lozère, Languedoc, at around 500m NGF (Nivellement Général de la France). Built at the end of the fifth century, it was surrounded by cliffs, with a sole access route. Its inhabitants enjoyed a rich lifestyle, eating oysters and young animals and receiving imports in amphorae. The domestic building (see Plan A, Fig. 5, below) consisted of a mortared-stone range 49m long and divided into four separate areas. Part of this had a stone floor, while another section had an upper storey, possibly a gallery supported by columns. Two rooms had wall plaster, and the roof was tiled.<sup>288</sup> Larina is also on a limestone plateau, at around 450m NGF, in the Isère, Rhône-Alpes. Here, though, the sixth-century domestic building had stone walls mortared with clay.<sup>289</sup> This went through several phases, beginning with a plan reminiscent of Roman structures, in which a corridor room wrapped around an inner chamber (Plan B, Fig. 5), and constructed with considerable care.<sup>290</sup> It evolved through the seventh and eighth century into a more sprawling structure (Plan C, Fig. 5), which Porte believed contained stabling areas, and which was less well-made, again with clay mortar. The occupiers enjoyed fewer luxuries than their Late Antique predecessors, although they may still have been receiving imports of oil.<sup>291</sup>

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<sup>288</sup> Laurent Schneider and Nicholas Clément, 'Le Castellum de La Malène: un "rocher monument" du premier Moyen Age (Vie-VIIIe s.) en Lozère', in *La Lozère, Carte Archéologique de la Gaule*, 48, Académie des Inscriptions et Belles-Lettres, Ministère de la Culture, Ministère de l'Enseignement Supérieur et de la Recherche, ed. by A. Trintignac (Diffusion de la Fondation Maison des Sciences de l'Homme, 2012), pp. 317-328.

<sup>289</sup> Patrick Porte, *Larina et son territoire (Nord-Isère) de l'Antiquité au Moyen Âge: Études archéologiques et historiques* (Biarritz; Paris: Atlantica-Séguier, 2011), p. 357.

<sup>290</sup> Porte, *Larina et son territoire*, p. 241.

<sup>291</sup> Porte, *Larina et son territoire*, pp. 359-361 ; 291 ; 473-476.

Site	Building	Date	Function	Size m <sup>2</sup>	Material	Method	Doorways
Cowdery's Down	C12	C7	Domestic	194	Timber	PTB	Central opposed
Lyminge	Hall A	C6-7	Domestic	172.2	Timber	-	-
Lyminge	Sequence C	C6-7	?	c.216	Timber	Mixed	-
Rendlesham	2528	Late C6-8	Domestic	c. 264.5	Timber	PTB/Butt.	Central opposed
Sutton Courtenay	Building 500	C6-7	Domestic	333.72	Timber	Butt.	E gable wall
Sutton Courtenay	(2002 structure)	C6	?	171	Timber	PTB	E gable wall
Cowage Farm	Structure A	C6-7	Ritual?	162	Timber	PTB	-
Cowage Farm	Structure B	C6-7	Domestic?	200	Timber	PTB	-
Birdoswald	B200	C5-6	Domestic?	197.8	Timber	Mixed	Opposed off-centre
Cadbury Castle	'the Hall'	C6	Domestic	190	Timber	PHB*	Unknown
Rigny Period 1b	Building 14 Phase 2	C7	Domestic?	156	Stone	Earth mortar	NW & SE walls?
Rigny	Structure 33	?	?	170	Stone	'finished'	Unknown
Serris Le Couvernois	Building 1	C6-7	Domestic?	228	Timber	PHB	-
Delle	(Building 1)	C6	Domestic	226.98	Stone/Timber	-	-
Château-sur-Salins	Structure 2	C7	Domestic/ritual	258.3	Stone	Irregular mortared courses	Single, west wall
l'Albenc	Ensemble 1, A-L	C5-8	Domestic/ancillary	c.430	Stone/timber	Mortared	-
Larina	B1	C6	Domestic	400	Stone	Clay mortar	East and south walls
Larina	B2	C7	Ancillary	360	Stone	Clay mortar	Barn style
La Couronne	'church'	C5-6	Domestic/ritual	190	Stone	Unspecified	?
La Malène	1A	C5-7	Domestic	343	Stone	Mortared	SE wall
La Malène	1D	C5-7	Ancillary	160	Stone	Mortared	SE wall
La Malène	3F	C5-7	Ritual	177	Stone	Mortared	SW wall?

Table 10: Buildings of more than 150m<sup>2</sup> on sixth- to seventh-century sites in Britain and France. \*The post-holes at Cadbury Castle were thought to have located a fully-framed structure.

The choice of building material at both La Malène and Larina may relate to what was accessible locally, as was the case at l'Albenc and Poncin, whose building A would almost certainly have appeared in Table 10 had its full outline been detectable. La Malène is situated on an arid Causse, with little available constructional timber; Building 1 at Larina used stone from the Antique quarry, although what was chosen was the most accessible and of poor quality. Poncin's building A used blocks of local limestone, while the construction materials at l'Albenc, also somewhat varied, all seemed locally sourced.<sup>292</sup>

The reasons for the sub-division of these structures is unclear and may have resulted from different motives. Rivet thought that the design of the Roman corridor house suggested people were being segregated, either along familial or social lines, while Smith argued that the spread of rectangular buildings in Roman Britain was connected to a need to architecturally express changing ideas about hierarchy and identity, since rectangular spaces allowed an opportunity for sub-division that roundhouses did not.<sup>293</sup> Division could suggest a function as family dwellings, but it should be remembered that allocating separate rooms to family members is a cultural choice rather than an imperative. It is, therefore, likely to be the result of a more complex set of factors. The sub-divisions at Larina and l'Albenc, for example, may have resulted from the incorporation of work activities into the domestic environment.

This notwithstanding, most of the structures in Table 10 are thought to have been domestic. Only Larina and La Malène had purely ancillary buildings larger than 150m<sup>2</sup>.

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<sup>292</sup> Porte, *Larina et son territoire*, p. 256; Élise Faure-Boucharlat, 'Poncin, le Châtelarde', in *Vivre à la campagne au moyen âge: L'habitat rural du Ve au XIIe s. (Bresse, Lyonnais, Dauphiné) d'après les données archéologiques*, ed. by Élise Faure-Boucharlat (Lyon: Alpara, 2001), pp. 118-235 (pp. 191-192); Hans De Klijn, Élise Faure-Boucharlat, Michel Feugère et Dominique Lalaï, 'L'Albenc, Le Bivan', in *Vivre à la campagne au moyen âge*, ed. by Faure-Boucharlat, pp. 460-493 (pp. 464-466).

<sup>293</sup> A. L. F. Rivet, 'Social and Economic Aspects', in *The Roman Villa in Britain*, ed. by A. L. F. Rivet (London: Routledge and Kegan Paul, 1969), pp. 173-216 (p. 199); Alexander Smith, 'Buildings in the Countryside', in *The Rural Settlement of Roman Britain*, Britannia Monograph Series No. 29, ed. by Alexander Smith, Martyn Allen, Tom Brindle and Michael Fulford (London: Society for the Promotion of Roman Studies, 2016), pp. 44-74 (pp. 47-50).

However, two structures appear to have passed from domestic to ritual use, raising the issue of possible conversion to churches and monasteries. Opinion on this topic has shifted over the years, and archaeologists are generally now far more cautious about ascribing a monastic use to sites, partly due to the physical heterogeneity of early medieval monastic and lay sites.<sup>294</sup> Château-sur-Salins, at Salins-les-Bains, Jura, and La Couronne, Molles, were both hilltop sites with stone buildings, like La Malène. But while the church at La Malène was a subservient structure, the churches at these two were the dominant buildings. At Château-sur-Salins, the church (Plan D, Fig. 5) was created in the seventh century by sub-dividing an existing domestic structure, which may have had a military connection due to finds of arrowheads and a spur.<sup>295</sup> At La Couronne, the building was converted to a church in the fifth or sixth century and progressively elaborated (Plan E, Fig. 5). It was connected with a wall tower, where finds implied someone was enjoying an elite lifestyle.<sup>296</sup> This kind of conversion, with these associations, does fit the paradigm of elite gifts to the church and of family churches and monasteries. However, this need not imply that these sites were monastic.

Two sites in northern France also had stone-built structures: Delle, Franche-Comté, and Rigny, Indre-et-Loire. However, neither are from the heartland of timber buildings, and a stone tradition seems to have continued in parts of the Jura (see Ecrille in Table 13, below). In addition, Building 1 at Delle (Plan F, Fig. 5) sat across the valley from the remains of a Gallo-Roman house which may have provided a model since its footprint, if smaller, is not so

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<sup>294</sup> For a good summary see Rosemary Cramp, 'New perspectives on monastic buildings and their uses', in *Early Medieval Monasticism in the North Sea Zone*, Anglo-Saxon Studies in Archaeology and History 20, ed. by Gabor Thomas and Alexandra Knox (Oxford: Oxford University School of archaeology, 2017), pp. 27-42.

<sup>295</sup> Philippe Gandel and David Billoin, 'L'établissement fortifié de hauteur alto-médiéval de Château-sur-Salins (Salins-les-Bains, Jura)', *Gallia*, 74, 1 (2017), 261-272 (p. 269).

<sup>296</sup> Damien Martinez, Sandra Chabert, Pascal Chevalier, Marieke Faure, Sophie Liégard, 'L'église paléochrétienne de l'établissement fortifié de hauteur de La Couronne à Molles (Allier, Auvergne)', *Archéologie médiévale*, 48 (2018), pp. 1-36.

different. But Building 1 was built with a wooden frame on stone footings, and this appears to have been part of the onset of a local style which would have a long duration.<sup>297</sup> The stone in Building 14 at Rigny (Plan G, Fig. 5) was again mortared with clay, and lacked a Roman exemplar, although there may have been a Late Antique presence in the area. The full plan of Building 14 is not known, and it may have included a courtyard area, although the paucity of finds led to some doubt about whether it was a dwelling.<sup>298</sup> There were no signs of overt luxury at Delle or Rigny, although fine pottery did figure among the finds at the former.

Beyond these, the most notable structure from the sites in northern Gaul was Building 1 at Serris Le Couvernois. This was a wooden construction of the sixth-to-seventh centuries which pre-figured the larger development at Serris Les Ruelles, which belongs firmly to the period of the 'agricultural revolution'. This earlier structure is exceptional not only for its size, but also for its association with a courtyard, ancillary structures, and a possible granary. Gentili observed that the site was created in a forest clearing, and may have been influenced by both a Late Antique road and ditches. He posited a connection to the fisc as a possible explanation for its appearance.<sup>299</sup>

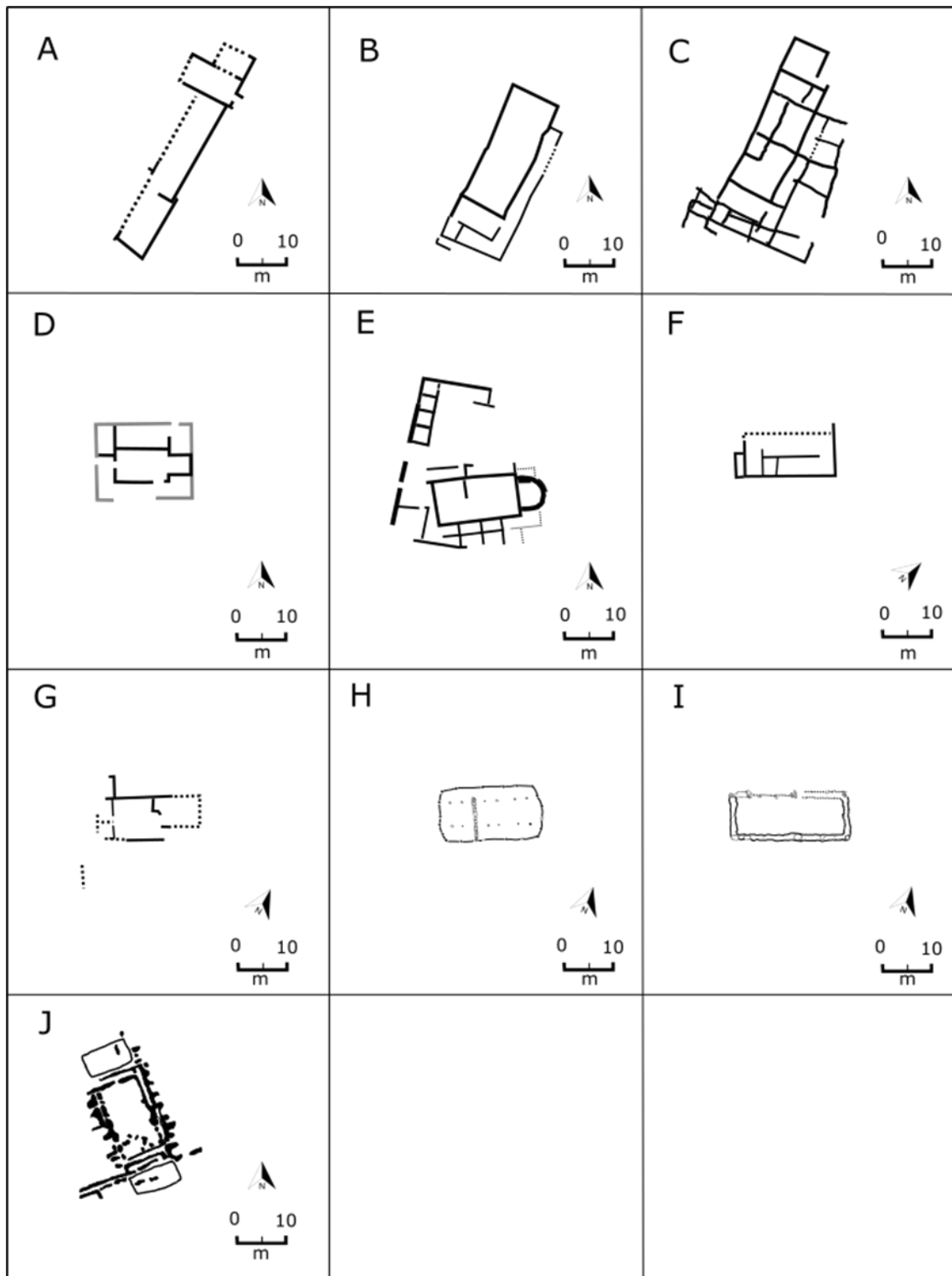
All of the British structures in Table 10 are thought to have been built in wood, but the use of use of a fully-framed wooden structure for the hall at Cadbury Castle, South Cadbury, Somerset, and of post-pads for Building 200 at Birdoswald, Cumbria (Plans I and J in Fig. 5) sets them a little apart from the halls of the Anglo-Saxon cultural areas to the East.

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<sup>297</sup> David Billoin, with Christophe Gaston, Sylviane Humbert, Valérie Lamy, Jean-Christophe Le Bannier, and Olivier Putelat, 'Un établissement rural Mérovingien à Delle 'la Queue au Loup' (Territoire de Belfort)' *Revue archéologique de l'Est*, 59 (2010), pp. 603-634.

<sup>298</sup> Elisabeth Zadora-Rio, Henri Galinié, Philippe Husi, Morgane Liard, Xavier Rodier, Christian Theureau, 'La fouille du site de Rigny, 7e-19e s. (commune de Rigny-Ussé, Indre-et-Loire): l'habitat, les églises, le cimetière. Troisième et dernier rapport préliminaire (1995-1999)', *Revue archéologique du Centre de la France*, 40 (2001), 167-242.

<sup>299</sup> Francois Gentili, *Agglomerations rurale et terroirs du haut Moyen Age en Ile de France (Vie – XIIe)*, Vol. 1 *Texte*, unpublished doctoral thesis, Paris, Pantheon-Sorbonne (2017), pp.44-45.



**Fig. 5:** Plans of structures over 150m<sup>2</sup> on sites in Britain and Gaul. A: La Malène, after Schneider; B: Larina Phase 1; C: Larina Phase 2, after Porte; D: Château-sur-Salins, after Gandel and Billoin; E: La Couronne, after Martinez et al; F: Delle, after Billoin et al; G: Rigny, after Zadora-Rio et al; H: South Cadbury, after Alcock; I: Birdoswald, after Wilmott; J: Cowage Farm Structure B, after Hinchcliffe.

Birdoswald's post pads were traced as paired groups of worn stones set in a barely perceptible trench,<sup>300</sup> while Alcock deduced a fully-framed construction for Cadbury's hall because the earth-fast posts were too shallow to have given structural stability, apparently acting merely to locate the building.<sup>301</sup> This certainly seems different to building C12 at Cowdery's Down, Hampshire, where careful excavation allowed a full picture of its elaborate post-in-trench construction (see Fig. 6, below). Alternating vertical planks were set into the trench and used to retain wattle panels.<sup>302</sup> An equally elaborate, although different, post-in-trench method appears to have been used for Structure A and possibly, although less clearly, Structure B at Cowage Farm, Foxley, Wiltshire (Plan K, Fig. 5).<sup>303</sup> This method of construction, and its generous consumption of timber, may be connected to the use of the long walls to support the weight of the roof.<sup>304</sup> This was also the case with Structure 2528 at Rendlesham, where load-bearing walls were combined with external buttresses.<sup>305</sup>

This apparent difference in technique is undercut, however, by similarities in ground plan.<sup>306</sup> There is an architectural division between all these buildings and the structures of southern Gaul described above. This contrast should not necessarily be dismissed as a product of declining technology, but could be seen as the result of a specific social structure. Halls were a prerequisite of a society in which leaders needed to feast their warrior followers, while the divided spaces of southern Gaul more closely resemble the home of a (perhaps extended)

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<sup>300</sup> Tony Wilmott, *Birdoswald, Excavations of a Roman Fort on Hadrian's Wall and its Successor Settlements: 1987-92*, English Heritage Archaeological Report 14 (London: English Heritage, 1997), p. 221.

<sup>301</sup> Leslie Alcock, *"By South Cadbury is that Camelot..." Excavations at Cadbury Castle 1966-70*, (London: Thames and Hudson, 1972; reprinted Book Club Associates, 1975), p. 177.

<sup>302</sup> Martin Millett and Simon James, 'Excavations at Cowdery's Down Basingstoke, Hampshire, 1978-81', *Archaeological Journal*, 140, 1 (1983), 151-279 (pp. 229-232).

<sup>303</sup> John Hinchcliffe, 'An Early Medieval Settlement at Cowage Farm, Foxley, Near Malmesbury', *Archaeological Journal* 143, 1 (1986), 240-259 (pp. 241-245).

<sup>304</sup> James, Marshall, and Millett, 'An Early Medieval Building Tradition', p. 198.

<sup>305</sup> Christopher Scull, Linzi Everett, and Faye Minter, 'Excavations at Rendlesham, Suffolk, 2021-2023: Investigating an Early-Medieval Royal Settlement', *Medieval Archaeology*, 68, 2 (2024), 203-228.

<sup>306</sup> James, Marshall, and Millett, 'An Early Medieval Building Tradition', p. 203.

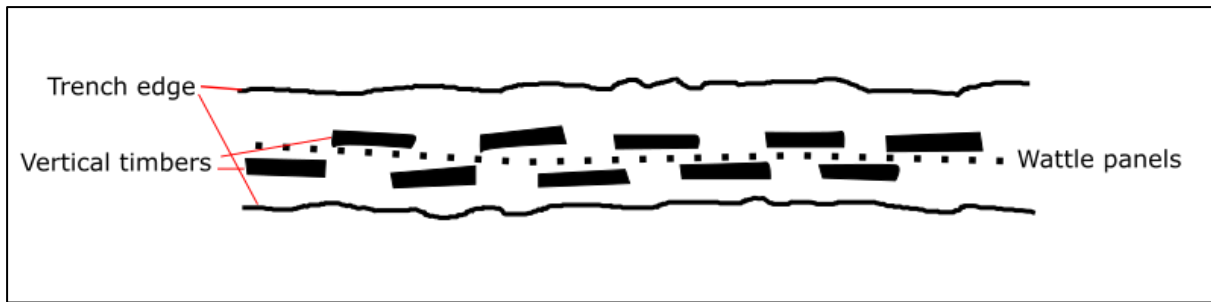
family. This could suggest a difference in their relationship to the land. Extended families may have provided the workforce for a family farm, while large groups of warriors may have been disengaged from agriculture (at least for parts of the year) and so have relied on peasant tributes. However, this is both architecturally and socially uncertain. La Malène, for instance, does not, by virtue of its location, appear to have been a family farm, and both rooms 1A2 (130m<sup>2</sup>) and 1A4 (135.7m<sup>2</sup>) were large enough to have held substantial numbers of people. At Larina, Porte thought the 70m<sup>2</sup> chamber of the Phase 1 structure reminiscent of a chief's hall.<sup>307</sup> These bear some similarities to Cunliffe's description of developed aisled halls on Roman sites in Britain, as a place where a lordly figure could hold court with their dependents.<sup>308</sup> Faith drew attention to the role of reciprocity in the relationship between a lord supported by peasant dues and the workers who provided them, pointing out that the lord was expected to provide a meal in return for boon works.<sup>309</sup> Her analysis related to the eleventh-century list of the rights and duties of the agricultural community contained in the *Rectitudines Singularum Personarum*, but a similar reciprocity may have underlain some of these large structures. There may also have been different degrees of reciprocity: Larina could have been the allocated land of a Frankish warrior who spent some of his time attending a higher lord; the guests at the halls at Cowdery's Down and Cadbury Castle may have, likewise, returned to their own lands to plough and sow.

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<sup>307</sup> Porte, *Larina et son territoire*, p. 361.

<sup>308</sup> B. W. Cunliffe, 'For men of rank... basilicas: British aisled halls reconsidered', in *Living and Working in the Roman World. Essays in Honour of Michael Fulford on His 65<sup>th</sup> Birthday*, ed. by Hella Eckardt and Stephen Rippon, Journal of Roman Archaeology Supplement Series No. 95 (Portsmouth, Rhode Island: Journal of Roman Archaeology, 2013), pp. (pp. 91-102).

<sup>309</sup> Rosamond Faith, *The Moral Economy of the Countryside. Anglo-Saxon to Anglo-Norman England* (Cambridge: Cambridge University Press, 2020), p. 54.



*Fig. 6: Post-in-trench and wattle panel wall construction at Building C12, Cowdery's Down. After Millet and James, p. 231.*

Therefore, while neither size, materials, nor method of construction can, on their own, give a definitive signal about the kind of people who lived in these settlements, or their relationship to the people and land around them, the largest structures do allow us to locate some of the wealthiest and most powerful people of these societies. Section 3.3.2 below will now attempt to consider whether these structures, or the humbler ones of the peasantry were more immediately connected to the machinery of agricultural production.

### 3.3.2: Other buildings

As the size of buildings considered decreases, their geographical range and frequency increases. This is, of course, entirely to be expected: the homes of the rich and powerful stand out because they define themselves in opposition to those of the humble and, as such, they must always be fewer in number. There is not, however, a clear cut-off point between what might be defined as an elite residence and what might be vernacular. In order to explore this interstitial zone, Tables 11, 12, and 13 divide buildings into groups of 100 to 150m<sup>2</sup>, 75 to 99m<sup>2</sup>, and 50 to 74m<sup>2</sup> respectively. These are purely arbitrary divisions and do not, of themselves, indicate any hierarchy in settlement sites. For example, Yeavinger,

Northumberland, appears for the first time in Table 11; it has no structures of more than 150m<sup>2</sup> such as those discussed above, yet is clearly not an everyday settlement.

It is notable that the lack of specificity on structure function increases as size decreases. As mentioned in Section 3.3.1, this is due to an absence of occupation layers on many sites. The larger, more elaborately built structures, such as Building A at La Malène or C12 at Cowdery's Down, can reasonably be conjectured to be dwellings because of that elaboration. As these factors diminish, it is less possible to be sure. Indeed, it has been argued that the more simply built, but still large structures at Cowdery's Down, C14 and C15, could be interpreted as agricultural buildings on the basis of this dichotomy.<sup>310</sup> Building C15 stands out in particular, since it is the only post-in-hole building other than SFBs on the site. A practical, rather than domestic use, would explain the difference in elaboration between a building such as C12 and C15, but there is no positive evidence that they were so used. Certainly, the width of doorways seems no different to other structures on site, so there is no suggestion that they had been widened to admit stock or carts. Size was also the basis for suggesting that building 1D at La Malène was a storage space, again given a comparison with the more elaborate building A.<sup>311</sup>

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<sup>310</sup> Millett and James, 'Excavations at Cowdery's Down', p. 247.

<sup>311</sup> Schneider and Clément, 'Le Castellum de La Malène', p. 326.

Site	Building	Date	Function	Size m <sup>2</sup>	Material	Method	Doorways
Cowdery's Down (CD) Phase B	B6	C6-7	?	116.8	Timber	PHB?	Long wall(s?)
CD Phase C	C7	C7	?	105.2	Timber	PTB	Mid W wall
CD Phase C	C14	C7	Ancillary?	148	Timber	PTB?	Central opposed
CD Phase C	C15	C7	Ancillary?	142.68	Timber	PHB	Central opposed
Lyminge	'granary'	C7-9	Ancillary	123.5	Timber	PHB	-
Lyminge	Sequence B	C6-7	?	100.6	Timber	PTB	-
Rendlesham	Structure 3545	C6-8	?	112.5	Timber	PTB	-
Yeavinger Phase 3	A2	C7	Domestic	126	Timber	PTB	Central opposed
Yeavinger 3	A4	C7	?	>126	Timber	PTB	Central opposed
Dinas Powys	House 1B		Domestic	c. 101	Stone/ turf	-	-
Bievilleville-Beuville	B2	C6-7	Domestic	100.64	Stone/ Timber	Stone footings	-
Marlenheim	Building 1	C6-7	Domestic?	117	Timber	PHB	-
Aubreville	Building 1	C6-7	?	103	Timber	-	-
Château-sur-Salins	Structure 1	C7-8	?	113.5	Stone	-	-
l'Albenc	M-P	C5-8	Ancillary	c.100	Stone	Irregular courses	-
La Malène	5A	C5-7	?	119	Stone	-	-

Table 11: Structures between 100 and 150m<sup>2</sup> on sixth- to seventh-century sites in Britain and France.  
PHB = post-in-hole building; PTB = post-in-trench building.

Site	Building	Date	Function	Size m <sup>2</sup>	Material	Method	Doorways
Chalton Phase B	B1	C7	Domestic?	79.38	Timber	PHB	–
Chalton A	A20	C7	Domestic?	76.96	Timber	-	-
Chalton Phase AZ	AZ1	C7	Domestic?	92.4	Timber	PTB	–
CD Phase A	A1	C6	Domestic?	88.32	Timber	PHB butt.	Centre N & S walls
CD Phase B	B4	C6-7	Domestic?	85.56	Timber	PHB butt.	Centre N & S walls
CD Phase C	C8	C7	Domestic?	98	Timber	Butt.	Centre N & S walls
Maxey	Structure A	Mid Saxon	Ancillary?	89	Timber	–	Large – centre E wall
Maxey	Structure B	Mid Saxon	?	92.7	Timber	–	–
Yarnton	B3620	Mid Saxon	?	78	Timber	–	–
Sutton Courtenay	Building 329	C6-7	?	80.5	Timber	PTB	E gable wall
Catholme	AS25	C6>	Domestic?	90	Timber	PHB	-
Catholme	AS38	C6>	Domestic?	78	Timber	PTB/PHB	-
Déols	Building 1	C7-9	?	96	Timber	PHB	-
Foujouin	Building 3	C6-9	Domestic?	76	Timber	PHB	-
Embonne	Building B	C6	?	78 est.	-	-	-
Embonne	(Building C)	C6	?	80 est.	–	–	–
La Malène	2C	C5-7	?	82.25	Stone	-	-

Table 12: Structures between 75 and 99m<sup>2</sup> on sixth- to seventh-century sites in Britain and France.

Site	Building	Date	Function	Size m <sup>2</sup>	Material	Method	Doorways
Mucking	PHB 4	C5-7	?	50	Timber	PHB	Centre/opposed where known
Mucking	PHB 21	C5-7	?	50	Timber	PHB	
Mucking	PHB 18	C5-7	?	50	Timber	PHB	
Abbots Barton (AB)	PBB 2	C6-8	?	50	Timber	PHB	N & S walls?
AB	PBB3	C6-8	?	66	Timber	PHB	
Chalton Phase A	A1	C7	?	71.82	Timber		
Chalton A	A11	C7	?	67.16	Timber		
CD Phase A	A2	C6	?	54.88	Timber	PHB	
CD Phase A	A3	C6	Domestic?	59.8	Timber	PHB	-
CD Phase C	C9	C7	?	54.54	Timber	PTB	Centre/opposed
CD Phase C	C10	C7	?	50	Timber	PTB	
CD Phase C	C13	C7	?	73	Timber	PTB	Centre S wall, end W wall
Lyminge	Hall 1 B	C6-7	Domestic?	66	Timber	PHB	
Rendlesham	3737	C6-8	?	50	Timber	PHB	
Rendlesham	3760	C6-8	?	50	Timber	PTB	
Staunch Meadow	8127	C7	Domestic	71	Timber	PHB	S & E walls
Lordship Lane	Structure 1	C7>	?	60	Timber	PHB	
Poundbury	PR12	C6-7	?	74.36	Timber	PHB	
Flixborough	B16	C7	?	66	Timber	PHB	
Flixborough	B18	C7	Domestic?	55	Timber	PHB	
Yeavinger 3	D1b	C7	?	66	Timber	PTB	
Yeavinger 3	D2b	C7	?	84	Timber	PTB	Centre/opposed
Yarnton 2	B3959	Mid Sax.	?	63	Timber		
Birdoswald	B4298	C5	?	56.76	Timber		
Dinas Powys	House II	C6-7	?	51.13	Stone	Drystone?	
Sherborne House Ph. 2	PBS 13	C7?	?	61.2	Timber	PHB	
Shorcote	Sr 9435	C6-7	Ancillary?	66	Timber	PHB	2 in E wall
Catholme	AS2	C6>	?	60	Timber	PHB	
Catholme	AS11	C6>	?	60	Timber	PHB	Off centre
Catholme	AS25	C6>	?	90	Timber	PHB	
Catholme	AS28	C6>	?	60	Timber	PHB	
Catholme	AS38	C6>	?	78	Timber	PHB/PTB	
Catholme	AS43	C6>	?	65	Timber	PTB	
Passy	Building G	C7	?	50	Timber	PHB	
Rigny 1a	B14 Phase 1	C7-8	?	68	Stone	Mortared	
Foujouin	Building 1	C6-9	Domestic?	66.94	Timber	PHB	
Foujouin	Building 2	C6-9	Domestic?	74.49	Timber	PHB	
Foujouin	Building 4	C6-9	Domestic?	54.25	Timber	PHB	
Foujouin	Building 5	C6-9	Domestic?	61.61	Timber	PHB	
Foujouin	Building 6	C6-9	Domestic?	69.64	Timber	PHB	
Foujouin	Building 9	C6-9	Domestic?	63.85	Timber	PHB	
Biéville-Beuville	B1	C7	Domestic?	72	Mixed	Stone footings	
Ostheim	Ensemble 1	C7	Domestic?	70	Timber	PHB	
Aubreville	Building 3	C6-7	?	62	Timber	PHB	
Ecrille	Tower	C5>	?	60.78	Stone	Mortared	
Dassargues	Structure 1	C5-7	?	70	Stone	Drystone?	
Embonne	Building A	C6	?	74	Stone		
Roc de Pampeune	Type 1 & 2 buildings	C5-6	Domestic/ ancillary	70 & 61	Stone	Mortared	
Poncin	Building B	C7-8	Domestic	50	Stone	Mixed	
La Malène	2B	C5-7	Baths	60.5	Stone	Mortared?	

Table 13: Structures between 50 and 74m<sup>2</sup> on sixth- to seventh-century sites in Britain and France.

Although the function of smaller structures is often unclear, it is possible to use the range of building sizes to place settlements into loose groupings. The breakdown of relative percentages of different sized buildings from less than 50m<sup>2</sup> to over 150m<sup>2</sup> are shown in Figures 7 and 8. These reveal that it is possible to observe a progression from reasonably prosperous vernacular sites, such as West Stow or Janzé, through an intermediate range, such as Sherborne House Phase 2 or Déols, to the clearly exceptional, such as Lyminge or Château-sur-Salins. There are also a number of outliers. Catholme shows a large number of modest structures accompanied by a smaller number of larger buildings. This could be interpreted as the buildings of its ruling elite, or as communal structures which served the whole community. Some oddities may be a product of the nature of the excavation: where only a limited area was exposed, or where the size of structures was indeterminate, this will obviously skew the result. This may be the case at Ostheim, for example, or at Delle, where its exceptional showing in Figure 8 was a result of it being the only structure excavated. In other cases, the result may be a result of the state of publication. A prime example here is Rendlesham, where further phasing work and full details of structures such as SFBs will undoubtedly refine the picture of this site. For the moment, it is noted here that Rendlesham has a good claim to have found elite structures which did co-exist with ancillary work buildings.<sup>312</sup>

Bearing these limitations and grey areas in mind, sites were grouped into categories according to how they fell in the following ranges:

Category 1: Combinations of largely B3, B4 and B5

Category 2: Combinations of largely B2 and B3

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<sup>312</sup> Scull, Everett, and Minter, 'Excavations at Rendlesham, Suffolk', pp. 221-225.

Category 3: Combinations of largely B1 and B2

The full listings generated by this are given in Table 14 and 15 below.

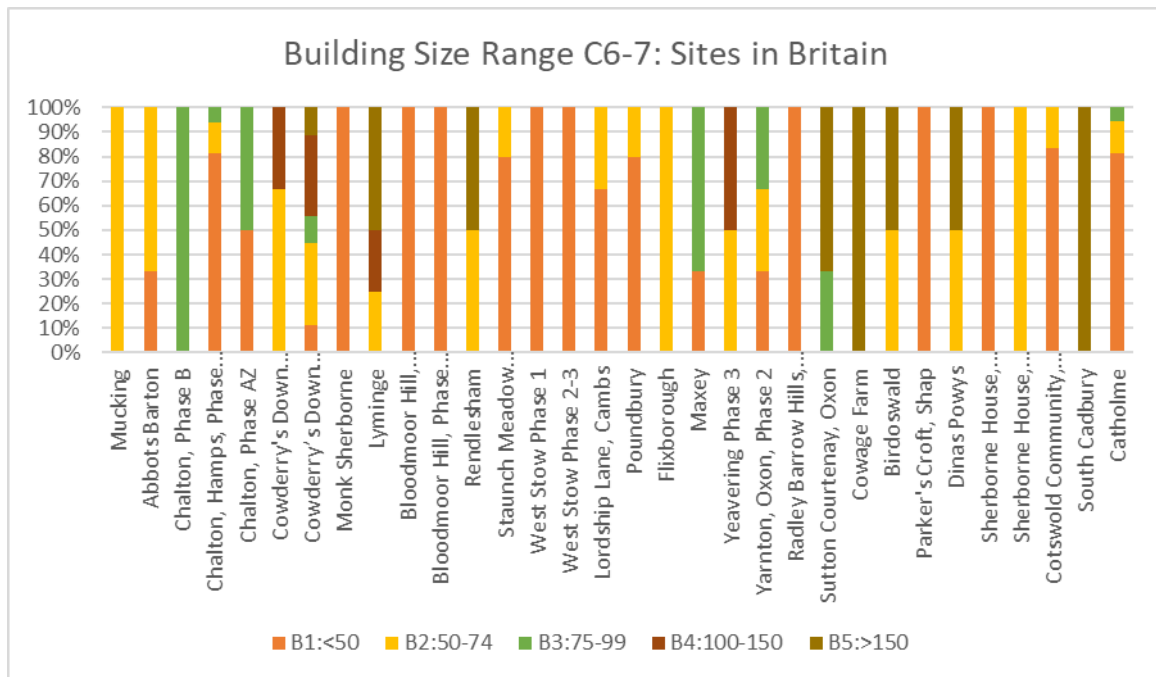


Fig. 7: Percentage of buildings in five size ranges by sixth- to seventh-century site in Britain.

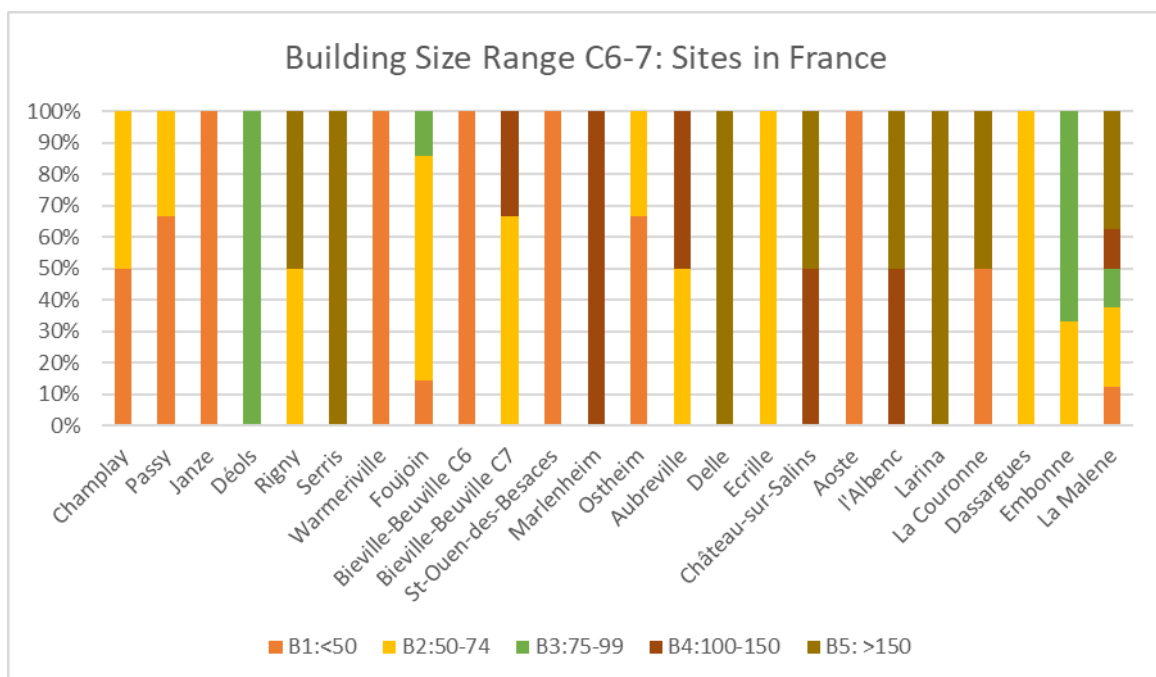


Fig. 8: Percentage of buildings in five size ranges by sixth- to seventh-century site in France.

Category 1	Category 2	Category 3
(Cowderry's Down)	Chalton Phase B	Mucking
Lyminge	Chalton Phase AZ	Abbot's Barton
Rendlesham	Cowderry's Down	Monk Sherborne
Yeaverling	Flixborough	Bloodmoor Hill
Sutton Courtenay	Maxey	West Stow
Cowage Farm	Yarnton	Lordship Lane
Birdoswald	(Catholme)	Poundbury
Dinas Powys		Radley
South Cadbury		Parker's Croft
		Sherbourne House Phase 1
		Sherborne House Phase 2
		Cotswold Community
		(Catholme)

*Table 14: Sixth- to seventh-century sites in Britain grouped by range of building size. Sites are given in brackets where uncertainty exists over their placing.*

Category 1	Category 2	Category 3
Rigny	Déols	Champlay
Serris	Foujouin	Passy
Bieville-Beuville C7	(Ecrille)	Janzé
Marlenheim	Embonne	Warmeriville
Aubreville		Bieville-Beuville, C6
(Delle)		St Ouen-des-Besaces
Château-sur-Salins		
l'Albenc		(Ostheim)
Larina		Aoste
La Couronne		Dassargues
La Malène		

*Table 15: Sixth- to seventh-century sites in France grouped by range of building size. Sites are given in brackets where uncertainty exists over their placing.*

These categories do not inherently imply a particular social status, even if, as discussed above, several of those in Category 1 have been found to be exceptional in nature. Indeed, not all the sites discussed in Section 3.3.1 fall into Category 1. Cowdery's Down, for instance, falls into Category 2. The question might legitimately be asked, then, as to what factors decided the range of building sizes on a given site. There are a number of possible answers beyond elite demonstration: availability of land and of building materials; the practical

requirements of the quantity of crops processed and stored, and animals housed; the number of people requiring a place in communal structures. Given the population level and the nature of agriculture in both Britain and Gaul at this time, availability of land is not likely to have been a factor except in locally specific cases (for example, where topography put serious constraints on both suitable arable and building land – a situation likely to be accompanied by a correspondingly lower population than in agriculturally richer areas). Availability of materials might be more of an issue. In a study of timbers used in later medieval buildings, Rackham observed that the majority came from trees up to 6m which could have been grown relatively quickly in woodlands, and that only the largest timbers would have been locally scarce.<sup>313</sup> This suggests that there would have been no difficulty in procuring timber for the low, load-bearing walls of typical Anglo-Saxon type halls or for a framed structure like that supposed for South Cadbury. If, however, buildings such as C12 at Cowdery's Down did have ridge poles,<sup>314</sup> then longer timbers would have been desirable, and their acquisition could have been a constraint on the less-wealthy. Even beyond this, there must have been limitations on the amount of timber an individual could take, and on the frequency with which they could do so, since there are suggestions that woodland rights may have been shared by communities. This supports the idea that wealth and position may have been a factor in access to materials.

This leaves the size of the settlement, and any concomitant need for communal buildings, and the requirements of agriculture. The first of these can be difficult to determine, not least because it is often not known for sure whether the settlement continued beyond the excavated area. It is also not known whether communal buildings existed at this time,

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<sup>313</sup> Rackham, *The History of the Countryside*, p. 87.

<sup>314</sup> James, Marshall, and Millett, 'An Early Medieval Building Tradition', pp. 193-194.

although a communal use has been proposed for structures at Chalton.<sup>315</sup> However, the second question goes to the very heart of this study, since there is a difference between the kind of structures required by the domestic processing and storage of crops and those required when these activities are carried out in bulk. The next section will explore what types of agricultural buildings may have been required, and consider the evidence for their early medieval existence and distribution.

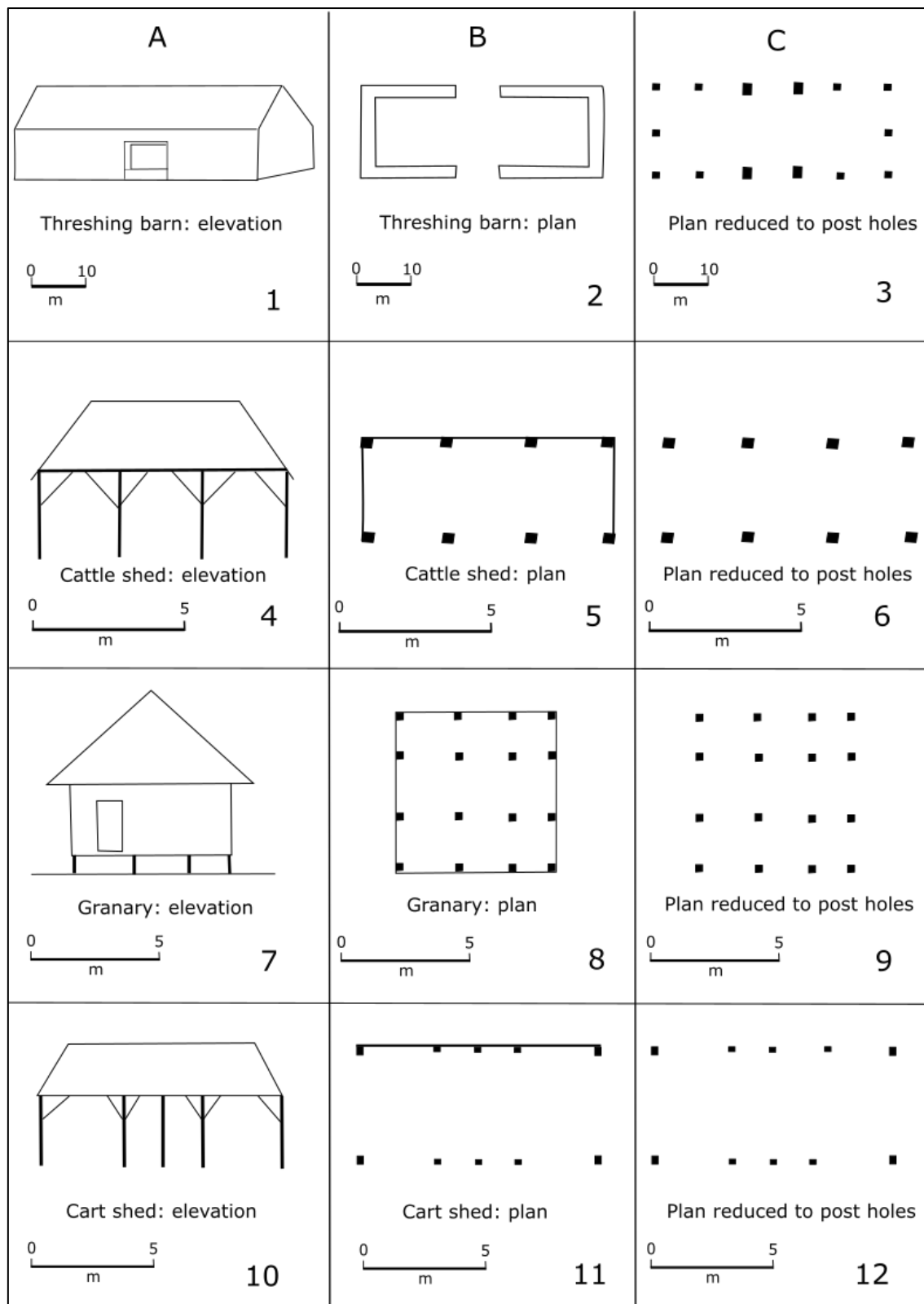
### 3.3.3: Early medieval agricultural buildings

The difficulty in establishing function is often pronounced when considering working buildings, since, with the exception of processes such as metalworking, they leave little evidence. One of their main characteristics is the lack of the type of occupation layers found in dwellings, but since these are often lost anyway, this mere absence is not sufficient to define them. It is therefore necessary to consider building morphology as it relates to function. This section will examine the archetypes of later agricultural buildings and ask which of their functions may have been required on early medieval farms, and whether this shared function might also produce a shared morphology. It will only consider buildings, that is, structures with at least three walls and a roof. The structures known as sunken-featured buildings, will be considered separately in Section 3.3.4. Other specialist structures such as grain dryers will be considered in Section 3.5.3.

Figure 9 (below), shows a series of agricultural buildings which became common from the later Middle Ages and persisted until the advent of mechanisation. Columns A and B give

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<sup>315</sup> P. V. Addyman and D. Leigh, 'The Anglo-Saxon Village at Chalton, Hampshire: Second Interim Report', *Medieval Archaeology*, XVI (1972), 13-31 (pp. 14-15).



*Fig. 9: Elevations and plans of archetypal agricultural buildings. Columns A and B show elevations and plans of typical farm buildings from later agricultural history. A1 is based upon the threshing barn at Great Coxwell, Berkshire (Brunskill, *Traditional Farm Buildings*, p.37). The others are based on measurements taken at Weald and Downland Living Museum: A4 on the Lurgashall cattle shed, A7 on the Littlehampton granary, and A10 on the Charlwood cart shed. Column C shows these plans reduced to hypothetical outlines of post-in-hole buildings. This underlines the difficulties of identification without other evidence.*

elevations and plans, while Column C gives an approximation of what such plans might look like when reduced to post holes. These buildings relate to one of, or a combination of, three functions: storage, the housing of stock, and the housing of work practices. Perhaps the most archetypal agricultural building throughout history has been the barn, which served as a combination of the first and last of these functions (and was sometimes put to use for the second).<sup>316</sup> From the later Middle Ages onwards, barns were used to store unthreshed grain after it had dried in the fields or in stacks in the yard. Many were also threshing barns, with a threshing floor between two large, opposing doorways, allowing a through-breeze to aid with winnowing the crop (see elevation A1 and plan B2, Fig. 9). Given the huge quantities of unthreshed sheaves such structures could hold, threshing was an activity which took place regularly throughout the winter.<sup>317</sup> The straw was then stored in the barn, and the grain moved to a granary (A7, B8, C9 in Fig. 9). Since granaries took a number of forms, many of which do not fall into the category of 'building' used here, they will be examined in Section 3.4. Large barns were products of a particular social and economic system in which the many gave large quantities of grain to the few, and they were designed as statements of power. In this, and in their architecture, they were similar to the Roman military granaries such as those at Birdoswald or Vindolanda, or, in a non-military context, that at Lullingstone villa.<sup>318</sup> Such barns also served as secure stores, protecting the valuable products of tax from theft.<sup>319</sup>

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<sup>316</sup> François Sigaut, 'A method for identifying grain storage techniques and its application for European agricultural history', *Tools and Tillage*, VI, 1 (1988), 3-32 (p. 23).

<sup>317</sup> R. W. Brunskill, *Traditional Farm Buildings of Britain* (London: Victor Gollancz, 1987), pp. 36-50.

<sup>318</sup> Niall Brady, 'Agricultural Buildings', in *The Oxford Handbook of Later Medieval Archaeology in Britain*, ed. by Christopher Gerrard and Alejandra Gutiérrez (Oxford: Oxford University Press, 2018), pp. 259-272 (pp. 268-270); Alexander Smith, 'Buildings in the Countryside', in *The Rural Settlement of Roman Britain*, ed. by Smith, Allen, Brindle and Fulford, pp. 44-74 (p. 60).

<sup>319</sup> Brady, 'Agricultural Buildings', p. 265.

The early medieval evidence for such structures is contradictory. Banham and Faith noted that the word 'barn' came from Old English 'bere ern' (barley building), but pointed out that 'bere', especially in the early Saxon period, could be used generically to refer to any grain crop.<sup>320</sup> However, the nature of this building is not clear. Ine's laws and the Llandaff and Llancarfan charters specify that food be rendered as bread, carcasses, and ale. It may be, therefore, that grain was processed domestically and supplied as ready-baked bread, meaning that elite settlements supported by a food tribute system would have had no need to store unthreshed or threshed grain.<sup>321</sup> If this was so, sheaves might be kept stoked in the fields or yards of more vernacular sites, under a covering of straw thatch, until they were threshed. However, there is, of course, no guarantee that practice matched the letter of these documents, and elite consumers may have felt more secure with their own stores of grain. The need for storing straw is also debateable. Its principal use in later history was as animal bedding, and it is not clear how often early medieval farm animals were housed (see discussion below).<sup>322</sup> Straw does have other uses, notably as thatch or a component in cob walls, and can be briquetted and burnt. But it, too, may have been kept in thatched stacks, without the need for a specialist building. Threshing may also have taken place outdoors, as appears to have been the case at Lyminge, where an external metalled floor of crushed flint was found in association with a substantial structure (125.3m<sup>2</sup>: see Table 11) which Thomas characterised as a 'threshing barn'.<sup>323</sup> If the threshing happened outside, this structure could have been either a barn or a granary. Its form, with a line of axial post holes, did conform to a potential model for barns identified by Gardiner, although Gardiner himself believed barns

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<sup>320</sup> Banham and Faith, *Anglo-Saxon Farms and Farming*, p. 27.

<sup>321</sup> Jurasinski and Oliver, *The Laws of Alfred: The Domboc and the Making of Anglo-Saxon Law*, p. 72; Charles-Edwards, *Wales and the Britons*, pp. 280-281.

<sup>322</sup> Banham and Faith, *Anglo-Saxon Farms and Farming*, pp. 122-123.

<sup>323</sup> G. Thomas, 'Bringing a lost Anglo-Saxon monastery to life', *Medieval Archaeology*, 54 (2010), 409-14 (p. 410).

were not common before the High Middle Ages.<sup>324</sup> However, whichever it was, it should be noted that it was associated with the monastic settlement and not with the earlier royal great halls.

The need for the kind of structure familiar today as a barn is therefore not proven. There is also another problem. As C3, Fig. 9 shows, when the plan of a barn is reduced to an outline of post holes, it is indistinguishable from the outlines of supposed domestic structures. Identification, then, can often only be proposed on the basis of a comparison with other structures on a given site, as was the case with building C15 at Cowdery's Down discussed earlier.<sup>325</sup> But it should be noted that these large barns were more than practical structures; they were signals of social power and control. If their existence in the early Middle Ages is contemplated, then we must also contemplate a concomitant level of control, even if the form that control took may have been different to the regimes of the Roman and Later Medieval periods. Such a level of power may have been required to fill the potential storage structure of building 1D at La Malène, where the lack of evidence for processing suggests goods supplied ready-processed, presumably as the end result of tax or tribute.

As mentioned above, it is uncertain how great a need there was for animal housing in the early Middle Ages. In the Irish epic the *Táin Bó Cúailnge*, when Medb and Ailill are arguing over their wealth, their horses are brought from 'pasture and paddock and stable', while their cattle are brought from the 'woods and the wastes'.<sup>326</sup> However, Banham and Faith noted

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<sup>324</sup> Mark Gardiner, 'Stacks, barns and granaries in Early and High Medieval England: crop storage and its implications', in *Horea, Barns and Silos. Storage and Incomes in Early Medieval Europe*, Documentos de Arqueologia Medieval 5, ed. by Alfonso Vigil-Escalera Guirado, Giovanni Bianchi, and Juan Antonio Quirós (Gipuzkoa: Universidad del País Vasco, 2013), pp. 23-38 (p. 34).

<sup>325</sup> See this chapter, pp. 114-115.

<sup>326</sup> *The Táin*, p. 5.



Fig. 10: Nineteenth-century tie stalls in the seventeenth-century stables at Dunster Castle, Somerset.  
Photograph: C. Hopkins

that Bede appeared to draw a distinction between the milder climate in Ireland, which obviated the need for housing stock in winter, and that in Northumbria.<sup>327</sup> Gardiner also believed that there may have been regional differences in the prevalence of cattle housing.<sup>328</sup> This aside, not all animal housing was about protection. One function of early stables was to keep horses ready for use. Horses were kept tied in individual stalls where they could be fed, watered, and mucked out, but were instantly available for riding (see Fig. 10 above).<sup>329</sup> If horses were in regular use for riding in the early Middle Ages, similar stables may have been needed to avoid having to round them up from a field when needed. There are some suggestions that there may have been a need to keep horses ready: the *Rectitudines Singularum Personarum* talks of the duty of the *Geneats* to care for the horses and carry

<sup>327</sup> Banham and Faith, *Anglo-Saxon Farms and Farming*, p. 122; Bede, *HE*, I.1.

<sup>328</sup> Gardiner, 'Stacks, barns and granaries', in *Horea, Barns and Silos. Storage and Incomes in Early Medieval Europe*, ed. by Vigil-Escalera Guirado, Bianchi, and Quirós, pp. 23-24.

<sup>329</sup> Kate Kanne, 'What were medieval stables like?', Blogpost, *Warhorse: The Archaeology of a Medieval Revolution?* < <https://medievalwarhorse.exeter.ac.uk/2022/04/>> [accessed 8 June 2023].

messages, while Æthelberht's law code prescribes special protection for king's messengers on the highway.<sup>330</sup> The frequency with which such duties may have been required, and so the need to keep horses ready, is harder to say. Oxen may also have been housed to keep them ready for the plough. Descriptions of stalls for horses and oxen are given by both Vitruvius and Columella.<sup>331</sup> Using these, Applebaum estimated a stall space of between 1.2 to 1.4m for oxen, with a slightly smaller space for horses. He also noted that horses and oxen were sometimes stabled together in the same building.<sup>332</sup>

Early stables need not have been large or substantial structures, they may even have looked more like the open-fronted shelter sheds of later periods. However, Structure 9435 at Cotswold Community is stable-like in plan (see Fig. 11, below). This was 12m long by 5.5m wide and had two large doorways, one with a porch, at the north and south ends of the eastern long wall. Inside, a series of post holes seemed to form right angles with the west wall, marking out three possible stalls of between 2.5 and 3m in width: more than big enough for horses or oxen. Excavators even thought that post holes outside the west and north walls may have related to steps accessing an upper storey, reminiscent of the hay lofts above many later stables.<sup>333</sup> The degree to which hay was used as fodder has already been discussed.<sup>334</sup> It is maintained here that documentary evidence, as well as the precedent of the Roman period, suggests that some land was used to produce fodder, for which there would have been some

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<sup>330</sup> David C. Douglas and George W. Greenaway, eds, *English Historical Documents 1042-1189* (London: Eyre and Spottiswoode, 1953), p. 813; *Æthelberht's Code*, Digital edition ed. by Lisi Oliver, text based on Felix Lieberman, *Die Gesetze der Angelsachsen*, 3 Vols (Halle, 1903 – 1916), Vol. 1 pp. 3-8. <[www.earlyenglishlaws.ac.uk/laws/txts/abt](http://www.earlyenglishlaws.ac.uk/laws/txts/abt)> [accessed 28 August 2023].

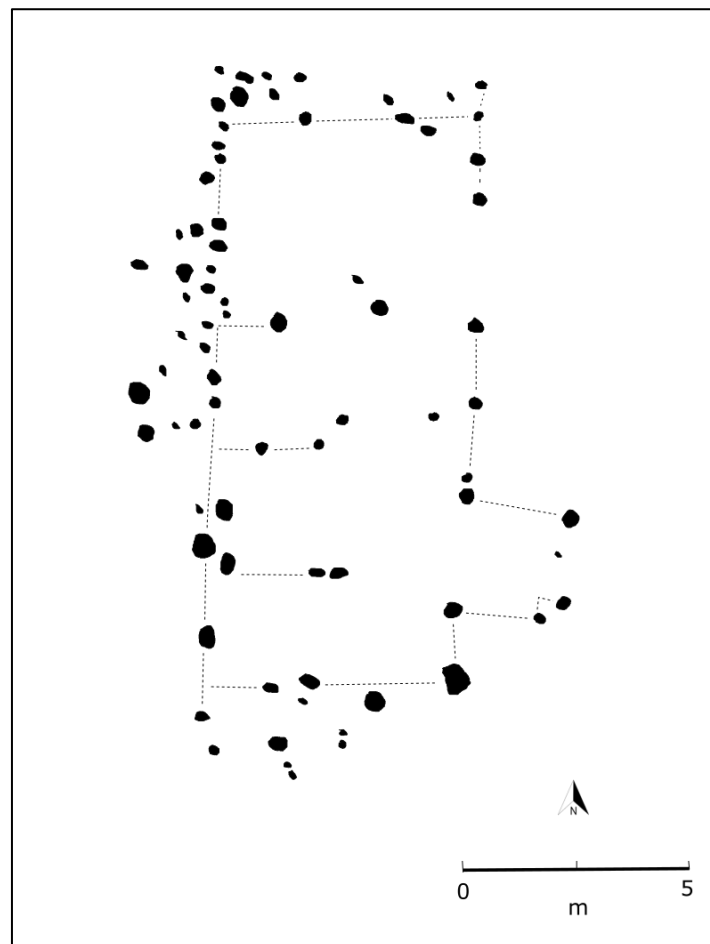
<sup>331</sup> Vitruvius, *On Architecture*, Vol. II, pp. 39-45; Columella, *Res Rustica*, Vol. 1, Bk 1, VI, 4, pp. 68-69.

<sup>332</sup> S. Applebaum, 'Roman Britain', in *The Agrarian History of England and Wales, Vol. I, Part II, AD 43-1042*, ed. by H.P.R. Finberg (Cambridge: Cambridge University Press, 1972), pp. 3-277 (pp. 142-150).

<sup>333</sup> Kelly Powell, Alex Smith, and Granville Laws, *Evolution of a Farming Community in the Upper Thames Valley. Excavation of a Prehistoric, Roman and Post-Roman Landscape at Cotswold Community, Gloucestershire and Wiltshire, Vol. 1 Site Narrative and Overview*, Thames Valley Landscapes Monograph No. 31 (Oxford: Oxford Archaeology, 2010), pp. 198-199.

<sup>334</sup> See Chapter Two, pp. 49-50.

need (feeding tethered horses or plough oxen, emergency food for animals in snow). However, until the proliferation of enclosures from the mid-seventh century, it may only have been needed in relatively small quantities and not have required substantial storage structures. In Structure 9435, then, the character of the doorways and an interpretation of internal post holes allows this suggestion, although they do not, of course, prove it. Without the suggestion of stalls, the post hole outline of a stable could be indistinguishable from other structures.



*Fig. 11: Structure 9435 at Cotswold Community: a stable-like building with possible stall partitions. After Powell, Smith, and Laws.*

It seems unlikely that the simple and small-scale farming methods of the early Middle Ages would have required many other structures beyond the most ephemeral folds made

from hurdles. Both cow houses and cart sheds seem doubtful. Brunskill suggested that cart sheds (see elevation A10 and plan B11 in Fig. 9) were a later development in agricultural history as vehicles proliferated.<sup>335</sup> Their post hole plan would be indistinguishable from many other structures. Given the extensive form of stock raising thought to have been practised, cow houses may not have been needed, except perhaps in upland areas.<sup>336</sup> However, plough oxen may have needed stalling, and there may have been a use for milking shelters to keep rain off working humans. Since milking is likely to have been a relatively domestic affair, given limitations on the storage and transport of milk, these could have been small and simple, and need not have been fully enclosed structures. Such three-sided shelter sheds (A4, B5, C6, Fig. 9) could have had a variety of uses.

A number of possible three-sided buildings have been found on sites (see Fig. 12), but their character is often uncertain because post holes can be difficult to identify and are easily lost to ploughing or other forms of erosion. These problems are well illustrated by a number of structures at Catholme, Staffordshire, where later ploughing appeared to have removed post holes on several features. This was the case with AS60, a sub-rectangular structure of around 37.5m<sup>2</sup>, where the east wall was suggested by a single post hole, but no evidence could be confirmed for the west wall (see plan, Fig. 12 below). This may have been lost to the same later furrow which damaged the south-west corner.<sup>337</sup> AS21 was a stronger candidate for an originally three-walled structure. No east wall was detected, but this did not seem to be due to later perturbation, as a narrow furrow which ran the length of the building had not damaged the west wall. If it was three-sided, however, its plan did not conform to that of a

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<sup>335</sup> Brunskill, *Traditional Farm Buildings*, p. 90.

<sup>336</sup> Banham and Faith, *Anglo-Saxon Farms and Farming*, pp. 122-123.

<sup>337</sup> Stuart Losco-Bradley and Gavin Kinsley, *Catholme. An Anglo-Saxon Settlement on the Trent Gravels in Staffordshire*, Nottingham Studies in Archaeology Vol. 3 (Nottingham: Trent and Peak Archaeological Unit, 2002), p. 81.

shelter shed, since it was a short wall which was missing. Two similar, but less disturbed, structures (PBB4 and PBBB5) were found at Lanton Quarry, Northumberland, which more clearly showed over-sized entrances.<sup>338</sup> In plan, all of these are closer to later cart sheds than shelter sheds, but structure AS59 at Catholme was more like a shelter shed, since it had a single post hole (2494) in its otherwise open north side, which may have acted as a roof support. However, this end was also affected by a later furrow, so it cannot be ruled out that there may have been further post holes beyond this point (see plans in Fig. 12).<sup>339</sup>

Partially walled structures were also found at the Cotswold Community site, Shorncliffe, Gloucestershire. The clearest plan was that of Structure 2905, two successive open-fronted buildings of 31 to 36m<sup>2</sup> (see Fig. 8). Structure 2987 was another open-fronted building, but here the post holes were smaller, while 2906 was partially enclosed, but still had a three-metre-wide opening to the west.<sup>340</sup> At least 2905 and 2906, therefore, seem to represent buildings which housed work activities which benefitted from some shelter. Structure 2533 had an open east end and slight funnelling leading to a smaller western opening. This arrangement might suggest a stock control function similar to sheep folds, where the herd are driven in through the larger opening, which is then blocked with hurdles. The smaller opening is also blocked, allowing animals to be taken through one at a time for operations such as shearing. Even on modern farms, however, such operations are frequently performed using (metal) hurdles alone, and do not require a special building. Moreover, 2533 seems excessively solid for such a function, with post holes of between 0.4 and 0.6m in diameter, although they were quite shallow. Structure 3875 had the smallest post holes of all

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<sup>338</sup> Louis Stafford, 'Excavation at Lanton Quarry, Northumberland', Unpublished ARS Ltd Report No. 2007/14, Archaeological Research Services Ltd, University of Newcastle Upon Tyne (2006).

<sup>339</sup> Losco-Bradley and Kinsley, *Catholme*, pp. 42-85.

<sup>340</sup> Powell, Smith, and Laws, *Evolution of a Farming Community in the Upper Thames Valley*, pp. 189-192.

these constructions, and may represent an unroofed structure associated with husbandry (see Fig. 12 for plans).<sup>341</sup>

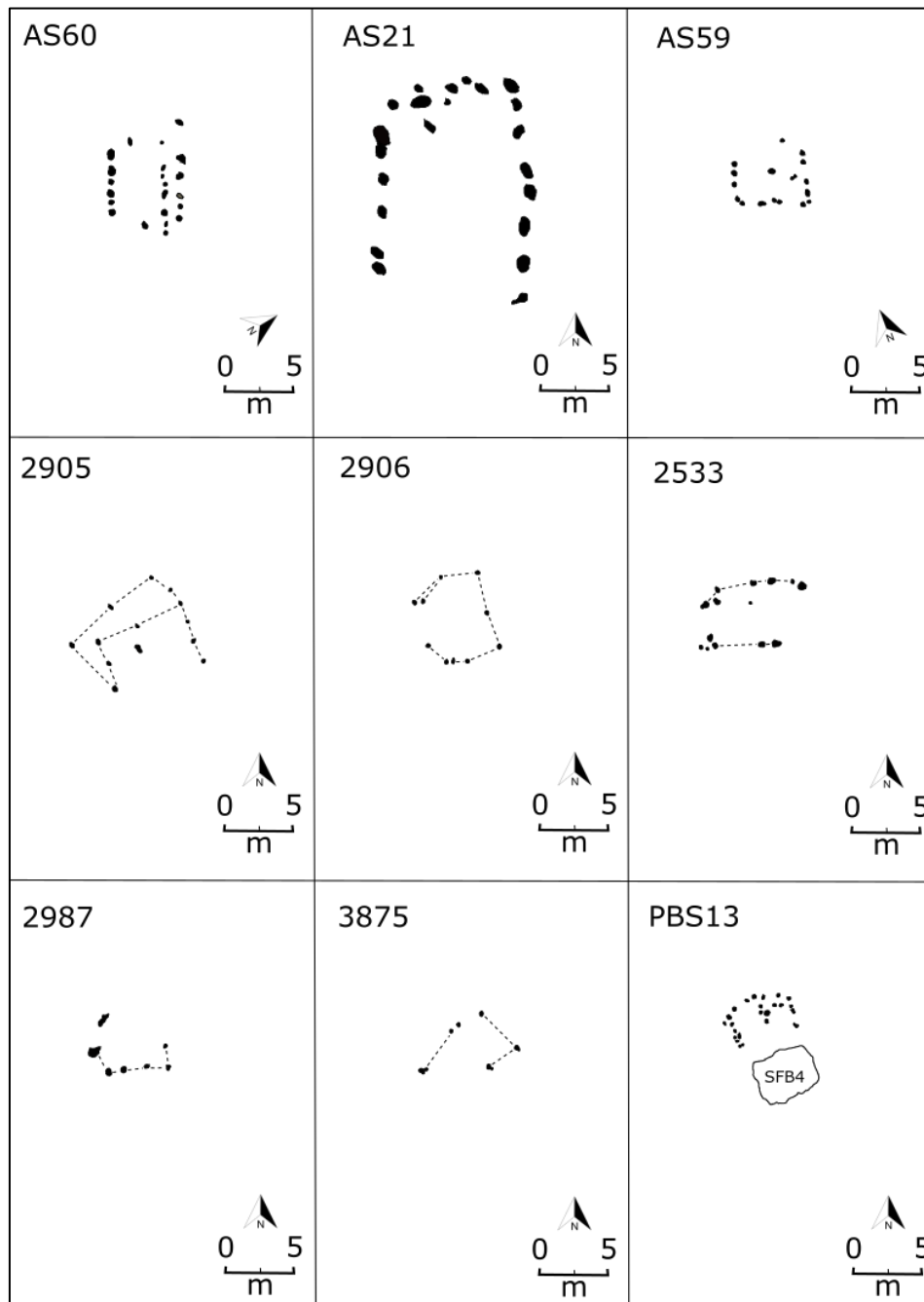


Fig. 12: Possible three-sided structures. AS60-59, Catholme, after Losco-Bradley and Kinsley; 2905-3875, Cotswold Community, after Powell, Smith, and Laws; PBS13 at Radley, after Chambers and McAdam.

<sup>341</sup> Powell, Smith, and Laws, *Evolution of a Farming Community in the Upper Thames Valley*, pp. 191-192.

Another shelter shed type structure was PBS13 (Fig. 12) at Radley Barrow Hills, Oxfordshire. This was a roughly D-shaped structure of around 14m<sup>2</sup> which was open on its long southeast side. It was sited 1.3m north of an SFB, and the excavators thought it may have stood in relation to this as a pen or lean-to. They also believed internal post holes may have represented stalls.<sup>342</sup> Radley also displays apparently ancillary buildings (again, judged on size) in relation to a presumed domestic structure, PBS1 (see Fig. 13, above). This kind of arrangement is exactly what might be expected of a farm and its working buildings arranged around a yard. It also has similarities to arrangements proposed for some structures in Gaul, where domestic and ancillary functions may have been combined. This may be the case with Building 1 at Aubréville, Meuse. This large building of some 103m<sup>2</sup> was divided into three spaces. One of these contained a pit and another seems to have been an open-fronted bay (see Fig. 13, above).<sup>343</sup> A similar pattern was found at the Camp-des-Armes, Lapanouse-de-Cernon, Midi-Pyrenees, where a three-room structure with one open bay was interpreted as a combined dwelling, byre, and storage space.<sup>344</sup> Building 1 at Delle was also interpreted as a combined dwelling and byre, in part because of the high concentration of phosphorous found in some areas.<sup>345</sup>

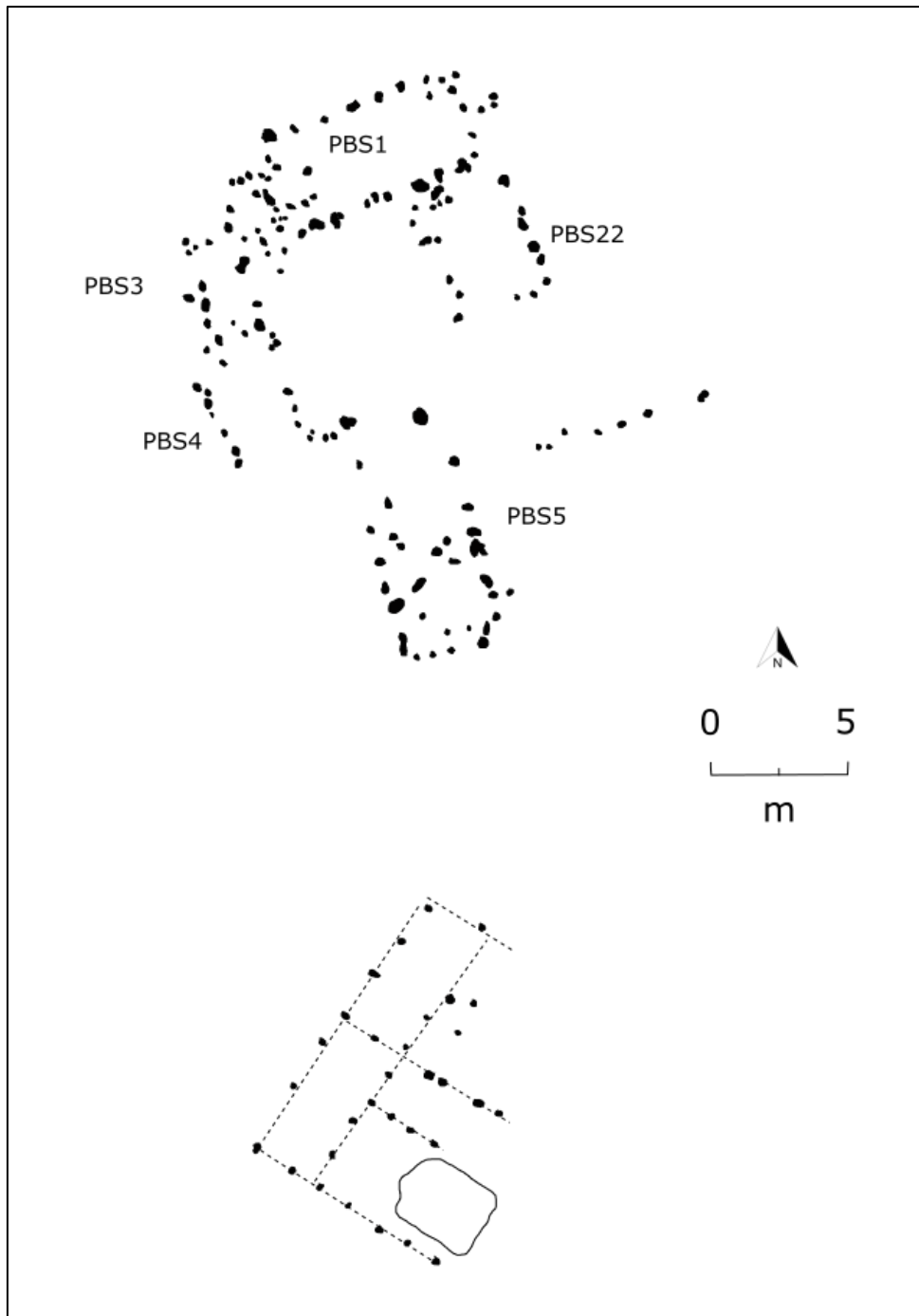
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<sup>342</sup> Ellen McAdam, 'The Anglo-Saxon Settlement, Structural Evidence', in *Excavations at Barrow Hills, Radley, Oxfordshire, 1983-5*, ed. by Richard Chambers and Ellen McAdam, Oxford Archaeology Thames Valley Landscape Monograph No. 25 (Oxford: Oxford Archaeological Unit, 2007), pp. 65-227 (p. 68).

<sup>343</sup> Laurent Vermard, Julian Wiethold, with Michiel Gazenbeek, 'Production Agricole et stockage dans une ferme du début du VIIe S. à Aubréville (Meuse)', *Revue Archéologique de l'Est*, 57 (2008), 315-332 (p. 319).

<sup>344</sup> Jean-Luc Boudartchouk, 'Lapanouse-de-Cernon: Le Camp des Armes', in *Bilan Scientifique de la Région Midi-Pyrénées, 1999* (Toulouse: Direction Régionale des Affaires Culturelle; Service Régional de l'Archéologie, 2000), pp. 65-66.

<sup>345</sup> Billoin, 'Un établissement rural Mérovingien à Delle', pp. 628-630.



*Fig 13: Possible associations between domestic and ancillary structures at Radley Barrow Hills, Oxon., (top), after Chambers and McAdam, and Aubréville, Meuse (bottom), after Vermard and Wiethold.*

There are, therefore, a number of structures whose form might be consistent with agricultural buildings, although direct evidence of function is still largely absent. What is perhaps notable is that all the putative agricultural structures on British sites occur on those

in Categories Two and Three (Catholme, Radley, Cotswold Community).<sup>346</sup> There are suggestions of larger structures on Category One sites, such as the possible barn at Lyminge, but these are later than the period under examination here.<sup>347</sup> The possible structures identified for France do occur on Category One sites (Aubréville, Delle), where they may have been associated with domestic structures, and date from the sixth to seventh centuries. It is interesting that both of these are in the east of the country, where other evidence of wealth and control of resources has been found at sites such as Marlenheim and Ostheim.<sup>348</sup> Other than these, the French sites also show an apparent dearth of agricultural buildings. However, it must be stressed that these would have been some of the most ephemeral structures on a site, and without definitive evidence, such as environmental or artefactual data, conclusions can only be conjectural. As will be seen below, a similar problem exists for sunken-featured buildings.

### 3.4: Sunken-featured Buildings

Sunken-featured buildings (SFBs) are one of the most enigmatic features of early medieval archaeological sites. Both their form and their function remain elusive, and it is still unclear to what extent they should be seen as a cultural phenomenon, or as a response to certain practical demands and topographic situations. For example, 23 Roman period

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<sup>346</sup> See Tables 14 and 15 on p. 121.

<sup>347</sup> See this chapter, p. 126.

<sup>348</sup> Madeleine Châtelet, 'Marlenheim en Alsace: une résidence royale et un centre domanial des périodes Mérovingienne et Carolingienne', *Des Fleuves et des Hommes à l'époque mérovingienne. Territoire fluvial et société au premier Moyen Âge (Ve – XIIIe siècle)*, Actes des 33<sup>e</sup> journées internationales d'archéologie mérovingienne 28-30 septembre 2012, Strasbourg, Mémoires de l'Association française d'Archéologie mérovingienne 32, *Revue archéologique de l'Est* supp. 42 (Dijon: AFAM; RAE, 2016), pp. 245-254; Thierry Logel, *Ostheim, Haut-Rhin Volume 2: Le haut Moyen Âge et la période moderne*, Rapport de Fouille Préventive (Selestat: Pôle d'Archéologie Interdépartemental Rhénan, 2008).

'sunken-floored structures' on the Monkton-to-Minster road excavation, Thanet, Kent, were interpreted as a response to the site's highly exposed topography, rather than having any ethnographic significance.<sup>349</sup> Recent debates have focused on a number of issues: the form, construction, and chronology of the buildings, especially whether they had suspended floors or whether the sunken base formed the floor; and whether any of the fills should be interpreted as primary occupation evidence. The first of these may have some implications for whether SFBs can be seen as part of a particular cultural package; both have some implications for ideas about function. Function is the key issue for this thesis. Unfortunately, while a number of convincing propositions for their use have been put forward, and a compromise position on form seems possible, definitive evidence for either is still absent.

SFBs are normally rectangular or sub-rectangular structures with a base cut some 0.25 to 1.0m into the soil. It is thought that above this a superstructure was raised using two, four, six, or more posts. Opinions on the two-post versions vary. The posts, centrally placed in the short ends, seem to have supported a ridge pole, but some think the resulting structure was tent-like, without walls, while West believed there was a wall framework beyond the dugout area (see Fig. 14, below). The four-post versions generally seem to have had corner posts, although a Continental variant, such as those found at Ostheim, had four earth-fast, slanting roof supports, again possibly forming a tent-like structure (Fig. 14). Six-post versions seem to have combined corner and ridge posts. There are, however, many variants, some with post holes gathered at one end of the structure, others which seem to have had no posts at all.

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<sup>349</sup> Alison Hicks, 'The Roman Settlement', in *At the Great Crossroads. Prehistoric, Roman and Medieval Discoveries on the Isle of Thanet 1994-95*, Canterbury Archaeological Trust Occasional Paper No. 4, ed. by Paul Bennett, Peter Clark, Alison Hicks, Jonathan Rady and Ian Riddler (Canterbury: Canterbury Archaeological Trust, 2008), pp. 108-278.

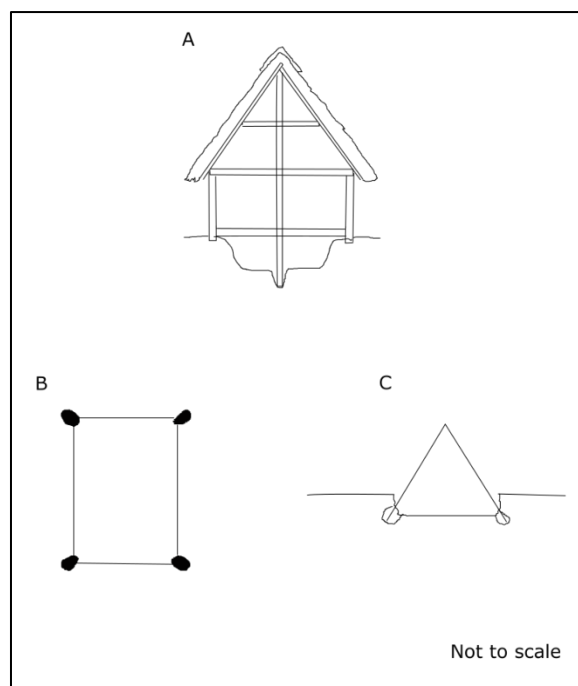


Fig 14: Variations on SFB types. A: West's reconstruction of 2-post structures at West Stow. B and C: Plan and elevation of 4-post, tent-like structures at Ostheim, after Logel.

There is now general agreement that SFBs in Britain grew larger with time, with 5m long structures only appearing in the seventh century.<sup>350</sup> This correlation is not as clear for France: at Biéville-Beuville, Normandy, FDC1 in the Western Court was dated to the sixth century and was 19m<sup>2</sup>; FDC2 was 6.5m long.<sup>351</sup> However, given the difficulties of dating SFBs, this should perhaps be treated with caution.<sup>352</sup> More convincingly, the 16m<sup>2</sup> FDC3 at Dassargues, Hérault, was dated to the end of the fifth century and preceded the farm enclosure. Garnier *et al* suggested that this may have belonged to a more Mediterranean tradition, although the comparative examples they cited all dated from the tenth century

<sup>350</sup> Helena Hamerow, *Excavations at Mucking. Vol. 2: The Anglo-Saxon Settlement* (London: English Heritage in assoc. with the British Museum Press, 1993), p. 11; Sam Lucy, Jess Tipper and Alison Dickens, *The Anglo-Saxon Settlement and Cemetery at Bloodmoor Hill, Carlton Colville, Suffolk*, East Anglian Archaeology Report No 131 (Cambridge: Cambridge Archaeological Unit, 2009), p. 40; Hamerow, *Rural Settlement and Society*, p. 54.

<sup>351</sup> Vincent Hincker, 'Un habitat aristocratique en Neustrie: Le site du château à Biéville-Beuville (Calvados, Normandie, France)' in Laurent Verslype, ed., *Villes et campagnes en Neustrie: Sociétés, Économies, Territoire, Christianisation*, Actes de XXV<sup>e</sup> journées internationales d'Archéologie mérovingienne de l'AFAM, Tome XVI des mémoires de l'Association française d'archéologie mérovingienne (Montagnac: Monique Mergoïl, 2007), pp. 175-189 (p. 177).

<sup>352</sup> Hamerow, *Rural Settlement and Society*, p. 69.

onwards.<sup>353</sup> Certainly, it does appear that many of the larger SFBs on northern French sites, such as those at Mericourt or Athies, do belong to the seventh century. Perhaps the most that could be said is that a growth in SFB size may have happened slightly in advance of that in Britain. In spite of this association between size and time, no correlation has been proven between size or depth of the SFB and the number of posts used in its construction. Nor do there appear to be chronological patterns for this, although individual sites may show a propensity for two, four or six post versions.<sup>354</sup> These conclusions appear to be borne out by examples such as Bloodmoor Hill Structure 25, a two-post SFB with 5.9m long sides, West Stow Structure 8, another two-post SFB with 5.2m long sides, or a number of two post SFBs at Athies, Picardy, measuring up to 7.5m long.

The nature of an SFB's floor is more contentious. West and Tipper argued for suspended wooden floors above the dugout area, based on the frequent occurrence of sloping sides and a restricted base area, the lack of obvious side revetment, and of obvious entrances. This was combined with positive evidence from the remains of planking, the existence of apparently suspended hearths, and the nature of lower fills. This proposition would increase their surface area, making them less distinguishable from other post-built buildings, and mean that stake holes in the earth base could not be used as indicators of function, for example, as the supporting posts of upright looms.<sup>355</sup> Hamerow, while admitting the plausibility of some of their arguments, pointed out that such buildings would involve a

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<sup>353</sup> Bruno Garnier, Alexandrine Garnotel, Catherine Mercier, and Claude Raynaud, 'De la ferme au village: Dassargues du Ve au Xlle siècle (Lunel, Hérault)', *Archéologie du Midi médiévale*, 13 (1995), 1-78. (p. 36).

<sup>354</sup> Hamerow, *Early Medieval Settlements*, p. 31; Jean Chapelot and Robert Fossier, *The Village and House in the Middle Ages*, trans. by Henry Cleere (London: Batsford, 1985), p. 113.

<sup>355</sup> Stanley West, *West Stow: The Anglo-Saxon Village, Volume 1: Text*, East Anglian Archaeology 24 (Ipswich: Suffolk County Planning Department, 1985), pp. 113-121; Jess Tipper, *The Grubenhaus in Anglo-Saxon England. An Analysis and Interpretation of the evidence from a most distinctive buildings type*, (Yedingham: The Landscape Research Centre, 2004), pp. 84-93.

substantial investment of raw materials, making them, in effect, more expensive structures than the large halls. She maintained that some SFBs do present evidence that the base formed the floor, either in the form of beaten surfaces, as in some at Mucking, or in the form of laid clay floor levels above the earthen substrate.<sup>356</sup> It is also true that some SFBs, including several at Catholme,<sup>357</sup> do display evidence which could be interpreted as side wall revetments, although an under floor storage area could also have been revetted, as some silos were. At the moment, this contradictory evidence has led to a compromise position which considers that some SFBs may have had suspended floors, and that some of these might better be seen as a separate category, while others were genuinely sunken structures.<sup>358</sup> This accords with the range of uses considered feasible for SFBs, with the storage of grain being favoured by suspended floors, which would allow air to flow below the crop, while the storage of cheese or milk might be favoured by a more humid base.<sup>359</sup> It has also been suggested that humidity might be beneficial to weaving, since it is said to help stop threads breaking (but see Section 3.4.2, below), and looms might also benefit from the taller roof space provided by digging out the base. Finally, an earthen lower wall could be beneficial to practices using fire, reducing the risk of setting combustible wall and roof material alight.<sup>360</sup>

The sites analysed here which reported SFBs are recorded in the All Sites Data Survey (available through the link in Appendix F). However, since the number of SFBs varies by site, it did not prove possible to produce a full catalogue. For example, only a selection of many, often poorly preserved SFBs were described in the Mucking report, 69 SFBs were described

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<sup>356</sup> Hamerow, *Rural Settlement and Society*, pp. 59, 65; Hamerow, *Mucking*, p. 11.

<sup>357</sup> Losco-Bradley and Kinsley, *Catholme*, pp. 42-85.

<sup>358</sup> Hamerow, *Rural Settlement and Society*, p. 59, 65.

<sup>359</sup> Hamerow, *Rural Settlement and Society*, p. 62; Hamerow, *Early Medieval Settlements*, pp. 33-34; Chapelot and Fossier, *Village and House in the Middle Ages*, p. 120.

<sup>360</sup> Chapelot and Fossier, *Village and House in the Middle Ages*, p. 121.

for West Stow, and 38 at Bloodmoor Hill, while only two or three were found at some sites. Instead, reports were examined primarily for evidence of function, and it is this which will be discussed below under the categories of Storage, Weaving, and Fire-based Activities.

### 3.4.1: Storage

The only SFBs on sites studied here to show positive evidence of grain storage, in the form of carbonised seeds, were some of those at West Heslerton, and Powlesland believed that all of these had suspended floors.<sup>361</sup> This use is supported by finds on sites in mainland Europe.<sup>362</sup> The apparent paucity of evidence in Britain could be due to accidents of survival, since it depends upon some grain being either charred or waterlogged. If grain was stored without drying, charred specimens might not be found, and heavily waterlogged ground would presumably have been avoided for grain storage. If threshed grain was stored in SFBs, it is worth considering their potential capacity and, therefore, whether they would serve a single household or larger group. Chambers and McAdam estimated that, based on average calorie consumption, an SFB's grain could feed an extended family (eight to 12 people) for a year.<sup>363</sup> This may be an overestimate, since it ignores variations in grain quality, the likelihood that some grain would spoil, some be lost, and some be kept back for seed. Also, as Chambers and McAdam noted, it is more likely that family grain would be stored unthreshed and

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<sup>361</sup> D. Powlesland, 'Early Anglo-Saxon Settlements, Structures, Form and Layout', in *The Anglo-Saxons from the Migration Period to the Eighth Century: An Ethnographic Perspective*, ed. by John Hines (Woodbridge: The Boydell Press, 1997), pp. 101-117 (p. 105).

<sup>362</sup> Hamerow, *Early Medieval Settlements*, p. 34.

<sup>363</sup> Richard Chambers and Ellen McAdam, eds, *Excavations at Barrow Hills, Radley, Oxfordshire, 1983-5*, Oxford Archaeology Thames Valley Landscape Monograph No. 25 (Oxford: Oxford Archaeological Unit, 2007), p. 82.

processed in smaller quantities as needed. Unthreshed grain would take up more space. However, it does suggest it is practical for SFBs to have acted as grain stores for family units.

SFBs may also have been used to store other items and commodities. No positive evidence was found for the storage of dairy products, although a green tinge was found on SFB bases at Athies which sounds similar to that found in pits at Catholme and interpreted as possible evidence of cheesemaking (see below for Harnay's interpretation of the Athies stains and Section 3.5.2 for the Catholme pits).<sup>364</sup> Tipper argued that rows of loom weights found on the bases of some SFBs may represent storage rather than use and Hamerow believed that this may be the case with lines of weights found in GH84 at Mucking. However, Tipper's ideas have still not been fully accepted and it is argued that finds of loom weights from other sites does suggest looms destroyed by fire.<sup>365</sup>

#### 3.4.2: Weaving

If loom weights and spindle whorls found in fills but not identified as potential primary deposits are excluded, then the evidence for weaving among SFBs reviewed here is slight. A number of SFBs at Mucking, other than GH84 mentioned above, did have numbers of loom weights, and one of these, GH105, was a relatively large structure.<sup>366</sup> Perhaps more suggestive was SFB4 at Abbot's Barton, Hampshire, where a large number of underfired loom weights, some arranged in a row, were found among a charcoal spread which contained linear

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<sup>364</sup> Véronique Harnay, 'Le site du "Chemin de Croix", un habitat du haut Moyen Âge aux abords de la villa royale d'Athies (Somme)', *Revue archéologique de Picardie*, 1-2, L'actualité de l'archéologie du haut Moyen-Âge en Picardie. Les apports de l'expérimentation à l'archéologie mérovingienne. Actes des XXI<sup>e</sup> journées internationales d'archéologie mérovingiennes. Musée des Temps Barbare, Marle (Aisne) 26-28 septembre 2008, (2009), 37-54 (p. 42).

<sup>365</sup> Tipper, *The Grubenhaus in Anglo-Saxon England*, pp. 164-167; Hamerow, *Mucking*, p. 17

<sup>366</sup> Hamerow, *Mucking*, p. 17.

patterns, possibly suggesting planks, and worked wood, possibly suggesting a loom.<sup>367</sup> However, Tipper argued that similarly aligned weights found at West Stow showed carbonised wood in the central hole, where they had been hung on storage poles.<sup>368</sup> Beyond this, some structures show stake holes in their bases which may relate to internal fittings, for instance, AZ5 at Chalton, Hampshire, or PR7 at Poundbury, Dorset.<sup>369</sup> However, these have not been proven to relate to looms. Moreover, an experiment carried out at West Stow challenged the idea that a sunken floor increases humidity. This showed no significant difference between an SFB with its floor on the pit base and one with a suspended floor.<sup>370</sup>

### 3.4.3: Fire-based activities

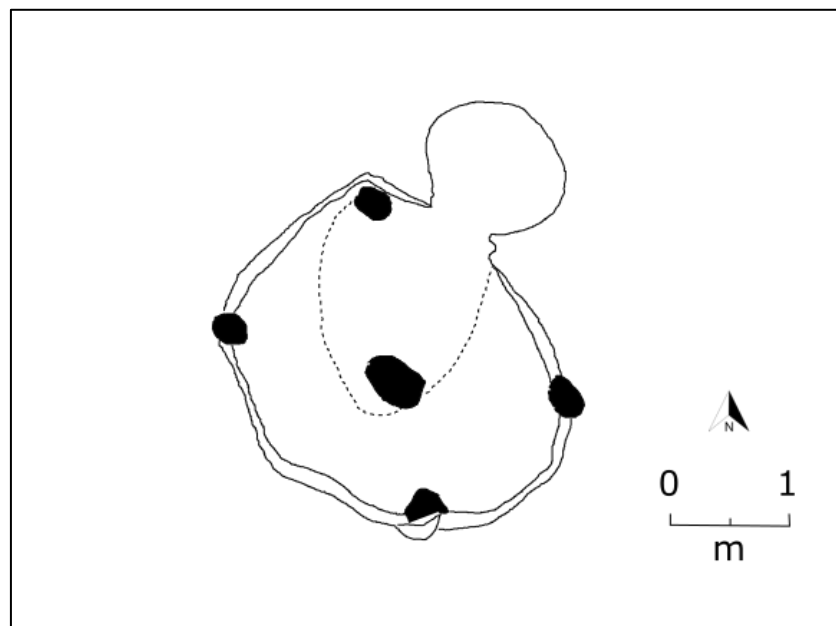


Fig. 15: Oven in the side wall of FDC 17 at Marines, Les Carreaux, after Devals.

<sup>367</sup> Andrew B. Powell, 'Early-Middle Anglo-Saxon settlement beside the Winchester to Silchester Roman road at Abbots Barton, Winchester', *Proc. Hampshire Field Club Archaeological Society*, 70 (2015), pp. 63-101 (p. 73).

<sup>368</sup> Tipper, *The Grubenhaus in Anglo-Saxon England*, p. 166.

<sup>369</sup> Christopher Sparey-Green, *Excavations at Poundbury, Dorchester, Dorset 1966-1982, Volume I: The Settlements*, ed. by Susan M. Davies and Ann Ellison, Dorset Natural History and Archaeological Society Monograph Series: Number Seven (Dorchester: Dorset Natural History and Archaeological Society, 1987), p. 79.

<sup>370</sup> Tipper, *The Grubenhaus in Anglo-Saxon England*, pp. 170-172.

Site	Structure	phs	Dim. (m)	O	H	Evidence
Mucking	GH9,	-	-		X	Succession of 4 bowl-shaped hearths containing quantities of animal bone. Hearth 1 was circular; others were bowl shaped.
Mucking	GH45	-	-		?	Circular patch of charcoal on base but not clear if this burnt in situ. Smelting slag found in fill but association not proven.
Mucking	GH49	-	-		?	Burnt clay and charcoal but overlay clay which showed no signs of burning. Quantities of molten lead found in fill.
Mucking	GH126	-	-		X	Central hearth pit 38cm deep. Gravel on base and sides reddened and charcoal in fill. Pit contained grass-tempered sherds possibly from single pot (p. 15)
Mucking	GH31	-	-	-	X	Hearth was 10' above base level, dug into the space when it was partially filled.
Blood-moor Hill	SFB26	7	5.7x4.1 x0.13	?	?	Shallow hollow with indistinct cut. Sub-circular deposit of burnt clay with scorched sand below.
West Stow	18	(6)	4.4x3.4 x0.4	X		Large, oval clay oven, 1.02m long, on west side. Flat plate of clay with flint, with oven walls surviving up to 8ins. This lay upon the lower fill.
West Stow	24	(2)	4.4x3.7 x0.4		X	Partial fired clay hearth in west section.
West Stow	44	(6)	4.3x3.1/ 3.3x0.6/ 1.1		X	Large clay hearth to north side.
West Stow	49	(6)	4.6x3.7/ 3.4x0.7/ 1.0		X	Clay hearth partially extending over pit.
Glatigny	B8	0	1.5x3.7	X		Stone and tile oven in southeast corner
Tigery, Essone	FDC441 1	(4)	-			Exterior oven to west side - association with SFB not proven
Marines, Les Carreaux	C17	4	-	X		Oven dug into northeast wall. Dating not clear. May relate to eighth century.
Marines, Les Carreaux	C15/16	2/4	-	X		Two connected SFBs with oven in 15. Dating not clear. May relate to eighth century.
Biéville-Beuville, West Court	FDC1	6	19m2		X	Possible rubefaction from hearth
Biéville-Beuville, West Court	FDC2	6	6.5x4.5			Slight rubefaction - possibly from brazier
Ostheim	3027	(4)	5.0x4.8 x0.2	?	?	Hearth or oven in west side with alternating layers of charcoal and rubified clay.

Table 16: Activities associated with fire in SFBs. 'phs' = no. of postholes in SFB, O = oven, H = Hearth. The number of post holes is given in brackets where there was uncertainty over the total.

The data for ovens and hearths associated with SFBs is summarised in Table 16, below. The exact use to which most of these were put is not clear: while there are some tantalising associations with metal working debris in fills, it cannot be proven that these relate to occupation activities rather than to debris from the surrounding area. Only the ovens seem to have a clearly definable purpose, and it is noteworthy that these are commoner on sites in France than in Britain, which (as will be seen below) is also true for ovens not attached to SFBs. The site of Les Carreaux, Marines, Île-de-France, is particularly striking for the number of ovens, two of which were associated with SFBs (see Fig. 15 above). However, a lack of specificity on dating means it is unclear which of these belong to the sixth- and seventh-century phases.<sup>371</sup> It should also be noted that several of the hearths found in SFBs in Britain do not seem to relate to the original use of the structure: all those at West Stow were found dug into the initial fills.<sup>372</sup> Finally, there is no obvious connection between the emplacement of hearths and ovens and the form of the SFB.

#### 3.4.4: Other uses

Two more possible uses for SFBs remain to be discussed. The first is the idea that they may have been dwellings. Hamerow noted that such structures have been used as homes in some areas at certain times, and Harnay did not exclude the possibility that some of the Athies SFBs were domestic structures. Generally, though, the idea has fallen out of favour since the time of Leeds (who described them as hovels), as evidence for other structures came to

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<sup>371</sup> Christophe Devals, 'Un site du haut Moyen Âge en Vexin français, Marines - Les Carreaux (Val d'Oise)', *Bulletin De Liaison Association Française D'Archéologie Mérovingienne* (2004), 139-156 (p. 141).

<sup>372</sup> West, *West Stow: The Anglo-Saxon Village, Volume 1*, pp. 24-41.

light.<sup>373</sup> However, emerging ideas that the current category of SFBs may include a range of structures, some of which may have been indistinguishable from other post-in-hole buildings, has revived the possibility. Hamerow also pointed out that the use of structures may have varied over time, a point which is perhaps borne out by the creation of hearths in the early fills of SFBs at West Stow, as described above. The second possible use is the housing of livestock. Harnay believed the green tinge on some SFB bases at Athies may have been caused by this, although it does not appear that any tests were carried out.<sup>374</sup> High levels of phosphorous in fills of SFBs at Méricourt were shown to relate to the fill and not to any activity within the structure itself.<sup>375</sup> Stock housing remains possible, with pigs or chickens perhaps being the most likely contenders, although similar field housing for these animals today is not earth fast, so that it can be frequently moved. However, while possible, there is no real positive evidence.

This overview of evidence for SFBs shows that they remain difficult to interpret or to place within the wider context of the settlement. It is unclear whether the apparent disparity in numbers between a site such as Bloodmoor Hill and one such as Willington, Derbyshire, is due to a genuine difference in concentrations at any one time, whether it is a product of settlement longevity, of the excavation of a greater area, or of better survival. If it was possible to do this, and to say confidently that SFBs were ancillary buildings, then an argument could be advanced that their profusion on some sites suggested a greater degree of agricultural and craft activity. This would match the observation that possibly higher-status

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<sup>373</sup> Hamerow, *Early Medieval Settlements*, p. 34; Harnay, 'Le site du "Chemin de Croix"', p. 42; Leeds, *Early Anglo-Saxon Art and Archaeology*, p. 21; see, for example, Powlesland, 'Early Anglo-Saxon Settlements', p. 105.

<sup>374</sup> Harnay, 'Le site du "Chemin de Croix"', p. 42.

<sup>375</sup> Ludovic Notte, 'Avant le village: une occupation du haut Moyen Âge à Méricourt (Pas-de-Calais) en marge de la curtis Sancti Vulmari', *Revue du Nord*, 5, 398 (2012), 167-214 (p. 176).

Site	No. of SFBs	Site category
Chalton, Phase AZ	1	2
Cowdery's Down, Phase C	1	2
Lyminge	NNK	1
Bloodmoor Hill, Suffolk, Phase 1	13	3
Bloodmoor Hill, Phase 2a	12	3
West Stow, C6	7-10 (32)	3
West Stow, C7	8-9	3
Poundbury	4	3
Yarnton, Phase 1	5	(3)
Yarnton, Phase 2	12	2
Sutton Courtenay, Oxon	33/1	1
Sherborne House, Glos, Phase 1	2+	3
Sherborne House, Glos, Phase 2	2+	3
Catholme	13	3
Champlay, Yonne	1	3
Warmeriville	NNK	3
Biéville-Beuville, Calvados, C6/C7	6	3/1
Marlenheim	'hundreds'	1
Ostheim	18	3
Dassargues, Herault	3	3

*Table 17: Sites with SFBs correlated against Site Categories from Tables 14 and 15. NNK = 'Number Not Known'. Calculating numbers of SFBs is difficult. For example, West Stow had some 32 over the course of the sixth century, but probably no more than seven to ten at any time. Exact figures were not given for Marlenheim.*

sites, such as Cowdery's Down, had fewer SFBs. Table 17 (above) shows the studied sites with SFBs which it is possible to correlate with sites in the three categories of Tables 14 and 15.<sup>376</sup> This shows that almost 67% of these SFBs occurred on Category 3 sites and that five out of eight sites which had ten or more SFBs in their lifetime were Category 3. However, the table also suggests that this is not clear cut. Both Lyminge and Marlenheim are thought to have had royal connections, and both suggest that their inhabitants had an interest in controlling craft activity. Marlenheim, in particular, seems to have been a heavily zoned site with intense

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<sup>376</sup> See this chapter, p. 121.

concentrations of activity.<sup>377</sup> Sutton Courtenay is also a significant outlier. As Hamerow *et al* observed, its association with large numbers of SFBs is one of its interesting characteristics. She also thought that the apparent separation into hall and SFB zones might have been a product of archaeological preservation rather than a living reality.<sup>378</sup>

It seems possible, therefore, that SFBs were ancillary structures and that they may have been found in greater concentrations on vernacular sites: the kind of sites which may have served elite centres. If this was so, then SFBs at sites such as Lyminge may be connected to specific activities, such as periodic metal working, rather than everyday agriculture. This possibility should be treated with caution, however. Firstly, too little is known about the distinctions between potential categories of SFB. The use of an individual SFB may have varied over time, and this, combined with continued dating problems, makes it hard to take a snapshot of a settlement at any given point. Secondly, as Scull and Thomas pointed out, pictures of elite sites are often constrained by limited excavation, and where broader pictures are available different activities, and different levels of status, become apparent.<sup>379</sup> This is underlined by recent research at Yeavinger which detected a formerly unknown early medieval structure, partly sunken, with preserved working floor levels.<sup>380</sup> These have yet to be dated, but the find supports the view that our picture of such sites may still be incomplete,

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<sup>377</sup> Madeleine Châtelet, 'Marlenheim en Alsace: une résidence royale et un centre domanial des périodes Mérovingienne et Carolingienne', *Des Fleuves et des Hommes à l'époque mérovingienne. Territoire fluvial et société au premier Moyen Âge (Ve – XIIIe siècle)*, Actes des 33<sup>e</sup> journées internationales d'archéologie mérovingienne 28-30 septembre 2012, Strasbourg, Mémoires de l'Association française d'Archéologie mérovingienne 32, *Revue archéologique de l'Est* supp. 42 (Dijon: AFAM; RAE, 2016), pp. 245-254 (pp. 247-248).

<sup>378</sup> Helena Hamerow, Chris Hayden, Gill Hey, Paul Blinkhorn, Paul Booth, John Cotter, Kate Cramp, Louise Martin, D. M. Metcalf, Julian Munby, Annsofie Witkin & Susan M. Youngs 'Anglo-Saxon and Earlier Settlement near Drayton Road, Sutton Courtenay, Berkshire' *Archaeological Journal*, 164, 1 (2007), 109-196 (p. 187).

<sup>379</sup> Christopher Scull and Gabor Thomas, 'Early Medieval Great Hall Complexes in England: Temporality and Site Biographies', in *Anglo-Saxon Studies in Archaeology and History* 22, ed. by Helena Hamerow (Oxford: Archaeopress, 2020), pp. 50-67 (p. 51).

<sup>380</sup> Sarah Semple, 'Back to Adgefrin. Recent findings from the Yeavinger Environs Project', *Medieval Archaeology Newsletter*, 69, (Spring, 2023), 1-2.

and that they could have played host to a greater range of activity than previously evidenced. This is consistent with the discoveries at Rendlesham, which suggest a range of activities such as periodic fine metal working and pottery production, even if the agricultural processing taking place there still seems to have been essentially domestic, as it was at Dinas Powys.<sup>381</sup>

### 3.5: Other structures

This section will consider structural features on sites beyond the definition of buildings as given in Section 3.3.1 above. These range from post-hole structures, frequently identified as possible granaries, through a range of pits and silos whose exact function is often unknown, to more characteristic specialist structures such as grain dryers and ovens. It will also consider the possibility of the existence of powered mills, although the evidence for these in this period is meagre.

#### 3.5.1: Granaries

The identification of grain storage structures runs into the problem already touched upon in the discussion of barns above, and revisited in that of silos below, that the methods of harvesting and the form in which grain was stored remain unknown. Sigaut identified a range of possible harvesting and storage strategies, which he tried to group into geographical unities. These included cutting the grain just below the ear and storing the ear whole; cutting the grain lower, threshing the whole crop immediately and storing the grain in bulk; and

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<sup>381</sup> Scull, Everett, and Minter, 'Excavations at Rendlesham, Suffolk', pp. 221-223; Leslie Alcock, *Dinas Powys. An Iron Age, Dark Age and Early Medieval Settlement in Glamorgan* (Cardiff: University of Wales Press, 1963), pp. 34-49.

cutting low but storing the whole sheaves and threshing in batches. Each of these strategies implies a different storage method: whole ears can be stored in a ventilated *spicarium*, bulk grain can be hermetically sealed in silos, and sheaves can be stacked in the open or in barns.<sup>382</sup> However, Sigaut's attempt at defining areas by practice seems to be contradicted by the evidence. There is ample proof of granaries and storage silos co-existing on Iron Age sites, and since this co-existence appears to continue throughout the period, there is no obvious chronological development from one system to another, as Sigaut suggested.<sup>383</sup> In her review of early medieval storage strategies in Northern Gaul, Peytremann also refuted Sigaut's schema, arguing that this co-existence continued, albeit with a statistical prevalence of silos over granaries.<sup>384</sup> The choice of harvesting and storage technique may therefore have depended on more than climate and topography, and the strategy adopted may have considered factors such as the crop in question and the use to which it was to be put (which Sigaut also acknowledged).<sup>385</sup> Different strategies may, therefore, have been practised on the same site.

The structures frequently identified as granaries generally have between four, six, and nine postholes, sometimes notably deep, arranged in a square or rectangle. Peytremann noted that they ranged in size between 5 and 25 square metres, and that their height was unknown. In the sixth to seventh centuries, she recorded their presence on 7.5 per cent of sites, with a maximum of 20 per site. It is a testimony to the difficulties of data gathering that Peytremann noted nine granaries on the site at Serris, but that no details of these were

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<sup>382</sup> Sigaut, 'A method for identifying grain storage techniques', pp. 19-24.

<sup>383</sup> Cunliffe, *Iron Age Communities in Britain*, pp. 223; 231; 233; 263; and 373-376.

<sup>384</sup> Edith Peytremann, 'Structures et espaces de stockage dans les villages alto-médiévaux (6e-12es.) de la moitié septentrionale de la Gaule: un apport à l'étude socio-économique du monde rural', in *Horea, Barns and Silos*, ed. by Vigil-Escalera Guirado, Bianchi, and Quirós, pp. 39-56 (p. 53).

<sup>385</sup> Sigaut, 'A method for identifying grain storage techniques', p. 7.

obtainable for this study.<sup>386</sup> Granaries are nowhere common in this period, but more such structures have been identified on French sites than on British. The sites surveyed here with evidence for a possible granary are shown in Table 18 (below).

Site	Structure	Shape	Dimensions (m)	No of post holes	Date	Site Category
Lyminge	'barn'	Rectangular	19 x 6.5	16	C7>	1
Yarnton, Oxon, Phase 2	B2734	Rectangular	23 x 3.5	25	C7>	3
Cotswold Community, Shorncliffe	Str 6560	Rectangular	9.7 x 3.75	22	C6-7	3
Janzé, Ille-et-Villaine	Str 1		24m <sup>2</sup>	9	C5-7	3
Biéville-Beuville	'granary'	Square	2 x 2	4	C6-7	3
Serris		No details			C7	-
Marlenheim		No details			C6>	1
Marlenheim		No details			C6>	1
Ostheim	Ensemble 2, Batiment 2	Rectangular	5 x 5	-	C7	3
Ostheim	Ensemble 4, Grenier 1	Square		8	C7	3
Ostheim	Ensemble 6, Bat 1	Square	5.5 x 5.5	9	C7	3
Aubréville, Meuse	Batiment 2	Square	2.4 x 2.0	4	C6-7	1
Dassargues, Herault	Structure 8	No details			C5-7	3

Table 18: Possible granaries suggested for sites surveyed. See Tables 14 and 15, p. 119 for list of site categories.

The structure at Lyminge was interpreted by Thomas as a building with an upper storey, with a row of axial posts (not included in the number in Table 18) supporting its floor joists. This led him to call it a barn, and he linked it to the external threshing floor.<sup>387</sup> Gardiner argued that axial post lines in similar footprints may have supported a raised floor which stood

<sup>386</sup> Peytremann, 'Structures et espaces de stockage', pp. 39-44.

<sup>387</sup> Gabor Thomas, 'Life before the minster: the social dynamics of monastic foundation at Anglo-Saxon Lyminge, Kent', *The Antiquaries Journal*, 93 (2013), 109-45, p. 131.

only a few centimetres above ground level. This, he thought, made them likely crop storage structures, in the same way that the argument was made for SFBs.<sup>388</sup> The imposing scale of the Lyminge structure certainly sets it apart from the others considered here, however, it is of a relatively late date, and is included in the table only since it falls into the interstitial zone between barns and the kind of granaries found at Birdoswald and Vindolanda.

The other structures in Table 18 show a closer relationship to the kind of square and rectangular granaries with raised floor described for Iron Age sites.<sup>389</sup> Those at Yarnton and Cotswold Community were treble rows of post holes (see comparison in Fig. 16, below). At Yarnton, the preferred reconstruction was of two nine and one six post groupings, although it was not clear whether these were concurrent or represented successive stages of repair and reuse.<sup>390</sup> Both of these seem to date to a mid-Saxon phase of the site, and are therefore more safely associated with seventh-century activity. Most of the Gallic structures are closer to the classic four-poster granary model, the exceptions being the larger structure at Ostheim (believed to date to the eighth century and, hence, beyond this chapter's chronological scope) and the trapezoidal one at Janzé. This odd structure also contained a pit which seemed to be the access to an external oven, leading the excavator to suggest a granary in a baking zone, separated from the rest of the settlement by a fire trench.<sup>391</sup> Given the risk which fire posed to granaries, this seems like an odd combination, but quantities of flour and grain must have been kept near baking and malting facilities to be used in the work. This may have been stored

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<sup>388</sup> Gardiner, 'Stacks, barns and granaries', in *Horea, Barns and Silos. Storage and Incomes in early Medieval Europe*, ed. by Vigil-Escalera Guirado, Bianchi, and Antonio Quirós p. 29.

<sup>389</sup> Barry Cunliffe, *Iron Age Communities in Britain*, 3rd edn. (London: Routledge, 1991), p. 376.

<sup>390</sup> Gill Hey, *Yarnton. Saxon and Medieval Settlement and Landscape*, Thames Valley Landscapes Monograph No. 20 (Oxford: Oxford Archaeology, 2004), p. 124; Powell, Smith, and Laws, *Evolution of a Farming Community in the Upper Thames Valley*, pp. 196-197.

<sup>391</sup> Édith Peytremann, *Archéologie de l'habitat rural dans le nord de la France du IV<sup>e</sup> au XII<sup>e</sup> siècle, Volume 2*, Mémoires de l'Association française d'archéologie mérovingienne (Chelles: Association française d'archéologie mérovingienne, 2003), pp. 77-78.

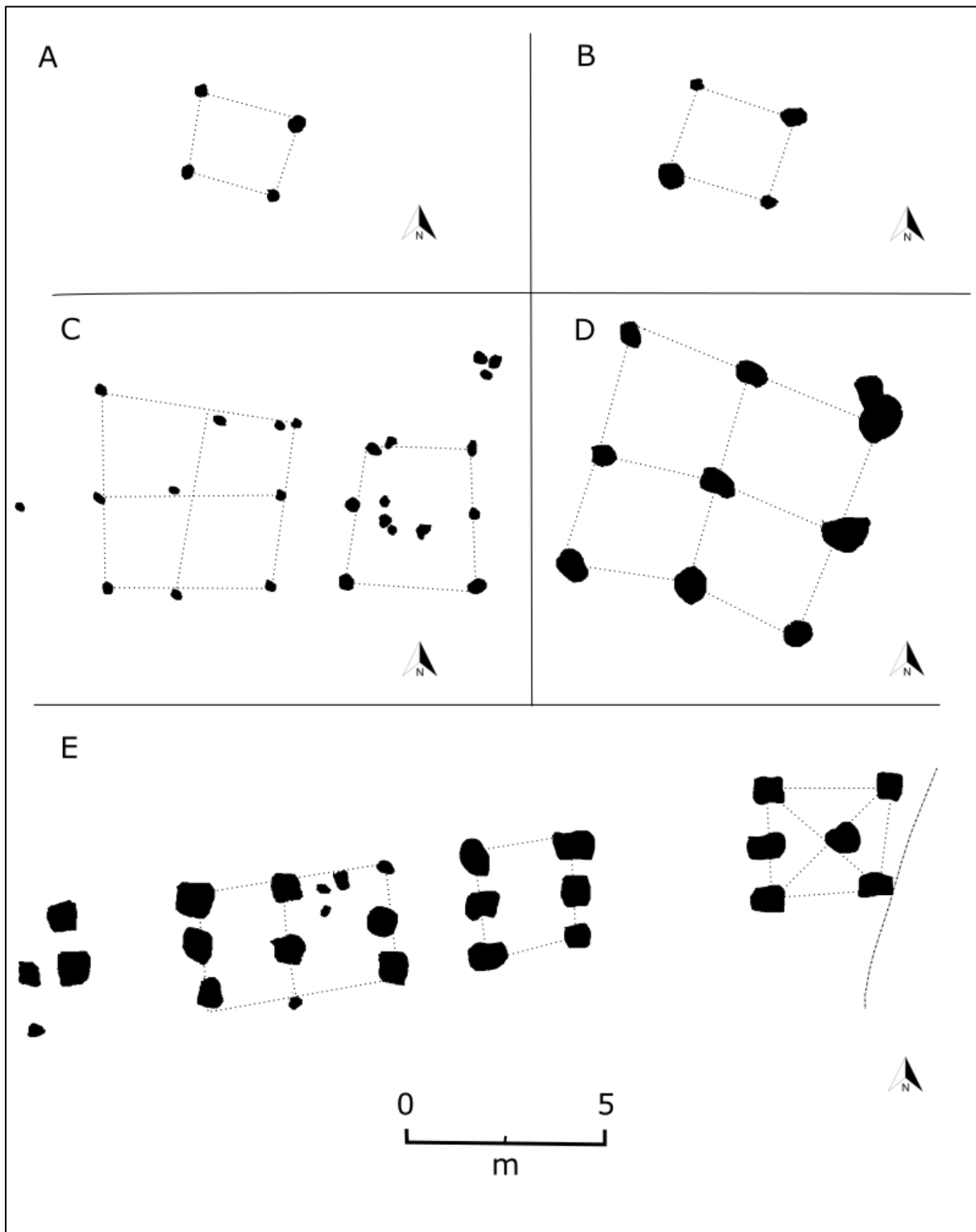


Fig. 16: Possible granary structures. A: Aubréville, Batiment 2, after Vermard et al; B: Biéville-Beuville, after Hincker; C: Cotswold Community 6560, after Powell et al; D: Ostheim, B6, after Logel; E: Yarnton, B2734, after Hey. The dotted reconstructions are those suggested by the excavators, with the exception of Cotswold Community which is suggested by this author.

in pots or chests, as Gardiner suggested was likely for that kept for immediate household use.<sup>392</sup> Notably, two of the possible granaries at Ostheim and that at Cotswold Community appeared to be demarcated by fence lines (see Fig. 17, below).<sup>393</sup> Gardiner drew on modern examples to note that crop stores such as hay were sometimes fenced to keep animals away, and these structures might also represent helms, as McKerracher suggested, or haystacks.<sup>394</sup>

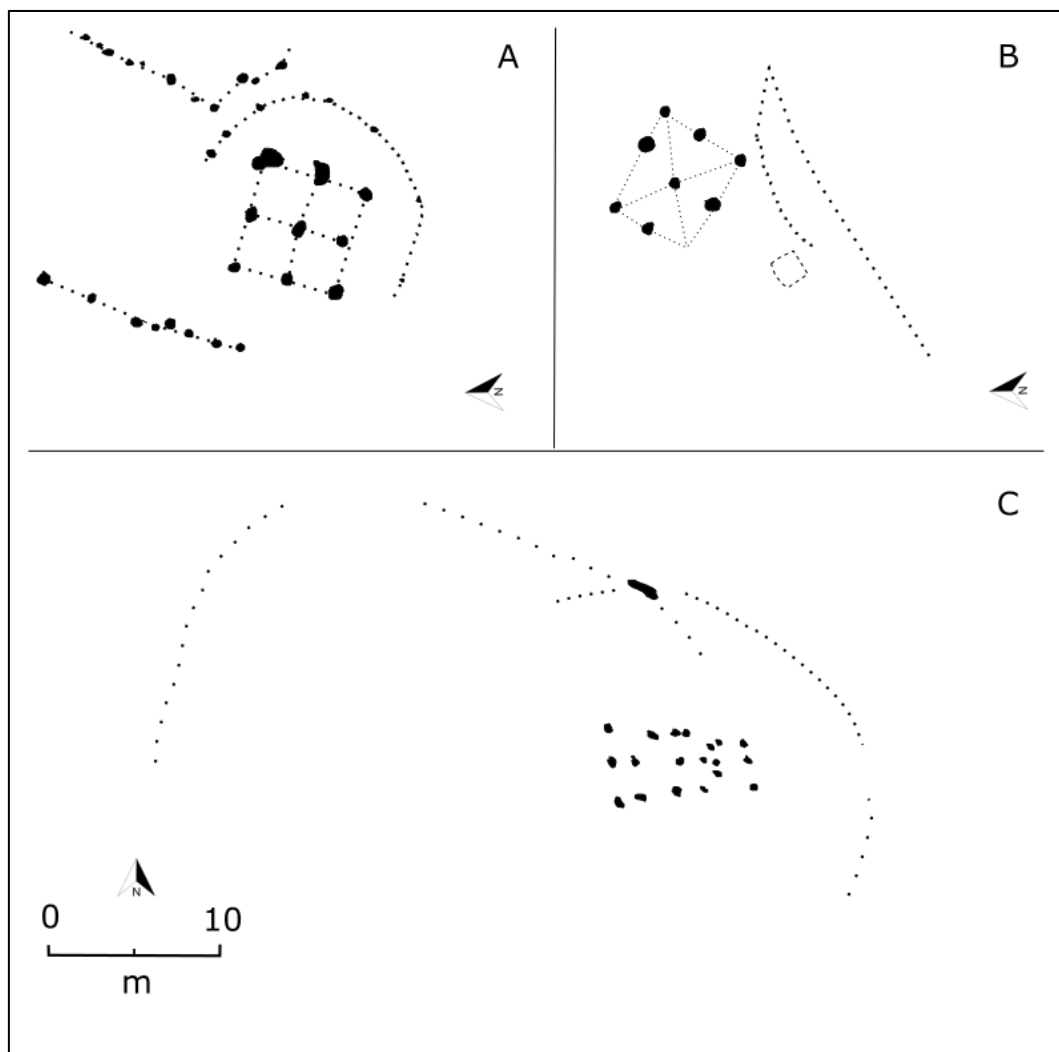


Fig 17: Possible granaries or feed stores demarcated by fence lines. A: Ostheim, B6; B: Ostheim, Batiment 4 and Grenier 1, both after Logel; C: Cotswold Community 6560, after Powell, Smith and Laws.

<sup>392</sup> Gardiner, 'Stacks, barns and granaries', in *Horea, Barns and Silos. Storage and Incomes in Early Medieval Europe*, ed. by Vigil-Escalera Guirado, Bianchi, and Antonio Quirós, p. 32.

<sup>393</sup> Thierry Logel, *Ostheim, Haut-Rhin Volume 2: Le haut Moyen Âge et la période moderne*, Rapport de Fouille Préventive (Selestat: Pôle d'Archéologie Interdépartementale Rhénan, 2008), pp. 69-70 & 74-76; Powell, Smith, and Laws, *Evolution of a Farming Community in the Upper Thames Valley*, pp. 196-197.

<sup>394</sup> Gardiner, 'Stacks, barns and granaries', p. 27; McKerracher, *Farming Transformed*, p. 73.

Therefore, while the evidence for granaries is not conclusive, there are grounds for interpreting these as storage structures. Whether they were household, collective or communal structures is harder to say since, as Peytremann noted, their capacity is indeterminable without knowing their height.<sup>395</sup> However, the interpretation of these structures as bulk grain holders is not secure, unless carbonised grain is found as it was in the post holes at Aubréville, where the depth of the holes also suggested a high structure.<sup>396</sup> In most cases, this is unlikely, for reasons discussed in relation to SFBs in Section 3.4.1.<sup>397</sup> Elsewhere, however, these structures could be reconstructed along the lines of *spicaria*, as suggested by Sigaut.<sup>398</sup> These buildings, standing on low stilts equipped with rat guards, were used to store grain in the ear.<sup>399</sup> These storage decisions may have been related to regional and local differences. It is also possible that different practices were adopted for crops intended for different purposes, consistent with Reynolds' suggestion that seed grain was stored in silos rather than granaries (see Section 3.4.2, below).<sup>400</sup> In terms of distribution across site categories, Table 18 suggests granaries predominantly occurring on Category 3 sites. The exceptions to this include Ostheim, a site which seems to have entertained occasional elite occupation (possibly as a hunting lodge), and relatively late sites such as the monastic phase at Lyminge and the mid-Saxon phase at Yarnton, both of which sit within the period of the agricultural revolution.<sup>401</sup> These results do suggest, therefore, that early concentrations of storage may have occurred on sites which did not see permanent elite

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<sup>395</sup> Peytremann, 'Structures et espaces de stockage', in *Horea, Barns and Silos. Storage and Incomes in Early Medieval Europe*, ed. by Vigil-Escalera Guirado, Bianchi, and Antonio Quirós, p. 43.

<sup>396</sup> Vermard, Wiethold, with Gazenbeek, 'Production Agricole et stockage dans une ferme du début du VIIIe S. à Aubréville', p. 319.

<sup>397</sup> See this chapter, pp. 141-142.

<sup>398</sup> Sigaut, 'A method for identifying grain storage techniques', p. 9.

<sup>399</sup> See A7, B8, C9 in Fig. 9, p. 122, for a later granary with a similar form.

<sup>400</sup> Peter J. Reynolds, 'Experimental Iron Storage Pits: An Interim report', *Proceedings of the Prehistoric Society*, 40 (1974), 118-131 (p. 124-125).

<sup>401</sup> Logel, *Ostheim, Haut-Rhin Volume 2*, pp. 224-225.

occupation, but which may have acted as service sites. Storage may then have been increasingly centralised under elite control as the seventh century progressed.

However, the relative dearth of attested granaries might indicate that, for the sixth century at least, either crop storage was taking place on a more domestic level, or that some form of cultural change had led people to use structures such as SFBs for storage rather than the raised granaries of the Iron Age. This cultural change could just as easily relate to changes in how crops were harvested and processed as it did to any ethnic influence. As will be seen, for Gaul at least, there is more evidence for continuity in the use of storage silos.

### 3.5.2: Silos and pits

These form two distinct categories of structure, which are, however, not always easy to distinguish, either due to intercutting, reuse and reshaping, or erosion and truncation. Pits may represent a range of activities, from extraction of gravel or soil to the creation of working hollows of varied sophistication.<sup>402</sup> Some may have been dug simply to bury rubbish, while others may represent no more than potholes on tracks, backfilled with a collection of rubble and hard rubbish, as farm tracks still are today.<sup>403</sup>

Table 19 (below) collects the data of individual pits from studied sites, together with ranges given for pits at Catholme which were grouped according to shared characteristics. There does not appear to be any consistent relationship between possible use and the form

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<sup>402</sup> Possible marl pits at Cowdery's Down; quarry pits at Catholme and Athies; working hollows: Pit Group 6 at Poundbury.

<sup>403</sup> See, for example, C. Gibson, with J. Murray, 'An Anglo-Saxon Settlement at Godmanchester, Cambridgeshire', with contributions by S. Anderson, I. Baxter, H. Cool, N. Crummy, V. Fryer, J. Last, M. Lyne and T. McDonald, in *Boundaries in Early Medieval Britain*, ed. by Griffiths, Reynolds, and Semple, *Anglo-Saxon Studies in Archaeology and History* 12, pp. 137-217 (p. 172).

Site	Structure	Form	Diameter (m)	Depth (m)	Description	Site Categ.
Water Eaton	268	Sub-circular	1.3m	0.27m	Vertical sides, flat base.	-
Pennyland	191	Circular	0.10	0.68	East side steep; West side sloping.	-
Pennyland	384	Circular	0.65	0.75	Vertical sides, concave base.	-
Pennyland	463	Oval	2.45 x 1.55	1.16	Complex profile with undercut W side.	-
Pennyland	556	Sub-rectangular	1.85 x 1.35	0.46	Sloping sides with rounded corners.	-
Pennyland	558	Oval	3.00 x 2.75	0.80	Steep upper side with dished base.	-
Pennyland	734	Circular	2.20	1.10	Undercut sides, concave base.	-
Pennyland	800	Oval	3.30 x 2.80		Only partially excavated.	-
Pennyland	960	Oval	1.85 x 1.15	0.20	Almost vertical sides with flat base.	-
Cowdery's Down	Pit 6	Circular	1.00	1.50	Skeleton of cow in possible ritual deposit.	2
Cowdery's Down	Pit 4	Circular	1.00	1.10	Steep sides with rounded base.	2
Staunch Meadow	Pit 4431		1.30	0.90		-
Staunch Meadow	Pit 0045	Rectangular	3.50 x 3.10	0.80		-
Catholme	3501, 3518, 3590, 3595	Sub-rectangular	1.45- 2.20 x 1.14-1.08	0.30 – 0.70	Fire pits with evidence of in situ burning	2/3
Catholme	3328	Oval	4.0 x 1.6	0.16 – 0.41	Green-stained pit assoc. with post holes.	2/3
Catholme	3637		1.54 – 1.34		Green-stained pit assoc. with post holes.	2/3
Catholme	3378		1.18 – 0.84	0.20	Green-stained pit assoc. with post holes.	2/3
Catholme	3441, 3551, 3714		0.94 – 1.10	0.94 – 1.10	Green-stained pits inside buildings.	2/3
Catholme	3444, 3643, 3716		0.80-0.91 x 0.56-0.81	0.15 – 0.17	Green-stained pits, no post holes.	2/3
Catholme	3452		3.90 – 2.50	0.50	Poss. quarry pit assoc. with pit cluster.	2/3
Hassocks	Pit 7	Circular	1.72 x 1.50	1.00	Straight sides with slightly curved base.	-
Hassocks	Pit 12	Circular	1.00	0.25	Gently sloping sides. Narrow SE extension.	-
Ostheim	2493	Half moon	3.00 x 2.40	1.10	Assoc. with post holes.	3*
Ostheim	3314	Sub-oval	5.40 – 2.50	0.55	Surrounded by post/stake holes.	3*
Ostheim	3325		4.70 – 1.80	0.86	Large assemblage of animal bones.	3*
St-Ouen-des-Bessaces	101	Circular	2.00 x 1.00	1.00	Cone-shaped profile.	3*

Table 19: Pits on studied sites. See p. 117 for comment on the categorisation of Ostheim.

or size of pits, in contrast to the typological range of silos. In part, this may be due to the intense activity which seems to have characterised some pit groups. This intensity, and its longevity, is demonstrated in a collection such as Pit group G at Bloodmoor Hill. Here more than 12 pits in an area of 14 x 8m interplayed with post built structures and a cemetery. One pit was truncated by a grave, while others cut graves; one lay in the hollow of an in-filled ditch, and six occupied the area of a post-built structure but post-dated it.<sup>404</sup> Sometimes, a tendency towards a certain form seems to appear on individual sites: more than 40 per cent of the pits at West Stow were oval compared to 25 per cent circular; or among certain pit groups: Group M at Bloodmoor Hill tended towards sub-circular to oval with concave bases.<sup>405</sup> However, it is difficult to give this any systematic character. Another of the Bloodmoor Hill groups, Group D, varied in profile between V-shaped and concave, and it may be that it was the highly intercutting nature of Group M which produced the similarity of form, while the pits of Group D retained more individual form (see Fig 18, below). Similarly, Pennyland had equal numbers of circular and oval pits, while Yarnton had a range from single scrape hollows to intercut and recut pits.<sup>406</sup>

Excavators at Maxey did succeed in establishing a typology of the 55 pits on site, with relative consistencies of shape and profile. It was not possible, however, to tie this to function.<sup>407</sup> Some possible characteristics of function were identified for pits at Catholme, and it does appear that, here at least, this was connected to differences in form. A group of four

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<sup>404</sup> Sam Lucy, Jess Tipper and Alison Dickens, *The Anglo-Saxon Settlement and Cemetery at Bloodmoor Hill, Carlton Colville, Suffolk*, East Anglian Archaeology Report No 131 (Cambridge: Cambridge Archaeological Unit, 2009), p. 135.

<sup>405</sup> West, *West Stow*, pp. 55-57; Lucy, Tipper and Dickens, *Bloodmoor Hill*, pp. 142-143; 131.

<sup>406</sup> Lucy, Tipper and Dickens, *Bloodmoor Hill*, p. 141-142 and p. 131; R. J. Williams, *Pennyland & Hartigans. Two Iron Age and Saxon Sites in Milton Keynes*, Buckinghamshire Archaeological Society Monograph No 4 (Aylesbury: Buckinghamshire Archaeological Society, 1993), pp. 90-92; Hey, *Yarnton*, pp. 129-130.

<sup>407</sup> P. V. Addyman, 'A Dark-Age settlement at Maxey, Northants', *Medieval Archaeology*, 8 (1964), 20-73 (pp. 32-37).

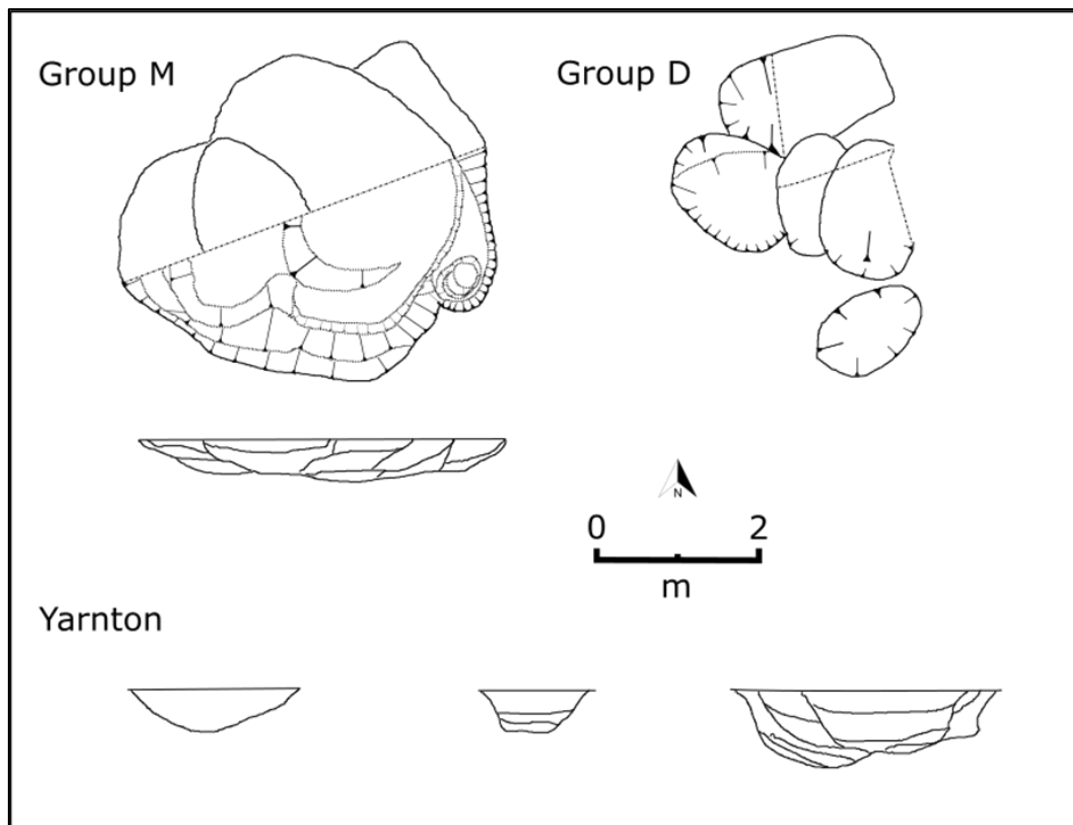


Fig 18: Variation in pit forms. Top: groups M and D from Bloodmoor Hill (no section available for D). It may be the heavily intercutting nature of M which induced a degree of similarity in pit forms, while the more separated D retained differences (see text). After Lucy, Tipper and Dickens. Bottom: three different forms of pit from Yarnton, after Hey.

sub-rectangular pits were identified as fire pits by scorching to their sides and evidence of *in situ* burning which included carbonised wood (see Fig. 19, below). These were generally shallower than the oval pits which featured green staining to their sides and bases. Some of these were associated with one or two post holes, others were inside buildings, and others were in the open. A range of possible uses, from latrines, to brewing, tanning, or cheesemaking, were suggested.<sup>408</sup> Elsewhere, pits have been associated with metalworking,

<sup>408</sup> Losco-Bradley and Kinsley, *Catholme*, pp. 32-39.

as at Staunch Meadow, where Pit 4431 lay near a metalworking area, and at Bloodmoor Hill, where Pit Group N contained slag and hearth linings, some of which appeared to be *in situ*.<sup>409</sup>

The most striking feature of the Anglo-Saxon zone of Britain, however, is the apparent lack of storage silos. Not only does this contrast with the Iron Age, but it also contrasts with early medieval sites in Gaul. Silos are relatively common on British Iron Age sites, where they occur alongside granaries throughout the period.<sup>410</sup> There is some variety of form, but the classic profile is a bottle shape, with undercut sides and a narrow opening, which made it easier to seal the top, excluding air from the grain (see Fig. 20, below, for a comparison of examples from studied sites). Experiments by Reynolds suggested that such silos may have been used to store threshed seed grain, since the method maintained its viability. ‘Granaries’ may therefore have held grain for consumption, possibly unthreshed.<sup>411</sup> Work in France showed that such silos could have a long life of up to 15 years, depending on the soil, concurring with Reynolds’ findings that they could be ‘cleaned’ by burning and reused.<sup>412</sup>

Only two of the Anglo-Saxon sites featured possible storage pits. At Hassocks, Butler speculated that Pit 7 could have been used for storage due to its size and quality of construction (Fig. 20). However, the apparent rapidity of its backfilling did not seem consistent with this.<sup>413</sup> At Maxey, pits F21 and F56 had flat bases and vertical sides and were possibly associated with post holes, leading Addyman to call them ‘small covered cellars’ (Fig. 20).<sup>414</sup> However, silos represent the most common storage structures on sites in Northern

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<sup>409</sup> Andrew Tester, Sue Anderson, Ian Riddler and Robert Carr, *Staunch Meadow, Brandon, Suffolk: a high status Middle Saxon settlement on the fen edge*, East Anglian Archaeology Report No.151, (Bury St Edmunds: Suffolk County Council Archaeological Service, 2014), pp. 72-73; Lucy, Tipper and Dickens, *Bloodmoor Hill*, pp. 143-144.

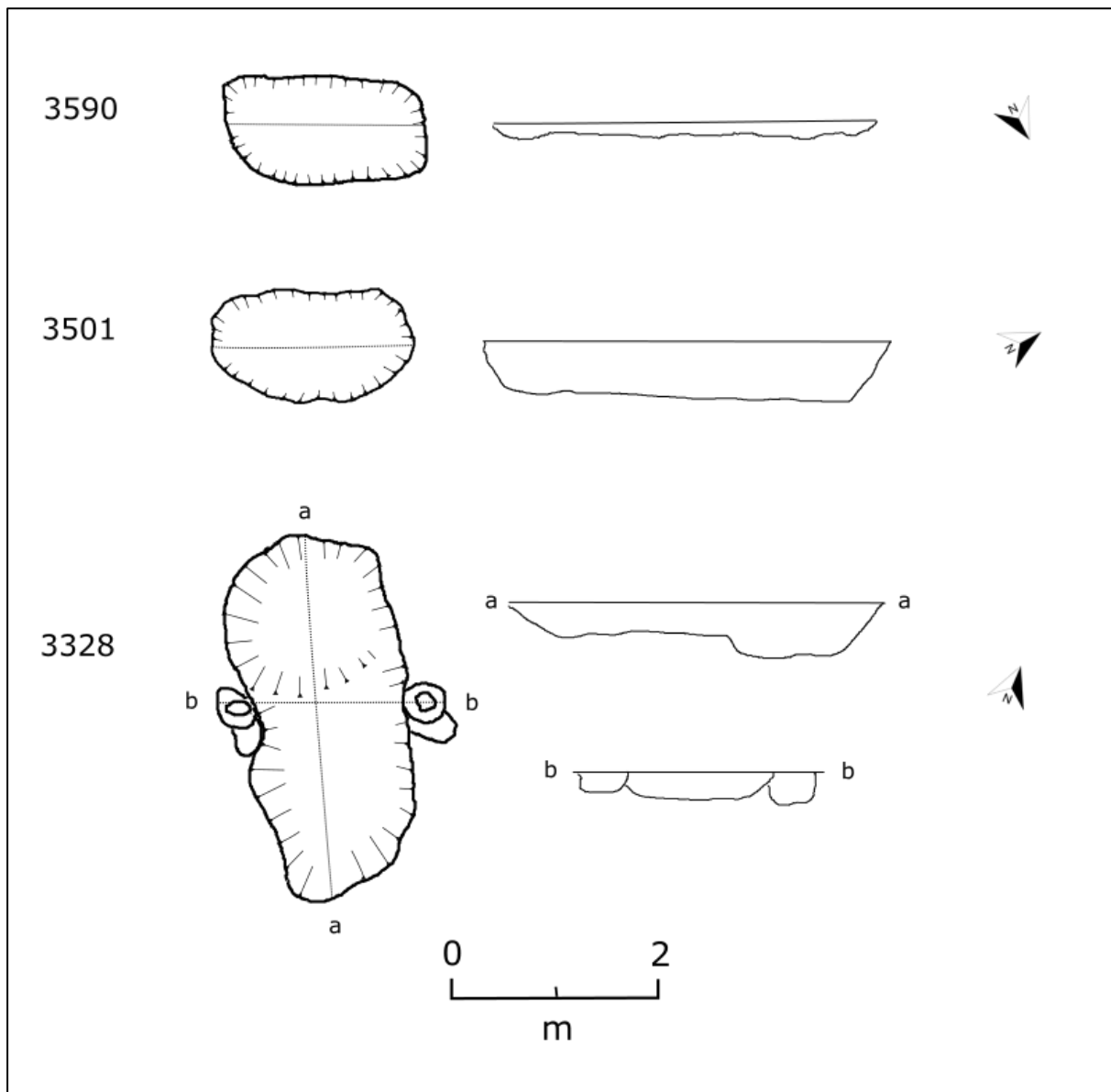
<sup>410</sup> Cunliffe, *Iron Age Communities in Britain*, pp. 375-376.

<sup>411</sup> Reynolds, ‘Experimental Iron Age Storage Pits’, p. 124-125.

<sup>412</sup> Peytremann, ‘Structures et espaces de stockage’, p. 43; Reynolds, ‘Experimental Iron Storage Pits’, p. 129.

<sup>413</sup> Chris Butler, *Saxon Settlement and Earlier Remains at friars Oak, Hassocks, West Sussex*, BAE British Series 295 (Oxford: Archaeopress, 2000), pp. 6-8.

<sup>414</sup> Addyman, ‘A Dark-Age settlement at Maxey’, p. 36.



*Fig 19: Pits with functions at Catholme. 3590 and 3501 were fire pits, with traces of situ burning and carbonised wood; 3328 was one of the green-stained pits with post holes. After Losco-Bradley and Kinsley.*

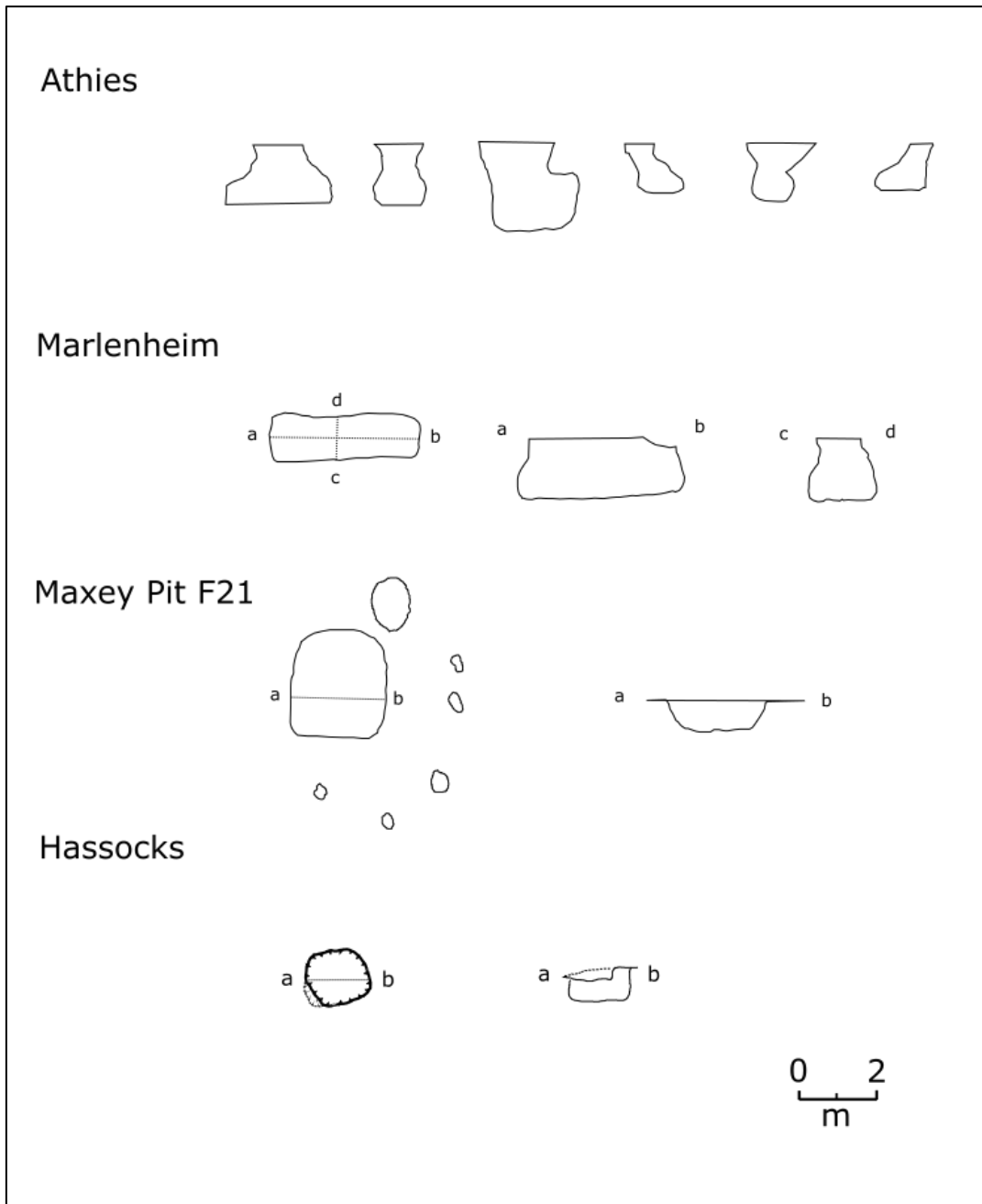


Fig. 20: Examples of possible silos. The first Athies example shows the classic narrow-necked form with body expanding in a bottle shape below ground. Maxey F21 is different, and, if a storage pit, may have been used for something other than grain. However, Hassocks Pit 7 shows what may be an eroded silo: if the neck is lost, recognition becomes more difficult. After Harnay; Châtelet; Addyman, Butler.

Gaul. Peytremann found that, for the sixth to seventh centuries, where storage features were located 36.5 per cent of them were silos, although no single site had more than 30, and they were often in groups of a maximum of five.<sup>415</sup> Of the sites studied here, Warmeriville, had

<sup>415</sup> Peytremann, 'Structures et espaces de stockage', p. 44.

silos in both its fifth-to-sixth and seventh-century phases.<sup>416</sup> In the sixth- to seventh-century phase at Athies, 503 silos were identified, 60 of which were formed from reused quarry pits. Although their average volume ranged from 1 to 3m<sup>3</sup>, the largest reached 5 to 7m<sup>3</sup> (Fig. 20). No difference was observed in their concentration between the sixth and the ninth centuries.<sup>417</sup> In a seventh-century context at Déols, some of the silos were grouped and others isolated, but at Ostheim, the silos seemed to be associated with particular structures.<sup>418</sup>

Peytremann believed that the grouping of silos in storage zones was largely a seventh- to eighth-century phenomenon, and she argued that this represented a move from private to collective or centralised storage, possibly connected to agricultural diversification and larger yields.<sup>419</sup> This is consistent both with the occurrence of silos throughout the period, and with the concept of an ‘agricultural revolution’. Without closer dating of individual structures and estimates of their capacity, it is impossible to say whether the potentially earlier, private silos served only family groups, or whether there was extra capacity. The absence of silos on sites in what is now England is difficult to explain. At one time it would have been attributed to ethnic change, but a broader cultural change seems to be more likely. Peytremann noted that seed grain in southern Gaul was stored in silos near the fields rather than in settlements, and she wondered whether this was indicative of a different social structure or of different settlement distribution.<sup>420</sup> Similarly, there may be a range of reasons behind a shift in storage patterns in Britain. It seems likely that a cultural change, possibly to SFBs, was one reason.

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<sup>416</sup> Vincent Marchaisseau and Gaëlle Pertuisot, ‘Un exemple d’habitat groupé au début du haut Moyen Âge. Le site de Warmeriville “La Bassière” (Marne)’, *Archéopages*, 40 (April-July, 2014), 124-131 (pp. 127-130).

<sup>417</sup> Harnay, ‘Le site du “Chemin de Croix”’, pp. 43-46.

<sup>418</sup> Nicolas Fouillet, ‘Un habitat rural du haut Moyen-Âge à Déols (indre)’, *Revue archéologique de la France*, 38 (1999), 169-194 (pp. 180-183); Logel, *Ostheim*, pp. 81-83.

<sup>419</sup> Peytremann, ‘Structures et espaces de stockage’, p. 45.

<sup>420</sup> Peytremann, ‘Structures et espaces de stockage’, p. 52. This may have been the case at Dassargues: Garnier, Garnotel, Mercier, and Raynaud, ‘De la ferme au village: Dassargues du Ve au XIe siècle’, p. 39.

But it is also possible that changes in agriculture precipitated other changes in practice. Given the other evidence reviewed here, it cannot be said that the dearth of silos reflected a lack of storage structures. In northern Gaul, too, the majority of sites did not show evidence of silos or granaries. Therefore, while it is possible to say that evidence for large-scale storage is either limited or late, and that a domestic alternative might be envisaged, the nature of that evidence also suggests that too little is known about storage strategy and practice to be conclusive.

### 3.5.3: Grain dryers

Much attention has recently been paid to grain dryers in early medieval Britain.<sup>421</sup> These structures are familiar from Roman contexts, with some 357 identified, many in the South-East, but they seem to be absent from Anglo-Saxon sites, with only one example possibly predating the seventh century.<sup>422</sup> This is in spite of the fact that they had been present in the Romano-British phases at a site such as Monk Sherborne, Hampshire, and possibly Coston Hall, Leicestershire, although this could not be securely dated (Fig. 21, below).<sup>423</sup> These are included in Table 20 (below) among dryers found on studied sites. As this table makes clear, most of these fall outside the sixth to seventh centuries.

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<sup>421</sup> In England, much of this is thanks to Mark McKerracher, who gives an overview of the study's history in his introduction to Robert Rickett, *Post-Roman and Medieval Drying Kilns*, ed. by Mark McKerracher (Oxford: Archaeopress, 2021), pp. 1-3; for Wales, see the work of Comeau and Burrow, cited below.

<sup>422</sup> Alexander Smith, 'Buildings in the Countryside', p. 57; The dryer was associated with an SFB dated to the fifth and sixth centuries, but could not be independently dated. P. V. Addyman, 'Note on a kiln-like structure at Buckden, Hunts.', *Medieval Archaeology*, 6-7 (1963), 12-14; Rickett, *Post-Roman and Medieval Drying Kilns*, p. 88.

<sup>423</sup> Steven Teague, 'Manor Farm, Monk Sherborne, Hampshire: Archaeological Investigations in 1996', *Proc. Hampshire Field Club Archaeological Society*, 60 (2005), pp. 64-135 (pp. 78-82); Neil Dronsfield, Sean Bell and Richard O'Neill, 'Anglo-Saxon settlement at Coston Hall, Leicestershire', *Transactions of Leicestershire Archaeological and Historical Society*, 89 (2015), 113-144.

Site	Structure	Date	Description
Monk Sherborne	'Corn dryer'	C3-4	Masonry built, T-shaped/key-hole shaped dryer with central chamber 2.25m square.
Coston Hall	1094	Mid-Saxon	Bowl-shaped pit 1.5m long, funnelling to the N where there was area of burning.
Graeanog	'corn-drying kiln'	C8?	Comma-shaped dryer c. 6m long and 0.7 wide. Possible screen or cover associated with stoking hole.
Pin Brook	'crop-drying ovens'	C6-9	Eight oval/dumb-bell dryers with stoke holes to south and chambers to north.
Chantry Fields		?	Two dryers possibly associated with post holes.
Poundbury VA	GD1, GD2, GD3, GD4	C5	Series of oval/dumb-bell dryers.
Poundbury Unphased	GD5, GD6	?	Two oval/dumb-bell dryers.
Biéville-Beuville	Séchoir/fumoir	C7	T-shaped dryer made of stone and tile fragments, with 3m x 2m chamber.

Table 20: Occurrence of grain dryers on studied sites.

This dearth, and their re-appearance from the seventh century onwards, has been taken as another sign of the agricultural 'revolution', and attributed to a re-introduction of technology by the Church.<sup>424</sup> This 'Church technology' theory applies to the construction of what McKerracher called 'monumental' T-shaped dryers with a relatively standardised size and capacity.<sup>425</sup> It should be acknowledged, however, that the concept behind the technology did not disappear, since grain dryers existed in what is now Wales throughout the period, with their use peaking in the seventh century and tailing off thereafter.<sup>426</sup> These, however, seem to have been not only simpler in design, but also smaller than those of the Roman period (see Fig. 21). There are, for instance, no T-shaped dryers recorded from the early medieval period

<sup>424</sup> Neil Faulkner and Eleanor Blakelock, 'The excavation of a Mid Anglo-Saxon malthouse at Sedgford, Norfolk: An interim report', *Anglo-Saxon Studies in Archaeology and History* 22 (2020), 68-95 (pp.87-89).

<sup>425</sup> Mark McKerracher, 'Landscapes of production in Mid Saxon England: the monumental grain ovens', *Medieval Settlement Research* 29 (2014), 82-85 (p. 84).

<sup>426</sup> Rhiannon Comeau and Steve Burrow, 'Corn-drying kilns in Wales: a review of the evidence', *Archaeologia Cambrensis*, 171 (2021), 111-149 (pp. 121-122).

in Wales.<sup>427</sup> Moreover, the explanations proposed for the increase in grain dryers on Anglo-Saxon sites after the seventh century and for the decline in Wales are both potentially consistent with the centralising forces which formed part of the agricultural revolution.<sup>428</sup> Several attempts have been made to establish a typology of dryers, but the most chronologically relevant to this study is that by Comeau and Burrows which records the morphological simplification noted above.<sup>429</sup> Debate also continues about their purpose. It is generally thought that Roman dryers were used to dry threshed grain so it could be safely stored in bulk, at a time when grain was collected and transported in large quantities.<sup>430</sup> If their primary use was to counteract the effects of a damp climate, it might be expected that this would continue, as conditions are thought to have grown colder and wetter between the fifth and eighth centuries, although this may have been less problematic if grain was stored in the ear.<sup>431</sup> But dryers could be used for a variety of reasons, and their usefulness for drying grain has been questioned. Reynolds and Langley argued that experiments showed they would have been more valuable as malting kilns, an argument revived by Faulkner and Blakelock.<sup>432</sup> Comeau and Burrow found that more modern usage in Wales primarily focused on drying oats and barley to help with de-husking. Kiln-dried wheat was said to acquire a

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<sup>427</sup> R. Comeau and S. Burrow, 'Corn-drying kilns in Wales: a gazetteer'. (2021) <<https://archaeologydataservice.ac.uk/>> [accessed 23 August 2023].

<sup>428</sup> McKerracher, *Farming Transformed*, p. 121; Blair, *Building Anglo-Saxon England*, pp. 246-253; Rhiannon Comeau, Andy Seaman and Anna Bloxham, 'Plague, Climate and Faith in Early Medieval Western Britain: Investigating Narratives of Changes', *Medieval Archaeology*, 67, 1 (2023), 1-28 (pp. 19-22).

<sup>429</sup> See, for example, Rickett's typology of post-Roman dryers: Rickett, *Post-Roman and Medieval Drying Kilns*, pp. 40-41; Comeau and Steve Burrow, 'Corn-drying kilns in Wales', p. 113.

<sup>430</sup> Marijke Van der Veen, 'Arable farming, horticulture, and food. Expansion, Innovation, and Diversity' in *The Oxford Handbook of Roman Britain*, ed. by Martin Millet, Louise Revell, and Alison Moore (Oxford: Oxford University Press, 2016), pp. 807-833 (pp. 809-813).

<sup>431</sup> Richard Hoffmann, *An Environmental History of Medieval Europe* (Cambridge: Cambridge University Press, 2014), pp: 67-71.

<sup>432</sup> P. J. Reynolds and J. K. Langley, 'Romano-British Corn-Drying Oven: An Experiment', *Archaeological Journal*, 136 (1979), 27-42 (p. 41); Faulkner and Blakelock, 'The excavation of a Mid Anglo-Saxon malthouse', p. 90.

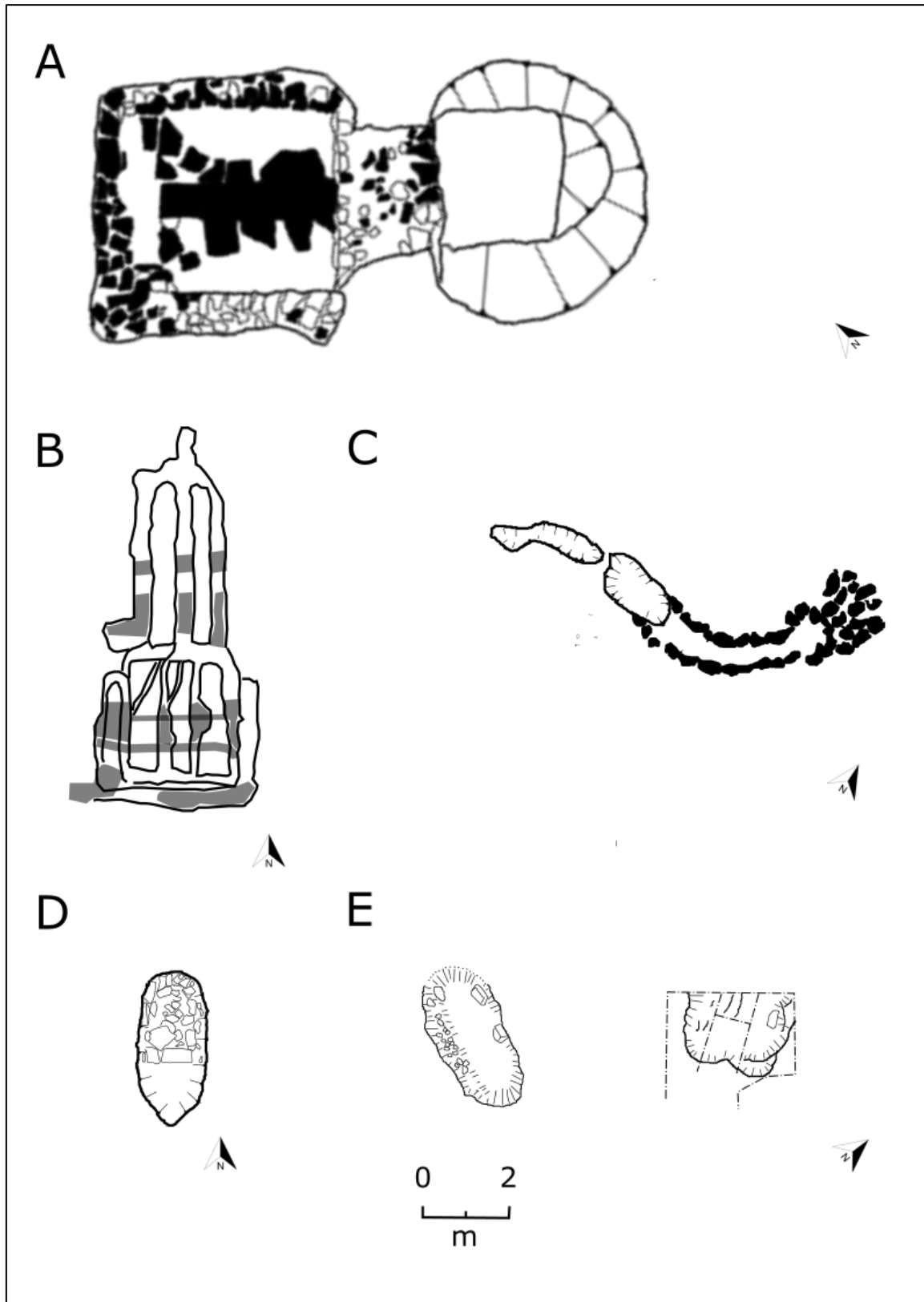


Fig. 21: Grain dryer plans. A: Roman period T-shaped dryer from Monk Sherborne, after Teague. B: Seventh century dryer from Biéville-Beuville, after Hincker. C: Eighth century dryer from Graeanog, after Kelly. D: One of the dryers from Pin Brook, after Garland. E: Phase VA dryer 2 and Unphased dryer 5 from Poundbury, after Sparey-Green.

strong (and, by implication, unpleasant) flavour.<sup>433</sup> That said, drying grain for storage remains common practice and is achieved on modern farms either by heating or simply by the passage of air through the crop.<sup>434</sup>

If grain dryers were absent from Anglo-Saxon sites, then presumably their functions were carried out in different ways. It may be that storage in SFBs with raised floors allowed natural drying through air flow, although this may have restricted the volume of grain which could be stored. Perhaps the most plausible explanation, however, is that these practices were only taking place on a domestic level.<sup>435</sup> To an extent, the nature of food renders (discussed in Section 3.4, above) supports that. If bread and ale were supplied in their finished form, then there would have been no need for elites to control processing facilities. The quantity of food required could have been achieved through the individual contributions of many households.

The archaeological evidence from Wales, however, presents another paradigm for collection and processing. Twenty-six grain dryers have been discovered dating to the fifth and seventh centuries. These were not located at elite sites, Comeau and Burrows noted, but were often found at assembly sites and were rarely fully integrated into settlements, even if they were not far away.<sup>436</sup> An eighth-century example of this is the eighth-century dryer at the enclosed hut group of Graeanog, on the Lleyn Peninsula, Gwynedd, where a hole was punched through the enclosure wall to create the kiln.<sup>437</sup> Although later, this appears to

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<sup>433</sup> Comeau and Burrow, 'Corn-drying kilns in Wales', p. 114.

<sup>434</sup> Agriculture and Horticulture Development Board, 'In-store grain drying: high-temperature and near-ambient air approaches', <<https://ahdb.org.uk/knowledge-library/in-store-grain-drying-high-temperature-and-near-ambient-air-approaches>> [accessed 18 August 2023].

<sup>435</sup> Comeau and Burrow noted that all dryer functions were possible domestically: 'Corn-drying kilns in Wales', p. 114.

<sup>436</sup> Comeau and Burrow, 'Corn-drying kilns in Wales', p. 128.

<sup>437</sup> R. S. Kelly, 'The Excavation of an Enclosed Homestead at Graeanog, 1985, 1987 and 1988', in P.J. Fasham, R.S. Kelly, M.A. Mason and R.B. White, *The Graeanog Ridge: The Evolution of a Farming Landscape and its*

belong to the early medieval flourit described by Comeau and Burrows, as opposed to the eighth-to-ninth century example at Higham Ferrers, for instance, which falls more securely into the post seventh-century agricultural development.<sup>438</sup> There are also two examples of apparently isolated sites with grain dryers from the British/Saxon divide. Two mid-Saxon grain dryers were discovered at Chantry Field, Gillingham, Dorset, with no apparent association to other early medieval structures. Although a number of post holes were found between the two ovens, it was not possible to date or directly associate them.<sup>439</sup> At Pin Brook, Exeter, eight grain dryers were found inside an Iron Age enclosure which may have been recut in the sixth century (Fig. 21, D). There were no indications of settlement at the site, nor of any obvious high-status activity, although metalworking was taking place somewhere nearby. Garland noted that the weed seeds mixed with charred grains indicated crops grown on a range of soils and suggested the gathering in of cereals from several areas.<sup>440</sup> It may be, therefore, that assembly sites were used for the collection and processing of food destined for renders in some areas. Comeau, Seaman, and Bloxham have also linked this activity to the provision of communal feasts; potentially part of the reciprocal element to a food render system.<sup>441</sup>

If any necessary drying was taking place domestically in Anglo-Saxon areas and collectively in Wales and western Britain, one potential explanation could be a difference in collection systems necessitated by differences in the dispersal of settlement. Where homesteads were further apart, a central collecting and processing point may have been

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*Settlements in North-West Wales*, Cambrian Archaeological Association Monographs No. 6 (Aberystwyth: Cambrian Archaeological Association, 1998), pp. 114-158 (p. 132).

<sup>438</sup> Blair, *Building Anglo-Saxon England*, pp. 210, 249.

<sup>439</sup> Michael J. Heaton, 'Two mid Saxon grain dryers and later medieval features at Chantry Field, Gillingham, Dorset,' *Proceedings of Dorset Natural History and Archaeological Society*, 114 (1993), 97-126.

<sup>440</sup> Nicky Garland, 'Prehistoric settlement and burial, early Medieval crop processing and a possible early Medieval cemetery along the Clyst valley: investigations south of the Pin Brook, Broadclyst, near Exeter, 2015-2016', *Proceedings of Devon Archaeological Society*, 77 (2019), 103-145 (p. 142).

<sup>441</sup> Comeau, Seaman, and Bloxom, 'Plague. Climate and faith in Early Medieval Western Britain', pp. 8-9.

useful, where they were closer together, produce such as grain could be processed domestically. This will always be hard to gauge without a complete map of settlement sites, and other factors may also have been at work. At Poundbury, Dorset, for example, grain dryers were more integrated into the settlement. Six dryers were found in total: four dated to the first post-Roman phase VA (fifth century) and two unphased but tentatively lined to Phase VB (sixth to seventh centuries). This phase saw the appearance on site of SFBs and iron knives of a more Saxon character. These later dryers were located towards the edges of the settlement, which also developed a series of enclosures around this time.<sup>442</sup> It is not clear if this represents a change in the nature of the settlement (perhaps from a service site to something more residential), but it is notable that overall processing activity appears to have increased at this time.<sup>443</sup>

Comeau and Burrows suggested that the proliferation of grain dryers in Wales in the fifth and sixth centuries was linked to the demands of controlling elites, noting that the construction of a grain dryer was one of the nine buildings required of a royal bondsman under Welsh law. They pointed out that this might be comparable to the situation in Ireland described by Kinsella, where a disproportionate number of grain dryers were found in the royal heartlands of the kings of Tara, suggesting the demand of significant levels of tribute.<sup>444</sup> However, the number of Welsh grain dryers then declined before the changes of the agricultural 'revolution'; the very changes which appear to have prompted their re-appearance in Anglo-Saxon areas. Comeau, Seaman, and Bloxham investigated a number of

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<sup>442</sup> Sparey-Green, *Excavations at Poundbury*, pp. 87-88; 91; 98.

<sup>443</sup> See Chapter Five for further discussion of Poundbury, including the suggestion that it represented a monastic site, pp. 296-299.

<sup>444</sup> Comeau and Burrow, 'Corn-drying kilns in Wales', pp. 130-133; 115; Jonathan Kinsella, 'New discoveries and fresh insights: researching the early medieval archaeology of the M3 in County Meath', in *Roads, Rediscovery and Research*, ed. by J. O'Sullivan and M. Stanley, Archaeology and the NRA Monograph Series 5 (Dublin: National Roads Authority, 2008), pp. 95-107 (pp. 106).

possible reasons for this, and concluded that a surge in Christian fervour may have been responsible, as more renders were paid to monasteries who showed a lesser predilection for beer than their aristocratic predecessors. This is possible, although it does presuppose that all monks, many of whom came from those aristocratic families, were as abstemious as ascetic propaganda implied. More tellingly, they also argued that these ecclesiastical institutions banned many of the pre-Christian festivals which would have been a focus for reciprocal feasting and replaced them with Christianised versions under their control.<sup>445</sup> Part of this control, then, may have been taking charge of processes such as malting. If so, then the decline in numbers of dryers seen in Wales may also have been the result of a form of centralisation.

Faulkner and Blakelock argued that that the use of grain dryers in malting may have been underestimated, and that all dryers would have been enclosed within buildings, as at Sedgeford, but that associated structures were not recognised in the archaeology.<sup>446</sup> Current interpretations of the Roman evidence suggests that the majority of dryers were free-standing, although some may have been covered by lightweight shelters, while the Welsh evidence seems consistent with a range of form (and possibly function).<sup>447</sup> However, the only grain dryer found on a French site in this study, that at Biéville-Beuville was located within a building inside the settlement boundary (Fig. 21, B).<sup>448</sup> However, as with ovens (see below), it seems likely that grain dryers were put to a number of different uses, and the amount of surrounding infrastructure required would presumably have depended on scale. As Faulkner

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<sup>445</sup> Comeau, Seaman, and Bloxom, 'Plague. Climate and faith in Early Medieval Western Britain', pp. 20-21.

<sup>446</sup> Faulkner and Blakelock, 'The excavation of a Mid Anglo-Saxon malthouse at Sedgeford', p. 90.

<sup>447</sup> Smith, 'Buildings in the Countryside', p.57; Comeau and Burrows, 'Corn-drying kilns in Wales', pp. 122-128.

<sup>448</sup> Hincker, 'Un habitat aristocratique en Neustrie', pp. 181-182.

noted, the Sedgeford complex, which sits firmly in the period of eighth-century agricultural change, represented malting on a significant scale.<sup>449</sup>

A number of conclusions may, therefore, be possible. Firstly, in areas where the use of grain dryers continued, there seems to have been a morphological simplification and a reduction in capacity in comparison to Roman structures. This even seems to be true of Biéville-Beuville, where the dryer, although complex, is smaller than, say, the Roman example at Monk Sherborne. Consequently, while dryers still suggest processing activity at a level beyond the domestic, they may have been serving a more local need than Roman examples. This could have been the collective need of the settlement, or the requirement of food renders. The early lack of such facilities on elite sites, their presence at assembly sites in Wales, and the implication that drying and malting took place in a domestic context in Anglo-Saxon areas, are all consistent with an elite sustained by food renders and not concerned with direct agricultural control before the watershed of the seventh century. The paucity of grain dryers in Gaul might continue an apparent trend from the Roman period. Ferdière's survey of the late 1980s recorded just 29 known structures, compared to the much larger figure for Britain, most of which were found in the northeast (which might support their use as malting ovens).<sup>450</sup> However, Van Ossel stressed that grain dryers were found in all areas where archaeological excavation took place, and a survey today would undoubtedly number higher.<sup>451</sup> Nonetheless, a relative scarcity means that any necessary drying and malting must

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<sup>449</sup> Faulkner, 'An Agro-Social Revolution in a Mid Saxon Village: Making Sense of the Sedgeford Excavations', in *New Perspectives on the Medieval Agricultural Revolution*, ed. by McKerracher and Hamerow, pp. 161-178 (pp. 173-174).

<sup>450</sup> Alain Ferdière, *Les Compagnes en Gaule Romaine, Vol. 2. Les techniques et les productions rurales en Gaule (52av. J.-C. – 486 ap. J.-C.)* (Paris: Editions Errance, 1988), p. 71.

<sup>451</sup> Paul Van Ossel, *Etablissements ruraux de l'Antiquité tardive dans le nord de la Gaule, Gallia supplement 51* (Paris: CNRS, 1992), pp. 137-144. See Chapter Five, Section 5.3, for a number of dryers found on Late Roman villa sites.

have been achieved differently, and may have been connected to the abundance of ovens discovered.

#### 3.5.4: Ovens

Ovens can be distinguished from hearths by their substantial structure. Where hearths were simple emplacements for fire, ovens were vaulted: covered either with a free-standing clay dome or dug into the sides of pits. They worked by lighting a fire inside the oven space and allowing it to heat the earthen surfaces. The embers were then raked out and the material to be cooked placed inside. Ovens found on sites in this study are shown in Table 21 (below), although this may underestimate the frequency of their occurrence in France.<sup>452</sup> This table indicates a difference in form between those on sites in France and those in Britain. In France, they are commonly dug into the side of pits, while in Britain they seem to be either free-standing or were associated with buildings.<sup>453</sup> SFB 18 at West Stow contained an oven, which was thought to have been vaulted over, although this could not be proven (see Fig. 22, below).<sup>454</sup> At Bloodmoor Hill, the quantity of burnt clay suggested that some 10 to 20 vaulted ovens had existed, and two were inside the area of structures, although they were not thought to be contemporaneous with them (this is the case for oven 259, Fig. 22). Another lay in the base of what was thought to be a working hollow.<sup>455</sup> It is perhaps due to the preference for pit-side construction in France that more of the oven vaults have survived, and

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<sup>452</sup> Gaëlle Bruley-Chabot and Nicolas Warmé, 'Approche expérimentale pour la compréhension des fours culinaires du haut Moyen âge: bilan critique et perspectives', *Revue archéologique de Picardie*, 1-2 (2009), 121-128 (p. 121).

<sup>453</sup> Harnay, 'Le site du "Chemin de Croix"', p. 43.

<sup>454</sup> West, *West Stow*, p. 24.

<sup>455</sup> Lucy, Tipper and Dickens, *The Anglo-Saxon Settlement and Cemetery at Bloodmoor Hill*, pp. 151-152.

Site	Structure	Date	Size (m)	Form	Description
Brandon Road	757	Early Saxon	1.9 x 0.65	Oval	Clay lining survived to depth of 0.27m.
Brandon Road	2028	Early Saxon	1.0 x 0.5	Triangular	Burnt clay layer survived to depth of 0.1m.
Brandon Road	786	Early Saxon	2.15 x 0.65	Irregular oval	Clay lining survived to depth of 0.2m
Brandon Road	2019	Early Saxon	2.0 x 0.5	Sub-oval	Burnt clay lining survived to depth of 0.04m. Truncated at South end.
Bloodmoor Hill	F254	Phase 1?	0.75 x 0.40	Sub-circular	Truncated by pit on east side. Located within area of Structure 44.
Bloodmoor Hill	F259	Phase 1?	0.75 diameter	Sub-circular	Burnt stones below burnt clay. Within area of Structure 45a.
Bloodmoor Hill	F338	Phase 1	1.55 x 1.35	Sub-circular	Foundation of stones below burnt clay. East of Structure 17.
Bloodmoor Hill	F372	Phase 2b	1.10 diameter	Sub-circular	Foundation of stones below burnt clay.
Bloodmoor Hill	F379	Phase 2b	0.40 diameter	Sub-circular	Burnt clay over scorched sand. On base of Structure 26 (possible working hollow).
West Stow (3)	SFB 18	<C7	1.02	Oval	Clay layer survived to depth of 0.06m, with walls standing to 0.15-0.20m.
Staunch Meadow	0003	C8?	2.8 x 1.8	Oval	Clay lined pit with flint surround. Walls survived to depth of 0.3m.
Champlay (3)	-	C8	-	Oval	No details.
Passy (3)	-	C7	-	-	7 ovens with diameters ranging from 0.5 to 1.7m. Accessed from pits.
Janzé (3)	-	C5-7	1.4 diameter	Oval	Accessed via a pit in Structure 1. Oven roof partially preserved.
Déols (2)	'domestic oven'	Phase IV	-	-	Radiocarbon dating gave a range of 1241-1380.
Tigery, Essonne	4070	C7-8	-	-	Accessed from pit. Archaeomagnetically dated to 685-725.
Tigery, Essonne	4518	C5-10	1.5 diameter	-	Accessed from pit. Cut by ditch containing Carolingian pottery.
Tigery, Essonne	4665	C5-10	-	-	Archaeomagnetically dated to 515-845. Oven roof partially preserved.
Tigery, Essonne	4687	C5-10	-	-	Reused tegulae fragments in oven base. Cut ditch 4422 but cut by 4665, making dating problematic.
Les Carreaux, Marines	-	C6-9	-	-	Some 40 oven found across site. Individual details not given.
Athies	-	-	-	-	21 ovens found across site.

Table 21: Occurrence of ovens on studied sites.

hence that more ovens have been recognised: Harnay observed that survival seemed to vary depending on the depth at which the oven was created.<sup>456</sup>

Another difference between the two areas is that ovens are sometimes found in considerable concentrations on French sites. The site at Les Carreaux, Marines, Île-de-France, had around 40 ovens between the sixth and tenth centuries, with the structures being most closely grouped during the Merovingian period.<sup>457</sup> At Athies, thought to be linked to a documented *villa regalis* possibly located near the site of the present village's church,<sup>458</sup> there were 21 ovens across the settlement's lifetime (see example, Fig. 22). The largest of these were grouped together outside the habitation area. Of the sites in Britain, only Bloodmoor Hill shows a similar zone, with a baking area which seems to have broadly persisted throughout the period of habitation. However, it may simply be that the concentrations were smaller. At Brandon Road, Thetford, the ovens seem to have existed in two groups, one to the North of the settlements, cut into the fill of a former Roman ditch, the other more centrally located and possibly associated with an SFB.

It is not clear that there is any social significance in the difference in form. The preference for ovens in pits in Northern Gaul may reflect local practice. If abandoned pits were available, this may have made it easier to construct a durable oven vault: Bruley-Chabot and Warmé noted that it required less time to cut an oven into a pit side than to create a freestanding vault.<sup>459</sup> The mass of surrounding earth may have helped retain heat. Although Bruley-Chabot and Warmé did not test for this, the creation of successive ovens around the

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<sup>456</sup> Harnay, 'Le site du "Chemin de Croix"', p. 43.

<sup>457</sup> Devals, 'Un site du haut Moyen Age en Vexin français', Fig.1, p. 139.

<sup>458</sup> Harnay, 'Le site du "Chemin de Croix"', pp. 37-38; Venantius Fortunatus, *Vita Sancti Radegundis*, 2.

<sup>459</sup> Bruley-Chabot and Warmé, 'Approche expérimentale pour la compréhension des fours culinaires', p. 122.

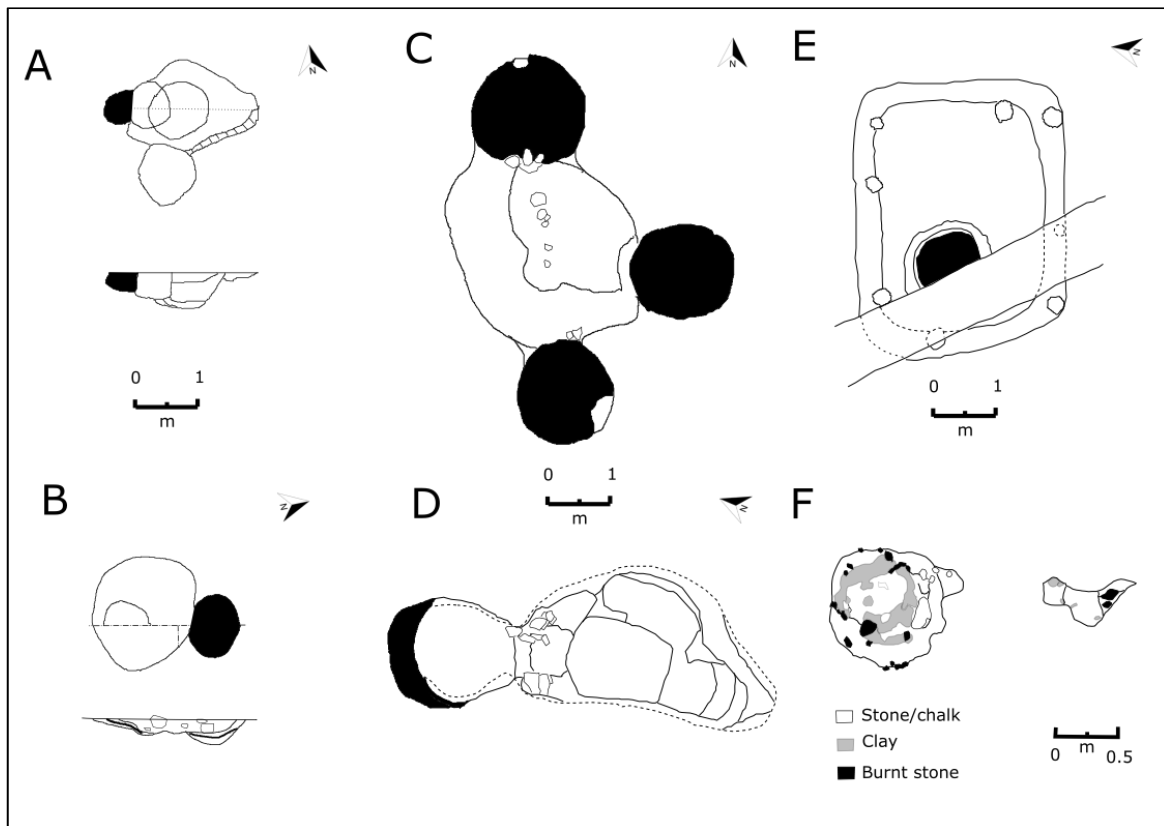


Fig. 22: A to D show typical French site ovens, shaded black, cut into pit walls. A: Oven 471 at Athies, after Harnay. B: Pit 4069 and oven 4070 at Tigery Fossés Neufs, Essonne, after Derayaud et al. C: The successive ovens 1500, 9160, 9330 at Les Carreaux, Marines, after Devals. D: The large oven at Déols, after Fouillet. Ovens on British sites do not have this association. E shows the oven in SFB 18 at West Stow, after West. Often only the oven base is found as in F, Oven 259 at Bloodmoor Hill, after Lucy, Tipper, and Dickens.

same access pit does suggest maximum exploitation of a resource. It is also difficult to draw inferences from oven size. A larger oven may suggest greater activity, but it is also difficult to maintain the temperature of a larger oven, so size may have been related to what was being cooked.<sup>460</sup> Similarly, it is difficult to reach any conclusions about the significance of numbers, since the longevity of these structures is not currently known, with estimates varying between 5 and 25 years. This may have varied depending on the nature of the ground they were cut into. What is suggestive, however, is the nature of the grouping. There does seem to be a difference between the small groups at Brandon Road and the larger external baking area at Athies. The former may reflect a settlement's communal baking, while the latter suggests

<sup>460</sup> Bruley-Chabot and Warmé, 'Approche expérimentale pour la compréhension des fours culinaires', p. 124.

activity of a heightened scale. The same may also be true for Marines, Les Carreaux, although here too little is known about the full extent of the settlement to be confident. Similarly, the ovens at Bloodmoor Hill were too poorly preserved to reach a judgment of whether this was communal domestic baking or something more. Differences may also relate to how food renders were collected. If each settlement contributed a small amount of finished product, then meeting the render could simply have been an adjunct to the domestic routine. If raw materials were gathered at collection centres, then a greater scale of activity could be expected at these centres. Athies, with its possible relation to a *villa regalis*, could represent such a centre. The prevalence of Category 3 sites in Table 21 might support this, although many of the sites were not categorizable because of a lack of identified structures. Finally, while the primary function of these ovens does seem to have been baking (they sit within a clear tradition of communal bread baking which continued much later in history), they may have been put to use for other purposes such as grain drying. However, there are few reports of charred grain in association with them, and while drying should not char the grain, some accidents might be expected. For the same reason, there is no clear evidence of their use in malting, perhaps because it would have been difficult to stir the grain.

### 3.5.5: Mills

The growth in mechanical milling is generally interpreted as part of the intensification of crop processing under lordly and ecclesiastical control. Hamerow noted that a small number of seventh-century watermills, with largely royal associations, had burgeoned into

thousands by the time of Domesday Book.<sup>461</sup> Mechanical milling could be achieved by human, animal, or waterpower (windmills first appear in the European historic record in the twelfth century), with varying degrees of technological complexity.<sup>462</sup> In mills driven by animal and human labour (*moulins à sang* in France), the moving top stone (the *catillus*) was pushed around the stationary bottom stone (the *meta*) by a lever inserted into its side. These are differentiated from rotary querns by the size of their stones. Shaffrey considered that any stone with a diameter greater than 57cm would definitely have been a mill rather than quernstone, while anything above 45cm may have been. This is largely consistent with Longpierre's sizings, which placed *moulins à sang* at 30-50cm diameter, since the smallest of these could have been little different to rotary querns.<sup>463</sup> At its simplest, this type could involve a vertical *catillus* driven around the *meta* like a wheel, while the most advanced form produced the archetypal donkey mill seen on some Roman sites, where the conical stones slotted together in a shape like an hourglass. The donkey or horse was harnessed to the lever and walked in a circle around the mill. Similarly, hydraulic mills have their own range of complexity. Mills with a horizontal waterwheel have often been seen as belonging to a simpler tradition than the vertical, or Vitruvian, waterwheel, which required gearing to connect it to the millstones.<sup>464</sup> However, Rynne's work on Irish waterwheels, in particular on paddle

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<sup>461</sup> Hamerow, *Rural Settlements and Society*, pp. 152-153. These mills, such as those at Tamworth and Old Windsor, fall outside the temporal range of this chapter, belonging to the eighth-to-ninth centuries: Philip Rahtz and Donald Bullough, 'The parts of an Anglo-Saxon mill', *Anglo-Saxon England*, 6 (1977), 15-37 ( p. 16).

<sup>462</sup> Charles Stringer, E.J. Holmroyd, A.R. Hall, and Trevor I. Williams, eds., *A History of Technology Vol. II, The Mediterranean Civilisations and the Middle Ages, c. 700BC to c. AD 1500* (Oxford: Oxford University Press, 1956), p. 110-111; Rex Waites, 'A note on windmills' in Stringer, Holmroyd, Hall, and Williams, eds., *A History of Technology Vol. II*, pp. 623-628.

<sup>463</sup> Ruth Shaffrey, 'Intensive Milling Practices in the Romano-British Landscape of Southern England: Using Newly Established Criteria for Distinguishing Millstones from Rotary Querns', *Britannia*, 46 (2015), 55-92 (pp. 57;78); Samuel Longpierre, 'Moulins manuels, à sang et hydrauliques durant l'Antiquité dans le Sud-Est de la France: essai de définition' in *Évolution typologique et technique des meules du Néolithique à l'an mille. Actes des IIIe Rencontres Archéologiques de l'Archéosite gaulois*, dir. By Olivier Buchsenschutz, Luc Jaccoffey, Floret Jodry, and Jean-Luc Blanchard, *Aquitania Supplément* 23 (2011), 81-94 (p. 82).

<sup>464</sup> Stringer, Holmroyd, Hall, and Williams, eds., *A History of Technology Vol. II*, pp. ; T.K. Derry and Trevor I. Williams, *A Short History of Technology* (Oxford: Oxford University Press, 1960), p. 250.

design, has shown that horizontal wheels could achieve high degrees of sophistication and appeared to be part of a shared European knowledge network.<sup>465</sup> They could also represent a considerable investment of resources, as the horizontal wheel at Ebbsfleet shows.<sup>466</sup> There is, therefore, a range of potential possible structures, from relatively simple, small mills located to take advantage of fast, upland streams, to more advanced structures using practised refinements.

Mills are most often recognised in the archaeological record through discoveries of stones or fragments of stones. This was the case at Sedgeford, Norfolk, and Marlenheim, Alsace. Where such fragments are found along watercourses, as at Sedgeford, it is a reasonable deduction that they came from water mills.<sup>467</sup> Otherwise, the form of the stones has been used in identification, since the *meta* of a watermill must be pierced to allow the passage of the axle from the wheel to the *catillus*. However, Longpierre pointed out that, while a hydraulic millstone will always be pierced, finding a pierced stone does not necessarily mean that there had been a watermill on that site, since 'second-hand' stones could be moved and repurposed in *moulins à sang*. Similarly, while stones from *moulins à sang* had holes in their sides to receive a lever, hydraulic millstones could also be secured to the axle by side fittings. He concluded, therefore, that identification by stone fragments should be pursued with caution.<sup>468</sup>

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<sup>465</sup> Colin Rynne, 'The technical development of the horizontal water-wheel in the first millennium AD: Some recent archaeological insights from Ireland', *The International Journal for the History of Engineering and Technology*, 85, 1 (2015), pp. 70-93.

<sup>466</sup> Phil Andrews, Edward Biddulph, Alan Hardy, and Richard Brown, *Settling the Ebbsfleet Valley, Vol. 1* (Oxford; Salisbury: Oxford Archaeological Unit; Wessex Archaeology Ltd, 2011), pp. 335-349.

<sup>467</sup> Faulkner, 'An Agro-Social Revolution in a Mid Saxon Village', p. 169.

<sup>468</sup> Longpierre, 'Moulins manuels, à sang et hydrauliques durant l'Antiquité dans le Sud-Est de la France', pp. 83-84; 93.

Only two of the sites included in this data survey gave evidence for mills (Ebbsfleet was not included in the survey, but the mill there dated to the end of the seventh century and is therefore after the agricultural watershed). Both of these sites were French, and in both the evidence is minimal. At Marlenheim, a fragment of millstone was found which Châtelet believed came from a waterwheel, but no other details were given. Again, this dated to the seventh century and is therefore consistent with the period of agricultural intensification.<sup>469</sup> The mill at Dassargues, Languedoc-Rousillon, relied on identification from the base alone. If correct, however, it would have been a *moulin à sang*, which, in its simpler form, would be more consistent with the site's vernacular context. It appeared to belong to the sixth century phase, and could represent continuity from the Roman period, since Raynaud believed the surrounding architecture perpetuated local Gallo-Roman traditions.<sup>470</sup> This outlier aside, the evidence reviewed here supports a scarcity of mechanical milling before the seventh century. Given that exemplars of the technology, at some level, were available, it would therefore appear that there was no need to mill grain in bulk quantities.

### 3.6: Discussion and Conclusion

#### 3.6.1: Discussion

This chapter has attempted to answer the two research questions set out in Section 3.1 by analysing the archaeological evidence for rural structures in Britain and Gaul. In exploring the apparent dichotomy between these two areas (structures proliferate in the

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<sup>469</sup> Châtelet, 'Marlenheim en Alsace', p. 251.

<sup>470</sup> Claude Raynaud, 'Lunel (Hérault). Dassargues, de la cabane à la ferme: les constructions rurales des V<sup>e</sup> – X<sup>e</sup> siècles', *Archéologie du Midi médiévale*, 32 (2014), 75-91 (p. 82).

Merovingian charters but are absent from the Anglo-Saxon), it analysed the evidence of the largest domestic structures and noted that an apparent distinction between the halls of Britain (in both Saxon and British contexts) and divided buildings in Gaul is belied by the fact that many of the Gallic structures contained spaces which were as large as, or larger than, free-standing halls. Both, therefore, could have played host to the kind of elite interaction which is thought to have been a fundamental social glue, and which, in the Anglo-Saxon cultural model, evolved from royal itineration to the halls typified in *Beowulf's Heorot*.<sup>471</sup> Consequently, the differing architecture of the sixth to seventh centuries does not necessarily imply a social distinction between the 'barbarian' societies of northern Gaul and southern, eastern, and central Britain, and the Gallo-Roman society of southern Gaul or the post-Roman one of western Britain.

There is, however, some evidence that southern Gaul may have preserved a greater degree of continuity with the settlement centres and, possibly, the land divisions of the Roman period. The settlements at Larina, Poncin, and l'Albenc all show some degree of continuity, with early medieval structures being raised upon the foundations of Antique predecessors. These dwellings were, moreover, more closely associated with agricultural production than their counter-parts in northern Gaul, with De Klijn *et al* suggesting that continuity at l'Albenc suggested a broader continuity of organisation in the landscape.<sup>472</sup>

The broader analysis of smaller buildings remains problematic, however, because of difficulties in identifying function. There are grounds for believing that some agricultural

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<sup>471</sup> Blair, *Building Anglo-Saxon England*, pp. 104-113; Julia M. H. Smith, *Europe After Rome: A New Cultural History 500-1000* (Oxford: Oxford University Press, 2005), pp. 203-204; Luc Bourgeois traces a link from courtyard centred sites such as Biéville-Beuville to the Frankish palaces: 'Les résidences des élites et les fortifications du haut Moyen Âge en France et en Belgique dans leur cadre européen: aperçu historiographique (1955-2005)', *Cahiers de civilisation médiévale*, 49e année, 194, *La médiévisique au XXe siècle. Bilan et perspectives* (2006), pp. 113-141(pp. 129-130).

<sup>472</sup> De Klijn, Faure-Boucharlat, Feugère et Lalaï, 'L'Albenc, Le Bivan', p. 491.

structures can be distinguished, although only in the most general way. Specificities of storage and processing remain problematic, in part because the strategies used (and, therefore, the structures required) are not known. An attempt was made to use building size to place sites into one of three categories, and these categories were then compared to the distribution of features such as stables, shed, SFBs, granaries, and ovens. Although these categories were not proxies for social status, it was noted that there was a slightly increased tendency to find auxiliary (that is, non-domestic structures) on Category 3 sites: those which were home to the smallest buildings. This creates the possibility that sites with larger buildings, which sometimes translates into higher social status, eschewed working buildings. This seems to be the case in northern Gaul and western and eastern Britain, and is consistent with an elite supported by food renders and keen to emphasise its non-agricultural, military status. However, this tendency appears to decrease with time, with more working structures appearing on elite sites from the seventh century, for example at Lyminge and Marlenheim. This is in agreement with prevailing views about agricultural change and an increasing elite interest in agriculture, as exemplified in monumental structures such as grain dryers and the Ebbsfleet waterwheel. The apparent absence before the seventh century of such structures related to bulk crop processing (mills, grain dryers) is also consistent with this theory. There is, however, evidence that larger scale storage and food preparation appeared in Gaul slightly earlier than in Britain, with continuity possible on at least some sites in southern Gaul. There may also have been a tradition of communal baking which appears to be less pronounced on British sites. The evidence is not yet clear enough to know whether this related to community size or external demand.

This evidence gives little support for the existence of estate centres in either Britain and much of Gaul before the seventh century, if an estate centre is taken to be the home of

someone who controls activity on the surrounding agricultural land and takes direct possession of its produce. The exceptions to this would be the sites in southern described above. Elsewhere, there are few signs of lordly dwellings surrounded by the apparatus of agricultural processing and storage. During the seventh century, evidence for agricultural activity begins to increase, both at elite and non-elite sites, which is consistent with the prevailing view that an agricultural intensification took place around this time. Before this, large dwellings in association with evidence of luxurious consumption suggest that people were marshalling the resources of the surrounding area. Even sites of elite consumption such as Dinas Powys or Rendlesham seem disconnected from the agricultural round, with crop processing reliant on the domestic mechanisms of hand querns, while livestock appear as the constituent of feasts rather than as the foci of husbandry, although, like Medb and Ailill, these elites may have known that the herds roaming the surrounding countryside constituted their wealth. Other sites, such as Cowdery's Down, are more ambiguous, since they have structures which could have been agricultural. However, the potential activity seems slight when compared to sites such as Bloodmoor Hill or Cotswold Community. There are also a few signs that elite sites may have had related agricultural producer sites, as could be the case with Yeavinger and Lanton Quarry, or with Athies and the *villa regalis* at Croix-Moligneaux.

Much of the evidence suggests that agricultural production and processing was dispersed. On the majority of sites, storage and processing must have taken place at a domestic level which leaves few readable signs in the archaeological record. Crops could have been stored in jars or leather bags, which could in turn have been buried in silos or kept in SFBs. Unthreshed grain could have been kept in SFBs or in the rafters of houses. Threshing may have taken place as needed in the working hollows of external areas. Animals, when housed, may have been kept in small sheds, and have spent the bulk of their time in the open.

Fodder may have been kept stooked under thatched caps in fields. At a few sites, more pronounced activity becomes apparent, either because local conditions encouraged a larger settlement, or perhaps because, in some areas, it was useful to have local processing sites to satisfy the dues of food renders. This may have been affected by topography or politics: the concentration of grain dryers at assembly sites in Wales may have been produced because of a greater degree of settlement dispersion; possible service sites in France (such as Les Carreaux or Foujouin) may have been required because the lords were too distant to receive dues from individual smaller settlements. Certainly, concentrations like that at Ostheim seem to have been the product of its particular status as an occasional elite residence (possibly a hunting lodge), while the large sixth-to-seventh building and its associated structures at Serris Le Couvernois might have associations with the royal fisc, as Gentili proposed, or, given its forest location, could also have had hunting connections. In general, it is the Category Three sites which show a greater concentration of agricultural buildings and SFBs, although, again, the evidence for this is earlier in Gaul than in Britain. This need not mean they were low status; indeed, they may have been higher status than some category two sites, but it gives them a different character to the more aloof Category Ones.

This picture sits comfortably with the established view that early medieval elites were supported by food renders, and that those at the highest level were not engaged in agriculture. Between these 'lords' and the bulk of the peasantry were middle ranking people who were essentially farmers and who would have had little to distinguish them from their neighbours, but who were locally responsible for organising military service and who provided a conduit between lords and peasants. This situation has been well-described by Wickham through the archetypal, but fictional, settlement of Malling, while Faith has fleshed out the reciprocal relationship within which it existed; a reciprocal relationship which may have seen

lords provide not just armed protection, but access to specialist products (such as iron blooms which could then be worked by part-time village smiths), and regular feasts.<sup>473</sup>

### 3.6.2: Conclusion

Initially, it might seem as if this evidence does not support the picture generated by the charter appurtenance clauses in Chapter Two. But this is only so if those clauses are read as describing the kind of model estate centre outlined in Section 3.1. There is nothing in them to say that the structures they list must all be in one central location, they only specify that those structures belong to a given area of land. The structures could be dispersed within that area. Wickham described how the landholdings of early elites in post-Roman Gaul could be widely scattered, and how many of those holdings would have been run entirely by the tenants.<sup>474</sup> This is consistent with the archaeology reviewed here, but it may also be consistent with the appurtenance clauses if those clauses are read as collective references to dispersed structures. This would have required an intensely detailed level of knowledge: it is one thing to know that there are granaries and stables beyond your manor house door, it is quite another to know that they exist across familial settlements separated by many miles. Yet the evidence suggests that this level of detailed knowledge did exist, and it is exemplified in the testament of Ermintrude (see Chapter Four).

The answer to research question one is, therefore, partly positive: there were agricultural structures in the countryside of early medieval Gaul, even in the sixth century,

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<sup>473</sup> Wickham, *Framing*, pp. 428-433; Faith, *Moral Economy of the Countryside*, pp. 49-57; Sue Harrington and Martin Welch, *The Early Anglo-Saxon Kingdoms of Southern Britain AD 450 – 650: Beneath the Tribal Hidage* (Oxford: Oxbow Books, 2014), pp. 110-121.

<sup>474</sup> Wickham, *Framing*, pp. 188-189; 280-282.

although the 'estates' of which they were part do not conform to the model of the later Middle Ages. The elites who held these lands may not have worried about controlling agriculture directly, and where those lands were scattered, this may not have been practical, but that does not mean that they were not aware of these structures. They were aware of the fact that their tenants had the infrastructure to process and store crops, whether those crops were stored in raised granaries, SFBs, or buried jars, and they were able to assert their control over that infrastructure even though it lay beyond their reach and their view. The fact that they did so assiduously in the appurtenance clauses suggests that they were aware that these things had value, although at this point it may have been the social capital derived from control rather than economic capital.

If, however, the answer to research question one is positive, the answer to question two is more ambiguous. The Anglo-Saxon cultural areas of Britain do seem largely devoid of bulk processing facilities before the changes of the seventh century. The British cultural areas are mostly similar in this regard, although they have more evidence of obviously elite lifestyles (Dinas Powys, Cadbury Castle, Tintagel) and some evidence of collective crop processing in the Welsh grain dryers. Yet none of these areas were devoid of agricultural activity, and there are occasional glimpses of some of the structures which may have housed this (Cotswold Community, for example). As in northern Gaul, the bulk of agricultural activity must have taken place at the domestic level described above. The question then must be, why, if the Merovingian elite were concerned to acknowledge that in their charter appurtenance clauses, the elite of Anglo-Saxon areas were unconcerned. One possibility, of course, is that it was simply the product of a different charter tradition. However, another possibility is that it lies not in the relationship of the elites to the land, but of the elites to the people who worked it. If Merovingian elites perceived the people who worked the land to be under their control,

then by extension anything which those people possessed was under their control also. This was the case with the *peculia* of Roman slaves. If the elites of Anglo-Saxon areas saw their relationship differently, if they saw it as an exchange in which they were granted renders by a free peasantry in return for reciprocal duties, then the possessions of those free peasants would not concern them. This, however, begs the questions of how these relationships were established, how some people fell under the control of others, and why others stayed free. Chapter Four will return to the study of the documents to explore whether they give any basis for different relationships between elites and peasants, while Chapter Five will consider those resultant questions by a further analysis of archaeological evidence.

## 4: The People of the Charters

### 4.1: Introduction

In Chapter Three, an analysis of the archaeology found little evidence of centralised rural structures associated with the bulk storage and processing of crops which would suggest direct elite control of farming. By implication, most agricultural activity seemed to have been taking place at a domestic level, or at relatively modest service sites. It was suggested that this might be more in keeping with an economy in which the elite were supported by renders of food given as part of a social relationship, than one in which they commanded the activities of peasants in order to take control of an agricultural surplus. This archaeological similarity between Britain and parts of northern Gaul was at odds with the difference between the charter appurtenance clauses explored in Chapter Two, and it was therefore asked whether this disparity might result from a difference in relationships between people, or whether it was simply a product of a different charter tradition with varying documentary priorities.

This chapter will seek to address these questions by examining the representation of people in the Merovingian appurtenance clauses in more detail, and by exploring the more detailed relationships sometimes chronicled in Merovingian wills. Since one of the key relationships predicated is that between elite landowners and putative peasant proprietors, this chapter will also seek evidence for the existence of these proprietors by analysing the inheritance systems of the various legal codes and considering whether they suggest a peasant society governed by familial custom, or one in which the legal apparatus sustained individual property. As the Anglo-Saxon laws are largely silent on inheritance, it will also examine the dispensations for property exchange in the marriage customs, with the same

goal of assessing whether widespread peasant ownership was commonplace, or whether it had given way to, or was threatened by, the personal accumulation of land.

Human relationships in both the Ancient and early medieval worlds tended to revolve around three key areas: kinship, patronage, and forms of vassalage. However, the boundaries between these are not clearly defined, and the latter category is particularly complicated, encompassing chattel slavery, other types of unfreedom, and voluntary bondage. These interactions permeated every area of medieval life, but when it came to rural life and agriculture, they inevitably had implications for who held land and on what terms. At the simplest level of what Wickham called 'plantation slavery', the land was owned outright by its holder and the workers were legally classed as property. This was implicit in the Roman use of the term *mancipium*.<sup>475</sup> These slaves had no rights: in the first century AD, Columella's *De Res Rustica* recommended that unfettered slaves should live in cubicles, while those who had to be chained (by implication because of infractions) should be held in an underground prison.<sup>476</sup> Any kind of normal family life was denied to them.<sup>477</sup> It is now thought that large estates run purely on this model, the *Latifundia*, were rare, especially outside Italy and Greece, and that even these declined in the first and second centuries.<sup>478</sup> Tits-Dieuaide argued that large, slave-run estates did persist into the Merovingian period, but this view depended upon interpretations from literary sources such as Sidonius Apollinaris and Gregory of Tours, with all the problems of classical imitation, author-intent, and hyperbole which such sources

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<sup>475</sup> Wickham, *Framing*, p. 262; Sandra R. Joshel, 'Slavery and Roman literary culture, in *The Cambridge World History of Slavery Vol. 1: The Ancient Mediterranean World*, ed. by Keith Bradley and Paul Cartledge (Cambridge: Cambridge University Press, 2011) pp. 214-240 (p. 216).

<sup>476</sup> Columella, *Res Rustica*, Vol. 1, transl. by Harrison Boyd Ash, Loeb Classical Library (Cambs, Mass.: Harvard University Press; London: William Heineman, 1960), Bk 1, VI, 1-3, pp. 66-67.

<sup>477</sup> K. R. Bradley, *Slaves and Masters in the Roman Empire. A Study in Social Control* (Brussels: Latomus Revue D'Etudes Latines, 1984), pp. 21; 47-48.

<sup>478</sup> Marc Bloch, 'Comment et pourquoi finit l'esclavage Antique' *Annales. Economies, sociétés, civilisations*, 2, 1 (1947), 30-44 (p. 33); Wickham, *Framing*, p. 262; Alice Rio, *Slavery After Rome* (Oxford: Oxford University Press, 2017), pp. 4-5.

face.<sup>479</sup> Her claim was refuted by Wickham who argued that by that time *mancipia* were unfree tenants who organised their own labour in the same way as their free counterparts.<sup>480</sup>

This alternate model, dividing estates into smaller packages worked by free or unfree labourers, at least some of whom inhabited farmsteads as family units, is now seen as having been characteristic of the Roman period.<sup>481</sup> Its continuation into the early Middle Ages should not, therefore, be surprising. By this time, however, these unfree peasants, able to have families, living in family dwellings, and choosing which crops to grow, must have been outwardly indistinguishable from their officially free neighbours.<sup>482</sup> Theoretically, Frankish law observed a gulf between the free and unfree, as Roman law had. Under Salic law, some forms of manumission left former slaves facing considerable impositions, while the status of *lidus* appears to have been halfway between slavery and freedom.<sup>483</sup> The relationship between free and unfree had already been complicated by late Roman laws which tied the *coloni* to particular estates for reasons of tax collection.<sup>484</sup> Although not personal chattels as the *mancipia* had been, they were, in the words of the Justinianic Code ‘attached to the soil’ and, as Davies observed, could be ‘sold’ along with it.<sup>485</sup> Therefore, as a result of changes to the status of both the free and unfree, the practical conditions under which they lived had

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<sup>479</sup> Tits-Dieuaide, ‘Grands domaines, grandes et petites exploitations en Gaule mérovingienne’, in *Le grand domaine aux époques mérovingienne et carolingienne*, ed by Verhulst, pp. 23-50 (p. 35).

<sup>480</sup> Wickham, *Framing*, pp. 282-282.

<sup>481</sup> Bloch, ‘Comment et pourquoi’, p. 33; ; Wendy Davies, ‘On servile status in the early Middle Ages’, in *Serfdom and Slavery. Studies in Legal Bondage*, ed. by M.L. Bush (Harlow, Essex: Longman, 1996), pp. 225-246 (p. 233); Wickham, *Framing*, p. 262; Rio, *Slavery After Rome*, pp. 175-176.

<sup>482</sup> Wickham argues that their economic relationship to the landholder was identical: *Framing*, pp. 261-262.

<sup>483</sup> *The Laws of the Salian Franks*, transl. and with an introduction by Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1991), p. 47; *Laws of the Salian and Ripuarian Franks*, transl. and with an introduction by John Rivers (New York: AMS Press, 1986), pp. 53, 79, 174, 194, 195.

<sup>484</sup> M. I. Finley, *Ancient Slavery and Modern Ideology* (London: Chatto and Windus, 1980), p. 124; Davies, ‘On servile status’, p. 234; Wickham, *Framing*, pp. 520-521; Kyle Harper, *Slavery in the Late Roman World AD275-425* (Cambridge: Cambridge University Press, 2011), pp. 153-155. This is not to argue, as has sometimes been done, that *coloni* were the precursors of serfs, only that their existence created more confusion. On the problems of seeing *coloni* this way, see Harper, *Slavery in the Late Roman World*, pp. 8-10, Wickham, *Framing*, pp. 520-527, and Rio *Slavery After Rome*, pp. 5-6.

<sup>485</sup> C. Just. XI, 47, 7 ; Davies, ‘On servile status’, p. 246.

begun to converge. In this context, it is not surprising that there was room for reaching local redefinitions of terminology, as people to extend and resist control.<sup>486</sup>

Regardless of other similarities or differences, both of these groups, at least in theory, worked land which was owned by other people. But different forms of human interaction had their own implications for landholding. Patronage and clientship could have varying effects. In eighth-century Lucchesia, Italy, for example, free peasants gave land to the Church either to secure the Church hierarchy as a material patron on Earth, or to bolster relations with wealthier landowners by choosing their family's institution.<sup>487</sup> In Ireland, the clients of the nobility were themselves freemen with family land. 'Base' clients may have owed labour at harvest time, but their main duty was to fight for their lord. The relationship was predicated on the lord granting cattle to the client which the client would graze upon his own land, paying dues of food renders and hospitality in return.<sup>488</sup> If the client returned the cattle, the relationship ended.<sup>489</sup> The client's status and their land remained untouched. Given the similarities between Ireland and Wales, some of which will be explored later, it may be that a similar situation pertained in Wales, at least among the free. Charles-Edwards observed that being fully free in Wales was synonymous with 'noble' at some level, and it is possible that the defining characteristic may have been the possession of land and that the *taeogs*, technically free but bound to a territory, were hereditary tenants.<sup>490</sup> There may have been little visible difference between the lowest level of those classed as noble and the richest *taeogs*.

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<sup>486</sup> Marc Bloch, 'Serf de la Glèbe' in *Mélanges Historiques* (Paris: Ecole Pratique des Hautes Études, 1963), pp. 356-378 (p. 357); Davies, 'On servile status', p. 227; Rio, *Slavery After Rome*, pp. 191-193, 210-211.

<sup>487</sup> Wickham, *Framing*, p. 391.

<sup>488</sup> T. M. Charles-Edwards, *Early Christian Ireland* (Cambridge: Cambridge University Press, 2000; paperback, 2007) pp. 71-72.

<sup>489</sup> Davies, 'On servile status', p. 240.

<sup>490</sup> T. M. Charles-Edwards, *Early Irish and Welsh Kinship* (Oxford: Oxford University Press, 1993), pp. 172-173.

The gap between social classes may have been more visible in Merovingian Gaul. Wickham argued that, in the area around Paris at least, post-Roman Gaul was exceptional in its level of peasant subjection. He believed that the existence of a stratum of wealthy nobility who controlled large amounts of land left little room for peasant proprietors, and that those who were not unfree were mostly tenants by the eighth century. He did find occasional remnants of a free peasant class in later documents such as the Carolingian polyptychs, but the nature of their inclusion tended to confirm the impression of their vulnerability.<sup>491</sup>

As in much else, the Anglian and Saxon cultural areas of Britain form the greatest unknown. At one time, it would have been possible to call upon the idea of the 'free ceorl' to populate a newly carved-out landscape of open fields.<sup>492</sup> This paradigm is no longer held to be true, and, while no single view has replaced it, some consensus is emerging around a significant remaining Romano-British population interacting with a range of migrant settlers whose origins and motives may have been diverse.<sup>493</sup> It is likely, therefore, that these areas partook of characteristics similar to both Wales and Merovingian Gaul, but in a highly localised mosaic of differing relationships. The documentary evidence from this area does little to illuminate this. One aim of this chapter will, therefore, be to attempt to outline possible scenarios by comparison with surrounding regions. First of all, however, Section 4.2 will return to the question of whether differences in dealing with people between charters in Britain and Gaul could, in fact, be no more than the product of a different diplomatic tradition.

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<sup>491</sup> Wickham, *Framing*, pp. 400-406. Notably, however, he did not rule out peasant proprietors.

<sup>492</sup> See Introduction, p. 3; Stenton, *Anglo-Saxon England*, p. 277; Hoskins, *Making of the English Landscape*, pp. 43-44.

<sup>493</sup> See Introduction, p. 3. The literature here is huge and varied. For an overview of some of latest research see the *Current Archaeology* special edition, No. 392, November 2022.

## 4.2: Charter Traditions

As was shown in Chapter Two, references to people are almost entirely absent from the appurtenance clauses of Anglo-Saxon charters. Only two charters from before the ninth century contain such a reference, and they are among the most widely acknowledged forgeries of the corpus. The first is a reference to *'mancipiis'* in S4, Æthelberht's purported 605 grant of Sturry, Kent, to St Augustine's (then St Peter and St Paul), whose appurtenance clause runs:

'cum omnibus redditibus ei iure competentibus, cum mancipiis, silvis, cultis vel incultis pratis, pascuis, paludibus, fluminibus et contiguis ei maritimis terminis eam ex una parte cingentibus, omnia mobilia vel immobilia in usus fratrum sub regulari tramite et monastica religione inibi Deo servientium'<sup>494</sup>

This clause bears no relation to the standard Anglo-Saxon pattern of the time, and nor does the surrounding diplomatic. Kelly argued that parts of this document may have been based on earlier models, but that these may have had nothing to do with Æthelberht. She believed that the use of *mancipia* was a continental influence.<sup>495</sup> The second is a reference to *'habitoribus'* in S68, a supposedly 664 grant by Wulfhere of Mercia to Medehamstede, which Maitland described as 'that abominable forgery'.<sup>496</sup> Again, the text bears no relation to genuine examples of the seventh century, and the appurtenance clauses have nothing in

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<sup>494</sup> S4, Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/4.html>> [accessed 07 December 23]; Kelly, *St Augustine's*, pp. 14-15.

<sup>495</sup> Kelly, *St Augustine's*, pp. 13-18.

<sup>496</sup> S68, Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/68.html>> [accessed 07 December 23]; Maitland, *Domesday Book and Beyond*, p. 391n.

common with the standard formulae. The word '*habitoribus*' occurs in only two other Anglo-Saxon charters, one from the tenth and one from the eleventh century.<sup>497</sup>

One possibility is that a different diplomatic tradition might account for the contrast observed between Merovingian and Anglo-Saxon appurtenance clauses. Levison argued that these traditions were distinct, and in Britain this distinctiveness has featured in the debate about who may have been responsible for introducing charters.<sup>498</sup> The pendulum has swung back and forth between Augustine (597-604/609) and Theodore (668/9-690).<sup>499</sup> Augustine's cause was taken up by Chaplais in the 1960s, who argued that the diversity of diplomatic style in the earliest surviving Anglo-Saxon documents could not have occurred if they had been recently introduced by Theodore. An introduction by Augustine, he reasoned, would have allowed time for variation to grow.<sup>500</sup> A similar argument was pursued by Kelly.<sup>501</sup> Theodore's later supporters include Snook, who maintained that there was a greater degree of consistency than Chaplais had allowed, and that this supported a descent from Church-sourced exemplars during the office of the more administratively-minded Theodore.<sup>502</sup> The debate remains unresolved and is probably, as its participants acknowledge, unresolvable. Fortunately for this thesis, it is not the question of who introduced charters which is important, but the question of the influences upon them. Chaplais, Kelly, and Snook all

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<sup>497</sup> S832a and S995. The latter is broadly believed to be spurious. Electronic Sawyer, <<https://esawyer.lib.cam.ac.uk/charter/995.html>> [accessed 05 December 23].

<sup>498</sup> Wilhelm Levison, *England and the Continent in the Eighth Century* (Oxford: Oxford University Press, 1946, reprinted 1998), pp. 228-229.

<sup>499</sup> For a resume of the debate see Pierre Chaplais, 'Who introduced charters into England? The Case for Augustine', *Journal of the Society of Archivists*, III, 10 (1969), reprinted in *Prisca Munimenta. Studies in Archival and Administrative History Presented to Dr A. E. J. Hollaender*, ed. by Felicity Ranger (London: University of London Press, 1973), pp. 88-107 (pp. 29-31), and Ben Snook, 'Who introduced charters into England? The case for Theodore and Hadrian', in *Textus Roffensis: Law, Language, and Libraries in Early Medieval England*, ed. by Bruce O'Brien and Barbara Bombi (Turnhout: Brepols, 2015), pp. 257-289 (pp. 257-261).

<sup>500</sup> Chaplais, 'Who introduced charters into England?', pp. 100-101.

<sup>501</sup> Susan Kelly, 'Anglo-Saxon lay society and the written word', in *The Uses of Literacy in Early Medieval Europe*, ed. by McKitterick, pp. 36-62 (p. 43).

<sup>502</sup> Snook, 'Who introduced charters', pp. 265-269; 279-283.

acknowledged that the closest parallels to Anglo-Saxon tradition were to be found in ecclesiastical documents.<sup>503</sup> Levison favoured papal documents, and compared the formulae of Anglo-Saxon charters to those used in records of synods at Rome, and to a donation of Gregory the Great to the monastery of St. Andrea. He highlighted the frequent absence of scribal identification, which became one of the idiosyncrasies of the Anglo-Saxon texts, as a point of comparison.<sup>504</sup> Kelly agreed and also noted the substitution of a spiritual for a civil anathema.<sup>505</sup> Snook looked to Church councils for an ecclesiastical influence, and drew on their language to argue his case for Theodore.<sup>506</sup>

There is, then, the possibility of a different route of transmission. In Merovingian Gaul, the Late Roman civil documentary tradition does not appear to have been extinguished. The *referendarii* who wrote royal charters may have been recruited from the laity, although there seems to have been some exchange of personnel with the Church. Ganz and Goffart noted how Gregory of Tours described several of these Merovingian officials being elected as bishops after leaving the chancery, with no evidence that they had been previously ordained.<sup>507</sup> Beyond the royal chancery, however, lay notaries also continued to produce documents. The *gesta municipalia* maintained a role in the private transactions of Merovingian Gaul, even if, as Brown argued, they were transformed from a civil institution into a process.<sup>508</sup> And lay notaries even worked for monasteries, to which they often had familial links.<sup>509</sup> It may be, therefore, that an essential difference between Merovingian and

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<sup>503</sup> Chaplais, 'Who introduced charters into England?', p. 101; Kelly, 'Anglo-Saxon lay society and the written word', pp. 41-42; Snook, 'Who introduced charters', p. 275fn; Levison, *England and the Continent*, p. 228.

<sup>504</sup> Levison, *England and the Continent*, p. 229.

<sup>505</sup> Kelly, 'Anglo-Saxon lay society and the written word', pp. 42-43.

<sup>506</sup> Snook, 'Who introduced charters', pp. 274-279; 279-283.

<sup>507</sup> David Ganz and Walter Goffart, 'Charters Earlier than 800 from French Collections', pp. 917-918; Gregory of Tours, LH, 5.45, 8.39, 9.23.

<sup>508</sup> Brown, 'The *gesta municipalia*', pp. 95-124.

<sup>509</sup> Hummer, 'Production and preservation of documents', pp. 217-219.

Anglo-Saxon charters was that the former evolved from a civil tradition, while the latter evolved from a specifically ecclesiastical variant. The Anglo-Saxon model was introduced by churchmen; it was maintained solely by clerics, and it was presented as existing in a world of spiritual, not civil, obligation. The key question then would be whether this difference promoted a difference in appurtenance traditions.

In order to explore this, appurtenance clauses from Merovingian and Anglo-Saxon documents were compared to those from a range of Italian documents. These were: sixth- and seventh-century Italian civil documents from the Ravenna papyri (eight texts), nine eighth-century Lombard charters, the sixth-century grant of Gregory the Great cited by Levison, and a selection of later Papal privileges. The Ravenna papyri, a series of private documents preserved by the archdiocese of Ravenna, dating from the fifth to the seventh century, appear across several volumes of the *Chartae Latinae Antiquiores* (ChLA). The Lombard texts were selected from the edition of Schiaparelli, by taking the earliest reliable texts with a recognisable appurtenance sequence. Gregory's grant is included in an appendix to the MGH edition of his letters, taken from a sixteenth century copy in the Vatican library. The other papal documents will be discussed further below.<sup>510</sup> The appurtenance clauses from these documents are given in Appendix G.

Making a comparison with these documents is not straightforward. In theory, if the civil formulae of the Ravenna papyri were perpetuated in documents elsewhere, we should find them reflected in those texts. The first difficulty with this is the question of how 'civil' the Ravenna documents were. While several emanate from the *gesta municipalia* and record sales or exchanges of land, they sit alongside grants to churches. Exploring this issue is beyond

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<sup>510</sup> ChLA Vol. XX, Nos. 706, 708, Vol. XXI, Nos. 715, 716, 717, Vol. XXII, Nos. 720, 721, Vol. XXV, No. 793; CDL, Nos. 27, 56, 58, 67, 77, 78, 83, 84, 90; MGH GPR, Libri VIII-XIV Appendix I, pp. 437-438. The full appurtenance clauses of these documents are given in tables in Appendix G.

the scope of this thesis, but it is noted here that the appurtenance clause of the private land sale in ChLA 706 (dated 539) is closely mirrored by the grant to the church of Ravenna in ChLA 717 (dated 590-602). Some exchange of formulae between a lay and ecclesiastical context therefore seems likely. Secondly, while some, at least, of the papyri pre-date the Anglo-Saxon texts and therefore could be considered to have been an influence, the Lombard documents are contemporaneous and consequently may represent a separate evolution. More problematically, papal charters only begin to survive in any number from the late ninth century. This is, in part, due to the papacy's continued use of papyrus until the eleventh century. We are therefore in the position of having to work back from later documents in search of a possible influence in earlier texts. Here, at least, the papacy's conservatism is useful.<sup>511</sup>

However, papal privileges present another difficulty, since their manner of production sets them apart from other charters. Savill described how early medieval papal charters were made in response to a specific petition, presented in person in what amounted to a pilgrimage to Rome. The papal documents were then drawn up in conjunction with the petitioners, apparently using written prompts.<sup>512</sup> This can be seen in some of the linguistic and diplomatic tropes, as will be shown below. This does not mean that there was no papal formula. Three manuscript copies of a papal formulary, referred to as the *Liber Diurnus*, exist, the earliest dating from the eighth century. Some of these formulae were clearly based upon specific documents, and may therefore have themselves contained verbal or diplomatic elements derived from petitioners. However, Savill's analysis suggested that while the petitioners provided the central matter, the surrounding diplomatic conformed to a papal standard found

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<sup>511</sup> Benjamin Savill, *England and the Papacy in the Middle Ages. Papal Privileges in European Perspective, c.680-1073* (Oxford: Oxford University Press, 2023), pp. 26-28; 32-37.

<sup>512</sup> Savill, *England and the Papacy in the Middle Ages*, pp.18-30.

in the *Liber Diurnus*.<sup>513</sup> It is not entirely clear how appurtenance clauses fit into this pattern of production. Some elements appear to originate in the areas the charter is destined for, while other parts conform to an Italian diplomatic tradition. It does, however, make the whole question of influence more complex. Limitations of time and space also meant this comparison could only be conducted with a small sample. The first eight documents from Zimmermann's *Papsturkunden* which had appurtenance clauses were chosen,<sup>514</sup> on the basis that these represent the earliest available documents to have undergone a consistent editing process. These documents date from 896 to 936 and cover privileges issued to churches in what are now France, Spain, and Italy.

The range of appurtenance terms used in the Italian documents is shown in Figure 23 (below). The clauses of the Ravenna papyri show considerable variation, with less standardisation than the Anglo-Saxon or Merovingian royal texts. Three of these examples show the run of '*campis, pratis, pascuis*' which is reproduced in the Merovingian documents and some Papal charters. The Ravenna texts also establish a set of terms, including '*arbustis*', and the repeated construction '*arboribus pomiferis fructiferis et infructiferis diversisque generibus*'. They have their own formula for water, with the combination of '*rivis*' and '*aquis perennis*' apparently performing a similar function to the '*aquis aquarumve decursibus*' of the Merovingian. Several of the clauses refer to boundaries ('*finibus*'), but only one mentions buildings. People are absent from the Ravenna appurtenance lists, but they are present elsewhere in the dispositive clauses. One text (No. 721, a grant by the archbishop of Ravenna, 642-656) includes *familiaricae*, in the sense of house servants, while an early seventh-century

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<sup>513</sup> Savill, *England and the Papacy*, p. 30.

<sup>514</sup> PPU, nos. 2, 5, 8, 9, 22, 23, 59, 73.

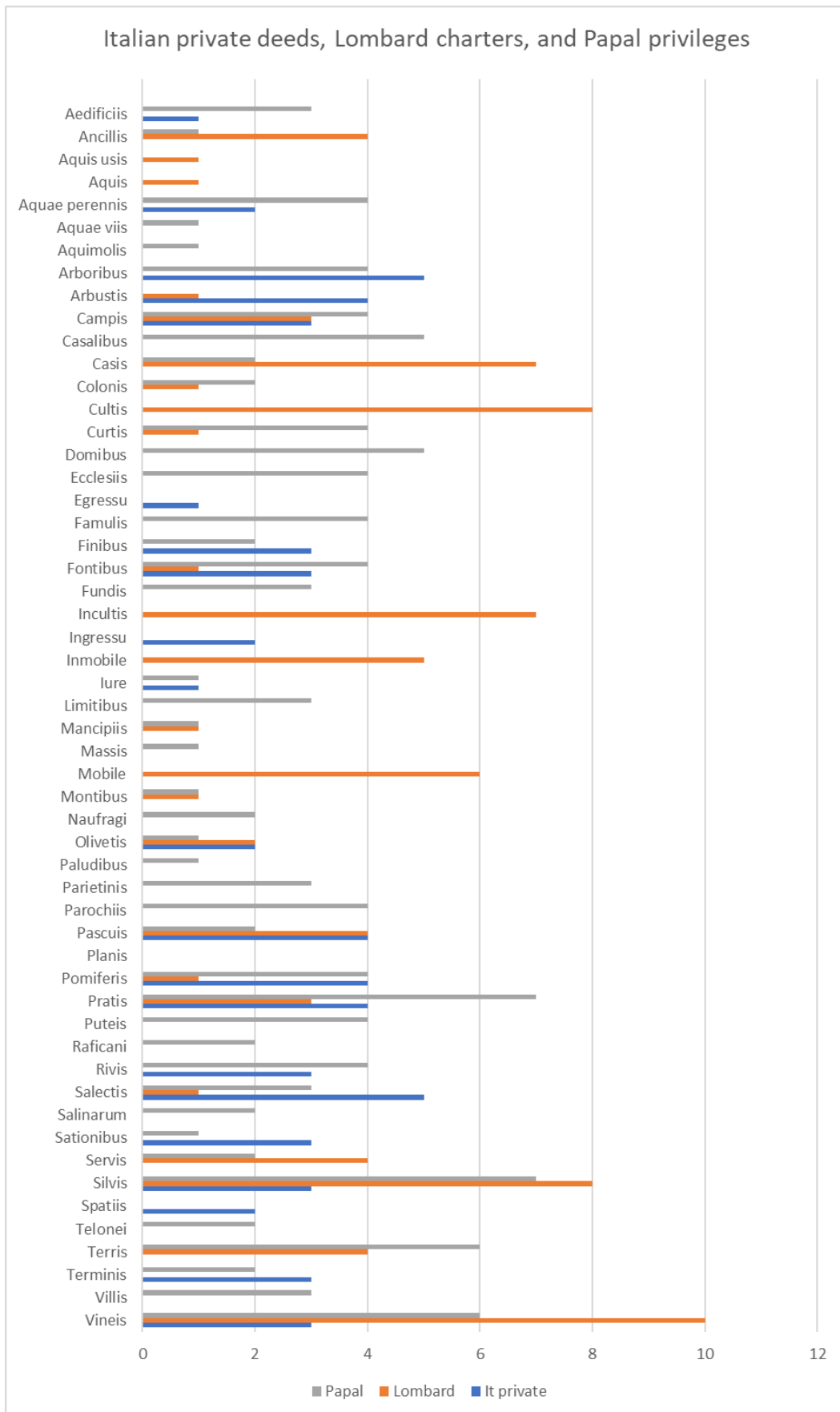


Fig. 23: Distribution of appurtenance clause terms across selected Italian documents.

record of a land sale by Teodoro (ChLA 719, 616-619) states that the land is given with '*superioribus et inferioribus*', '*curtis et familiaricae*'.<sup>515</sup>

The Lombard texts display a slightly larger list of appurtenance terms (30 compared to 21), as would be expected for the larger number of clauses (ten from the nine documents). When calculated as an average, this actually suggests a greater variety in the Ravenna texts (3.5 terms per clause compared to 3). Although some indications of a pattern emerge from an analysis of the Lombard clauses, there is little consistency in the manner in which the lists are introduced, in comparison to the Merovingian or Anglo-Saxon documents. For example, both '*cum*' and '*id est*' clauses are used, but rather than appearing as a single coherent list, the appurtenances are frequently divided and interspersed with other runs of text. A somewhat unscientific scan of clauses in slightly later documents suggests that a greater degree of standardisation may have begun to emerge, but this would require more systematic confirmation. Some of the terms in the Ravenna texts are less common here: *arbustis* appears just once, and there are fewer references to *pomiferis*. This may well be due to topographical factors, however, since there are two uses of *olivetis*. People are present most commonly as *servi* and *ancillae*, and while not every clause includes them, they do seem to have been a standard feature of the lists.

The Papal documents display the greatest range of appurtenance terms (54), although some of these relate specifically to the ecclesiastical context in which they are set (*parochia*, for example). The commonest appurtenance terms (*campis* and so on) are, unsurprisingly shared with both the Ravenna and Lombard texts. Otherwise, some of the Ravenna

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<sup>515</sup> ChLA Vol. XXII No. 719.

terminology is reproduced in the papal charters (the *arboribus* and *aquae perennis* patterns), while a new range of terminology is also introduced, such those relating to tolls (*telonei*, *raficani*). People are present primarily as *famulis*, *servis*, *ancillis*, and on one occasion *plebes*, while the donation of Gregory the Great contains one clause which lists:

‘mancipiis, colonis, suis vel cum omni iure et proprietate eorum’.<sup>516</sup>

It seems, therefore, that references to people did form part of the appurtenance clauses of papal charters, as they did in other Italian examples. The fact that this usage did not occur in Anglo-Saxon charters is only underlined by a text preserved in the *Liber Diurnus* which was apparently originally addressed to Offa and his queen, Cynethryth, probably from Pope Hadrian in the late eighth century, and confirming them in possession of monasteries and monastic land.<sup>517</sup> This contains the phrase: ‘... *eadem monasterio et agrorum possessione cum omnibus originalibus famulis*’. The usage of ‘*famulis*’ for the religious community does occur in other Anglo-Saxon charters, but unlike LD V93 it is not used of that which is being ceded, but of that which is ceded to (as, for instance, in S7, Hlothryth’s 670 grant to St Augustine’s and its community). By contrast, ‘*famulis*’ is frequently included in the appurtenances of papal charters in a dispositive sense (PPU 5, ‘*cum famulis utriusque sexus*’; PPU 8, ‘*atque familiis servis horiginalibus*’; PPU 59, ‘*una cum famulis eorum*’; PPU 73, ‘*una cum famulis masculis et feminis*’). In this case, then, it does not seem that it was donor influence which led to the inclusion of people, but that it was a genuine reflection of papal diplomatic.

<sup>516</sup> MGH Epp. GPR, Libri VIII-XIV Appendix 1, ls. 19-20, p. 437.

<sup>517</sup> LD V93; Savill, *England and the Papacy*, p. 77; Levison, *England and the Continent*, pp. 29-30.

While ecclesiastical models may have been an influence on Anglo-Saxon charters, they do not appear to have been the source of their lack of references to people. However, the Anglo-Saxon charters do not constitute the only diplomatic record of early medieval Britain, and it is worth considering whether they share this apparent particularity with British areas to the west. This is not easy, since the only surviving texts from western Britain come from late manuscripts and constitute a difficult corpus. Wendy Davies has argued for a distinct “Celtic” charter-tradition’, encompassing documents from what are now Brittany, Wales, Scotland, Ireland, and Cornwall. This charter material often forms additions to Gospel books (for example, Bodmin and Lichfield), hagiographical texts (for example, the *Vita Cadoci*), or even appears as stone inscriptions.<sup>518</sup> Perhaps partly because of this, and partly because they frequently require knowledge of Celtic languages, they remain an under-studied corpus. The largest single collection of these charters appears in the Book of Llandaff, a text which exists in a twelfth-century manuscript containing the lives of saints and bishops associated with the Welsh church.<sup>519</sup> This is problematic not only because of its late date, but because the texts have been heavily interpolated. This led Dark to dismiss them as a viable source of evidence for the fifth and sixth centuries.<sup>520</sup> However, Davies’ detailed deconstruction of the Llandaff texts not only identified a workable chronology, but also a pattern of interpolation which allowed her to isolate some elements of originality, possibly dating to the sixth and seventh centuries.

Davies’ analysis was complex and is not easily summarised. Essentially, she studied where the formulae of the charters varied and used this to place them into related sets. She

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<sup>518</sup> Wendy Davies, ‘The Latin charter-tradition in western Britain, Brittany and Ireland in the early medieval period’, in *Ireland in Early Mediaeval Europe: Studies in Memory of Kathleen Hughes*, ed. by D. Whitelock, R. McKitterick, and D.N. Dumville (Cambridge: Cambridge University Press, 1982), pp. 258-280 (pp. 258-262).

<sup>519</sup> NLW MS 17110i-iiiE, s. 12; *The Text of the Book of Llan Dâv*, ed. by J.G. Evans and J. Rhys (Oxford, 1893).

<sup>520</sup> Ken Dark, *Britain and the End of the Roman Empire* (Stroud: Tempus, 2000), pp. 44-45.

combined this with a geographical and chronological analysis to arrive at nine groups, which she lettered A to J. Recurrent elements within some of these groups showed that they had gone through a gradual process of collection, with documents coming together and being interpolated at earlier stages, before the whole collection was copied into the Book of Llandaff. Comparisons with the non-charter text of the Book then allowed her to suggest seven stages of collection. By working back through these stages, she was able to isolate what she argued was a largely authentic text.<sup>521</sup>

Where appurtenance clauses were concerned, Davies identified the most standardised list as one of the less reliable elements, concluding that this had almost certainly been added in the twelfth century.<sup>522</sup> This tends to take the form of a general statement, or a statement of rights (for example, '*cum omni territorio suo*', No. 122, or '*cum omni sua dignitate*', No. 140), followed by a variant along the lines of '*incolis in campo et in silvis in aqua et in pascuis*' (No. 122).<sup>523</sup> These later lists do include references to people. Charter No. 140, for example, mentions '*habitantibus et habitaturis*'. Davies noted, however, that some texts contained secondary references to appurtenant possessions which may have stemmed from an original text. The examples Davies picked are late: No. 171b, from mid eighth-to-ninth century Group E, No. 228 from ninth-to-tenth century Group H, and No. 257 from tenth-to-eleventh century Group H.<sup>524</sup>

However, following Davies' method, it is possible to suggest other feasible instances of earlier appurtenances. There is also a doubling of reference in No. 125a (which Davies

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<sup>521</sup> Wendy Davies, *The Llandaff Charters* (Aberystwyth: National Library of Wales, 1979), pp. 6-30. For another defence of the historical value of the Llandaff material, see Charles-Edwards, *Wales and the Britons*, pp. 250-267.

<sup>522</sup> Wendy Davies, *An Early Welsh Microcosm*, pp. 34-35; Davies, *Llandaff Charters*, pp. 10; 16-17.

<sup>523</sup> *Book of Llan Dâv*, ed. by Evans and Rhys, pp. 122; 140.

<sup>524</sup> Davies, *Early Welsh Microcosm*, p. 35.

placed in early sixth-to-eighth century Group B). As well as a *'cum omni dignitate sua'* clause and the list *'incolis in campo et in silvis in aqua et in pascuis'*, the land *'mainaur brunus'* is given *'cum ecclesia et piscibus et silvis'*.<sup>525</sup> If the possible interpolation identified by Davies is removed, the *'cum ecclesia et piscibus et silvis'* clause might represent an original statement of rights. Davies noted that 125a showed few charter features, for instance, lacking a witness list, but the doubling of appurtenance references is consistent with the pattern she noted elsewhere.<sup>526</sup> Another possibility is No. 143 (from seventh-to-eighth century Group C), which grants *'ecclesiam Gurrid cum sua tellure'*.<sup>527</sup> Again, this is followed by a version of the standard list. However, these examples simply underline how basic such potential early references are.<sup>528</sup> They are notable for two things only: a similar simplicity to the appurtenance clauses of early Anglo-Saxon charters, and a shared absence of references to people. This is not to say that the charters say nothing at all about human relationships. They have been used for information on the stratification of Welsh society, as in the manumission of Bleiddudd and his descendants contained in the Lichfield Gospels.<sup>529</sup> However, if these few examples and the reconstruction of this simple form can be relied upon, they do not *dispose* of people along with the land, and in this they are similar to the Anglo-Saxon documents and different to the Merovingian.

The reasons for this are not clear, and it is, of course, possible that they are not the same in the Anglo-Saxon and Welsh documents. However, 'charter tradition' seems to be no

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<sup>525</sup> *Book of Llan Dâv*, ed. by Evans and Rhys, p. 125.

<sup>526</sup> Davies, *The Llandaff Charters*, p. 96.

<sup>527</sup> *Book of Llan Dâv*, ed. by Evans and Rhys, p. 143.

<sup>528</sup> A similar simplicity permeates the charter texts included in the *Vita Cadoci*. See, for example, no 55 in A. W. Wade-Evans, *Vitae Sanctorum Britanniae et Genealogiae* (Cardiff University of Wales Press, 1944), p. 124. Charles-Edwards argued these represent an early form as grants of render: *Wales and the Britons*, pp. 274-282.

<sup>529</sup> Charles-Edwards, *Wales and the Britons*, p. 247; LD, p. xlvi. See also Davies, *Wales in the Early Middle Ages*, pp. 67-68.

more of an explanation in the Welsh texts than it was with the Anglo-Saxon. Davies argued that this 'Celtic' tradition arose in an episcopal context in the British Church of the fifth century, and that it was exported from there to Ireland. She believed it was influenced by early Italian models, but especially by the language of the Church in papal letters and ecclesiastical grants and privileges.<sup>530</sup> Therefore, the 'Celtic' charters may have shared an ecclesiastical context with the Anglo-Saxon.

One possible explanation for this absence in Anglo-Saxon appurtenance clauses could be the references to people present in the terms '*manentes*' and '*casati*', which, it has been suggested, might refer to units worked by unfree tenants.<sup>531</sup> The former term is found in both the Anglo-Saxon and continental documents. Its dictionary definition is given as 'inhabitant' or 'tenant', although Niermeyer noted a meaning of 'settled on a holding', and its use seems to predicate a connection between people and land.<sup>532</sup> This is certainly true with the latter term, which is found more commonly in the Anglo-Saxon texts, appearing in continental charters from around the eleventh century, and which has been defined as 'a measure of land appurtenant to a household'.<sup>533</sup> In the Anglo-Saxon documents, both terms are normally translated, without differentiation, as 'hide'. There is clearly a connection between the concept of the 'hide' and people. Stenton, for example, believed it was best translated by Bede's '*terra unius familiae*', and that its size would have varied depending upon the peasant's status.<sup>534</sup> There is, however, no particular reason to maintain that the peasants who

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<sup>530</sup> Davies, 'Latin charter-tradition', pp. 269-274; 274-280.

<sup>531</sup> Wickham, *Framing*, p. 323 n.

<sup>532</sup> DuCange, '*manentes*'. Available at <https://logeion.uchicago.edu/manentes> accessed 9 March 2025; Niermeyer, p. 636.

<sup>533</sup> DMLBS, '*casata, -um, -us*'. Available at <https://logeion.uchicago.edu/casata> accessed 6 March 2025

<sup>534</sup> Stenton, *Anglo-Saxon England*, p. 279. Walter Goffart notes that Bede mainly uses such phrases in multiples, and never defines what a family is: *Rome's Fall and After*, (London: Hambledon Press, 1989), p. 168. For a use of a similar phrase in the singular see Bede, HE 4.23.

worked the hides were not free, although the implication is that they were certainly subject to the payment of food renders. Kelly noted that *'manentes'* and *'cassati'* were used apparently interchangeably with the more local term *'tributarii'* in the Selsey charters, and the connection with *tributarius* suggests that these units of land and people were subject to tribute.<sup>535</sup> However, Dopsch believe that some, at least, of these people would have been free, while Faith believed that anyone living on land assessed in hides would have been.<sup>536</sup> Higham also connected *'manentes'* and *'cassati'* with 'households' in the sense of economic units, although he did not rule out the possibility that they carried implications for tenure.<sup>537</sup>

Given the link between *cassati* and *casa*, it is tempting to try to distinguish between the free and unfree, since Charles-Edwards has argued that Ine's laws show that there was a difference between accepting land and accepting land with a dwelling. Those who took a dwelling were not free to leave, and were potentially subject to both rent and service.<sup>538</sup> It is also worth noting that the Welsh term translated as 'bondsmen', *tæog*, descends from the same root as *'ty'*, the word for 'house'.<sup>539</sup> Some references in Anglo-Saxon charters could be interpreted this way. S24, a grant by Æthelberht II to St Mary's Church, Lyminge dated 741, includes *'cum edibus piscatorum'*. In the cartulary version, S1611, this is amended to *'cum domibus piscatorum'*. S24 is a single sheet, but Kelly noted some issues with its unqualified acceptance, although she felt the overall formulation was not suspicious.<sup>540</sup>

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<sup>535</sup> *Anglo-Saxon Charters VI. Charters of Selsey*, ed. by S. E. Kelly (Oxford: Oxford University Press for The British Academy, 1998), pp. xlviii-lviii.

<sup>536</sup> Dopsch, 'Agrarian institutions of Germanic kingdoms', p. 193; Faith, *Moral Economy*, p. 61.

<sup>537</sup> N. J. Higham, *An English Empire. Bede and the Early Anglo-Saxon Kings* (Manchester: Manchester University Press, 1995), p. 241.

<sup>538</sup> T. M. Charles-Edwards, 'The Distinction between Land Moveable Wealth in Anglo-Saxon England', in *Medieval Settlement. Continuity and Change*, ed. by P. H. Sawyer (London: Edward Arnold, 1976), pp. 180-187 (pp. 184-187); *The Laws of the Earliest English Kings*, ed. and transl. by F. L. Attenborough (Cambridge: Cambridge University Press, 1922), Cap. 67.

<sup>539</sup> Wade-Evans, *Welsh Medieval Law*, p. 346.

<sup>540</sup> Kelly, CCC, pp. 332-337.

In the continental documents, despite the clearer definition of *manentes* as people, the term also seems to connect people and land.<sup>541</sup> For example, the spurious charter (M005) in which Clovis gave land to Theudechild, wrongly described as his daughter, uses the phrase, ‘*Haec omnia cum mancipiis desuper manentibus*’, which suggests that in this case the *manentes* were the land holdings of the *mancipii*. However, continental sources also seem to support the connection between stricter tenure and the granting of a house. Goffart equated uses of *manentes* and *cassati* to those of *condama* (*conduma* or *condoma*) in Cassiodorus and the letters of Gregory the Great. Here, he believed the term referred to groups of people who messed or lived together, sometimes as families and sometimes as larger units. In particular, he noticed that the majority of these references gave importance to a dwelling.<sup>542</sup> This suggests that there may have been a widespread association between some form of dependent status and taking a dwelling. In Chapter Two, it was noted that a pattern emerged from the Merovingian appurtenance clauses in which *acolabus/mancipiis* followed *domibus/aedificiis*.<sup>543</sup> This could be interpreted as a tenorial distinction centred on whether a dwelling is provided by the landlord. It is possible to envisage this occurring in a bipartite structure, although, as Goffart maintained, this is not essential.<sup>544</sup> It could, however, gain some support by the fact that these pairings are strongest in the eighth-century Merovingian royal charters, by which time such estate structures may have begun to emerge in the Île-de-France.<sup>545</sup> Unfortunately, the evidence is neither compelling nor consistent. While the pairing of terms for people and buildings is strong enough to emerge in the appurtenance pattern,

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<sup>541</sup> DuCange, <<https://logeion.uchicago.edu/manentes>> and <<https://logeion.uchicago.edu/casata>> [accessed 19 July 24].

<sup>542</sup> Goffart, *Rome’s Fall and After*, pp. 177-184.

<sup>543</sup> Chapter Two, pp. 44-54.

<sup>544</sup> Goffart, *Rome’s Fall and After*, p. 190.

<sup>545</sup> Wickham, *Framing*, 398-406.

when the individual charters are examined only four of the nine acceptable eighth-century royal diplomas show this structure. Moreover, the seventh-century clauses pair *domibus* with *mancipiis*, while the eighth-century ones appear to pair *domibus* with *accolabus*. If, therefore, the term *domus* is interpreted as the house given to more firmly tie a tenant in the seventh century, it seems to have either lost this status by the eighth, or it was being used in an attempt to tie the *accolae*. Alternatively, of course, the terms may simply distinguish between homes and working buildings. Nonetheless, if the seventh century saw the subjection of the *accolae*, it is possible that the eighth saw the subsequent reorganisation of land into a more bipartite structure in which the *accolae* represented the outer tenants.

However, there is no obvious pattern to the interchange of ‘*manentes*’ and ‘*cassati*’ in the Anglo-Saxon charters beyond a potential rhetorical switching (see, for example, S1246, c. 687, where two uses of *manentium* are book-ended by two uses of *cassatarum*).<sup>546</sup> If, therefore, these terms contained all the references to tenure and free/unfree status which were felt necessary at the time, it does not seem possible for us to access that underlying data: the texts themselves do not provide a key. Consequently, the next section will return to the Gallic documents to consider what their evidence might say about the underlying relationships between people.

#### 4.3: People in the Merovingian charters

Of some 243 appurtenance clauses from Gallic documents examined from between the late fifth and first half of the eighth century, 185 (76%) contained references to people.

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<sup>546</sup> *Anglo-Saxon Charters 20. Charters of Barking Abbey and Waltham Holy Cross*, ed. by S. E. Kelly (Oxford: Oxford University Press for The British Academy, 2021), pp. 140-149.

The ratio of these references, shown below in Tables 22 and 23 (below), is largely consistent in private and royal documents, with the exception of the eighth century, when the number in royal diplomas declines. The reasons for this are unclear. It may be due to a decline in the number of outright grants compared to confirmations of land and privilege, and judgements in disputes. In the same period, the number of references in private documents remained essentially constant. It would therefore seem that people were viewed as an important element of the rural landscape, although whether this was due to being seen as the labour force from which its productive capacity stemmed, or whether it was as a component of a reciprocal family relationship, is harder to say.

Period	No. of app. clauses examined	No. of green/amber	No. of red	Green/amber referring to people	Red referring to people
C5-6 (R&P)	15	1/3*	11	1/3 100%	10 90.9%
C7	43	9	34	8 88.9%	24 70.5%
C8 (to 750)	43	17/7	19	9/0 52.9%	4 21.1%

*Table 22: References to people in Merovingian royal charters, except C5-6 which contains both royal (R) and private (P) documents. \* See this section, pp. 201-202.*

Period	No. of app. clauses examined	No. referring to people
C7	55	48 87.3%
C8 (to 750)	87	78 89.7%

*Table 23: References to people in Merovingian private charters.*

Of course, the fact that people were referred to tells us little about the relationship between them and those ceding the land. Sitting tenants are mentioned in the details of modern houses; it does not mean they are included in the exchange. The different terms

which are used to refer to people which are potentially informative, unfortunately, however, many commentators have noted that it is virtually impossible to define the meaning of those terms in the early Middle Ages, as this seemed to vary both from place to place, and from moment to moment.<sup>547</sup> The terms found in Merovingian documents are shown in Figure 24 (below), divided between the free, unfree, and freed. As can be seen, there is a large degree of overlap. Not only is it hard to pinpoint the status of the freed, but there are also a group of words which exist only in that overlap, either because usage changed rapidly (*colonus* may be an example here), or because they are highly dependent on context: *comitibus* may refer to a group of aristocratic companions, but it could also be those attendant on a lord on their land, not all of whom may be free.

This shows that even broad categories are difficult to determine. There is no guarantee that someone using *mancipium* had a chattel slave in mind, nor, indeed, that someone using *habitor* felt that they were referring to someone free. The meanings of terms relating to slaves, and the relationships they described, were already in transition in the Roman world.<sup>548</sup> In the changing post-Roman world, it seems likely that terminological definition sprang from highly localised agreements. The stronger the landholder, the more they could enforce rigid definitions; the weaker they were, the more the peasantry could bargain.<sup>549</sup>

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<sup>547</sup> A point made by Marc Bloch, 'Serf de la Glèbe', p. 357; Finley, *Ancient Slavery and Modern Ideology*, p. 126; and Davies, 'On servile status' p. 227.

<sup>548</sup> Finley, *Ancient Slavery and Modern Ideology*, pp. 124-126.

<sup>549</sup> Rio, *Slavery After Rome*, pp. 210-211. Wickham believed this largely favoured the landowners in the Île-de-France: *Framing*, pp. 403-406.

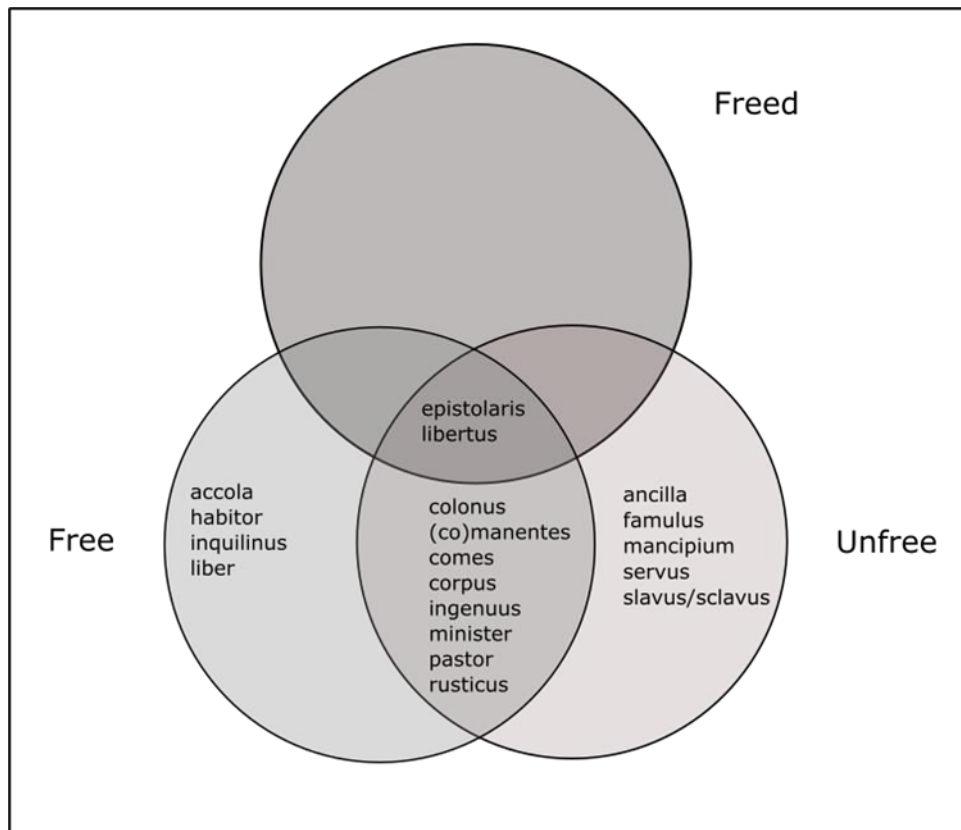


Fig. 24: Range of terms describing the free and unfree from Merovingian charters. Those in the overlap between free and unfree are indeterminate.

If this is true, then however clearly defined to the people of the time, any modern understanding of these human relationships seems hopeless. In an attempt to better assess this, Figure 25 (below) compares the range of terms used in both royal and private documents across time. This shows several things. Firstly, there was always greater variation in the private documents than in the royal. This is consistent with observations made in Chapter Two about the greater number and geographical spread of these documents, and with the greater number of scribes with individual terminological preferences. Secondly, the unusual range of terms in doubtful royal documents of the fifth to sixth, and the seventh centuries supports accepted views of their forgery or interpolation. They stand in stark contrast to the original royal documents of the seventh century, which refer only to *accolae* and *mancipia*.

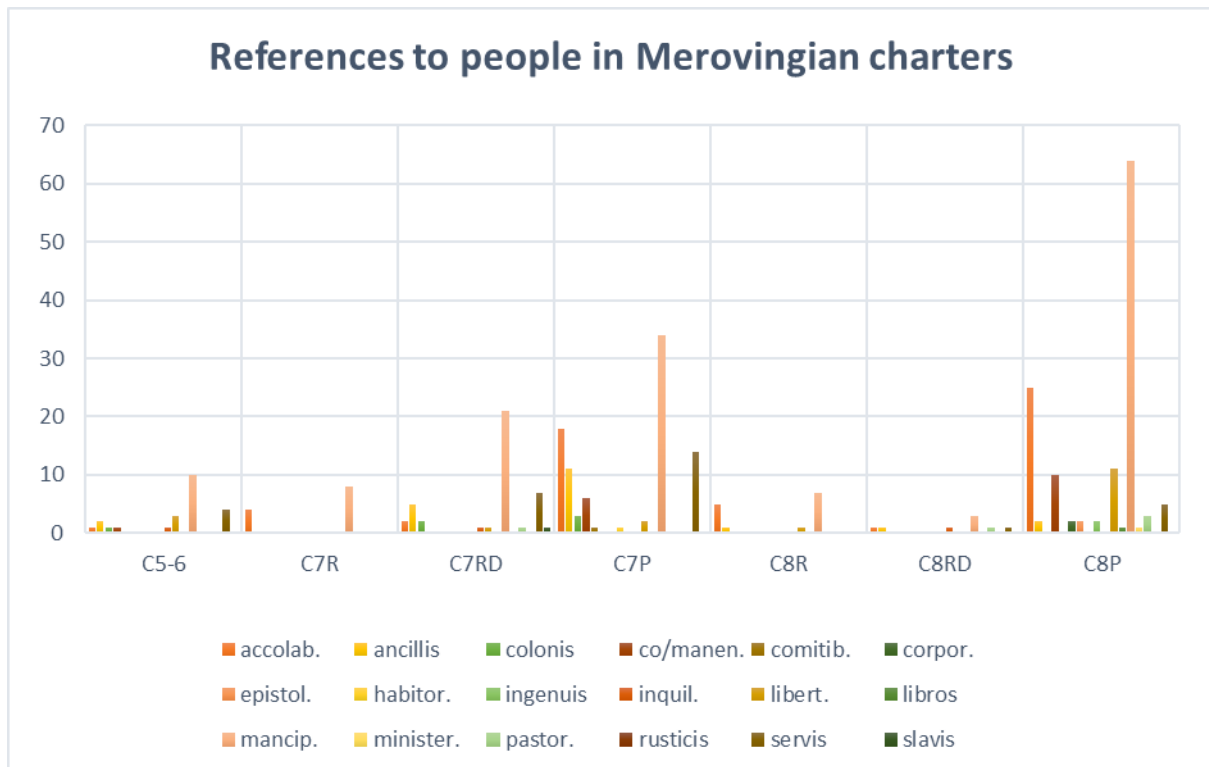


Fig. 25: References to people in Merovingian charters from the sixth to the eighth century. R = Royal, RD = dubious royal documents, P = Private. See Appendix C for full version of abbreviated terms.

It is worth considering the clauses of the fifth and sixth centuries in more detail. The only one of these documents accepted by Kolzer (as it was by Pertz) is M027. This carries only a short appurtenance clause, which runs: *'hoc est in terris, domebus, mancipiis'*.<sup>550</sup> However, the appurtenance clause in M030, the interpolated document which provided the pattern for the M010, M015, and M029 forgeries, may also have some claim to originality. As stated in Chapter Two, this is not to dispute its interpolated status, but merely to suggest that the appurtenance clause may genuinely reflect those used in early documents. This clause begins:

*'una cum terris, domibus, aedificiis, mancipiis, vineis, silvis, pratis, pascuis, aquis aquarumve decursibus...'*<sup>551</sup>

<sup>550</sup>MGH DD Merov. 1, 22, p. 63, l. 6.

<sup>551</sup>MGH DD Merov. 1, 25, p.70, ls. 12-13. The remainder of the clause may well be an interpolation.

There is a similar focus on land, buildings, and people as in M027, with the same absence of *accolae*, but otherwise this shows the form of the seventh-century clause. Although the evidence is too slight to be conclusive, there is, therefore, the possibility that the *mancipia/accolae* pairing was an introduction of the sixth century.

It is that emerging relationship between *accolae* and *mancipia* which is of the greatest interest. This relationship was firmly established in royal documents by the seventh century, and although it is less present in private documents of the same period, perhaps because of their greater geographical spread, these two terms also dominate the private charters (*accolae* is the second most frequent reference after *mancipia* in the seventh century).<sup>552</sup> However, the reasons for the adoption of the term *accola* in the Merovingian royal diplomas are not clear. As Section 4.2 showed, it does not stem from any adopted charter traditions, since the term does not feature in the early Italian documents or the papal charters. The term *accola* does appear in Anglo-Saxon charters in the sense of ‘inhabitant’, as part of phrases describing what residents call an area, and never as part of an appurtenance list.<sup>553</sup> In his uncompleted American law dictionary, Arthur Leff sought to define *accola* by contrast to *incola*, suggesting that it was a farmer who came from outside the area to work the land, and that it later came to mean any unfree tenant in ‘feudal law’.<sup>554</sup> However, it is its use in Merovingian (and later in Carolingian) charters, where it is not partnered with *incola*, which creates this meaning.

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<sup>552</sup> See Chapter Two, pp. 62-76.

<sup>553</sup> See S243, S1428b and S267 for eighth century examples.

<sup>554</sup> Arthur Allen Leff, ‘The Leff Dictionary of Law: A Fragment’, *The Yale Law Journal*, 94 (1984-85), pp. 1855-2251 (p. 1891).

Moreover, the word does not appear to have a Roman legal context. Buckland recorded *servus* as the most common term for the unfree in classical Roman law, with *mancipium* generally used where slaves were referred to as chattels.<sup>555</sup> The *Theodosian Code* also used *libertus*, *colonus*, and *inquilinus*, while the Justinianic Code gives definitions for *servus*, *libertinus*, and *ingenuus*.<sup>556</sup> It does appear in a general sense in authors from Pliny and Tacitus to the Vulgate Bible, with an ‘inhabitant’ or ‘neighbour’ meaning.<sup>557</sup> Nor is the term found in the barbarian laws from Gaul. The *Pactus Legis Salicae* (henceforth, PLS) uses *servus* and *lidus* for the unfree, although it gives little direct information on status, with most of the references concerning payments for damage caused to or by a slave.<sup>558</sup> In the capitularies, it is stated that the wergild of a king’s slave or freeman was 100 solidi (the same as a free Roman), but here the term used there is *libertum* rather than *lidus*.<sup>559</sup> The *Lex Ribuarica* (LR) uses the same terms, but gives a little more detail. For example, a man freed by the throwing of a denarius in the presence of the king became a free Ripuarian, with the right to defend himself in court with arms. But the person receiving the status of *ingenuus* was a *libertus* not a *servus*.<sup>560</sup> Title 65 (62) specified that a slave who has been made into a *tributarius* or *lidus* in a more domestic process should have a wergild of 36 *solidi* (the same as a slave).<sup>561</sup>

The term *mancipium* does appear in the text of the *Leges Burgundionum* (LB). Title XL describes how a freed *mancipium* cannot be recalled into bondage, whereas a *libertus* can.<sup>562</sup>

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<sup>555</sup> W. W. Buckland, *The Roman Law of Slavery. The Condition of the Slave in Private Law from Augustus to Justinian* (Cambridge: Cambridge University Press, 1908), pp. 8-9.

<sup>556</sup> For example, TC/CT 4.10.1, 5.17.1; TCL/CIC Titles IV and V.

<sup>557</sup> Perseus concordance search on *accola* lemma, <<https://perseus.uchicago.edu/>> [accessed 10 January 2024]. Given the use of *accola* in Merovingian charters, it is interesting to note that of the Latin dictionaries only DuCange gives a definition of ‘worker on the land’ and uses ‘*colonus*’ as a synonym.

<sup>558</sup> The PLS does use *mancipium* in the title rubrics.

<sup>559</sup> MGH LL nat. Germ. PLS Cap V CXVII/1, p. 263.

<sup>560</sup> MGH LL nat. Germ. LR, 60 (57), 1 and 2, pp. 107-108.

<sup>561</sup> MGH LL nat. Germ. LR, 65 (62), p. 117.

<sup>562</sup> MGH LL nat. Germ. LB, XL, p. 72.

This may be a mangled form of the old Roman law that those freed without civil process could be recalled by their masters, a law which was increasingly modified throughout the Empire.<sup>563</sup> Elsewhere, the LB is closer to the other barbarian codes, making it clear that a *libertus* remained a member of his master's household, unless he could buy complete freedom or gain land.<sup>564</sup> The *Lex Visigothorum* (LV) also uses *mancipium*, although frequently in contexts where there was a sense that the person's status was in flux. Title V. 7. 1, for example, uses *mancipia* to describe those who were freed in writing or by witnessed declaration at the time of the master's death. Title V. 7. 3 uses the same term for people who declare themselves to be free and whose claim is to be tested by a judge. In more general laws, and where a clear distinction was sought, the code uses *servus* and *ingenuus*, as in V. 7. 8 describing what should happen if a freeman (*ingenuus*) was claimed as a slave (*servus*). The LV also has a clause (V. 7. 9) similar to the LB's above, allowing a former master to recall an insolent freedman into slavery. Here though the ungrateful slave is called *servus*. The term *libertus* was used for a freedman, as in V. 7. 10 describing the penalty for a freedman injuring their former master, although the term *manumissus* was also used.

It would therefore appear that this use of *accola* was specifically a coinage of Merovingian charters, particularly connected to royal diplomas and, by extension, the Île-de-France. It appears to have been adopted to describe some form of dependant relationship, one which could be contrasted to that of the *mancipia*. How *accolae* is defined may therefore depend on how we define *mancipia*. If it is accepted that the *mancipia* were slaves in a fuller sense of the word, then the *accolae* could be defined as tenants. However, Wickham argued that by the Merovingian period, the *mancipia*, although unfree, were tenants and that they

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<sup>563</sup> Lewis, 'Slavery, family, and status', p. 154.

<sup>564</sup> MGH LL nat. Germ. LB LVII, p. 91.

had an ability to direct their own labour which was more important than their unfree status.<sup>565</sup> Goffart also pursued a definition which relied on tenancy when he revisited the *Lex Burgundionum* to expand his 1980 idea that the accommodation of barbarians was effected not by an extension of the system of military billeting, but by a grant of tax revenues. He proposed that the phrase *agri cum mancipiis* referred to land with dependent tenants whose taxes had once been collected by the local landowner on behalf of the Roman state. The rights to taxes from these lands were initially granted to the barbarian king, but were increasingly handed over to their followers. Here, *mancipia* were not tenants in the sense of physical beings, but rather a class of tax assessment.<sup>566</sup>

If the *mancipia* are viewed this way, then the *accolae* must have had a lesser degree of dependence. Three possibilities are considered here, listed in descending order of obligation. Firstly, the *accolae* may have been legally free tenants of the landowner, renting both their farmland and dwelling. Secondly, they may have been free proprietors who rented extra land from the landowner and thus had a relationship with them which could be passed on. Thirdly, they may have been free proprietors whose tax or tribute was collected by, or was due to, the neighbouring landowner. In the first case, their appearance in the charter appurtenance lists would be no surprise: they lived on the land which was being ceded, and only their free status differentiated them from the *mancipia*. In the second, the contract to rent land could also be passed on and, again, it is to be expected that this would be listed. In the third case, it is purely the obligation for payment of dues which is passed on. If this is seen as tax, then it is a tax which has become highly personalised, passed between landholders in the same way as farmland. Such a personalisation would be consistent with the Roman tax

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<sup>565</sup> Wickham, *Framing*, pp. 261-261; 282.

<sup>566</sup> Goffart, *Barbarian Tides*, pp. 140-141; 144-158; 258-259.

framework outlined by Goffart. However, in all of the cases listed above, the introduction of a term with no established significance may have provided an opportunity for the extension of lordly power. Since it did not specify either a legal status or an established tenurial right, it may have been easy to locally redefine. Free tenants could have seen their free status eroded; free proprietors could have become the victims of land grabs, as unrelated payments were redefined as rent. It is noteworthy that the twinning of these terms is concentrated in royal documents with a geographical focus on northern Gaul, and frequently on the Île-de-France, the area Wickham identified as witnessing the most intense peasant subjugation.<sup>567</sup> The introduction of the *mancipia/accolae* pairing could have been one means by which this subjection was achieved.

While the true significance of the term *accolae* can probably never be known, it does focus attention on the range of dependent relationships which formed part of human interaction in the early medieval countryside. The above interpretation of those relationships emphasises the power of the lord and the duty of those subject to lordship. It seems clear that ability to command such obligations, and the enumeration of them, formed part of lordly self-identity long before they could be reckoned in purely economic terms. But, as Faith observed, the obligation in such a relationship was not all one-way.<sup>568</sup> One potential source of information on these relationships is the corpus of Merovingian wills, of which some 12 documents are broadly accepted as having some claim to authenticity.<sup>569</sup> The following section will consider the evidence they provide, largely through a detailed case study of the testament of Ermentrude.

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<sup>567</sup> Wickham, *Framing*, pp. 403-406.

<sup>568</sup> Faith, *Moral Economy*, pp. 49-57.

<sup>569</sup> Wood, *Merovingian Kingdoms*, pp. 206-207.

#### 4.3.1: The testament of Ermentrude: family and people in Merovingian wills

This partial, but still long, text was discovered in the Archives Nationales in the nineteenth century when what was thought to be strengthening material was removed from rolled papyri. Some of the strengthening sheets were revealed as documents in their own right, while other sheets were found to have text on both sides. The testament of Ermentrude (M133 here) was coupled with a fake bull of Pope Zachary, ostensibly dated to 757.<sup>570</sup> The text is a copy of an earlier document, and was dated by Vezin and Atsma to the first half of the seventh century by its palaeography, while Barbier suggested a date before the end of the sixth century on historical and diplomatic grounds.<sup>571</sup> The first part of the will is missing, so its main beneficiary is unnamed, but appears to be one of Ermentrude's sons. The text often refers to a dead son, Deorowald, whose possessions Ermentrude disposes along with her own (see Fig. 26, below), and whose death may have been the occasion for the drawing up of the will.<sup>572</sup>

In the section which remains, however, her surviving son received relatively little, with gifts going to her grandchildren and to several churches, notably Saint-Symphorien. The first thing to note is that the will often makes no distinction between people and other forms of property. In lines five to seven, Vigilius and Gaugiulfus are given alongside a silver cane and cup; in lines 26-29, a list of six people are given alongside a silver dish.<sup>573</sup> This linking of objects and people as property had been typical of classical writers.<sup>574</sup>

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<sup>570</sup> Vezin and Atsma, 'Les faux sur papyrus', pp. 679. The testament is their Papyrus 14.

<sup>571</sup> Josiane Barbier, 'Le testament d'Ermentrude, un acte de la fin du VIe siècle?', *Bulletin de la Société Nationale des Antiquaires de France*, 2003 (2009), 130-144.

<sup>572</sup> Barbier, 'Testaments et pratique testamentaire', in *Sauver son âme et se perpétuer: Transmission du patrimoine et mémoire au haut Moyen-Âge*, ed. by Bougard, La Rocca, and Le Jan, pp. 7-79 (p. 20).

<sup>573</sup> ChLA Vol. XIV, no. 592.

<sup>574</sup> Joshel, 'Slavery and Roman literary culture', p. 216.

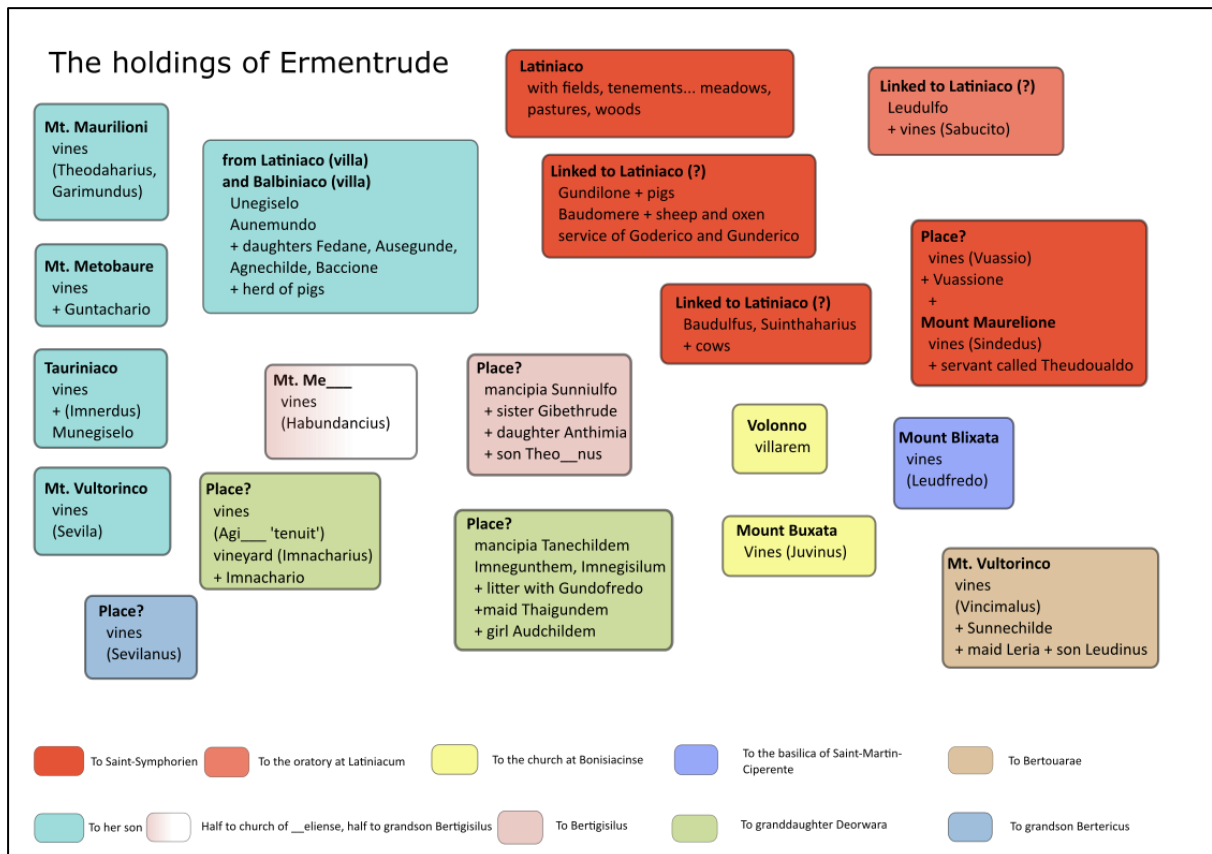


Fig. 26: The disposition of the holdings of Ermentrude as shown in her partial testament. Names of disposed land are given in the same form as they appear in the text.

Ermentrude's son did receive both land and goods from the estate of Latiniacum (identified as Lagny, Seine-et-Marne),<sup>575</sup> but the estate itself went to Saint-Symphorien. However, it is the way in which this land was given which is interesting, because Ermentrude identified it primarily through people. So, for example, after bequeathing goods and cows from the share of her dead son Deorowald, she says:

'de proprietate mea, mancipia his nominebus: Unnegiselo, Aunemundo et filias Patricio, id est Fedane et Ausegunde [et] Agnechilde et Baccione, cum gregim porcorum; vineae pedaturas duas, sitas in monte Maurilioni, quas Theodaharius et Garimundus colent, vineae pedatura tertia, sita in monte Metobaure, cum vinitore

<sup>575</sup> Barbier, 'Testaments et pratique testamentaire', p. 59.

Guntachario; [vineae] pedatura quarta, sita Tauriniaco, quem Inneredus colit cum vinetore Munegisilo; [vineae] pedatura quinta, sita in monte Vultoricino, quem Sev[il]a colit cum [ipso] vinitore' (ChLA Vol. XIV, 592, lines 10-16).

'from my property, the slaves with these names: Unegiselus, Aunemundus and the daughters of Patricius, that is Fedana, Ausgunda, Agnechilda and Bacciona, with a herd of pigs; two trellises of vines, situated on Mount Maurilionus, which Theodaharius and Garimundus cultivate; three trellises of vines, situated on Mount Metobaurus, with Guntacharius the vine-dresser; four trellises of vines, situated in Tauriniaco, which Inneredus cultivates with the vine-dresser Munegisilus; five trellises of vines, situated on Mount Vultoricinus, which Sevila cultivates with this same vine-dresser'

Therefore, although places are named, no description is given of their boundaries: they are the holdings of the people named, and the land and animals passed to Ermentrude's son with them. The implication is that the *mancipia*, given along with children, are unfree, but the status of the vinedressers is less clear. There is a change in the form of grammatical reference between, say, 'Unnegiselo' and 'Theodaharius'. It might be tempting to read this as a linguistic indication of a difference in status, but unfortunately the Latin of the remaining document does not permit this. In lines 26-29, Ermentrude gives a number of people to her granddaughter Deowara (presumably a daughter of Deorowald). The first three names are given in the accusative, before the declension switches to the ablative for 'Gundofredo' and then back to accusative for 'Thaigundem'. There is a kind of logic here: the use of accusative is reasonable for the object given, and Gudofredus is given along with a litter, so ablative is logical here. However, the following line (line 29), giving Medigisilus to Bertericus, uses the ablative, even though he is the object given as 'Thaigundem' was above. This kind of confusion

is consistent with the Merovingian usage of Latin as noted by Fouracre and Gerberding, and consequently allows no inferences to be drawn.<sup>576</sup>

The indeterminate status of the vinedressers reappears in the next section of the testament, and hints at a different relationship between Ermentrude and some of her peasantry. In lines 17 to 19, Ermentrude divides a vineyard between a grandson and a church whose name is lost:

‘Vinea, sita in monte Me.... quem Habundancius colit, medietatem sancte eccl[esi]ae ...]eliense dare praecipio; aliam medietat[em] de ipsa vinea dulciss[im]o nepoti meo Bertigisilo habere jubeo’ (ChLA XIV, 592, lines 17-19)

‘I instruct that half of the vines situated in mount Me... which Habundancius cultivates, be given to the holy church of ...eliense, the other half of the vines I order my dearest grandson Bertigisilus to have’.

Once again, the worker, Habundancius, is used to identify the vines in question. But he is not specifically given to either Bertigisilus or the church. While it could be that the land and its rent from a free tenant are being divided, it is just as possible that Habundancius owed a render to Ermentrude and that it was this render which she divided between her grandson and the church. That might imply that the land Habundancius worked was his own, and it would introduce a third category into the possible relationships between Ermentrude and her peasants.

This lack of specificity continues in lines 21 to 22, where Ermentrude gave another grandson Bertericus ‘the newly planted vines which are cultivated in the vineyard of

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<sup>576</sup> Paul Fouracre and Richard A. Gerberding, *Late Merovingian France. History and Hagiography, 640-720* (Manchester: Manchester University Press, 1996), p. 72.

Sevilanus', but does not make clear whether Sevilanus himself is part of the gift. In lines 56 to 60, she gave the vineyard 'which Vuassius cultivates' to the church of Bonisiacinse 'with this same Vuassius', while that 'which Sindedus cultivates' went to Saint-Symphorien with 'the servant called Theudowaldus who jointly cultivates with this same [Sindedus]' (*'et servo nomine Theudoaldo qui ipsas junctim colere'*). However, the status of Sindedus himself remains vague.

The apparent carelessness by which the status of these people is left undefined is interesting, because elsewhere Ermentrude took pains to specify people's standing. In lines 61 to 70, Ermentrude names some forty five people who are described as 'her freemen' (*'libertorum meorum'*) and who are to be 'freed and free' with all the 'powers of liberty' (*'liberos liberisque', 'habeant liberam potestatem'*). She also named a number of people as 'ingenuus', which here seems to refer to being freed rather than free born (*'ingenuam esse praecipio', l. 76*), but who are presented as distinct from those freed above. This particularly seems to be the case for the 23 people she resolves to 'be free' (*'ingenuus esse constituo', l. 81-82*), *'pro remedium animae meae'* and at the demand of her deceased son (l.76-77).

It is instructive to compare Ermentrude's testament with others of the Merovingian period. Many of these, and certainly the longest, were composed by bishops or abbots, but they are framed in the same familial context as Ermentrude's. Several include churches alongside family members as benefactors, as Ermentrude did, and even where the church is made sole benefactor, the wills take pains to elucidate which plots of land were part of ancestral inheritance. As an example of the former, Bishop Remigius of Reims (d. 533), whose shorter will in Hincmar's *Vita Remigii* is normally accepted as largely authentic, bequeathed property not only to the church at Reims, but also to his nephew Bishop Lupus, and to his

grandson Agricola.<sup>577</sup> As an example of the latter, Bertram of Le Mans (586-616) specified that the church of St-Peter and St-Paul was his sole heir and that all other claimants were excluded (*'caeteri ve exheredes sint toti'*), using an installation formula which was also found in the testament of Abbo of Noalesa (M389, dated 739), and which Geary suggested followed Roman models, although it is not found in all other Merovingian testaments.<sup>578</sup>

All three bishops then went on to detail the familial nature of many of their landholdings. Remigius used the formula found in many charters of identifying land inherited from either the mother or father (*'vel de paterna maternaque'*), as well as listing land which had come to him through gifts.<sup>579</sup> Similar formulae can be found in the wills of Bishop Vigilius (M192, dated to c. 670), who specifies land *'quem genitores mei tenuerunt'*; Abbess Irmina (M251, dated 697-698), who declared that property being bequeathed was *'ex successione paterna vel materna'*; and Bertram, who declared land was *'ex successione parentum nobis'*.<sup>580</sup> The height of this approach can be found in the testament of Abbo, where almost every clause contains a statement such as *'ex proprietate parentum nostrorum'* or *'ex alode parentum nostrorum'*. Beyond this, however, the ecclesiastics were eager to show how family holdings had been built up. Abbo also identifies many holdings he acquired from the Lady Siagria, while Bertram spent large portions of his will detailing the royal connections which had brought him land (for instance, *'quas michi domnus gloriosus Chlotarius per suam munificentiam contulit'*, *'quam gloriosus domnus Chltharius red nobis dedit'*).<sup>581</sup>

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<sup>577</sup> MGH SS rev. Merov. 3, pp. 336-339; Edward Roberts, *Flodoard of Rheims and the Writing of History in the Tenth Century*, pp. 122-125.

<sup>578</sup> Margarete Weidemann, *Das Testament des Bischofs Berthramn von Le Mans vom 27 März 616* (Mainz: Römisch-Germanisches Zentralmuseum, 1986), p. 7; This did not preclude Bertram leaving land to relatives as *praecipia*; M389: *Chartae Galliae*, no. 221335. Available at <http://www.cn-telma.fr/chartae-galliae/charte221335/> Accessed 10 May 2023; Patrick J. Geary, *Aristocracy in Provence, The Rhône Basin at the Dawn of the Carolingian Age* (Stuttgart: Anton Hiersemann, 1985), pp. 27-29.

<sup>579</sup> MGH SS rev. Merov. 3, (p. 336); See Chapter Two, pp. 86-87 for examples and discussion of such formulae.

<sup>580</sup> Lebeuf, *Mémoires*/CBMA no. 4b; Wampach no. 4.

<sup>581</sup> Weidemann, *Das Testament des Bischofs Berthramn*, pp. 11 and 13.

As well as this shared sense of property as a symbol of family power and importance, some of the ecclesiastical wills share Ermentrude's knowledge of dependents. In this, Abbo approaches Ermentrude's level of detail, sometimes listing not only the names of tenants, but also those of their children: *'Et dono superscripto pago Gratianopolitano liberta mea Sanctitildæ, qui manet in Pino, cum filius suos, Sicufredo et Sigirico, Sicumare et germanos eorum, Helene et Sigilinæ'*. More often, however, he was content to either name the parent alone (usually the father), or to list them as the *liberti* of a named *colonica*. Abbess Irmina (M251), too, was satisfied with conveying the workers on her lands *en masse*, identifying them by their trades, and naming only those who she wished to be free (*'exceptis hominibus illis quos per epistolas nostras ingenuos relaxavi, quorum vocabula sunt...'*). While in the testament of a son of Idda (M301), dated to around 700, Idda's son was largely content to give estate names and appurtenance lists even though he also wished to guarantee the position of freed slaves.<sup>582</sup>

The ecclesiastical wills do show a greater attention to the relationship with these dependants than that given in some of the vague references of Ermentrude. Geary noted that Abbo's will made little distinction between *ingenui* and *liberti*, but that it tended not to provide names for *mancipia*. He argued that the terminology selected, if not always consistent, was chosen to represent the relationship with Abbo, rather than any legal status.<sup>583</sup> This relationship, as Rio suggested, did not end with a grant of liberty: Abbo specifically gives freedmen and women into the possession of Novalesa, and stipulates that if they fail in their duty, the church could use the law to call them back into servitude: *'Quod si ingrati et rebeli prestiterint, tunc quod lex de ingratis et contumacis libertis continet, cum*

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<sup>582</sup> Chartae Galliae, no. 221335; Wampach no. 4; ChLA Vol. XIII, no. 569, lines 43-51.

<sup>583</sup> Geary, *Aristocracy in Provence*, p. 91.

*judice interpellatione et distractione, ad herede mea exsolvant et ad ipsa revertant, volo ac jubeo*'.<sup>584</sup> But the wills also make clear, to a much greater degree than that of Ermentrude, that this was a reciprocal relationship. Remigius, for example, called on his nephew to take those he had freed under his 'priestly authority' (*'sacerdotali autoritate'*) and protect them.<sup>585</sup> What is similar to Ermentrude, however, is that this is most often clear where the named dependants are called upon to remember the deceased. Bertram named more than 20 individuals who were to be freed along with their families, and placed them under the protection of St Peter and St Paul, under the condition that they make offerings at the altar in his name.<sup>586</sup>

A significant difference between Ermentrude's testament and those of some of the bishops is that the latter identify their land units not simply by place or by the names of the inhabitants, as Ermentrude's did, but by some form of estate title. Bertram, Leodebod, and Vigilus all used *villa*. Geary noted that Abbo's will avoided this term, opting instead for a range of words including *locus, casa, casalis* and *cortis*, but primarily *colonica*. He argued that this should not be identified with uses of *mansus*, but that the *colonica* appeared to be the holdings of a single family of dependants, although he observed that such families might hold more than one *colonica*, and could have *mancipia* working for them. There are, of course, both geographical and temporal differences between these documents which might account for at least some of the variation. The later date of most of these documents might have allowed some greater sense of formal units of land to emerge. The testament of Remigius, the earliest here, tends to follow the same pattern as Ermentrude in identifying land as 'my vineyard at X' or by the names of the people who worked there. Bertram's will, however, is

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<sup>584</sup> Chartae Galliae, no. 221335.

<sup>585</sup> MGH SS rev. Merov. 3, p. 339.

<sup>586</sup> Weidemann, *Das Testament des Bischofs Berthramn*, pp. 44-45.

roughly contemporary with Ermentrude's, although it is true that, as Wickham observed, it is not a typical document.<sup>587</sup>

The ecclesiastical wills, then, appear to place the same degree of importance upon family memory, and give the same value to land as a marker of family status. They are, however, more precise in their treatment of both land units and dependant people. The people over whom Ermentrude took the greatest care appear to have been those with whom she had a particular relationship. This is suggested by the fact that she obliged people from this group to provide lights at the oblations for her dead son, and that the freeing of some was at his behest. This may be because these people lived more centrally, or that they had a closer service relationship with the family, or both. Those with whom she took less care were those working on what appear to have been outlying portions of land (the vineyards on their named hills, for instance).

This could be a product of Ermentrude living in a less developed countryside, where not all relationships were as well-defined as they would later become. Abbo's testament, with its record of widely-spread but avidly-recorded territory, is a century later than that of Ermentrude. However, Bertram also appears to have lived in a world of distinct agricultural units, unless these are interpolations introduced by the ninth century forger who produced the *Actus pontificum Cenomannis in urbe degentium*.<sup>588</sup> The wills of Leodebod and Vigilius, which share this characteristic, are also considerably later than Ermentrude's. It is, however, also possible that the more controlled landscape of *villae* and *colonicae* was a product of the kind of consolidation suggested at the end of Section 4.3, one that may have been brought

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<sup>587</sup> Wickham, *Framing*, pp. 180-181.

<sup>588</sup> Walter Goffart, *The Le Mans Forgeries. A Chapter from the History of Church Property in the Ninth Century* (Cambridge, Mass.: Harvard University Press, 1966), pp. 39-42. Goffart noted that the authenticity of Bertram's testament has never been questioned, *ibidem*, p. 264.

about by the manipulation of terms such as *accolae*. This would be consistent with the almost studied vagueness of Ermentrude's references to the people of outlying areas. Such a vagueness may have created the possibility that a descendent or beneficiary could renegotiate and impose harsher terms upon the peasantry. Ermentrude may have sought to protect her closest servants from exploitation by the churches which inherited them, while elsewhere she left the opportunity for her beneficiaries to tighten their grip upon both people and land.

The will of Remigius may, however, mitigate against such a conclusion, since, although he uses a similar frame of reference to Ermentrude, he belonged to an aristocratic Roman family and had begun his career during the time of Childeric, when the Franks occupied a position mid-way between Roman allies and independent state.<sup>589</sup> The land which he inherited from his parents, therefore, may have taken the form of a Roman estate, and appears to have been more nucleated than the disparate holdings of Bertram and Abbo.<sup>590</sup> It is perhaps the dispersed nature of those later holdings which created a difference by necessitating more rigorous records. Ermentrude appears to have had access to some form of records of her lands, whether these were written or in the form of agents whose job it was to remember or obtain this kind of information.<sup>591</sup> Wickham drew a distinction between records from the immediate post-Roman period, such as those kept on slates from seventh-century Iberia, and the *Capitulare de villis* or even the lists of tenants from the Carolingian era. There is certainly no indication in Ermentrude's will of the kind of micromanagement which Wickham felt went hand-in-hand with these later accounts: her viticulturists seem to

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<sup>589</sup> Wood, *Merovingian Kingdoms*, pp. 38-41.

<sup>590</sup> Wickham, *Framing*, pp. 180-181.

<sup>591</sup> Barbier suggested an inventory was taken: 'Testaments et pratique testamentaire', p. 23.

have worked unsupervised.<sup>592</sup> As landholdings became more dispersed such records may have become essential, and it was perhaps in this process that the language of *villae* and *colonicae* was imposed upon the countryside.

The relationships described in Ermentrude's testament, while beguiling, are therefore ultimately impossible to fully characterise. It may be that some of them fall into the kind of terminological black hole proposed for *accolae*, but it may equally simply have been that Ermentrude felt no need to define relationships which she thoroughly understood. This study of her testament does, however, raise the possibility of free peasant proprietors tied into relationships with larger landowners. Section 4.3 also proposed such a situation as one possible explanation for the *accolae*. And yet peasant proprietors remain difficult to trace in the documentary evidence, surfacing only occasionally sources such as polyptychs.<sup>593</sup> The following two sections will attempt to seek evidence for their existence in a different manner, by considering the devices for inheritance and the protection of family land found firstly in the barbarian laws of Gaul and the Welsh laws, and then, since no provisions for inheritance survive from Anglo-Saxon areas, in the arrangements for marriage across all the target areas.

#### 4.4: Land and inheritance in the law: Gaul

Before analysing the provisions for inheritance in the law codes, it is necessary to consider the nature of the evidence. Any attempt to draw inferences from the codes of the Western post-Roman kingdoms encounters problems. These have been debated for some time, but while it may be that a new consensus on the nature of the laws is beginning to

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<sup>592</sup> Wickham, *Framing*, pp. 265-270.

<sup>593</sup> Wickham, *Framing*, p. 404.

emerge, the practical difficulties surrounding their use remains. Issues about the character of the laws can be reduced to two main questions: how far were they working law-books, and how 'barbarian', or more pointedly 'Germanic', were they. Wormald argued against them being active legal documents because of their lack of organisation and tendency to contradict themselves, and because written judgements sometimes referred to precepts not found in them. He believed that verbal pronouncements remained the key form of justice in northern Europe.<sup>594</sup> Even by the Carolingian era, legal judgements made few references to written law.<sup>595</sup> Instead, Wormald suggested that their main purpose was to display kingly power: kings issued law codes because it allowed them to act like Roman emperors.<sup>596</sup>

However, this need not mean that the laws were not part of a legal culture. Rio saw them as one strand among a multiplicity of legal characters available for exploitation.<sup>597</sup> Humfress saw them as an evolving product of contemporary relationships, in a culture generated by people's participation in the making of contracts and negotiation of deals.<sup>598</sup> Coumert's work in analysing the manuscripts has suggested a potential compatibility between Wormald's view and the Lex Salica as a living law.<sup>599</sup> She argued that multiple variations, even within manuscripts in the same group, should not be seen as errors accumulated in copying

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<sup>594</sup> On the importance of documents, Ian Wood, 'Disputes in late fifth- and sixth-century Gaul: some problems', in *The Settlement of Disputes in Early Medieval Europe*, ed. by Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 1986), pp. 7-22 (p. 10); Paul Fouracre, "'Placita" and the settlement of disputes in later Merovingian Francia', in *Settlement of Disputes*, ed. by Davies and Fouracre pp. 23-43 (pp. 36-42); on verbal pronouncements, Patrick Wormald, '*Lex Scripta* and *Verbum Regis*: Legislation and Germanic Kingship, from Euric to Cnut', in *Early Medieval Kingship*, ed. by P.H. Sawyer and I.N. Wood (Leeds: University of Leeds, 1977), pp. 105-138 (pp. 116-130)

<sup>595</sup> Janet L. Nelson, 'Dispute settlement in Carolingian West Francia', in *Settlement of Disputes*, ed. by Davies and Fouracre, pp. 45-64 (p. 60).

<sup>596</sup> Wormald, '*Lex Scripta*', pp. 123-125.

<sup>597</sup> Alice Rio, 'Merovingian Legal Cultures', in *The Oxford Handbook of the Merovingian World*, ed. by Effros and Moreira, pp. 489-507.

<sup>598</sup> Caroline Humfress, 'Law and legal culture in the Age of Attila', in *The Cambridge Companion to the Age of Attila*, ed. by Michael Maas (Cambridge: Cambridge University Press, 2014), pp. 140-155 (pp. 150-154).

<sup>599</sup> This thesis will use Lex Salica in plain type when referring to the body of manuscripts, and in italic when referring to particular publications of the text.

some Ur-text, but as the conscious choices of different scribes, compiling a legal tradition in a way which made sense to them. She further suggested that the original laws, Wormald's pronouncements of kings, may have been written on papyrus in the manner of Roman rescripts. There would, then, be no 'original' code, simply the collected rulings of different kings whose original manuscripts have not survived. Crucially, however, the creation of various local manuscripts recording these would suggest that these laws were more than an antiquarian curiosity.<sup>600</sup>

The other main area of debate about the law codes is exactly how 'barbarian' they were. It is generally agreed that their form and presentation in Latin rather than the vernacular language (apart, of course, from the Anglo-Saxon laws) is owed to Roman influence, and that their format is owed to the Theodosian Code.<sup>601</sup> But Wood argued that much of the content also owed more to Roman law than to a supposed 'Germanic' precedent. He believed that the stress on the 'personality of law' along ethnic lines had been overstated, and that the barbarian nations, having been born in reaction to Rome, were too young to have evolved a fully codified law.<sup>602</sup> Both Wood and Barnwell thought that provisions for composition and the giving of oaths, sometimes seen as the most 'barbarian' elements, actually had Roman antecedents.<sup>603</sup> How this Roman influence was mediated is not clear. It has been suggested that the core of the Lex Salica descended from a *lex data* used to keep barbarian troops in order when they became, effectively, the Roman army in northern

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<sup>600</sup> Magali Coumert, *La Loi Salique: Retour Aux Manuscrits* (Turnhout: Brepols, 2023), pp. 135-136; 156.

<sup>601</sup> Wormald, 'Lex scripta', pp. 115, 125-128; Coumert, *Loi Salique*, p. 134.

<sup>602</sup> Wood, 'Disputes', pp. 16-81; 21.

<sup>603</sup> P.S. Barnwell, 'Emperors, Jurists and Kings: Law and Custom in the Late Roman and Early Medieval West', *Past & Present*, 168 (2000), 6-29 (pp. 7; 15-17).

Gaul.<sup>604</sup> While the original argument upon which this was based has been heavily criticised, the possibility that some elements may have such an origin has not been disproven.<sup>605</sup>

Much of the focus on the supposedly barbarian character of the laws stems from the German scholarship of the nineteenth and early twentieth century, which believed it had found evidence of early pan-Germanic clans among the laws.<sup>606</sup> Here the Lex Salica is particularly affected, since its editor for the MGH was Karl August Eckhardt. Eckhardt was an early adherent of the Nazi party, an SS officer, and sometime speech writer for Heinrich Himmler.<sup>607</sup> Of itself, this does not, of course, negate his scholarship. But Coumert suggested that his desire to find an ‘original’ Germanic law had led him to compile an edition which was purged of Christian and royal references, and which appealed to a supposedly ‘democratic’ past. One of the clearest signs of this was his addition of the Short Prologue (describing how Salic law was compiled by four wise men) to an edition otherwise largely based on text A1. The Short Prologue does not appear in any of the A group manuscripts.<sup>608</sup> It was also Eckhardt who gave the earliest compendium its title of *Pactus Legis Salicae* (used only in A1 and C5) in what Coumert argued was another attempt to give it popular roots. However, while there maybe few grounds for seeing any of these law codes as representing ‘barbarian’ custom, the phrase ‘barbarian’ codes will continue to be used here as the simplest reference to this body of texts.

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<sup>604</sup> Jean-Pierre Poly, ‘La corde au cou. Les Francs, la France et la Loi salique’ in *Genèse de l’État moderne en Méditerranée. Approches historique et anthropologique des pratiques et des représentations*, Actes des tables rondes internationales, Paris (24-26 September 1987 and 18-19 March 1988) (Rome : École Française de Rome, 1993), pp. 287-320.

<sup>605</sup> Étienne Renard, ‘Le “Pactus Legis Salicae”, règlement militaire romain ou code de lois compilé sous Clovis?’ *Bibliothèque de l’École des chartes*, juillet-décembre 2009, 167, 2 (2009), 321-352; Karl Ubl, ‘L’origine contestée de la loi salique. Une mise au point’, *Revue de l’IFHA*, 1 (2009), 208-234. See also this chapter, pp. 228-229.

<sup>606</sup> Murray, *Germanic Kinship Structure*, pp. 16-22.

<sup>607</sup> Andrew Rabin, ‘Monsters in the library: Karl August Eckhardt and Felix Liebermann’, OUPblog, August 5, 2014, <<https://blog.oup.com/2014/08/leges-anglo-saxonom-eckhardt-liebermann/>> [accessed 31 January 2024].

<sup>608</sup> Coumert, *Loi Salique*, p.75.

Four codes are used here, based on the edited text of the MGH editions, although some comparison has been made with variant redactions. Eckhardt's edition of *Pactus Legis Salicae* (henceforth, PLS) currently remains the standard, and while the earliest manuscripts on which it is based are dated to the eighth century, it is widely accepted that its titles reflect earlier practice.<sup>609</sup> The *Lex Ribuaria* (LR) represents the laws of the Franks living on the right bank of the Rhine, and is thought to originate in the seventh century, although the vast majority of the 35 manuscripts containing the laws date to the ninth and tenth centuries.<sup>610</sup> The *Leges Burgundionum* (LB) are thought to have been created progressively from the fifth to sixth centuries, and exist in manuscripts dating from the ninth century.<sup>611</sup> The earliest surviving laws of the Visigoths are found in the partial Code of Euric, believed to date to the fifth century. Since so little remains of this, this chapter will consider the *Lex Visigothorum* (LV), also known as the *Liber Judicorum*, which dates to the seventh century.<sup>612</sup> It is acknowledged that there are difficulties with all these editions, although perhaps none is as troubled as the PLS, however, when making a broad comparative analysis, there is little recourse but to use the most standard editions, albeit cautiously.<sup>613</sup> In addition, these codes also cover a wide geographical area. But all of the kingdoms represented by them exercised some influence on the former Roman province of Gaul (indeed, it has also been argued that the Franks influenced later Visigothic law).<sup>614</sup> As such, the provisions of any of these codes could have applied at some time in areas considered in this thesis.

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<sup>609</sup> Coumert, *Loi Salique*, pp. 135-136; 203; Murray, *Germanic Kinship Structure*, p. 118.

<sup>610</sup> Rivers, *Laws of the Salian and Ripuarian Franks*, p. 7.

<sup>611</sup> *The Burgundian Code*, transl. by Katherine Fischer Drew (Philadelphia: University of Pennsylvania Press, 1972), p. 6.

<sup>612</sup> *The Visigothic Code (Forum Judicum)*, transl. and ed. by S. P. Scott, (Boston: The Boston Book Company, 1910), pp. xxiii – xxiv.

<sup>613</sup> Coumert, *Loi Salique*, pp. 74-92; Murray, *Germanic Kinship Structure*, pp. 119-122.

<sup>614</sup> Murray, *Germanic Kinship Structure*, p. 215.

While both the 'barbarian' and 'popular' character of the laws may now be in question, it is still legitimate to ask how broadly they might have been applied across society. Wormald believed that PLS belonged to 'a community of peasants', and pointed to the many provisions dealing with rural life. Coumert's depiction of the Lex Salica as a living law is not at odds with this, nor is the apparent willingness of the peasantry to access the law.<sup>615</sup> The inheritance practices described in the laws may, therefore, be taken to have applied to the peasantry as much as to the elite. However, traditional interpretations of those practices as both agnatic and representative of early 'Germanic' practice have been challenged. Murray argued that not only did the PLS show a cognatic system, but that several of its titles relating to inheritance displayed the influence of, or a reaction to, Roman practice.<sup>616</sup> This overview of the four codes supports Murray's view, but also suggests an evolution of practice in what must be supposed to have been a changing society. This reveals a tension between the acceptance of the new and a desire to uphold what was perceived as custom. This desire may have been based as much upon the creation of identity or upholding the balance of power as upholding tradition. Murray argued that the cognatic tendencies of the Franks meant that the focus was on immediate kindred and that there was no place for the kind of overarching kin structure seen in Irish law. He also argued that this meant there was a concept of individual, private property.<sup>617</sup> Again, this overview tends to support this, but it also hints at the beginning of a move towards unigeniture.

Goody pointed out the dangers inherent in the terms 'agnatic' and 'cognatic', since a system of descent, the path along which ancestry is traced, does not necessarily imply a given

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<sup>615</sup> Wormald, '*Lex scripta*' pp. 109-110; Coumert, *Loi Salique*, p. 135; see also, for example, Wood, 'Disputes in late fifth- and sixth-century Gaul: some problems', pp. 7-22, and Nelson, 'Dispute settlement in Carolingian West Francia', pp. 45-64 in *The Settlement of Disputes in Early Medieval Europe*, ed. by Davies and Fouracre.

<sup>616</sup> Murray, *Germanic Kinship Structure*, pp. 196-197; 203-212.

<sup>617</sup> Murray, *Germanic Kinship Structure*, pp. 178-181; 201-202.

system of inheritance. So, it is possible to have a society in which descent is traced agnatically, but which still allows the dispersal of family property to both sons and daughters. Goody also stressed that few systems are utterly agnatic, but contain elements of bilateralism: descent from the mother is acknowledged, and relationships with the mother's kin might be encouraged as a way of broadening family connections and therefore influence.<sup>618</sup> Equally, a bilateral system, tracing descent from father and mother and including maternal relatives in the kin group, may still have agnatic features, such as the awarding of office to males.<sup>619</sup> This melding of systems might explain how the Franks could have had a cognatic, bilateral system of descent and inheritance, yet still have awarded office, such as kingship, along the male line only. It is also worth noting that neither bilateral nor unilateral inheritance precludes unigeniture. There is nothing in either which requires that inheritance should be shared equally, although there might be reasons of practicality and sustainability for that. In either system, it is theoretically possible to favour one child at the expense of the others.

The principal titles relating to inheritance are summarised in Table 24, below, (not including the further provisions of the LB and LV which relate to specific situations and may be the product of individual cases). This shows that the basic presumption was that the children would inherit their parents' property. Murray suggested that the lack of an explicit statement regarding this might be due to the PLS selectively covering those areas which most differed from Roman law.<sup>620</sup> However, this absence could also be explained by regarding the codes as a series of royal pronouncements rather than an account of custom, as Coumert suggests.<sup>621</sup> The laws do not state custom; they deal with problems which could affect it: the

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<sup>618</sup> As is argued for Irish society, see below, p. 247.

<sup>619</sup> Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983), pp. 12-18; 21-22, 222-227.

<sup>620</sup> Murray, *Germanic Kinship Structure*, pp. 211-212.

<sup>621</sup> Coumert, *Loi Salique*, pp. 135-136.

Pactus Legis Salicae	Lex Ribuarium	Lex Burgundionum	Lex Visigothorum
59.1 If someone dies without children, the father or mother inherit.	57(56).1 If someone dies without children, the father or mother inherit.	14.1 If someone dies without a son, the daughter will inherit.	4.2.1 If the father and mother die intestate, sisters and brothers will share equally.
59.2 If the father or mother are not alive, the brothers and sisters inherit.	57(56).2 If the father and mother are not alive, the brother and sister inherit.	14.2 If the deceased leaves neither son nor daughter, the sisters or nearest relatives inherit.	4.2.2 If there is no will, the children are first. If they are dead, the grandchildren inherit. If the grandchildren are dead, the great-grandchildren inherit. If there are neither children nor grandchildren but a father and mother, then the grandfather and grandmother inherit.
59.3 If these are not alive, then the sister of the mother inherits.	57(56).3 If there are none of these, then the sister of the mother or father inherits, or those closest to the 5 <sup>th</sup> degree.		4.2.3 If all of the above from the older or younger generations are dead, then some person from the collateral line of descent shall be found to inherit.
59.4 If the mother's sister is not alive, then the father's sister inherits.	57(56).4 But while there is one of the male sex extant, a female of the grandmother's line shall not succeed.		4.2.4 If there is no will, gift or witnessed statement of wishes, the closest in degree of relationship inherits.
59.5 If the father's sister is not alive, then whoever is alive in that generation who is closest shall inherit.			
59.6 But nothing of Salic land can be inherited by a woman, but all that land goes to the male sex, who are brothers.			

*Table 24: Edited translations (my own) of the main titles relating to inheritance in the barbarian Law Codes affecting areas of Gaul.*

lack of children (PLS, LR), the lack of a son (LB), the requirement for brothers and sisters to share equally (LV). Only this last makes a clear statement on whether daughters could inherit.

The use of inflections of *filius* in the other codes is not decisive. The word was used to refer to children in general, and mixed groups of males and females would have been represented with a male noun, as is the case in modern Italian. This stands in apparent contradiction to PLS 59.6, whose operation was challenged by a father as an 'impious custom' in Marculf II.12.<sup>622</sup> Murray answered this by suggesting that PLS 59.6 stipulated that sons could postpone daughters in inheritance, but that daughters were not excluded. Anderson believed there was insufficient evidence to arrive at this view, although he backed Murray's interpretation of other 'Germanic' laws as cognatic.<sup>623</sup>

Anderson's proposal that PLS 59.6 stemmed from an 'artificial constraint' imposed by Rome when the Franks were serving in its army may well explain its origin. However, his insistence, *contra* Murray, that it was an absolute bar requires the dismissal of all the earlier statements in PLS 59.<sup>624</sup> If there were no circumstances in which women could inherit, why were these included in the earliest text of the PLS? If, as Anderson believed, settlement of the Franks began in the fourth century, there had been time for them to become accustomed to holding land, and potentially to acquire land by other means, by the time the PLS is thought to have been instigated by Clovis. Anderson argued that the law was not revised until Childeric's issue of PLS Cap IV 108, and that this established a new pattern of succession.<sup>625</sup> But the order in 108 varies only from PLS 59 in the omission of the mother. A real difference only emerges if '*filios*' in 59.1 is translated as 'sons', something Anderson himself was reluctant to do.<sup>626</sup>

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<sup>622</sup> MGH Formulae, Marculf, II.12; see also Alice Rio, 'Charters, law codes and formulae: the Franks between theory and practice', in *Frankland. The Franks and the World of the Early Middle Ages*, ed. by Paul Fouracre and David Ganz (Manchester: Manchester University Press, 2008), pp. 7-27 (pp. 23-24), and further below.

<sup>623</sup> Anderson, 'Roman military colonies in Gaul', pp. 37-38, 48.

<sup>624</sup> Anderson, 'Roman military colonies in Gaul', pp. 41-48.

<sup>625</sup> Anderson, 'Roman military colonies in Gaul', p. 38.

<sup>626</sup> Anderson, 'Roman military colonies in Gaul', p. 35fn.

As Fischer Drew argued, then, 59.6 may also only have applied to ‘ancestral land’, that is land bequeathed to the children’s parents by the children’s grandparents.<sup>627</sup> Land acquired independently by the children’s parents may have been shared equally between the children irrespective of sex.<sup>628</sup> However, even if the evidence for this is inconclusive, there is some consensus that 59.6 was something of an aberration, which ran contrary to other barbarian and Roman practice. Certainly, it seems that Roman law was an increasing influence, most notably in the LV. Its explicit statement that sons and daughters should share equally appears to mirror Roman developments, moving away from a stress on the agnatic line. By the time of the Justinianic Code, Roman law privileged only the closeness of the relationship to the deceased (comparable with LV 4.2.4).<sup>629</sup> This, in turn, matches other ‘Roman’ elements of the LV, such as the much stronger emphasis on what should happen if no will or other formal disposition had been made (six of the 17 titles include references to writing or other procedures).

Given the inclusion in the inheritance chain of grandmothers and aunts, Murray is surely correct in reading this as a cognatic system. There is a stark difference when this is contrasted to the systems of Ireland and Wales (see Section 4.4.2), while there is clearly a connection between the PLS and the LV, with its bald bilateral statement. Attempts to read this as change from an early Germanic agnatic system appeal to a custom which is unevicenced and unknowable. Similarly, there is no evidence from which to argue for an earlier matrilineal system.<sup>630</sup> If anything, it is easier to link it to the evolution in Roman law. Crucially, there is nothing in the laws which suggests that family inheritance was under the

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<sup>627</sup> Fischer Drew, *Laws of the Salian Franks*, p. 44; Coumert noted that the A group manuscripts of the Lex Salica do not use the word ‘Salic’ in 59.6: *Loi Salique*, pp. 79-70.

<sup>628</sup> Murray, *Germanic Kinship Structure*, pp. 186-187.

<sup>629</sup> David Johnston, ‘Succession’ in *The Cambridge Companion to Roman Law*, pp. 199-212 (pp. 200-201).

<sup>630</sup> Murray, *German Kinship Structure*, pp. 11-32; 206-211.

managerial control of a wider kin group. Individuals seem to have had a certain degree of freedom to make their own provisions, as is suggested by evidence from the Formularies, such as Marculf II.12 mentioned above. Custom took over when this did not happen.<sup>631</sup>

Normally, then, a deceased person's property would go to their children, but could pass back to their parents or to siblings if they died without issue. Only in the failure of all these relations were more distant collaterals involved. These degrees are most detailed in the PLS, and least detailed in the LB and LV, with the LB being particularly curt. The LV goes some way to making up for this brevity by listing all seven degrees of relationship as a preface to its titles on inheritance. In most cases, the transmission of property would have occurred within a relatively contained kindred group. 'Ancestral land' within this group would have meant no more than the land their mother and father had inherited. It would, therefore, be continually redefined, since a person might add to that package before passing it on. This, the provision for testamentary bequests, and the ability to countermand custom in those bequests, as seen in the Formularies, all suggest that property was recognised as belonging to the individual. While this is not to say that kin were not important in matters of land (as the law attests that they were in judicial matters), it does suggest that they were not as powerful as in Ireland and Wales.

However, there was still a potential for conflict between customary practice as reflected in the law codes and individual inclination. The LB and LV contain a number of titles suggesting that there was a perception that tradition needed reinforcing. This, in turn, suggests that people felt that it no longer worked in their interests and were not following it. The laws show a tension between the desire to uphold tradition and a desire to accommodate

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<sup>631</sup> Examples in the Formularies show this at work as in MGH *Formulae*, Marculf, II.12 cited above. See also Murray, *German Kinship Structure*, p. 186; Rio, 'Charters, law codes and formulae', pp. 23-24.

the changing mood. In the LB, for instance, it was found necessary to produce Title 51.1, reinforcing the convention implicit in 14.1 that sons should inherit equally. This might suggest that this was not being practiced, and that people were attempting to enrich one child at the expense of the others: essentially, that they were trying to practice primogeniture, or at least unigeniture. This is also the implication of LV 5.1.1, which prevented parents from gifting more than one third of their land to any individual child before their death. Any such third granted was then deducted from that child's portion on the parent's death. A similar interpretation could potentially be placed on PLS Cap 1 67. If this is understood as providing that any gift given to a daughter on her wedding day must be matched by a similar gift to her brothers, it suggests that some families saw this as a way of favouring one child.<sup>632</sup>

The barbarian codes therefore imply that the inheritance of land was not governed by a widespread kin structure, but was the province of the individual and their immediate kindred. Importantly, this recognises the idea of property as an individual possession, and of an individual's right to dispose of it. While this could apply as equally to a peasant proprietor as an elite one, it suggests a difference between this society and those in Ireland and Wales, where custom gave kin groups more power in inheritance and the rights of the individual were less privileged.<sup>633</sup> The suggestions that inheritance practice was beginning to change, at least in the areas where the LB and LV applied, and the possibility of an emerging desire for unigeniture would tend to favour the construction of a smaller number of richer nuclear family groups at the expense of the wider community of small farmers. How successful such a push for unigeniture was at this point is more debatable. The short-lived nature of Merovingian elite families might imply that it was not, and there is no evidence that this was

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<sup>632</sup> PLS LXVII

<sup>633</sup> See below, pp. 240-246.

the beginning of the move towards primogeniture identified from the tenth century onwards.<sup>634</sup> It is possible, however, that such a move on the part of small landholders combined with an increasing rapacity among the elite to undermine customary land tenure and to erode the number of peasant proprietors.

#### 4.4.1: Land and inheritance in the law: Britain

The range of early legal sources for Britain is smaller than that for Merovingian Gaul and derives from later manuscripts. The text of Æthelberht's law code (upon which this section will focus), and the brief additions of his successors, contained in the twelfth-century *Textus Roffensis* are generally seen as unproblematic. Since it was written in Old English, much of the evidence for its originality has derived from debates on dialect, with the overall verdict tending towards authenticity.<sup>635</sup> There remains a question mark over how representative of other Anglian or Saxon areas these laws might be, in light of claims for Frankish political or cultural hegemony over Kent.<sup>636</sup> This issue is acknowledged, but is insurmountable, given that the relevant provisions in the Wessex laws of Ine run to just a single title.<sup>637</sup> The Welsh Laws of Hywel Dda, whose manuscript tradition also dates to the twelfth century, but is far more

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<sup>634</sup> On the short-lived character of Merovingian nobility, see Fox, *Power and Religion in Merovingian Gaul*, pp. 54-56. and Andrej Kokkonen, Jørgen Møller, and Anders Sundell, *The Politics of Succession* (Oxford: Oxford University Press, 2022), pp. 60-87.

<sup>635</sup> See, for example, Carole Hough, 'The Earliest English Texts? The Language of the Kentish Laws Reconsidered', in *Textus Roffensis: Law, Language, and Libraries in Early Medieval England*, ed. by O'Brien and Bombi, pp. 137-156. Hough believed the text did represent a genuine recording of early Kentish dialect; Nicholas Brooks, 'The Laws of King Æthelberht of Kent: Preservation, Content, and Composition' in *Textus Roffensis*, ed. by O'Brien and Bombi, pp. 105-136 (p. 107).

<sup>636</sup> I. N. Wood, 'Frankish hegemony in England', in *The Age of Sutton Hoo. The Seventh Century in North-western Europe*, ed. by M. O. H. Carver (Woodbridge: Boydell Press, 1992), pp. 235-242; Irene Bavuso, 'Balance of power across the Channel: reassessing Frankish hegemony in southern England (sixth–early seventh century)', *Early Medieval Europe*, 29, 3 (2021), 283–304.

<sup>637</sup> Concerning marriage rather than inheritance *per se*, see below and footnote, p.252.

complex, have prompted greater debate. Different manuscripts of the laws, which exist in both Welsh and Latin, have been grouped depending on how closely they seem to be related. Of the complete manuscripts, the two main Welsh versions are the Llyr Cyfnerth (Book of Cyfnerth, used here in Wade-Evans' translation) and the Llyr Iorweth (Book of Iorweth), while the Llyr Blegywryd is a translation of Latin MS D into Welsh. The five Latin redactions are lettered A to E, with C being incomplete.<sup>638</sup> Aneurin Owen, who published the standard work on the laws in the nineteenth century, favoured the Welsh over the Latin texts, but this was challenged by Hywel Emanuel.<sup>639</sup> Which group represents the most original form of the laws remains a topic of debate. Charles-Edwards believed Owen had undervalued the Latin texts, but was not convinced by Emanuel's assertion of Latin A as the model. Instead, he argued that the earliest elements within the laws were probably to be found in the common patterns across all versions, and he identified sections on the division of patrimony and on joint-ploughing as likely contenders.<sup>640</sup>

The most obvious difference between these two sets of laws is their length and detail. Æthelberht's Code is brief and terse, a quality which Oliver believed may have derived from an origin in oral recitation and which it tends to share with Old English poetry.<sup>641</sup> The law of Hywel Dda, by contrast, is more expansively poetic, as in the stipulation that the protection of the chief huntsman extends as far as 'the sound of his horn is heard', or that of the chief groom as far as 'the best horse in the court shall continue running'.<sup>642</sup> Both sets of laws have been described as lacking in Roman influence, with Brooks defending the Anglo-Saxon laws'

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<sup>638</sup> T.M. Charles-Edwards, *The Welsh Laws* (Cardiff: University of Wales Press, 1989), pp. 16-19.

<sup>639</sup> Hywel David Emanuel, *The Latin Texts of the Welsh Laws* (Cardiff: The University of Wales Press, 1967), pp. 1-2.

<sup>640</sup> Charles-Edwards, *The Welsh Laws*, pp. 16-34; Charles-Edwards, *Wales and the Britons*, pp. 267-272.

<sup>641</sup> Oliver, *Beginnings of English Law*, pp. 34-41.

<sup>642</sup> A.W. Wade-Evans, *Welsh Medieval Law, Being a Text of the Laws of Howel the Good* (Oxford: Clarendon Press, 1909), p. 150.

place in a Germanic or barbarian context, and Charles-Edwards placing the Welsh laws beyond Roman vulgar or provincial law, and closer to the Irish.<sup>643</sup> There are, nonetheless, some elements of similarity between the two sets of laws, and between them and the post-Roman codes of the continent, while the differences are sometimes subtle.<sup>644</sup>

However, there is a simple, fundamental obstacle to discussing inheritance in these codes: Æthelberht's laws do not talk about it.<sup>645</sup> Consequently, this section will compare provisions in Wales with those described for Gaul, before bringing Anglo-Saxon areas back into the picture in Section 4.5 by comparing marriage customs, with which the passing on of land was entwined. Section 4.4.1 considered the provisions of the barbarian codes in Gaul, shown in Table 24.<sup>646</sup> This concluded that inheritance was bilateral, although with some preference for males, that the concept of personal property was upheld, and that there were some signs of people using inheritance to concentrate holdings on a single child. The main clause relating to inheritance from the Welsh laws is cited here from *Llyr Cynherth*:

'Three times is land to be shared among kinsmen: first among brothers; then among cousins; the third time among second cousins. Thenceforward there is no proper sharing of land. When brothers share their father's *trev* among them, the youngest gets the principal homestead and eight *erws* and the whole stock and the boiler and the fuel hatchet and the coulter, since a father can neither give nor devise them except to the youngest son; and although they be pledged, they never lapse. Then let every

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<sup>643</sup> Brooks, 'The Laws of King Æthelberht of Kent' pp. 111; 123-124; T. M. Charles-Edwards, 'Law in the Western Kingdoms between the Fifth and Seventh Century', in *The Cambridge Ancient History Vol. 14. Late Antiquity: Empire and Successors AD 425-600*, ed. by Averil Cameron, Bryan Ward-Perkins, and Michael Whitby (Cambridge: Cambridge University Press, 2001), pp. 260-287 (pp. 261-262).

<sup>644</sup> Emanuel believed some of the similarities were twelfth century products of a pan-European revival of interest in Roman law. He believed the differences were due to the survival of elements of clan society in Wales: *Latin Texts of the Welsh Laws*, pp. 88-89.

<sup>645</sup> Nor do the other Kentish laws in the *Textus Roffensis*, nor the Laws of Ine. See Oliver, *Beginnings of English Law* and *The Laws of the Earliest English Kings*, ed. and transl. by Attenborough.

<sup>646</sup> See Table 24, p. 235.

brother take a principal homestead and eight *erws*; and the youngest son shall share, and from the eldest to the eldest they are to choose. No person is to demand resharing except him who has not obtained a choice, as there is no *gwarthal* with choice.<sup>647</sup>

The system described here is that of the four-generation co-heirs. The sons inherit the land from their father and share it between them. The grandsons have the option of redistributing the portions when they inherit, as do the great grandsons. If one of the males in the immediate generation of succession dies, their son steps into their place. After four generations, there is no further option to redistribute the plots. Charles-Edwards described how this level of kinship was distinct from the wider and deeper kin group of the *enedl*. It was this larger group which had a corporate, enduring nature and which dealt with the most serious aspects of *galanas* (wergild), although the co-heirs could have a role in some instances and dealt with *sarhaed* (verbal insult). The *enedl* was not normally involved in the inheritance of land, although Davies believed that it could exercise an interest.<sup>648</sup>

In common with the codes from Merovingian Gaul, Welsh law does not begin with an explicit statement that a man's land passes to his sons, but rather deals with mechanisms to avoid dispute in its distribution. The siblings are encouraged to make a reasonable division, since, if they do not, the last to share will force the process to start again. This practice is similar to that in the Irish laws, except that those specify that the broader kin could order a resharing if anyone was at risk of falling below the property requirement to maintain their status.<sup>649</sup> It is implied that the sons share equally, as with the codes considered in Table 25. Also, in common with those codes, the Welsh law seems to presuppose that most of the sons

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<sup>647</sup> Wade-Evans, *Welsh Medieval Law*, pp. 199-200.

<sup>648</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, pp. 214-215; Davies, *Wales in the Early Middle Ages*, p. 76.

<sup>649</sup> Kelly, *Guide to Early Irish Laws*, pp. 102-104.

will be established in their own holdings before their father's death. This may be point of the youngest son receiving the homestead and tools: it is assumed the other sons will have their own as a result of marriage, while the youngest is most likely to still be living in the parental home.<sup>650</sup> A similar concept appears to lie behind LV 4.2.14 stating that in the event of a mother's death, the father should pass half her estate to her children when they reach 20, with the remainder reserved for the father and bequeathed after his death. It is also implied in LV 4.2.15, which allowed a mother to share in her late husband's estate but forbade her from alienating her share as it was to pass to her children on her death. In both cases, the inference is that the children had access to other property on reaching adulthood and that the land concerned here was the parent's 'share'.

The most striking difference between the systems is that the Welsh code acknowledged only sons. The provisions for daughters found in Table 25, and the complex arrangements involving not only the parents of both sex, but the grandparents, great-grandparents, aunts and uncles, are absent. Welsh and Irish law are comparable here, reserving female inheritance for situations in which there was no male heir, although it should be noted that in both areas the broader kin group was bilateral: a person could claim status by descent from either their mother or father.<sup>651</sup> Given this contrast, the silence of the Anglo-Saxon laws is intriguing. Lancaster, after analysing the vocabulary used to describe familial relationships, believed the Saxons also had a cognatic system, although with a tendency to privilege the male line.<sup>652</sup> Charles-Edwards, however, using a complex argument based on the Indo-European origins of the word 'hide' and its cognates in other languages, combined with

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<sup>650</sup> Although Charles-Edwards believed it was to avoid the youngest son challenging the father's position: *Early Irish and Welsh Kinship*, p. 213

<sup>651</sup> Davies, *Wales in the Early Middle Ages*, p. 76; Kelly, *Guide to Early Irish Laws*, p. 104.

<sup>652</sup> Lorraine Lancaster, 'Kinship in Anglo-Saxon Society', *British Journal of Sociology*, 9, 3 (1958), 230-250 (pp.236-237).

comparisons with Irish law, argued that the Anglo-Saxon system was essentially agnatic even if there was occasional provision for women to inherit.<sup>653</sup> Perhaps all that can be said from the silence of the laws is that, at the time Æthelberht's code was composed, no need had been found to commit to writing any procedures addressing problems with whatever system was practised.

The reasons behind the difference between the Welsh and Merovingian codes are not answered by appeals to supposed 'Germanic' or 'Celtic' roots. Goody suggested that topography could be a factor, with agnaticism more frequently practised in mountain and forest areas, where communities were more dispersed and independent, while the need for greater co-operation in arable agriculture in the lowlands bred bilateral systems.<sup>654</sup> This does not, however, take account of the topographical variety of the areas covered by the different Gallic codes. It may be that in all these areas, the commonest outcomes would have been similar: sons would have shared the land between them. Importantly, though, in Gaul some, at least, of the inherited land seems to have become individual property upon inheritance. The inheriting individual was free to alienate it if they wished: it was the '*portione*' of the Merovingian charters.<sup>655</sup> In Wales, by contrast, the potential for alienation would have been inhibited by the four-generation window for resharing. After this time, alienation may have been possible, since the land appears to have passed from the disputable tenure of *amhriodolder* to the indisputable one of *priodolder*.<sup>656</sup> It is certainly clear from the Llandaff charters that some land could be alienated, and, as Davies pointed out, few charters refer to permission from kin.<sup>657</sup> This may be connected to the process of *dadannudd* which seems to

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<sup>653</sup> T. M. Charles-Edwards, 'Kinship, status and the origins of the Hide', *Past & Present*, 56 (1972), 3-33 (p. 28).

<sup>654</sup> Goody, *Development of the Family*, pp. 15-16.

<sup>655</sup> See, for example, the Testament of Ermentrude, ChLA XIV no. 592, l. 10.

<sup>656</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, pp. 280-281.

<sup>657</sup> Davies, *Wales in the Early Middle Ages*, p. 56.

have allowed individuals to lay claim to land acquired by their fathers, circumventing the four-generation rule.<sup>658</sup> There are similarities here with Ireland, where family land could not be alienated, but other land could be.<sup>659</sup> Although this is reminiscent of the *portione*, the potential to reshare must have limited the freedom of the individual, mitigating against the accumulation of individual wealth through the concentration of inherited land. The question remains as to whether Anglo-Saxon cultural areas were more like Wales or Gaul, or whether they were a mixture of both, possibly at a highly localised level. One more aspect of the laws remains which might help with this question: the disposal of land and property through arrangements for marriage.

#### 4.5: Property and marriage

All of the marriage customs considered here involved exchanges of property: sometimes of land, sometimes of chattels. An examination of these permits the re-introduction of Æthelberht's Kentish laws and hence a comparison of possible Anglo-Saxon practice with that in Gaul and Wales. This comparison is potentially complicated by terminological issues and by the fact that Welsh society, like Irish, seems to have recognised different degrees of marriage, with rights and practice varying across these degrees.<sup>660</sup> In an attempt to unpack these various arrangements, marriage exchanges as described in the laws are presented in Figure 28 (below). This depicts the gifts and payments made between the

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<sup>658</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, pp. 280-281.

<sup>659</sup> Kelly, *Guide to Early Irish Law*, pp. 12-14.

<sup>660</sup> A good discussion of the Welsh degrees is given in T. M. Charles-Edwards, 'Nau Kynywedi Tei-thiauc', in *The Welsh Law of Women*, ed. by Dafydd Jenkins and Morfydd E. Owen, (Cardiff: University of Wales Press, 1980), pp. 23-39 (pp. 28-36), although it should be noted that Dafydd Jenkins does not always agree with his conclusions: 'Property Interests in the Classical Welsh Law of Women', in the same volume, pp. 69-92 (p. 82).

two kin groups (the bride's being group A; the groom's being group B), and from the kin groups to the bride. Discussion of these exchanges (lettered A to D in Fig. 28) will begin with that which would chronologically have taken place first.

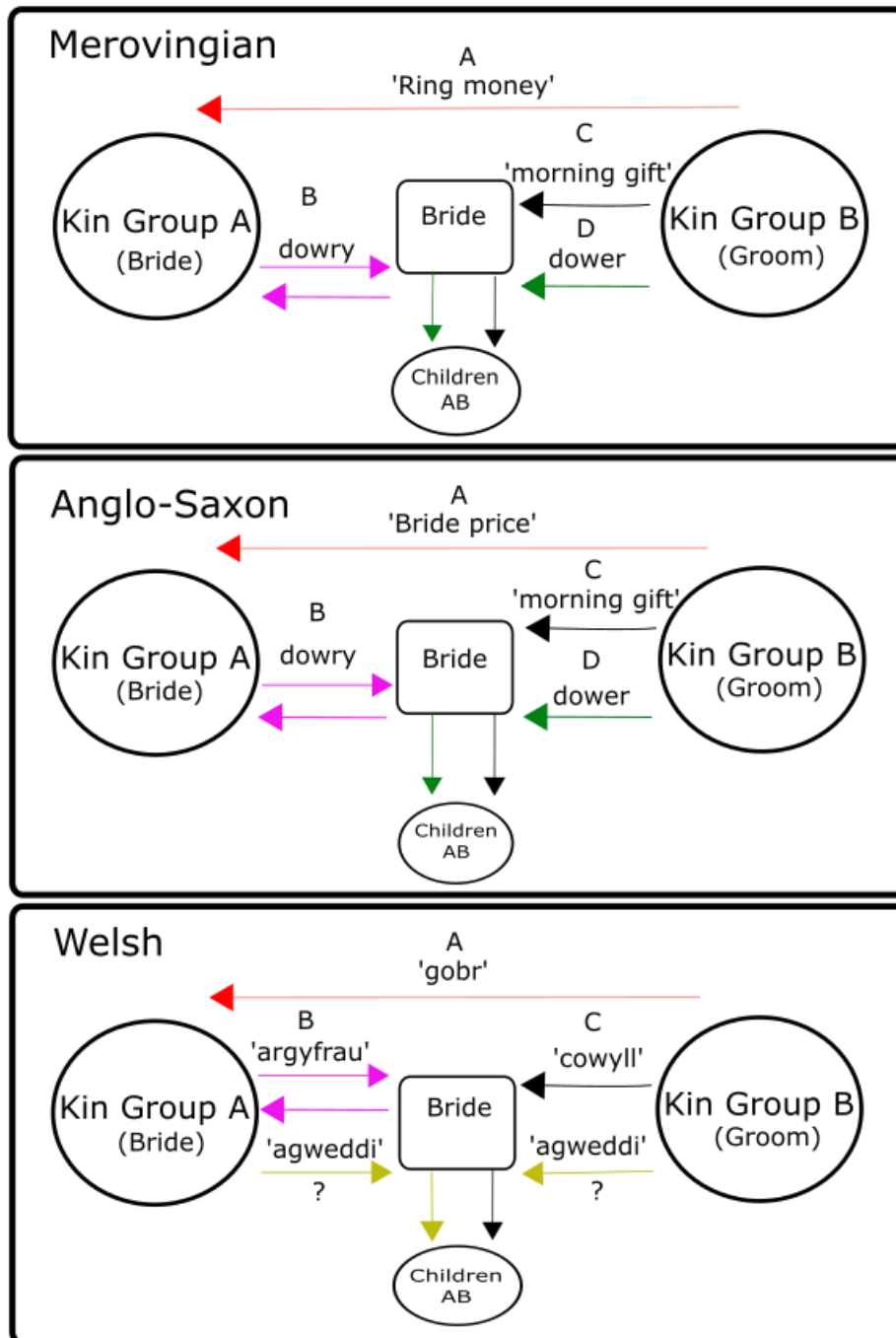


Fig. 27: Exchanges of property related to marriage.

### A. The 'bride price'.

In Æthelberht's law the 'bride-price' is identified as the sum the groom paid to the bride's kin to seal the marriage deal.<sup>661</sup> It also appears in Ine's laws, although only in the provision that it must be repaid if the marriage does not take place.<sup>662</sup> Although not mentioned in the law codes, Rivers identified a similar payment called 'ring-money' among the Franks, as described in the Chronicle of Fredegar.<sup>663</sup> This also seems to parallel the 'gobr' ('fee') in the Law of Hywel Dda, the level of which depended on the bride's status.<sup>664</sup> Irish law specified that part of this payment should go to the bride, and that it should be repaid if the marriage ended through the bride's fault.<sup>665</sup> The bride price may also be the '*pretium*' referred to in LB XLII 2, which the bride forfeited if she remarried within two years of her husband's death.<sup>666</sup> Goody suggested that these payments should not be viewed as buying the woman, but as a sign of good faith between the two kin groups, pointing out that some form of 'payment' was common to many societies.<sup>667</sup>

### B. The dowry

The next payment, chronologically, would be a gift from the bride's kin to the bride, normally given on the wedding day, which the bride took with her into the union. Details of

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<sup>661</sup> Æthelberht 76.1, Oliver, *Beginnings of English Law*, pp. 78-79.

<sup>662</sup> Ine Cap. 31 in Attenborough, *Laws of the Earliest English Kings*.

<sup>663</sup> Rivers, *Laws of the Salian and Ripuarian Franks*, pp. 19-22; MGH SS rer. Merov. 2, pp. 99-100.

<sup>664</sup> Wade-Evans, *Welsh Medieval Law*, pp. 235-236.

<sup>665</sup> Kelly, *Guide to Early Irish Law*, p. 72.

<sup>666</sup> MGH LL nat. Germ. LB, XLII 2, p. 73.

<sup>667</sup> Goody, *Development of the Family*, pp. 240-241. Oliver gives a good discussion of the debate over the bride price: *Beginnings of English Law*, pp. 106-107.

this are, however, varied and often unclear. PLS Cap 1 67 concerns property given to a daughter on her wedding night by her father, and states that '*totam extra partem in contra fratres suos vindicet*'.<sup>668</sup> Fischer Drew translated this as stating that a similar 'portion should be reserved for her brothers', but Rivers as stating that the daughter should assert her claim against the brothers.<sup>669</sup> Rivers' interpretation seems surer, since the next section specifies that the same is true for a son who enters the Church, explicitly saying that the remainder of the inheritance should be divided. It may have been possible for a woman to alienate property given in this way, but, presumably, it would normally pass to her children as the maternal 'ancestral land'. Murray argued that if there were no children, this land would revert fully to the possession of Kin Group A, and would not pass to Kin Group B.<sup>670</sup> Æthelberht's Law does not refer to a dowry, but Oliver interpreted the reference to the bride's property in 76.5 as the property she took into the marriage: essentially a dowry. In the event the marriage was childless, this reverted to her kin (Kin Group A) on death or the dissolution of the marriage, paralleling Frankish law.<sup>671</sup>

It is difficult to exactly match the dowry in Welsh law, since different grades of marriage may have been based upon the amount of property the bride contributed to the union. Since women could not normally hold land, this property would have consisted of moveable goods, but could include cattle.<sup>672</sup> Cattle may have formed the *argyfrau*, which perhaps most closely parallels the dowry as it appears to have remained the property of the wife's kin and may have returned to them even if the wife was found to be at fault in a marital

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<sup>668</sup> MGH LL nat. Germ. PLS, Cap 1 67, p. 238

<sup>669</sup> Fischer Drew, *Laws of the Salian Franks*, p. 129; Rivers, *Laws of the Salian and Ripuarian Franks*, p. 114.

<sup>670</sup> Murray, *Germanic Kinship Structure*, p. 213.

<sup>671</sup> Oliver, *Beginnings of English Law*, p. 107.

<sup>672</sup> Charles-Edwards noted some charter evidence which might imply royal women could hold land: *Wales and the Britons*, p. 306.

dissolution.<sup>673</sup> This seems similar to conditions in Ireland, and explains how Medb and Ailill held separate herds of livestock in *The Táin*.<sup>674</sup> Another possible form of dowry may have been the moveable property which would make up the bride's *agweddi*: the amount of wealth she could take away from the marriage if it dissolved in under seven years and the husband was at fault.<sup>675</sup> If this happened after more than seven years, then the *agweddi* disappeared into the collective property and the wife could take half of that total.<sup>676</sup> It seems to have been possible to put a monetary value on the *agweddi*, presumably in case any original moveable goods the wife brought were damaged or devalued over time.<sup>677</sup>

### C. The 'morning gift'

The next exchange was supposed to happen the morning after the wedding night, and was the *morgangaba* (Frankish), *morgengyfe* (Anglo-Saxon), or *cowyll* (Welsh), all generally translated as 'morning gift'. In the Law of Hywel Dda, this was unequivocally seen as a payment by the husband to the bride for the loss of her virginity. Jenkins believed that in spite of fixed rates, it was open to bargaining and was announced publicly before the marriage. Although given a monetary valuation, it probably consisted of chattels.<sup>678</sup> Frankish and Anglo-Saxon law make only passing references to this. LR 41(37) states that the wife receives the morning gift on her husband's death, although presumably, as in Wales, its value was

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<sup>673</sup> Jenkins, 'Property Interests in the Classical Welsh Law of Women', pp. 82-83.

<sup>674</sup> *The Táin*, pp. 3-5. Medb also clearly states she has land, although this may have been in the sense of receiving tribute from its holders.

<sup>675</sup> Charles-Edwards treated the *agweddi* as a form of dowry in 'Nau Kynywidi Tei-thiauc', pp. 23-29, but in *Early Irish and Welsh Kinship* he saw the *argyfrau* as the dowry of chattels and the *agweddi* as the dower, pp. 464-469.

<sup>676</sup> Jenkins, 'Property Interests in the Classical Welsh Law of Women', p. 76.

<sup>677</sup> Wade-Evans, *Welsh Medieval Law*, pp. 235.

<sup>678</sup> Jenkins, 'Property Interests in the Classical Welsh Law of Women', pp. 76-77.

announced earlier.<sup>679</sup> This may sound different, but since Jenkins believed the goods of the morning gift entered into the common property, it was as much a pledge of a future gift in Wales as it seems to have been among the Ripuarian Franks.<sup>680</sup> Æthelberht 76.5 seems to make a similar provision, since the morning gift is the other thing which the woman could keep if the marriage was childless.<sup>681</sup> Goody noted that, in many cultures, at least part of the bride price was used to buy clothes or jewels for the bride as a way of giving her a form of portable wealth.<sup>682</sup> The morning gift may sometimes have been used in a similar way, as it normally remained the exclusive property of the bride. Jewellery and fine clothes would have maintained general household wealth since they kept their value over time, but they also remained attached to the bride and ultimately to her daughters. This can be seen in LB LI 3, which specified that the mother's clothes and jewels should go to her daughters without the possibility of contest by the brothers. However, the mother had the right to dispose of them as she wished, as seen in the bequests made by Ermentrude.<sup>683</sup>

#### D. The dower

The final category is complicated by shifts in modern terminology. 'Dower' was once used to refer to the part of a husband's estate which the wife had for her life after his death, but it is now frequently used for any formal gift from the husband to the bride (potentially including the 'morning gift').<sup>684</sup> In this analysis, 'dower' is used for property which passes from

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<sup>679</sup> MGH LL nat. Germ. LR, 41(37), 2, p. 95.

<sup>680</sup> Jenkins, 'Property Interests in the Classical Welsh Law of Women', pp. 76-77.

<sup>681</sup> Oliver, *Beginnings of English Law*, pp. 78-79.

<sup>682</sup> Goody, *Development of the Family*, p. 243.

<sup>683</sup> MGH LL nat. Germ LB, LI, 3, p. 84; ChLA XIV, no. 592, ls. 141-142.

<sup>684</sup> Goody, *Development of the Family and Marriage*, p. 242.

the husband to the wife, normally upon his death, although it may have been promised earlier. This is the point where the rules of marriage meet inheritance law, and many of the codes envisage a grant of usufruct for the wife before the land passes in full to her children. LB XLII 1 allowed a wife to keep a third of her dead husband's property. She enjoyed the usufruct for her lifetime, with the land passing to her children on her death. But it could also act as a dower if there were no children, reverting to the husband's kin when the wife died. If the wife remarried, she not only lost this land, but her husband's heirs received her bride price.<sup>685</sup> A similar arrangement seems to have applied under Salic Law since it was the husband's kin who received the fee for releasing the woman from their control (*mundium*), as the bride's kin would originally have done.<sup>686</sup> Visigothic law is most detailed here, specifying, for example, that the husband and wife could inherit from each other. However, the widow was still seen as preserving the property for her children, and could not alienate it.<sup>687</sup> Æthelberht 76.3 allowed the wife to keep half her dead husband's property, but with the condition that she should 'dwell with the children'. If she remarried, she was allotted the same share of the inheritance as her children.<sup>688</sup> It seems from this that remarrying would mean moving to the new husband's home, whereas living 'with the children' might imply remaining under some degree of control by the husband's kin (possibly such as sharing a home with his siblings and their families).<sup>689</sup> Either way, her children would ultimately acquire her share of her former husband's property upon her death.

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<sup>685</sup> MGH LL nat. Germ. LB, XLII, 1, p. 73.

<sup>686</sup> MGH LL nat. Germ PLS Cap III 100, p. 256. The Salic Law is complicated by the existence of the *reipus*. For an account of the debate over this and a possible explanation, see Murray, *Germanic Kinship Structure*, pp. 163-175.

<sup>687</sup> MGH LL nat. Germ LV 4.2.11, p. 177, & 4.2.14, p. 182; Scott, *Visigothic Code*, pp. 123-124.

<sup>688</sup> Oliver, *Beginnings of English Law*, p. 78-79.

<sup>689</sup> Ine 38 states that a widow with a child should be given maintenance by the husband's kin, but that the home remains under their control until the child inherits: Attenborough, *Laws of the Earliest English Kings*, pp. 48-49.

There is no equivalent provision under Welsh law, since women could not hold land. Upon their husband's death, the resharing of land could begin again as described above. The wife was, however, entitled to an equal share of all moveable goods, and, as described above, the *cowyll* would have remained her exclusive property.<sup>690</sup> This is somewhat complicated by the stipulation that the youngest son would accede to the home and various household goods, and probably implies that the widow enjoyed a usufructory existence similar to that in Francia, but one which was more dependent upon the goodwill of her children to be palatable. The position of a rich woman may have been different, particularly if she had brought cattle into the marriage as an *argyfrau* which remained the ultimate property of her own kin.

In all the systems examined here, the kin groups were clearly interested in protecting their property if the marriage failed. The best outcome for both sides was that the marriage produced children, since at this point the risk was minimised. While all systems gave some thought to the security of the bride, the overwhelming focus seems to have been the alliance between the two kins. This was as important in Wales as elsewhere, since not only could status be inherited from the mother's kin, but potentially troublesome arrangements such as joint ploughing were made amongst kin where possible.<sup>691</sup> The greatest difference between the systems lay in the woman's ability to hold land, even if only as a usufruct, in Gaul. In Wales, the livelihood of a widow lay in the hands of her children or her parental family. This also seems to have been the case among the Anglo-Saxons, given the provision that a widow must live with her children in order to profit from her husband's land. The power of a widow

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<sup>690</sup> Wade-Evans, *Welsh Medieval Law*, p. 236.

<sup>691</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, pp. 169-173; see also Kelly, *Guide to Early Irish Law*, p. 101.

to hold land, even if only in trust for her children, seems to have been greater in Gaul.<sup>692</sup> In turn this seems to suggest that there was greater scope for individual property, as seen in other areas of the laws, and in the dispensations of Ermentrude. Ermentrude may have only enjoyed the usufruct of her dead son Deorowald's land, and its testamentary recipients may have been dictated by him, but it was she who held the power at the moment of bequest, and the gifts she made were made as much for the benefit of her soul as for his. This slight evidence, six short clauses, but all the evidence we have, might suggest that Anglo-Saxon custom was closer to the kin-based system of Wales, where family power took priority over individual possession. This in itself is consistent with evidence reviewed in Chapters Two and Three, which suggested that elite attitudes to land in those parts of Britain were closer to those in Wales.

#### 4.6: Conclusion

This chapter has sought to consider the potentially varying relationships between people which might have underlain the differences apparent in the charter appurtenance clauses examined in Chapter Two. It did this since Chapter Three suggested that agricultural circumstances in Britain and Gaul were largely comparable: there was little sign in Gaul of centralised estates where landowners were taking control of agricultural surplus. In all areas, production and processing seemed to be overwhelmingly domestic in scale.

Initially, the chapter considered whether the absence of people in Anglo-Saxon charters, so different to the regularity of their inclusion in the Merovingian, was merely a

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<sup>692</sup> At least in this early period. By the tenth century, the will of Wynflæd is in many ways comparable to the testament of Ermentrude. See *Anglo-Saxon Wills*, ed. by Dorothy Whitelock (Cambridge: Cambridge University Press, 1930), pp. 10-15.

product of different diplomatic traditions. However, no evidence could be found for this in any of the possible antecedents of Anglo-Saxon practice. All of the early Italian documents contained references to people, and these references were multiplied in the ecclesiastical texts which have been argued to be likely models for Anglo-Saxon charters. At the same time, there were clearly links between such Italian documents and the Merovingian charters, even though the terminology used to refer to people in the charters of Merovingian Gaul was distinct. The regularity and nature of these references was examined, and the consistent pattern of *mancipia* and *accolae* confirmed. This was the pattern which dominated royal and permeated private documents and which persisted throughout the period examined here in spite of an increasing tendency to broaden the terms of reference as time went on. Various degrees of dependent relationship for the *accolae* were suggested, with one possibility being otherwise independent proprietors who were bound to greater landowners by obligations of tribute or tax.

Seeking more detail, this chapter then studied the testament of Ermentrude and suggested that there may have been a deliberate policy behind the ways in which different groups of people were mentioned. Great care was taken to ensure that selected groups of former slaves were freed and would remain free, no matter what happened to the properties with which they were connected. At the same time, the status of other groups, generally connected with what appeared to be parcels of land less central to the family, appeared to have been left deliberately vague. The possibility was advanced that some of these people, too, may have been small proprietors who owed tribute, rather than rent, to the family, and that the deliberate vagueness was a ploy to allow a potential redefinition of their situation in the future.

In order to further explore the potential position of such peasant proprietors, the provisions for inheritance in the law codes were examined, first from Gaul and then from Wales, in order to ascertain whether they best described a society of peasant owners bound by obligations of kin, or a society centred upon the nuclear family, with greater allowance for individual ownership. It was argued that there was less room for individual private property in Wales since the potential for kindred to demand a re-allocation of land ran for four generations. This was in stark contrast to the ability of heirs in Gaul to alienate their inheritance. However, this did not mean there was no concept of individual property in Wales, and the successful alienation of land shown in the Llandaff and other charters might suggest it was easier than a bald reading of the law allows. The other great difference was the ability of women to hold property in Gaul, which could put female relatives in strong positions within their kindred.

Since Æthelberht's Laws are silent on inheritance, the provisions for property exchange within marriage were examined next as a kind of proxy, and here the slight evidence available suggested that Anglo-Saxon custom may have been closer to that in Wales, with widows dependent upon the largesse of their children, or thrown back into the care of their parental families. Some caution is required here, however, since later evidence suggests a greater role for Anglo-Saxon widows. It may be, therefore, that similar changes occurred to those postulated for Gaul, but at a later date. It also appeared that, although barred from holding land in Wales, women may have exercised power through other means, such as control of cattle owned by their birth-kin. This might have given rich women, at least, some possibility of agency. The role of mothers in conveying status also suggested this to be the case.

If, then, the model of a society of peasant proprietors is taken as being one in which property is seen as a familial possession, and the individual is constrained by a wider kin, then early medieval Wales appears to have been closer to this model than early medieval Gaul, with the merest hint that areas of Anglo-Saxon acculturation may have been similarly aligned. However, there are issues with this. There is no reason, for example, why pre-existing peasant proprietors could not transliterate their ownership from a custom-based kin system to one dependent on state and law, as, indeed, may have been the case with some pre-existing peasant owners in Britain after the Roman conquest.<sup>693</sup> Therefore, even if the barbarian code of Gaul is read as moving further towards individual rights of possession, and away from kin-ownership, there is no reason why successful peasant proprietors could not have made that change. In fact, the greater survival of Roman law in Gaul may imply that some peasants who had already made that transition continued to hold their land by legal title. Both areas, then, may have been home to peasant proprietors, but the hints of unigeniture in the barbarian codes of Gaul are consistent with suggestions from the charters that people were keen to consolidate and extend familial land, possibly at the expense of their wider kindred, and at the expense of lesser owners.

It is, therefore, suggested that the multiplicity of references to people in Merovingian charters does not represent a difference in relationships between people in Merovingian Gaul compared to Britain, but a difference in the desire of Merovingian landholders to extend control and family power. Landholders were laying claim to land from which they received tribute in the hope that such tribute could be commuted into rent, and a form of lordship commuted into ownership. This is an important distinction because, whatever the relative

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<sup>693</sup> See Chapter Five, p. 265.

levels of outlay for the peasants, tribute left them in familial possession of their land, able to bequeath it to their children, subject to whatever customary procedures applied in that area. Rent took their land from them; it became the property of the lord. Peasants were then only able to bequeath a tenancy to their children if the lord consented. While, most of the time, this must have happened without question, the process not only removed the security of the peasant family, it also opened the door to rent rises on every passing of the tenancy. There was, then, a deep-seated material difference regardless of whether tribute payments were the same as, or even higher than, rent. It is also possible that tenants paying rent for their land may have been subject to tribute payments as well. The fact that no obvious distinction is made between tribute and rent in the documents does not diminish the importance of this difference, since the documents were drawn up by or for the people who would most profit from a blurring of the two. Our inability to read a difference should not therefore blind us to its potential importance at the time. A reading of the *accolae* as free proprietors would distinguish those who owed tribute from the *mancipia* who owed rent. However, as discussed in Section 4.3, this is not the only interpretation which can be placed upon this term. In contrast to Gaul, there is no sign that similar landholders in either eastern or western Britain were dissatisfied with their position as collectors of tribute at this point, and no sign, therefore, that they wished to change over-lordship to ownership. This, then, appears to be the key difference between Britain and Gaul. It should be stressed again, however, that the evidence leading to this conclusion is slight, difficult, and open to interpretation.

Notwithstanding these objections, the conclusion of this chapter is proposed as a working hypothesis. This hypothesis will be pursued in the next chapter by returning to the archaeological evidence to examine how power relationships between people might be expressed in the landscape. It will examine two areas. Firstly, it will look at settlement

boundaries to test theories about the possibility of land tenure being expressed physically, and secondly it will consider the fate of villas as estate centres, at the point where their Roman existence came to an end and their early Medieval one did, or did not, begin.