Reflections on Early Medieval Violence: The example of the "Blood Feud"[1]

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The period after the fall of the Roman Empire is still widely regarded as one of untrammelled violence. In some formulations it is (to caricature the approach only slightly) thought that the end of Roman civilization was followed by a period wherein:

> 'the labours and happiness of peaceful development are ... wiped out by the upburst of elemental passions which have only slumbered. The long tranquillity of the Roman sway ended in the violence and darkness of the Middle Age'[2].

In perhaps more optimistic readings of the situation, this was a 'heroic age'[3]. Another approach would interpret the post-Roman

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[2] S. DILL, *Roman Society in Gaul in the Merovingian Age*, London, MacMillan, 1926 (repr. London, George Allen & Unwin, 1966), pp. 306-307.
[3] The title, famously, of H.M. CHADWICK's classic work: *The Heroic Age*, Cambridge, Cambridge University Press, 1912.

centuries as a part of the 'civilizing process'[4], wherein even and uni-linear progress was made towards more 'Christianized' social and political norms, which eschewed physical violence in favour of other, less sinful alternatives[5].

Indicative of many of these approaches are interpretations of the 'blood-feud'. Following the dissolution of the Western Empire in the course of the fifth century, it is alleged that state power was weak and that, consequently, people were forced to rely on 'self-help mechanisms' such as 'blood-feud' to maintain the peace within their localities. In traditional explanations, the threat of 'mutually assured destruction' of families through quite legitimate reciprocal killing, involving widely defined kin-groups, acted as a brake upon any urge to use lethal violence to settle disputes. In interpretations driven by readings of the sagas or heroic poems, much is made of characters doomed to extract vengeance upon close-friends or marital relatives by the demands of 'the' blood-feud[6].

The correlate of this view of law and order upheld by kin-groups more or less mechanically bound to the exigencies of the institution of feud, is a vision of the impotent early medieval state. In this sphere, the power of the 'private' brings with it the weakness of the 'public'. As J.M. Wallace-Hadrill argued in an important article, the kings of the 'Barbarian West' sanctioned 'blood-feud' in their law-codes as a means of preserving peace in their realms 'faute de mieux'[7]. This conception of feud and its concomitant interpretation of

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[4] N. ELIAS, *The Civilizing Process: The History of Manners and State Formation and Civilization*, 2 vols. (trans. N. Jephcott), Oxford, Basil Blackwell, 1994 (the book was originally published in 1939).

[5] For a recent example of the approach see J.W. BUSCH, 'Vom Attentat zu Haft: Die Behandlung von Kunkurrenten und Opponenten der Frühen Karolinger', in *Historische Zeitschrift*, 263, 1996, pp.561-588. I am grateful to Professor Mayke De Jong (Universiteit Utrecht) for this reference.

[6] It is interesting to note how often the definite article is used before 'blood-feud'; the phrase '*the* blood-feud' gives this aspect of early medieval violence the appearance of an unchanging, monolithic institution.

[7] J.M. WALLACE-HADRILL, 'The bloodfeud of the Franks', in J.M. WALLACE-HADRILL, *The Long-Haired Kings,* London, Hutchinson, 1962, pp.121-147. See also R.V. COLEMAN, 'Domestic peace and public

the nature of society and politics, remains very common. In this article I will reassess the early medieval feud, in particular by suggesting some axes for the analysis of violence in this period.

The best place to begin is with the definition of 'feud'. The following does not seem to be controversial:

> 'A state of bitter and lasting mutual hostility; especially such a state between two families, tribes or individuals, marked by murderous assaults in revenge for some dreadful insult or wrong'[8].

We could equate feud with vendetta; certainly (as with the dictionary definition just quoted) that would be the way in which most Anglophone people would comprehend it. As understood in the English-speaking world, feud is an ongoing relationship between two groups, marked by reciprocal acts of violence, each of which is carried out as revenge for the previous act.

This definition does not seem problematic. The kinds of violent relationship implicit in, and perfectly described by, the modern words feud or vendetta are well attested in anthropological and historical literature, in diverse contexts. Anthropological study of the phenomenon has contributed numerous insights as we shall see. The historical problem arises when we consider early medieval 'feuds'. Etymologically, the modern English word 'feud', like the modern German 'Fehde', or the Spanish 'feudo', derives from Germanic words like *faida*, *faithu* or *faehthe*, all of which are attested in early medieval sources, legal or otherwise. Yet, when we look closely at their context, what seems to be implied by these words is something quite different from vendetta, or the modern meaning of 'feud'. They are, as Wallace-Hadrill noted, vernacular synonyms for Latin terms like *inimicitia*[9] -words which, to be sure, have the sense of hostility or

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order in Anglo-Saxon law', in J.D. WOODS & D.A.E. PELTERET (eds.) *The Anglo-Saxons. Synthesis and Achievement*, Waterloo, Ont., Wilfrid Laurier University Press, 1985, pp.49-61.

[8] *Shorter Oxford English Dictionary*, Oxford, Oxford U.P, 1986, p.744.

[9] J. M. WALLACE-HADRILL, 'The bloodfeud of the Franks', in *op. cit.*, pp.122-123; This is clear from *Edictum Rothari* (of 643; hereafter *Ed.Roth.*), c.74: *Faida quod est inimicitia*: F. BEYERLE (ed.), *Leges Langobardorum*

enmity, but not (without undue semantic stretching) of vendetta or feud.

As we shall see, what usually happens in our early medieval sources is that, when one social group, usually a family or kindred but occasionally an institution such as a monastery, is wronged, it makes a great display of its anger, of the fact that it has been wronged and of the fact that it has the right to extract vengeance upon the wrong-doers. Pressure is thereby brought upon the original attackers to make reparation, either informally or through the local officers of the law, or sometimes through the mediation of the church. Where compensation is not paid, the aggrieved party sometimes carries out a retaliatory attack. If the correct procedures have been followed, a successful vengeance killing is held to be quite legal, and terminates the dispute. There is little conception that the recipients of the retaliatory attack have any right to feel aggrieved, or that they would be justified in responding violently to it. This, surely, is not feud.

However, the existence of 'the' blood-feud remains firmly ingrained within modern notions of what the early medieval world was like; it is probably not unjustifiably flippant to suggest that this may at least partly derive from the alliterative similarity of 'feud' and 'feudal'. Numerous historians have therefore taken the definition of feud and tried to bend it to fit the early medieval situation; none has succeeded[10]. The time has surely come to acknowledge that the types of relationship implicit in the modern word 'feud' did not commonly exist in the early medieval West[11]. What contemporaries called *faida*, or its cognates, was something else.

643-866, Witzenhausen, Deutschrechlichter Instituuts-Verlag, 1962. K. FISCHER-DREW (trans.), *The Lombard Laws*, Philadelphia, Pennsylvania University Press, 1973.

[10] M. BENNETT, 'Violence in eleventh-century Normandy: feud, warfare and politics', in Guy HALSALL (ed.), *op. cit.*, pp.126-140, for discussion of these attempts and a bibliography.

[11] As acknowledged already by T. REUTER, 'Unruhestiftung, Fehde, Rebellion, Widerstand: Gewalt und Frieden in der Politik der Salierzeit', in S. WEINFURTER (ed.) *Die Salier und das Reich* Band 3, *Gesellschaftlicher und ideengeschichtlicher Wandel im Reich der Salier*, Sigmaringen, Thorbecke, 1991, pp.297-325, at pp.300 and 303.

This point may be substantiated by comparing several aspects of what I have elsewhere termed early medieval 'customary vengeance' with feud[12]. I have argued that we may distinguish between 'tactical' and 'strategic' violence[13]. Tactical violence aims directly at the resolution of a dispute. A rival for power is either physically inca-pacitated, killed or driven away; disputed lands or other properties are seized by force; wrongs done to a party are avenged by the simple expedient of inflicting a like injury in return. The relationship between the attacker and the attacked is direct, and the disputant's aim is achieved directly by violence against his or her opponents.

Strategic violence is different. In many instances one party in a dispute does not have the power to attempt to achieve its aims by open, tactical violence against its opponents, or cannot be sure that third parties would regard such violence as legitimate. In such cases, 'strategic' violence ensues. Here, the party may adopt a publicly violent or angry stance, threatening violence. Alternatively, it might commit a token or even ritualized act of violence to signify its dis-pleasure. Another possibility might be an act of violence against a third party. In all of these options, the violence aims not at terminating the dispute directly, but rather at drawing attention to it. Highlighting the existence of the grievance or dispute, is intended to bring about attempts by third parties to arbitrate or otherwise end the dispute.

Now, in 'true' feud, each act of violence is strategic. It draws attention to the dispute, rather than solving it in itself (unless perhaps one side succeeds in completely wiping out the other)[14]. The violence

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[12] Guy HALSALL, 'Violence and society in the early medieval west' in *op.cit*, p.22 ff. I have, throughout this article, used the early medieval word *faida* rather than the modern 'feud' to refer to the early medieval institution. Where I refer to historiography, however, I occasionally talk of early medie-val "feuds" (in inverted commas).

[13] *Ibidem*, pp. 16-19. I owe the term 'strategic' violence to Chris Wick-ham.

[14] A possible (though far from certain) early medieval instance of this occurrence might be the feud in Ravenna described by Agnellus of Ravenna where the faction of the *Porta Posterulensis* wiped out the opposing *Porta Teguriensis* faction. Agnellus, *Libellus Pontificalis Ecclesiae Ravennatis*,

reminds people of the feud and marshals support, thus periodically aligning or realigning society behind one or other side. The feud serves to create or activate ties of kinship or friendship[15]. This is why writers like Black-Michaud[16] have seen feud as a structuring principal of society.

In most early medieval vengeance killing, however, the violence is tactical, and, provided that it is conducted according to the accepted norms, it terminates the dispute. These societies held to a law of Talion: an eye for an eye and a tooth for a tooth. In the settlement of post-Roman disputes, the strategic element was the *threat* of violence. Public declarations of enmity or anger made clear an intention to seek vengeance, publicized the wrong done, and moreover manifested the party's belief that it had the right, should it wish to do so, to extract vengeance. It is this legal right which was meant by the word *faida* and its cognates. Such declarations of *ira* or *inimicitia*, or (by the end of the period) defiance (*diffidatio*) of a lord, were strategic in that they were intended to bring about attempts by third parties to intercede and end the dispute. There might, as stated, be considerable variation through the early medieval period. In some situations such strategies aimed to involve royal officers of the law; in other contexts the intermediaries might be the church, local monasteries, or other members of the local or peer-group community.

These declarations raise the issue of the legitimacy of violence. In 'feuding societies', each violent act is legitimized by the previous attack and legitimizes the next one. This is where the analogy with

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cc.126-8, O. HOLDER-EGGER (ed.), *Monumenta Germaniae Historica* [hereafter *MGH*] *Scriptores Rerum Langobardorum et Italicarum*, Hanover, Hahn, 1878, pp.278-391. For analysis, see T.S. BROWN, 'Urban violence in early medieval Italy: the cases of Rome and Ravenna', in Guy HALSALL (ed.) *op. cit.*, pp.76-89, at p.83-86.

[15] Cogently demonstrated, in analysis of Merovingian royal 'feuding' warfare, by S.D. WHITE, 'Clotild's revenge: Politics, kinship and ideology in the Merovingian bloodfeud', in S.K. COHN Jr. & S.A. EPSTEIN (ed.), *Portraits of Medieval and Renaissance Living. Essays in Memory of David Herlihy*, Ann Arbor, University of Michigan Press, 1996, pp.107-30.

[16] J. BLACK-MICHAUD, *Feuding Societies* Oxford, Basil Blackwell, 1975, ch.4.

exchange, adopted by writers like Bourdieu and Black-Michaud is helpful[17]. Each attack or killing places the other side in a position of 'debt', until it is repaid by retaliatory violence. The two sides stand in a relationship of debtor and creditor until the debt of blood is paid off; then the roles and relationships are reversed. Thus, although revenge is justified, and revenge killings are held as legitimate, this does not end the dispute; it just legitimizes the other side's next attack - as they become the aggrieved party. A 'true' feud is thus very difficult to terminate, and is almost never ended through violence (as stated above).

On the other hand, if we consider the legitimacy of vengeance in an early medieval context, we see something quite different. There is absolutely no indication that, if an individual killed or injured another and refused to pay compensation to the victim or his relatives, he or his family would have any grounds for complaint if the victim's kin carried out a vengeance attack upon him. It was, however, necessary that the correct procedures be followed. In sixth-century Gaul, vengeance could not be exacted until the local count or judge had found in favour of the wronged party[18]. In the famous "feud" of Sichar and Chramnesind (585-7)[19], Chramnesind forfeited half of the

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[17] P. BOURDIEU, *Outline of a Theory of Practice*, Cambridge, Cambridge University Press, 1977, pp.10-15; J. BLACK-MICHAUD, *op. cit.*, pp.80-85.

[18] Gregory of Tours, *Liber Vitae Patrum* 8.vii. B. KRUSCH & W. LEVISON (ed.) *MGH Scriptores Rerum Merovingicarum* 1.2, Hanover, Hahn, 1969; E. JAMES (trans.) *Gregory of Tours. Life of the Fathers*, Liverpool, Liverpool University Press, 1991 (2nd edition).

[19] Gregory of Tours, *Libri Historiarum* [hereafter *LH*], VII.47, IX.15: B. KRUSCH & W. LEVISON (ed.), *MGH Scriptores Rerum Merovingicarum* 1.1, Hanover, Hahn, 1951; L. THORPE (trans.), *Gregory of Tours. History of the Franks*, Harmondsworth, Penguin, 1974. For studies of this "feud", see E. AUERBACH, *Mimesis. The Representation of Reality in Western Literature*, Princeton, Princeton U.P, 1953, ch.4; J. M. WALLACE-HADRILL, *op. cit.*; E. JAMES, '*Beati Pacifici*: Bishops and the law in sixth-century Gaul', in J. BOSSY (ed.), *Disputes and Settlements. Law and Human Relations in the West*, Cambridge, Cambridge University Press, 1983, pp.25-46; P.H. SAWYER, 'The bloodfeud in fact and fiction', in *Tradition og Historieskrivnung* (*Acta Jutlandica 63.2* Humanistik serie 61), pp.27-38; Guy HALSALL,

compensation otherwise due to him for attacking Sichar's household contrary to the findings of the tribunal.

When Chramnesind eventually did kill Sichar, he hung his body on the fence-post of his house. This was an important ritual. It was vital to proclaim the legitimacy of a vengeance killing by making it public. On several occasions in Gregory of Tours' *Histories* the bodies of those killed legitimately are thrown or dragged into the street[20]. These are usually killings by royal officers, but near-contemporary Frankish law makes a similar point. Anyone found breaking into a man's house or courtyard may be killed with impunity, but the body must be displayed[21]. Conversely, the *Pactus Legis Salicae* of c.511 penalized heavily attempts to conceal a killing. Its compilers envisaged a treble fine for those who hid a body or threw it down a well[22]. Seventh-century Lombard law, for similar reasons, imposed heavier penalties for killings at night[23]. The reasons for these concerns are clear enough. Concealment would indicate that the killer had no valid reason for committing the murder; perhaps more importantly, within the small-scale rural societies of the period, such killings might lead to vengeance being exacted on the wrong people and thus to spiralling violence.

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op. cit., pp.1-2 and p.24 for rejection of the interpretation of these events as feud.

[20] *e.g., LH* VII.29, VIII.36, IX.10.

[21] *Lex Ribvaria*, c.80. F. BEYERLE & R. BUCHNER (ed.), *MGH Leges* I, 3 *Lex Ribvaria*, Hanover, Hahn, 1951; T.J. RIVERS (trans.), *Laws of the Salian and Ripuarian Franks*, New York, A.M.S., 1987.

[22] *Pactus Legis Salicae* [hereafter *PLS*] c.41.iv, vi, vii. K.A. ECKHARDT (ed.), *MGH Leges* I, 4.1 *Pactus Legis Salicae*, Hanover, Hahn, 1962; K. FISCHER-DREW (trans.), *Laws of the Salian Franks*, Philadelphia, University of Pennsylvania Press, 1990.

[23] *Ed.Roth.* c.32-33. Other indirect or secret attacks were similarly penalized: Hirings of assassins: *PLS* c.28; *Ed. Roth.*, c.11; witchcraft: *PLS* c.19, 64; poison: *PLS* c.19; *Ed. Roth.* c.139-42; lending weapons to another: Aethelberht's code (Kentish, *c.*604) c.18-19; *Ed .Roth.* c.307; Alfred's code, c.19. For Anglo-Saxon Laws, see F. LIEBERMANN (ed.), *Die Gesetze der Anglesachsen*, vol.1, Aalen, Scientia, 1960; D. WHITELOCK (trans.), *English Historical Documents. I c.500-1042*, London, Eyre Methuen, 1979 (2nd edition).

Another difference between the early medieval situation and true feuding societies, and one not unrelated to the question of legitimacy, concerns compensation. In feuding societies, compensation is not regarded as an honourable alternative to a repayment of the 'debt' in blood. Instead, acceptance of a compensation payment indicates more of a 'time out'; the side accepting the payment acknowledges that, for the time being at least, it is incapable of extracting violent retribution. There is no guarantee that, should the situation change, they will not launch an attack to avenge the previous assault; this would be more honourable[24]. In contrast, early medieval data shows that a payment of compensation was held to terminate the dispute. Attacks after compensation had been paid, or even, as shown by the example of Chramnesind cited above, after a court had awarded it but before it had been paid, was quite illegitimate.

Connected to the issue of compensation is that of compurgation-oath-helping. Again some differences in practice emerge between early medieval western European society and the feuding societies observed by anthropologists. Like some of the other differences, these may partly relate to differences in social and political structure, to which we shall return. In feuding societies like the Bedouin, oath-swearing is an index of whether or not a kin-group is willing to fight on behalf of a member. If both sides assemble the requisite number of oath-swearers, this produces a stand-off and, presumably, at some point an escalation to violence. In contrast, studies of early medieval law and society have suggested that compurgation worked in slightly different ways, to establish community consensus over a person's guilt or innocence. Here, the inability to establish consensus over someone's guilt renders force or violence illegitimate.

Critical in understanding the contrasts between the early medieval situation and that of feuding societies reported in anthropological work are the differences in social and political organization. Black-Michaud has argued that feud is a structuring principal of society in the absence of effective higher authority[25]. Thus, for the Cyrenaican Bedouin or the inhabitants of mountainous regions of Albania, the

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[24] J. BLACK-MICHAUD, *op. cit.*, pp.12, 109-118.
[25] As above, n.16.

feud serves, as noted, periodically to define the outlines of society. The same is probably true of the feuds of the border regions between England and Scotland in the fifteenth and sixteenth centuries, when neither kingdom was able to make its power effective in those areas, and when they could not, in any case, agree in whose jurisdiction certain territories lay. Similar points apply in the Highlands of Scotland, and also in 'Saga Iceland'. It has been noted, with reason, that feuds can only really take place between groups of more or less equal social, political and economic power.

Do these points apply to the early medieval situation? Was the early medieval *faida* a 'self-help' mechanism legitimized by early medieval rulers in the absence of effective state power? First of all, we must note that the legitimation of violence was a very frequent concern of early medieval rulers. Restricting legitimate violence, and armed force, to that which was approved by the state was no easy matter in this period. Without an independent coercive force - a standing army- early medieval rulers had to rely on local magnates. Someone condemned for the abuse of violence at one turn might, at the next, be the very person whom a king invested with the authority to raise an armed force on his behalf. Therefore a key determinant in discussions of legitimate and illegitimate violence was the relationship between the king and the local aristocracy. If the latter were dependent upon the former for their local status, then a king's attempts to restrict or control violence would be more likely to be effective. If the aristocracy was effectively independent of royal authority, then a king would have to act with greater circumspection. This dynamic led to much diversity and change throughout the early medieval period. Most of our evidence on this subject refers to *perceptions* of royal power rather than its reality, but changes and variations are nevertheless clear, and there are often snippets of information in other sources to clarify the picture. A great deal of this legislation concerns the formation of armed bands[26], which makes an interesting topic for study in itself, but another body concerns vengeance, and here we approach the question of feud and political organization.

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[26] Guy HALSALL, *op. cit.*, pp.8-10, for introduction and references.

Early medieval *faida* is very often seen as a 'Germanic' institution, introduced into the former western empire by the barbarians[27], and thus a key area where post-Roman law broke with Roman tradition. These ideas may have to be modified. Leaving aside the fact that true feud is found in many areas of the world, like North Africa and the Middle East, where Germanic antecedent can have nothing to do with its occurrence, and leaving aside the fact that true feud was known, if not legally recognized, within the Roman Empire in more geographically inaccessible areas (underlining the point about feud's occurrence in the absence of effective higher authority)[28], we must consider very late imperial legislation. In the fifth century, almost a century before the promulgation of the earliest 'barbarian' codes, as the political authority of the western emperor began to break down some, to my mind vital, laws were enacted. In 403 Emperor Honorius granted everyone the right of 'public vengeance' (*publicae ultionis indultum*) against deserters and *latrones*[29]. Ten years later, Honorius permitted the right of vengeance (*arbitrium ultionis*) to loyal African landowners harried by the intrusion of army quartering officers[30]. As far as I am aware, the precedent set by these laws has not been accorded due importance, but it gains further significance by consideration of the famous fragment of Zosimus which deals with Honorius' letter to the citizens of *Brittia*[31]. Here the emperor, who had

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[27] *e.g.* O. BRUNNER, *Land and Lordship: Structures of Governance in Medieval Austria* (trans. H. Kaminsky & J. Van Horn Melton), Philadelphia University of Pennsylvania Press, 1992, pp. 16 and 25; A. CALLENDAR MURRAY, *Germanic Kinship Structure: Studies in Law and society in Antiquity and the Early Middle Ages*, Toronto, Pontifical Institute of Medieval Studies, 1983.

[28] B. SHAW, 'Bandits in the Roman Empire', in *Past and Present*, 105 1984, pp.4-52, at p.7, n.12.

[29] Theodosian Code VII.18.xiv (2 Oct. 403). C. PHARR (trans.) *Theodosian Code: The Theodosian Code and Novels and the Sirmondian Constitutions*, Princeton, Princeton University Press, 1952; T. MOMMSEN, P.M. MEYER & P. KRUEGER (ed.) *Theodosiani Libri XVI cum Constitutionibus Sirmondianis*, Zürich, Weidman, 1971.

[30] *Ibidem* VII.8.x (413).

[31] Zosimus VI.10.ii; R.T. RIDLEY (trans.), *Zosimus. New History (Byzantina Australiensia 2)*, Canberra, Australian Association for Byzantine

issued the two laws just mentioned at about the same time, instructed the citizens of *Brittia* to look to their own defence. This, surely, was another grant of the right of vengeance. There was, therefore, a late Roman precedent for state legitimation of vengeance, and for the granting away of the state's monopoly on armed force[32]. In this way, the legitimation of vengeance-killing might be a sign of the comparative weakness of the state.

But both laws of Honorius had defined those against whom vengeance was legitimate; the state had still reserved to itself the right to decide the legitimacy of vengeance-killing. In this light we can consider two pieces of much later legislation specifically concerned with vengeance: clause 32 of Charlemagne's *Capitulare Missorum Generale* of 802[33], and the Anglo-Saxon Code known to historians as 'II Edmund' (entitled by Dorothy Whitelock, a little misleadingly, 'King Edmund's code concerning the blood-feud')[34]. We can take the second, later, of these examples first. Edmund restricted vengeance: it could only be carried out against the killer himself; it could not be carried out against any of his kin if these refused to support him; the killer, if he called upon friends and kin to support him, had a year to pay the compensation (and regulations were set out for the safe payment of the fine); if vengeance was carried out contrary to these restrictions, against the killer's kin, then the avenger was outlawed and his pursuit and punishment became royal business. Note, however, that there was no mention of the kin of

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Studies, 1982. Let us leave aside, for now, the thorny old problem of whether *Brittia* means Britain or Bruttium.

[32] Vengeance-killing was also practised by 'Romans' in Merovingian Gaul. See, for example, the killing of Gregory of Tours' brother, Peter, in Langres, in an avowed act of vengeance (this claim was not accepted, so the killer was outlawed), and the killer's own death (in a quite separate affair) at the hand of another set of avenging relatives: Gregory, *LH* V.5. This was not blood-feud, *contra* I.N. WOOD, 'Jural relations amongst the Franks and Alamanni', in I.N. WOOD (ed.), *Franks and Alamanni in the Merovingian Period. An Ethnographic Perspective*, Woodbridge, Boydell, 1998, pp.213-226, at p.215, n.3.

[33] A. BORETIUS (ed.), *MGH Capitularia Regum Francorum I* [hereafter *Capit. I*] Hanover, Hahn, 1883, no.33; P.D. KING (trans.), *Charlemagne. Translated Sources*, Lambrigg, King, 1987, pp.240-241.

[34] D. WHITELOCK (trans.), *op. cit.*, no.38.

a killer, slain in legitimate vengeance, being permitted to take revenge in their turn; illegal vengeance is for the king to punish. Again, we see that this is not feud.

One hundred and forty years previously, Charlemagne had also concerned himself with vengeance. Charlemagne's reign saw particularly determined attempts to define and restrict violence to that carried out upon royal (or imperial) orders. Armed bands, especially those bound by oath, were heavily penalized; numerous laws, and an entire capitulary, dealt with *latrones* (persistent violent offenders)[35]. In this context, it is perhaps not surprising that *Charlemagne's Capitulare Missorum Generale*, known to historians as the 'Programmatic Capitulary', attempted to ban all vengeance. All attempts to settle a dispute had to be conducted through the medium of Charlemagne's own officers. A murderer must agree to pay compensation, and the victim's relatives *must* accept it, once it is paid. *Anyone* taking vengeance will be punished. Charlemagne viewed vengeance as a sin[36]. Things may not always have worked in the way that Charlemagne intended 'on the ground'; such luminaries of the 'Carolingian renaissance' as Alcuin and Theodulf involved their followers in a less than edifying fracas[37]. Nevertheless, the difference between Charlemagne's and Edmund's codes reveals interesting variations in the perception of royal power, and it would be unnecessarily sceptical to assume that, at least at the core of Charlemagne's realm, things were never conducted according to the regulations set out in the capitularies.

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[35] Guy HALSALL, *op. cit.*, pp.13-15, and references.

[36] Taking a literal interpretation of Romans xii.19: Vengeance is mine; I will repay, saith the Lord. Charlemagne's 789 capitulary listed revenge (*ultio*) alongside *latrocinium* (probably armed robbery) and avarice as the major causes of homicide. No one should be killed without legal sentence having been passed. *Capit. I* 22.lxvii.

[37] J.L. NELSON, 'Violence in the Carolingian world and the ritualization of ninth-century warfare', in Guy HALSALL (ed.), *op. cit.*, pp. 90-107; P.FOURACRE, 'Carolingian justice: the rhetoric of improvement and contexts of abuse', *La Giustizia nell'Alto Medioevo, Secoli V-VIII (Settimane di Studio,* 42, 1995, pp.771-803.

As noted, in sixth-century Gaul, the local count or judge had to decide in favour of a plaintiff before vengeance could be taken. Gregory of Tours tells us of a miracle which occurred in the context of a count's anger at a man who avenged himself without taking the matter to court[38]. We have noted how Chramnesind forfeited half of the compensation earlier awarded him when he launched a retaliatory attack on Sichar's property in defiance of the court's decision[39]. It seems that in the early medieval period the word *latro*, which had meant 'bandit' and referred to a high level of violent crime during the Roman Empire, had its semantic range lowered to mean an habitual criminal, and especially one who would not abide by the decision of the courts[40]; hence its equation with *fugitivi* in Visigothic law[41]. Thus, it becomes clear that the recognition in post-Roman law of the right of vengeance was not a sign of royal impotence after all. Royal officers had the power to say when vengeance was legitimate, and fines had to be paid through them. The 'strategic' declaration that a party or family had the right to extract vengeance was usually, at least in the earlier part of our period, aimed at bringing in the local count or judge[42]. This, and the community's acceptance of the royal officer's right to legitimize violence, or forbid it, and of his right to adjudicate or arbitrate, were actually means of *increasing* royal control in the localities. In fact, the way in which, in the immediately post-Roman centuries, declarations of *inimicitia* or *faida* served to call a matter to the attention of a royal officer questions whether we should continue to call this a 'self-help mechanism' at all - any more than telephoning the police today constitutes a 'self-help mechanism'!

Towards the end of the period, when state control waned somewhat, these mechanisms often remained in place, but acted in rather different ways. Often, it was a local saint's cult, and the monastery

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[38] Gregory of Tours, *Liber Vitae Patrum* 8.vii.

[39] Gregory, *LH* VII.47.

[40] B. SHAW, *op. cit.,* pp.300-41; Guy HALSALL, *op. cit.*, pp.13-15.

[41] *Leges Visigothorum* IX.1.xxi: K. ZEUMER (ed.) *MGH Leges* I.1 *Leges Visigothorum*, Berlin, Hahn, 1902.

[42] As noted by I. N. WOOD, *op. cit.*, pp.214-215.

which housed it, which arbitrated[43]. This might bring us closer to the workings of the 'true' feud in 'stateless' contexts, but the examples cited in discussions of the so-called feuds of even this period still differ from those observed in feuding societies. The mechanisms remain the same. A wrong is done; a great strategic show is made of anger and the right to take vengeance; third parties respond to this display, arbitrate and arrange a settlement; the dispute ends.

Some light may also be shed on the situation by consideration of attitudes to the role of God. Previous analyses have assumed that, at least in Frankish Gaul, God was regarded as feuding[44]. Outside treatments of God's feud, or war, with Satan, this seems quite mistaken. Divine vengeance (*Dei ultio*) was, of course, viewed as judgement and punishment meted out. If anything, if one can generalise from attitudes to divine vengeance, then they support the analysis proposed here: that *faida* was the right to seek redress from the guilty after a judgement. After all, can we seriously envisage people as feuding with God? The idea that God should feud with mortals surely undermines his omnipotence.

As already mentioned, a true feud can only really involve parties of similar power. This is not true in many early medieval situations. We can see how an injured party could use its technical, legal right to vengeance to make a public display of the wrong done and bring about a settlement, through officers of the law. Indeed, instances are documented of disputes between parties of quite different socio-political status resolved in this way, even (and, given the better documentation available, especially) in the latter part of our period, when state power had fragmented.

Sometimes, admittedly, these disputes were between monasteries and powerful lay figures. Nevertheless, the public displays of the

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[43] See S. WHITE, 'Feuding and Peace-Making in the Touraine around the year 1000', in *Traditio*, 42, 1986, pp.195-263; G. KOZIOL, 'Monks, feuds and the making of peace in eleventh-century Flanders', in T. HEAD & R. LANDES (ed.), *The Peace of God. Social Violence and Religious Response in France around the Year 1000*, Ithaca, Cornell University Press, 1992, pp.239-258.

[44] S. D. WHITE, 'Clotild's revenge', pp.126-128.

wrong done and the appeals to the saints to intercede have been very well studied in recent years[45] and illuminate, albeit in different circumstances, the general mechanisms discussed above. The rituals which were performed are direct analogies with secular declarations of *inimicitia*; this is particularly true of the curses pronounced against the enemies of monasteries (like declarations of *faida* or *inimicitia*, good examples of verbal violence). Appeals to the saint to avenge the wrong done its servants find direct comparisons in appeals to secular lords to right wrongs done to their followers[46]. All these rituals are strategic, and so is the 'violence' done to third parties: monks would ritually humiliate the relics of their saint to make him or her intercede; they would also withhold spiritual services to the remainder of the lay community, again to draw attention to their grievance[47]. Here, when the objects of the violence were holy relics or the rest of the laity, denied spiritual provision, the relationship between 'aggressor' and 'victim' was not the primary social relationship involved in the violence; *that* was the relationship between the monastery and the person who had wronged it. The relationships involved in violence are another aspect which must be studied.

Even where the aggrieved party was not a monastery with direct access to spiritual or numinous weaponry, analogous mechanisms could be employed. Chris Wickham has revealed instances where token or symbolic violent acts could be used to call attention to a dispute with a more powerful person or party[48]. Such strategies are

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[45] P. GEARY, 'Humiliation of Saints', in P. GEARY, *Living with the Dead in the Middle Ages*, Ithaca, Cornell University Press, 1994, pp.95-115; P. GEARY, 'Coercion of saints in Medieval Religious Practice', *loc. cit.* pp.116-124; L.K. LITTLE, *Benedictine Maledictions. Liturgical Cursing in Romanesque France*, Ithaca, Cornell University Press, 1993.

[46] S.D. WHITE, 'The politics of anger', in B.H. ROSENWEIN (ed.), *Anger's Past. The Social Uses of an Emotion in the Middle Ages*, Ithaca, Cornell University Press, 1998, pp.127-152.

[47] See above, n.45.

[48] C.J. WICKHAM, 'Violence and the settling of disputes in the Tuscan countryside in the twelfth century' (unpublished paper). I am grateful to Professor Wickham for sending me a copy of this paper.

attested in anthropological literature[49]. Oppressed peasants could also, of course, make appeal to the saints to intercede[50]. Lords in dispute with persons of lesser status could make use of comparable strategies. Open violence against peasants or tenants might not be regarded as legitimate or honourable, yet a public display of anger could serve to bring about arbitration and resolution by neighbours and friends. Displays of anger, recently studied in an interesting volume[51], may also be considered as an aspect of the strategies and rituals of violence.

The schema set out above thus differentiates between early medieval *faida* and modern notions of feud according to analysis of the strategies and mechanisms of violence in dispute settlement, of the relationships involved, and of the socio-political context, as well as through the related study of attitudes towards the legitimacy of violence. The most important problem which arises concerns what Wallace-Hadrill called 'the dormant feud'[52]. Here a violent act might be avenged or compensated for, but this settlement does not end the process. At a later date, either the wrong which was earlier compensated for, or the act of vengeance which responded to it, is remembered and rekindles the hostility between the two parties. Mechanisms, such as song[53], exist to keep awareness of the feud alive in the minds of the parties involved. In my earlier work I argued that:

> '...if, rather than having a continuous state of violence and enmity we have a series of independent incidents taking place to solve immediate problems, and the active and contingent selection from the past of particular episodes to justify or explain them, it does not seem analytically useful to link them into a spuriously continuous 'chain' of events and call that feud'[54].

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[49] E. MARX, 'Some social contexts of personal violence', in M.GLUCKMAN (ed.), *The allocation of Responsibility*, Manchester, Manchester University Press, 1972, pp.281-321.

[50] L.K. LITTLE, 'Anger in monastic curses', in B. H. ROSENWEIN (ed.), *op. cit.*, pp.9-35, at pp.30-31.

[51] B. H. ROSENWEIN (ed.), *op. cit.*

[52] J. M. WALLACE-HADRILL, 'The blood-feud of the Franks...'; J. BLACK-MICHAUD, *op. cit.*, pp.63-80.

[53] J. BLACK-MICHAUD, *op. cit.*, pp.78-79.

[54] Guy HALSALL, *op. cit.*, p.20.

I would now modify that view. Clearly, where modern historians have joined together the acts of violence, on the basis of *a priori* assumptions about feuding medieval societies, without contemporary indications that they constituted such a feud, then I would stand by my point. I would also defend it if we could show that a feud had to all intents and purposes been forgotten during the interval between attacks (though this would be very difficult to demonstrate from our evidence). However, the timing of a feuding act might be governed by other considerations, the 'immediate problems' mentioned above. This does blur the issue and I was perhaps too schematic in drawing a hard and fast distinction in such instances. Nevertheless, this shows that we do need to look closely at the relationships and disputes involved, thus of whether the violence was tactical or strategic, and of attitudes to the legitimacy of the violence before we can fully analyse it in terms of feud.

Each violent act - indeed each social interaction- adds to the 'memory bank' of society and may be drawn upon contingently, in social practice, to explain later acts. Violence is particularly important in forever altering the relationships between people[55]. It is interesting to note a society wherein appeals to honour and vengeance are used to attempt to justify or legitimize violence, but that does not in itself make that society a feuding society and it certainly does not necessarily make the violence involved a feud.

However, although such behaviour is well attested in later medieval eras, it is not well documented in the early middle ages. Partly this is a fault of our evidence, which tends to deal in isolated snapshots, but this fault cannot discount the analysis presented here. Even the fragmentary evidence which we have does not present us with situations where violence was commonly justified by appeals to long-burning feuds, or indications that particular acts became the cause of such long-standing hatreds. It is not easy, either, to find the sorts of mechanisms used to keep feuds alive in the minds of participants.

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[55] B. ROY, *Some Trouble with Cows. Making Sense of Social Conflict* Berkeley, University of California Press, 1994.

The analysis put forward here does, however, allow us to interpret some early medieval sequences of violence as feuds. These exceptions tend, moreover, to support the anthropological analyses of feud mentioned above. One interesting case has been well studied by Patrick Geary[56]. In eleventh-century Provence a long-running dispute is recorded between the monks of St-Victor, Marseille, and a group of local knights. This was punctuated by acts of violence (none fatal, and usually spiritual on the part of the monks), each of which was, in our terms, strategic, drawing attention to the dispute and aligning local society behind one side or the other. This feud also took place in the absence of an effective higher authority between parties of more or less equal power. Similarly, the feuds of 'Saga Iceland' also fit the schema outlined here, and have been very well studied by William Ian Miller and Jesse Byock[57]. A great deal of endemic early medieval warfare can also, helpfully, be seen as structured by the principles of feud, and analysed along those lines. In fact, most of the best examples of early medieval feud come from warfare between kingdoms[58]. These crucial differences between vengeance (*faida*) within local society, and feud between polities should prevent us from eliding the two situations, as has too often been done in the past.

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[56] P. GEARY, 'Living with conflicts in stateless France: a typology of conflict management systems, 1050-1200', in P. GEARY, *op. cit.*, pp.125-160.

[57] W.I. MILLER, *Bloodtaking and Peacemaking. Feud , Law and Society in Saga Iceland*, Chicago, University of Chicago Press, 1990; J. BYOCK, *Feud in the Icelandic Saga*, Berkeley, University of California Press, 1982. Another feud may implied by a diploma of Emperor Henry II (9 March, 1024): B.H HILL Jr., *Medieval Monarchy in Action. The German Empire from Henry I to Henry IV*, London, George Allen & Unwin, 1972, pp.190-192. My thanks to Dr. Paul Kershaw for drawing my attention to this document.

[58] See, *e.g.* T. CHARLES-EDWARDS, 'Early Anglo-Saxon kinship re-visited', in J. HINES (ed.) *The Anglo-Saxons from the Migration Period to the Eighth Century. An Ethnographic Perspective*, Woodbridge, Boydell, 1998, pp.171-204 (with discussion pp.204-210), at pp.172-177. The examples cited are between Mercians and Northumbrians in the seventh century, and between Geats and Swedes in the heroic poem *Beowulf*. Violence at a similarly high level, also operating on the lines of feud can be seen at Gregory, *LH* VII.2. See also the 'feuds' discussed in S. D. WHITE, 'Clotild's revenge...'

Warfare could, superficially at least, operate on the principles of *faida*, with compensation being paid to prevent further violence (which is hardly surprising), but, unlike lower levels of violence, such payments did not necessarily permanently end the dispute, which might be revived, and the violence could (and did) persist over several stages where each attack was legitimized as revenge for the last.

Even though certain mechanisms remained roughly the same, it should be clear that a number of variables made the operation of *faida* more than the mechanical execution of an institution. The relationships between kings and their aristocracies changed and, as noted, this brought with it variations in the power of the state in the localities. The parties appealed to in order to end disputes could also change through place and time[59]. It is, in any case, mistaken to view the early middle ages through the medium of supposedly monolithic legal or social institutions; they can only be comprehended through an understanding of social practice. Early medieval customary vengeance, like feud, contains within it a number of opportunities for playing with, as well as within, the rules[60]. As is clear from Stephen White's study of violence in the Touraine around 1000[61], aggrieved parties delayed or rejected compromise for quite lengthy periods. This was a useful social strategy, as it allowed them to make the most of their opponent's contrition, and capitalize upon the community's awareness that they had suffered a wrong and had the right to avenge it. Nonetheless, it seems likely that prolonging this stance too long in the face of one's rivals' attempts to make amends could turn opinion against the aggrieved party, and portray them as unreasonable and intransigent.

Thus far, I have proposed means of understanding early medieval vengeance and differentiating it from feud. The latter term has be-

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[59] In what P. GEARY has called 'alternative understandings of legitimacy': 'Moral obligations and peer pressure. Conflict resolution in the medieval aristocracy', in C. DUHAMEL-AMADO & G. LOBRICHON (ed.), *Georges Duby. L'Écriture de l'Histoire*, Brussels, De Boeck-Wesmael, 1996, pp.217-222, at p.219.

[60] P. BOURDIEU, *op. cit.*, pp.6-7.

[61] S. WHITE, *op. cit.*

come too value-laden in modern English to be usefully applied to early medieval vengeance[62]. Nevertheless, feud can be used to describe other violent relationships, some of which did exist in the early middle ages. Of course, if mechanisms failed, then *faida* could become feud, but this does not seem to have occurred often, because of the existence of numerous mediating factors: state, church, community.

The axes of analysis proposed so far, may also be used to understand other forms of violence hitherto obfuscated by use of the word feud. If we consider closely the relationships involved in violence, and the aims of this, we can see that a number of high-level "feuds" are, similarly, nothing of the sort, and better understand them by cutting them free of the entanglements in which modern implications of the word feud have enmeshed them. Here we are discussing the violent competition for power between aristocrats or aristocratic factions, such as may be found in Francia in the seventh century[63] or in eleventh-century Normandy[64] and other regions of France, or in the German Reich under the Salians[65]. Most examples are discrete incidents of tactical violence aimed directly at the resolution of a dispute or rivalry; the time-span involved, like that in *faida* but unlike that in feud, is limited. The outcomes - victory, defeat or an agreed compromise- end that phase of violence. Again, this allows us to reinterpret numerous causes celebres of early medieval violence, without encumbering ourselves with the word feud. Contemporaries, if they wanted a word to describe this sort of thing, called it *bellum* or, later,

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[62] It would seem that, at some point, the word *faida* and its Germanic cognates, which was a *right* or *responsibility* (as has long been known: J. GOEBEL, *Felony and Misdemeanour. A Study in the History of Criminal Law*, Philadelphia, University of Pennsylvania Press, 1976) has been extended in meaning to imply ongoing *relationships* based upon this right or responsibility.

[63] On which see P. FOURACRE, 'Attitudes towards violence in seventh- and eighth-century Francia', in Guy HALSALL (ed.), *op. cit.*, pp.60-75.

[64] M. BENNETT, *op. cit.*, represents the most subtle and convincing interpretation of the violence of the so-called anarchy of William the Bastard's minority.

[65] T. REUTER, 'Unruhestiftung...'

werra[66]. It might be simplest for us to follow their usage, and refer to internal or external *warfare*, or perhaps as open armed conflict for political power[67].

This article has proposed that early medieval violence be approached by considering its aims (strategic or tactical), the attitudes to its legitimacy, and the relationships involved. Study of these aspects brings with it an awareness of the importance of ritual in early medieval violence[68]. As we have seen above, violence should be viewed through the relationships it engenders. These relationships can be usefully be seen in terms of a discourse, in particular as the social actors' knowledge of the correct responses would be determined by their, and their society's, attitudes to the legitimacy of violence. These discourses, in turn, are best seen as conducted through the language of ritual - so important in so many other areas of early medieval life. This underlines that, as we have also seen, these relationships involved knowledgeable social actors who actively attempted to achieve their own aims through their understandings and manipulations of the rules or norms; they did not act according to the unchanging exigencies of monolithic institutions. Thus we should approach early medieval violence informed by an understanding of social practice and the dynamic nature of social structure which that implies[69].

These approaches demand, clearly, a nuanced and closely contextual approach to the source material of the period[70]. Not only will this reveal the changes in social and political structures, and in attitudes, within the early medieval period; it also enables us to side-step fruitless comparisons of levels of violence within the early medieval

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[66] Sometimes *werra* was distinguished, as internal warfare, from external warfare, or *bellum*: J. L. NELSON, *op. cit.*, p.93.

[67] Guy HALSALL, *op. cit.*, p.29.

[68] One must also consider the importance of ritual violence in the middle ages. See, *e.g.* B.H. ROSENWEIN, 'Feudal war and monastic peace: Cluniac liturgy as ritual aggression', *Viator,* 2 ,1971, pp.129-157.

[69] Thus, as well as by Bourdieu, I am influenced by A. GIDDENS' theory of structuration: *Social Theory and Modern Sociology*, Cambridge, Polity, 1987.

[70] Guy HALSALL, *op. cit.*, pp.6-7.

world: *Pax Romana* versus Merovingian violence; late Merovingian anarchy versus Carolingian 'law and order'[71]; the supposedly increased violence of the Vikings[72]; the alleged upsurge of violence around 1000[73]. It is clear that the early middle ages were violent, but whether more or less violent than preceding or succeeding ages is less easy to establish and probably a rather pointless exercise anyway (especially when, as here, one eschews the notion of a monolithic early middle ages). An awareness of some of the aspects and approaches proposed here might lead to a clearer appreciation of the fact that the superficially apparent 'violence' of the period was not the mindless macho thuggery which is still so often thought to characterize the period. In particular, by ridding ourselves of the straightjacket imposed by modern assumptions about feud in this period, we also free early medieval people from them. After all, they do not, outside the imaginations of epic poets[74], ever seem to have felt bound by the demands of such institutions. Early medieval people were more active and more interesting than that.

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[71] On which, see P. FOURACRE, 'Attitudes towards violence...'

[72] Guy HALSALL, 'Playing by whose rules? Another look at Viking atrocity in the ninth century', in *Medieval History*, 2.2, 1992, pp.2-12.

[73] This debate has blossomed most recently in the journal *Past and Present*: T.N. BISSON, 'The feudal revolution', in *Past and Present*, 142, 1994, pp.6-42; D. BARTHÉLEMY, 'Debate: The Feudal Revolution. I.' in *Past and Present*, 152, Aug., 1996, pp.196-205; S.D. WHITE, 'Debate: The Feudal Revolution. II.' in *Past and Present*, 152, Aug., 1996, pp.205-223; T. REUTER, 'Debate: The Feudal Revolution. III.' *Past and Present*, 155, May 1997, pp.177-195; C.J. WICKHAM, 'Debate: The Feudal Revolution. IV.' in *Past and Present* 155, May 1997, pp.196-208; T.N. BISSON, 'Debate: The Feudal Revolution. Reply.' in *Past and Present*, 155, May, 1997, pp.208-225.

[74] P. H. SAWYER, P.H., *op. cit.*, p.36.