

“What else do I get ... it?”: Widowhood, Inheritance and Remarriage in Post-Conquest England

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In the later part of the Anglo-Saxon period, laws regarding widows and remarriage were strict and simple. Widows received a certain degree of autonomy following the deaths of their husband in the form of their inheritance, often gaining lands, chattels and other forms of wealth. They were protected from violence in their *wergild* and, for the space of a year, were to remain free of a husband or other authority.¹ Following these twelve months of mourning, they might choose to accept a husband or to enter into a religious house.² They could not be forced into marriage with a man, nor could they be married in exchange for wealth or property.³ Even given these numerous privileges, however, a widow could not remain entirely autonomous; she was eventually expected to either remarry or to become a nun, and upon choosing either option, she lost “her morning-gift and all the property which she had from her first husband.”⁴

The Norman Conquest of England brought many grooms eager to marry the inheriting widows and daughters of the past regime. Also, it yielded a comparable yet very different understanding and treatment of women. Women, most particularly widows, could now truly be heiresses; they had actual power over the properties and wealth left to them.⁵ The power, wealth, and responsibilities they inherited from their husbands made widows the most

¹ J. Murray, ed., “Legal Foundations of Anglo-Saxon Laws,” in *Love marriage and family in the Middle Ages: A Reader* (Toronto: Broadview Press, 2001), 41-43.

² *Ibid.*, 43.

³ *Ibid.*

⁴ *Ibid.*

⁵ Henrietta Leyser, *Medieval Women: A Social History of Women in England, 450-1500* (New York: St. Martin's Press), 69-90.

influential of any class of women in Post-Conquest England, but they were still not free. Widows held power in the political arena and in the business world, were often wealthy, and were capable of increasing their wealth and status by way of their own remarriage or the marriages of any children of their previous union. However, even with this being the case, they remained in many ways tied by the customs and attitudes faced by their sex.

This essay seeks to examine both the power of and the pressures placed on widows together with the attitudes members of law and society had towards them. This will be done by way of introducing the concept of the property rights of widows, before continuing into an analysis of the inheritance and dower they received upon their husbands' deaths. This inheritance, in the form of property as well as of household, legal, and court-related responsibilities, will be examined using period documents and records; a consideration of the rights these women now enjoyed under the common law of England will also take place. Finally, this essay will analyze the issue of the remarriage of widows and the reasons and power struggles involved in such a choice.

To begin this analysis of widowhood, it is best to consider the relationship that existed between husband and wife. In terms of societal and legal differences, this association dictated the power and influence a woman enjoyed before her husband's death. There were contradictions in the attitudes society held toward spouses, as well as the opportunities husbands and wives had in that same society. Upon marriage, husbands were freed from the domestic authority of their parents, whereas wives came under that of their husbands.⁶ While men, looking back on adolescent years, traced a frustratingly slow growth in independence, women instead remember some modest independence they could no longer enjoy.⁷ Although the creation of their own household brought independence to men, it brought only dependence to women.⁸ Women were placed under the authority of their husbands, and virtually all of their property or possessions belonged to him. Women were considered to be under the yoke of

⁶ Judith M. Bennet, *Women in the Medieval English Countryside: Gender and Household in Brigstock Before the Plague* (New York: Oxford University Press, 1987), 100.

⁷ *Ibid.*, 100.

⁸ P.J.P. Golberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520*, (Oxford: Clarendon Press, 1992), 203-279; Bennet, *Women in the Medieval English Countryside*, 100.

their husband's rule to such an extent that marriage was seen as "a hierarchy headed by a husband who ... controlled his wife's financial assets and public behavior."⁹

These societal norms were further compounded by legal differences. Men gained access to local office by being both landholders or economically privileged and by being married householders.¹⁰ In fact, only married men were permitted to participate in civic office, though not all did, and married women were entirely excluded.¹¹ Upon marriage, women no longer held their goods or holdings independently; rather, a husband took over management and control of any properties he or his wife held.¹² Furthermore, women ceased to be treated by courts as legally competent adults when they married.¹³ Before marriage, both sons and daughters were held responsible for their own criminal actions.¹⁴ Afterwards, the duties and responsibilities of men expanded, but women were 'covered' by their husbands.¹⁵ In this sense, women enjoyed the legal shelter that came from being indirectly responsible for their actions. If a woman committed a crime, both she *and* her husband attended court, allowing the woman access to her husband's (presumably) more extensive legal experience.¹⁶ This being the case, Miriam Müller suggests that even after marriage, women remained responsible for their actions both as criminals and as witnesses in the capacity of raisers of the hue and cry.¹⁷ These two separate views demonstrate that there is some debate among historians over the legal responsibilities of married women, yet nonetheless, the fact remains that women were viewed as inferior to their husbands.

As is stated above, the property rights of a woman changed with her status as a wife, with her husband taking over management of estates and wealth.

⁹ Bennet, *Women in the Medieval English Countryside*, 103.

¹⁰ *Ibid.*, 104.

¹¹ *Ibid.*

¹² *Ibid.*, 110; Helen Jewell, *Women in Medieval England* (Manchester: Manchester University Press, 1996), 120-154.

¹³ Bennet, *Women in the Medieval English Countryside*, 105.

¹⁴ *Ibid.*, 104-105.

¹⁵ *Ibid.*, 105.

¹⁶ Bennet, *Women in the Medieval English Countryside*, 105.

¹⁷ Miriam Müller, "Social control and the hue and cry in two fourteenth century villagesm," in *Journal of Medieval History* 31, no. 1 (2005): 29-53.

¹⁸ A wife did not hold authority over the lands endowed upon her until after her husband's death.¹⁹ As long as he did not undermine or deny her right to claim the dower lands which would sustain her during her widowhood, a husband could do what he wanted with any properties of which he had sole authority or which his wife brought to the marriage household.²⁰ This being true, any decision he made concerning her properties were null and void after the marriage was over.²¹ Among these household properties were those held jointly. These jointly held properties included holdings that were expected to support the conjugal family, which eventually became the widow's maintenance, that were brought by the wife to the marriage, or that were to pass untouched to any heirs.²² The phrase 'jointly held' estates did not imply any sense of equal control, and any lands a husband wished to sell, or otherwise dispose of, were considered in court as lying under his domain.²³

Upon that same husband's death, a widow was given a certain degree of freedom, but was not entirely free to do what she wished. Even after the end of a marriage, a widow had little claim to the movable conjugal property.²⁴ Legal records indicate that a widow could sell household goods, but only if absolutely necessary,²⁵ otherwise she was to leave them to the "proper heir of her husband."²⁶ Though there were some towns or regions that were more flexible in such matters, allowing women full possession of some fraction (usually one-third) of their conjugal goods, it was generally understood that "[e]ven in death,

¹⁸ Michael M. Sheenan, "The Influence of Canon Law on the Property Rights of Married Women in England," in *Marriage, Family and Law in Medieval Europe: Collected Studies*, ed. James K. Farge (Toronto: University of Toronto Press, 1996), 16-30.

¹⁹ *Glanvill's Treatise on the Laws and Customs of the Kingdom of England*, in *Medieval England 100-1500: A Reader*, 143.

²⁰ Sue Sheridan Walker, "Litigation as Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350," in *Wife and Widow in Medieval England* (Ann Arbor: The University of Michigan Press, 1993); Bennet, *Women in the Medieval English Countryside*, 110.

²¹ *Ibid*; Sheridan Walker, "Litigation as Personal Quest," 81-84.

²² Bennet, *Women in the Medieval English Countryside*, 111-12.

²³ Bennet, *Women in the Medieval English Countryside*, 112

²⁴ *Ibid.*, 111.

²⁵ Examples of such cases can be found in: *Select Cases in Manorial Courts 1250-1550: Property and Family Law*, ed. L.R. Poos and Lloyd Bonfield (London: Sheldon Society, 1998), 2-114.

²⁶ Bennet, *Women in the Medieval English Countryside*, 111.

the bulk of moveable properties pertained to the husband rather than to the joint ownership of husband and wife.”²⁷

Having laid out the rights of widows over conjugal properties during this period, it can now be better understood exactly what it meant for a widow to inherit lands and wealth from her deceased spouse. In order to consider the process of inheritance, many things must be taken into account. Primarily, the customs that formed the basis of inheritance (including that of dower) and of dower rights, as well as the formulae and intent of wills must be viewed. Also, beyond the actual process of inheritance and physical wealth a woman gained, the duties and responsibilities that belonged to a widow following her husband's death must also be discussed. These duties included household, legal, and court responsibilities.

Built upon the foundations of custom and law, inheritance is well documented by records such as manorial courts and court rolls²⁸ as well as in treatises and legal accounts of the period.²⁹ The regulations that governed inheritance and dower gave widows the power over their husband's heirs to sue for their lands. This 'endowing' was a practical as well as a legal idea, giving the widow authority over own lands as well as access to sufficient resources to sustain her after her spouse died.³⁰ According to a treatise on the laws and customs attributed to Ranulf Glanville, justiciar of the royal courts during the time of Henry II's reforms, a widow's dower:

... means that which any free man, at the time of his being affianced, gives to his bride at the church door. For every man is bound as well by the ecclesiastical laws, as by the secular, to endow his bride, at the time of his being affianced to her. When a man endows his bride, he either names the dower, or not. In the latter case, the third part of all the husband's freehold land is understood

²⁷ Bennet, *Women in the Medieval English Countryside*, 111.

²⁸ Examples of these accounts can be found in *Select Cases in Manorial Courts*, 2-44 as well as in "Bracton's Notebook," *Medieval England 100-1500: A Reader*, 226-231; and "Hundred Rolls," in *Medieval England 100-1500: A Reader*, 274-276.

²⁹ *Glanville's Treatise*, 143.

³⁰ In this consideration of the idea of inheritance, one must keep in the mind the idea that not all conjugal households were wealthy or well prepared for the death of the patriarch of the house. This study is one which focuses on those households wealthy enough to see the passing on of inheritance and other benefits to surviving relatives of the deceased.

to be the wife's dower; and the third part of all such freehold lands as her husband held, at the time of affiancing, and of which he was seised as his demesne, is termed a woman's reasonable dower. If, however, the man names dower, and mentions more than a third part, such designation shall not avail, as far as it applies to the quantity. It shall be reduced by apportionment to the third part; because a man may endow a woman of less, but cannot of more than a third part of his land.³¹

Even if the husband's wealth increased after the couple's marriage, it was the husband's decision whether or not to proportionately increase his wife's dower.³² A woman was not able to claim land, money, or moveable goods with which she had not been endowed at the time of her marriage unless her husband so chose. It was generally understood that "if [the wife] is satisfied to the extent of her endowment at the door of the church, she can never afterwards claim as dower any thing beyond it,"³³ though there is some evidence that even here, the law could be flexible.³⁴

As strict as this description of dower rights is, some women nonetheless benefited upon the death of their husbands, and women of the period knew their rights when it came to their inheritance. For example, in looking at the work of Henry de Bracton, a renowned thirteenth-century legal writer, one can find many summaries of cases which made their way to royal courts. Among these summaries are those of widows suing for dower such as Christiana, the widow of Walter Malesoures.³⁵ In Bracton's account, we are told that Christiana, through her attorney, sought to recover the lands she was endowed with upon her

³¹ *Glanvill's Treatise*, 143.

³² *Ibid.*

³³ *Ibid.*, 143.

³⁴ For evidence of this, see Judith Bennet, *Women in the Medieval English Countryside: Gender and Household in Brigstock Before the Plague* (New York: Oxford University Press, 1987); Barbara A. Hanawalt, "The Widow's Mite: Provisions for Medieval London Widows," in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (Ann Arbor: The University of Michigan Press, 1992); Janet Senderowitz Loengard, "Of the Gift of her Husband: English Dower and its Consequences in the Year 1200," in *Women of the Medieval World: Essays in Honor of John H. Mundy*, ed. Julius Kirshner and Suzanne F. Wemple (Oxford: Basil Blackwell Ltd, 1985), 215-55.

³⁵ *Bracton's Notebook*, 226-27.

marriage which were to sustain her through her widowhood.³⁶ Having produced sufficient witnesses to prove her case, Christiana recovered her seisin, and was given one third of her late husband's lands, as was promised during the contracting of her marriage.³⁷

Other accounts similar to Christiana's appear not only in Bracton's work, where one can find records of Muriel, widow of William de Ros, who also sued (albeit somewhat less successfully than did Christiana) for her dower property,³⁸ but also in the hundred rolls of the period. One set of such rolls, taken from the manor of Alwalton in Huntingdonshire, attests widows, having inherited properties and goods from their husbands, acting as landowners in their own right, a practice of authority that will be discussed below.³⁹ Furthermore, women appeared regularly in court to defend their rights as widows, an action simply not taken by their still-married counterparts.⁴⁰ The surprising degree of knowledge they exhibited in these appearances suggests that "[w]idows...could not have been strangers to general common law process."⁴¹ Such a woman who knew her rights was Isabel, widow of Robert de Salden.⁴² In an account 8 June 1329, this strong-willed woman, through her attorney, sued a complaint against Stephen le Carter, demanding she be given the property which, by right of her dower, was owed to her.⁴³

In order to completely understand this 'suing for dower,' a widow also needed to have an understanding of the provisions made for her in the will written by her husband. Unlike many other aspects of legal and social custom which drastically changed at the time of the Norman Conquest, the Anglo-Saxon style of the will remained little changed until the period of reform of Roman law

³⁶ *Bracton's Notebook*, 226-27.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Hundred Rolls*, 275. Such cases are also discussed in Janet Senderowitz Loengard, "Rationabilis Dos: Magna Carta and the Widow's 'Fair Share' in the Earlier Thirteenth Century," in *Wife and Widow in Medieval England*, ed. Sue Sheridan Walker (Ann Arbor: The University of Michigan Press, 1993), 59-80.

⁴⁰ This is an idea discussed extensively in Sue Sheridan Walker, "Litigation as Personal Quest" and Janet Senderowitz Loengard, "'Of the Gift of her Husband.'"

⁴¹ Sheridan Walker, "Litigation as Personal Quest," 84.

⁴² *Select Cases in Manorial Courts*, 4-5

⁴³ *Ibid.*

which took place in the twelfth century.⁴⁴ Until this time, the will hailed from a merging of the Christian desire to give alms at the time of one's death and a legal notion derived from Germanic-modified Roman law.⁴⁵ The will was intended as a tool for the bequeathing of property and wealth to dependents, religious establishments, and to those in need of alms.⁴⁶ Most importantly to this study, the will functioned to ensure that additional arrangements could be made for widows. As was mentioned above, in the case of an increase in the wealth of household property, the husband had the prerogative to endow more lands upon his wife than was agreed upon, based on the family's wealth at the time of their marriage. It was generally in his will that this increased endowment took place.⁴⁷ Of course, while the wealth of the family might increase, ensuring the widow's increase in dower, so too might it decrease, in which case the widow received less property than was initially agreed upon.⁴⁸ The wills also often acted to designate a man's widow as chief executor, indicating that "the partnership that established the marriage with a contract for dower and dowry carried on through the end of the husband's life."⁴⁹

Upon the death of their husband, beyond any property and goods inherited by way of her dower or through her husband's will, widows became responsible for the duties to the household, law, and court previously held by or held jointly with their husband.⁵⁰ Household duties gave widows responsibilities as householders, as administrators of holdings, and as active participants in their society.⁵¹ As was mentioned above, evidence of women taking over ownership of land left them by their husbands can be found in the hundred rolls. In one such census from the manor of Alwalton, we can find such notations as: "Sara, widow of Matthew Miller, holds a cottage and a croft which contains half a rood,

⁴⁴ Sheenan, "The Influence of Canon Law on the Property Rights of Married Women in England," 5.

⁴⁵ *Ibid.*, 3.

⁴⁶ *Ibid.*, 5.

⁴⁷ Barbara A. Hanawalt. "The Widow's Mite: Provisions for Medieval London Widows," in *Upon My Husband's Death*, 25.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, 26.

⁵⁰ Scott L. Waugh. *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217-1327* (New Jersey: Princeton University Press, 1988); Bennet, *Women in the Medieval English Countryside*, 142.

⁵¹ *Hundred Rolls*, 274-276; Bennet, 143.

paying to [the abbot of Peterborough] 4d...”⁵² and “Beatrice of Hampton holds a cottage and a croft which contains 1 rood, paying to the abbot 12d....”⁵³ In each case, the women were readily recognized as landowners, and it is immediately clear that they held ownership over their estates, and paid rents as would any other holder of property. It is also evident from court records that widows were responsible for the husbandry of estates, most particularly in the role of administrators, likely following the golden rule of Walter de Henley, a contemporary writer of a treatise on husbandry: “[v]os choses visitet souent e fetes reuisit car ceus ke treuent par tant escheuuerunt le plus de mal fere e se penerunt de meux fere.”⁵⁴

This idea of husbandry and administration of estates extends itself into the newly found legal authority of widows. Upon their husband’s death, even beyond mere ownership of property, widows were given the power of lordship over their dower lands, and often guardianship over minor heirs and other surviving children. Maria de Valoinis was one such widow-lord who is well documented in period literature. According to Bracton’s Notebook, Maria sought an advowson “by reason of the tenement which she holds in a certain [w]ill as dower.”⁵⁵ That she felt it was her right to appoint the clergyman who was to take up his position on her dower lands was indicative of her confidence in her power as lord. By no means is it accurate to say, however, that women completely and easily took over the position vacated by their husbands’ when they died. Widows often experienced inconsistencies in their status as landowners and the privileges and advantages that position brought them.⁵⁶ For example, though Maria de Valoinis felt she had authority enough to sue for the right to appoint a clergyman on her estate, it was the cleric already holding that position who won when the case went to royal court.⁵⁷

⁵² *Hundred Rolls*, 275.

⁵³ *Ibid.*, 276.

⁵⁴ Walter de Henley, *Walter of Henley’s Husbandry, together with an anonymous Husbandry, Seneschauie, and Robert Grosseteste’s Rules* (London and New York: Longmans, Green, and Co., 1890), 34.

⁵⁵ *Bracton’s Notebook*, 227.

⁵⁶ Bennet, *Women in the Medieval English Countryside*, 172.

⁵⁷ *Bracton’s Notebook*, 227.

Much like their lordship over physical property, widows often also exercised lordship over their children. If sons were too young to claim their inheritance, widows frequently took over their custody, and that of any conjugal estates, until the heir reached his majority.⁵⁸ It was most regularly the case that, as stated by Henry I in his Coronation Charter, "...the guardian of the land and children [was] either the wife or another one of the relatives as shall seem to be most just."⁵⁹ However, the taking over of guardianship did not always fall to the mother of the surviving children and heirs of the deceased. Queen Isabella of Angoulême, for example, took over custody of her young daughter, Joanna, but did not take on that same role with her son, Henry III.⁶⁰ Such was also the case with Beatrice, widow of Robert Mantel. Although she kept two of her sons and her daughter in her care, her eldest son was taken under wardship by a Robert de Soucei by order of the king.⁶¹

The guardianship of minor children by widows is well documented in numerous contemporary records. Among these documents, however, is evidence that women were often required to pay fines unto the king in order to be given their children as wards. Examples of this can be found in the *Rotuli de Dominabus et Pueris et Puellis*, part of a survey taken of women and children following the Norman Conquest. Among accounts held in this census are those of the widow of Simon de Crevequer and her firstborn son, heir to his father's holdings⁶² and of Matilda, widow of Angot fitz Anketill, both of whom held their sons in wardship through the king (i.e.: by way of a fine paid unto him).⁶³ Coupled with the retaining of unofficial control of the child at the discretion of the child's true guardian, the purchase of rights to guardianship from the feudal

⁵⁸ Bennet, *Women in the Medieval English Countryside*, 144; *Glanvill's Treatise*, 145-49.

⁵⁹ Henry I's *Coronation Charter*, in *Medieval England 100-1500: A Reader*, 95-97.

⁶⁰ *Letters of Queen Isabella of Angoulême*, in *Medieval England 100-1500: A Reader*, 223-26.

⁶¹ John Walmsley, trans. and ed., *Widows, Hiers, and Hieresses in the Late Twelfth Century: The Rotuli de Dominabus et Pueris et Puellis* (Tempe: Arizona Center for Medieval and Renaissance Studies, 2006), 41.

⁶² Walmsley, *Widows, Hiers, and Hieresses*, 13.

⁶³ *Ibid.*, 55.

overlord who had the custody of the heir in question meant that women not only could, but did secure custody over their children.⁶⁴

A widow also had responsibilities in court. In her capacity as a widow, a woman was given certain rights and privileges withheld from her as a mere wife. Among these privileges were those brought on by the role of widows as house and landholders: they were permitted to attend court independently and could even act as a surety or pledge for another under special circumstances.⁶⁵ These widows enjoyed virtually autonomous self-rule in their capacity of replacements to their husbands. One such widow was Alice Avice, widow of Peter Avice. As Peter's wife, Alice was recorded as having appeared in manorial court, but it was only after his death that she was both most active and most independent.⁶⁶ As a widow, Alice appeared in court to pay rent on her holding, purchase and sell property, answer for offenses linked with her status as a landowner, bring charges of complaint against others of her village, and to act as a legal surety for others.⁶⁷ Where before in court she had acted most frequently with her husband, as a widow she behaved as an independent, self-ruled member of her community. This is not to say that all women took advantage of the autonomous position their widowhood offered. Rather, there were those widows who reacted to their husband's death not with assertion and confidence but instead by withdrawing from courts and society.⁶⁸ One such woman, the foil of Alice Avice, was Alice Penifader. This Alice, rather than being known for her shrewdness in the courtroom, is recorded only as having often been excused from meetings of the court, pleading 'exception', and avoiding contact with society.⁶⁹ In all fairness, however, it is apparent from records of both women that the husband of Alice Avice had a more prominent position in the politics of

⁶⁴ Sue Sheridan Walker, "Widow and Ward: The Feudal Law of Child Custody in Medieval England," in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: The University of Pennsylvania Press, Inc., 1976), 162-64; *Glanvill's Treatise*, 145-149.

⁶⁵ Bennet, *Women in the Medieval English Countryside*, 154.

⁶⁶ *Ibid.*, 142-43.

⁶⁷ Bennet, *Women in the Medieval English Countryside*, 142-43.

⁶⁸ Joel T. Rosenthal, "Fifteenth Century Widows and Widowhood: Bereavement, Reintegration, and Life Choices," in *Wife and Widow in Medieval England*; Bennet, *Women in the Medieval English Countryside*, 145-46, 149-50.

⁶⁹ Bennet, *Women in the Medieval English Countryside*, 146.

the community than did that of Alice Penifader, and widows of wealthier, more politically active men, are found to have been more publicly active themselves.⁷⁰

Having now an understanding of the rights widows had of conjugal and dower properties, as well as of their legal and societal authority, we must now turn to a consideration of *where* and of *how* those rights and privileges emerged. The answer to this question of origin is a simple one and it arises from the concept and development of the common law of England. According to Bennet:

[A] widow's dower extended over only one third of her husband's property, but customary law often granted to widows as their 'free bench' from one-half to all of their husbands' lands. As a rule, rural custom gave widows only the use of free bench lands, dictating that they were not to alienate such properties without the consent of their husbands' heirs; this right of use, however, often endured throughout the widow's life, regardless of either remarriage or the maturation of heirs.⁷¹

This resulted in the significant control of many tracts of land by widows, with ten to fifteen percent of all holdings in the medieval countryside in their control.⁷² The great amount of wealth held in the hands of these women certainly explains, in part at the very least, the large degree of power they held over other aspects of society. As we can see from accounts of such widows as Alice Avice, there existed widows who responded to their husband's death by taking part in both societal and legal goings on within their communities.

The fact that these widows had so much power over the countryside in the form of property ownership meant that they also had economic and social independence from men.⁷³ They were capable of entering into contracts alone, suing for debt, and of being entrepreneurs, albeit for the most part exclusively in the urban setting.⁷⁴ This independence did, however, lead to the 'dilemma' of a

⁷⁰ Bennet, *Women in the Medieval English Countryside*, 146-47.

⁷¹ *Ibid.*, 144. Also discussed in Senderowitz Loengard, "Rationabilis Dos."

⁷² *Ibid.*; Richard H. Hemholz, "Married Women's Wills in Later Medieval England," in *Wife and Widow in Medieval England*

⁷³ Sheridan Walker. "Litigation as Personal Quest," 81.

⁷⁴ Barbara A. Hanawalt, "The Dilemma of the Widow of Property for Late Medieval London," in *The Medieval Marriage Scene: Prudence, Passion, Policy*, ed. Sherry Roush and

woman of means not attached to a man.⁷⁵ These women, having been given the benefits of tracts of land and other properties after the death of their husband posed a legal, ethical, and moral quandary: would women without the guidance of a man become morally lax?⁷⁶ Such questions are especially relevant to the remarriage of widows, a fine solution for the re-covering of independent women and for the redistribution of land under their control.⁷⁷ Marriages during the medieval period were frequently cut short by premature death, but even though marriage was an often fragile and temporary institution, most adults spent a good portion of their lives married to another.⁷⁸ Thus, remarriage was common, and was brought on by a number of social, economic, and other such practical factors.⁷⁹ When considering the concept of remarriage, one must also look to the mindset of the women who underwent it, as is discussed by historian Joel T. Rosenthal:

When a woman married, and even more when they remarried, they altered their identities: surname, the mantle of coverture, kinship webs, place of residence, and then burial place, were they the survivor of the long dance. These transformations and adaptations represent, in toto, a challenge to a woman's basic ego identity. Some met the challenge with aplomb; others, among the universe of quickly remarried widows, may have been overwhelmed by an endless string of decisions and were perhaps puzzled and frustrated by their failure to find a safe port in a world of shifting identities.⁸⁰

Beyond being dependent merely on the sex of the individual, with the time before remarriage being shorter for men than for women, the frequency of remarriage was also dependent on the personality, locale, and socioeconomic

Cristelle L. Baskins (Tempe: Arizona Center for Medieval and Renaissance Studies, 2005), 135.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid., 135-141.

⁷⁸ Bennet, *Women in the Medieval English Countryside*, 101.

⁷⁹ Ibid.

⁸⁰ Rosenthal, "Fifteenth Century Widows and Widowhood," 39-40.

status and age of the widow in question.⁸¹ Remarriage was more frequent in villages with less available land, and land with more economic opportunity saw second and third marriages less frequently.⁸² This was likely due, in large part, to the fact that, where there was a great deal of property available (and thus many economic opportunities) the need for redistribution of land was not as urgent. Also, young widows who had the care of small children and had the economic duties of the household were pressured into remarriage far more often than were their older counterparts.⁸³ This was not only out of a desire for the emotional and economic comfort another husband would bring, but also out of social expectation; a young women, in control of a family and of a household, was expected to place her family under the more traditional control of a man.⁸⁴ Older widows neither had children to raise, nor did they have large estates over which they held authority, and so did not feel this same pressure to be united with a man.

An attractive concept to men who wanted to make their way in the world but had neither the name nor the means, “[m]arriage to a widow of property...was an avenue upward for prospective husbands.”⁸⁵ This being the case, women often lost the dower given them by their first husband in the event of a second marriage.⁸⁶ As can be seen in Henry I’s coronation charter, it is obvious that remarriage did not always mean the forfeiture of dowry, where, a widow with or without children might have both her dowry and her right to marriage.⁸⁷ However, for the most part, heiresses, in order to remarry, had to ask the permission of their lord, as is stated in Glanville’s treatise: “if...female heirs are once lawfully married, and afterwards become widows, they shall not again be under the custody of their lords; although they are...bound to ask his

⁸¹ Barbara A. Hanawalt. “Remarriage as an option for Urban and Rural Widows in Late Medieval England.” In *Wife and Widow in Medieval England*. Ed. Sue Sheridan Walker, 141-164. (Ann Arbor: The University of Michigan Press, 1993), 141-144 and Ed. Sue Sheridan Walker, 141-164. 145-46.

⁸² Bennet, *Women in the Medieval English Countryside*, 146.

⁸³ *Ibid.*, 147.

⁸⁴ *Ibid.*

⁸⁵ Rosenthal, “Fifteenth Century Widows and Widowhood: Bereavement, Reintegration, and Life Choices,” 36.

⁸⁶ Hanawalt, “The Widow’s Mite,” 23.

⁸⁷ *Henry I’s Coronation Charter*, 95-96.

consent to their marriage.”⁸⁸ It was in not seeking consent that they risked their dowry. This was the case with noble widows such as Queen Isabella of Angoulême. Although he was a minor, as his father’s rightful heir Henry III had control over not only the crown passed down to him, but also his father’s chattels, land, and dependents. Among these dependents was his mother, Isabella of Angoulême. Excluded from her young son’s regency government, Isabella returned to her native France with her daughter Joanna.⁸⁹ In the year 1220, in a missive she sent to her son and lord, Isabella spoke of young Joanna’s betrothal to the son of Hugh de Lusignan, the man to whom Isabella herself was betrothed to before wedding King John.⁹⁰ This betrothal did not come to fruition, and Hugh was left without an heir following the death of Joanna’s betrothed, Hugh the younger. Isabella explained to her son:

We hereby signify to you that when the counts of March and Eu departed this life, the lord Hugh de Lusignan remained alone and without heirs in Poitou, and his friends would not permit that our daughter should be united to him in marriage, because her age is so tender, but counseled him to take a wife from whom he might speedily hope for an heir; and it was proposed that he should take a wife in France, which if he had done, all your land in Poitou and Gascony would be lost. We, therefore, seeing the great peril that might accrue if that marriage should take place, when our counselors could give us no advice, ourselves married the said Hugh, count of March; and God knows that we did this rather for your benefit than our own. Wherefore we entreat you, as our dear son, that this thing may be pleasing to you, seeing it conduces greatly to the profit of you and yours.⁹¹

Isabella, having married without the approval of her son and lord, went on to entreat of Henry the dower lands and chattel taken from her following her

⁸⁸ *Glanvill’s Treatise*, 148; Linda E. Mitchell, “Noble Widowhood in the Thirteenth Century: Three Generations of Mortimer Widows, 1246-1334,” in *Upon My Husband’s Death*, 169-192.

⁹⁰ *Letters of Queen Isabella of Angoulême*, 223-24.

⁹¹ *Ibid.*, 225-226.

unsanctioned marriage, arguing that, by way of her marriage, she secured for Henry's court a powerful ally.⁹²

With this risk of this loss of their economic and social independence, one must ask why women of this period remarried at all. Certain political factors came into play for women of higher class, and while lower class women also had to address elements of lesser politics, one must ask what other factors existed. Among other matters of relevance here were the concept of coerced marriage, the requirements of any surviving children, the need for administration assistance, desire, and the social stigmas associated with being a woman of means independent of a male figure. In addressing coercion into marriage, "from gentle persuasion to threats and abuse, coercion was part of the courtship process."⁹³ Although Henry I stated that he would force no widow of any of his men into marriage "except according to her will,"⁹⁴ widows nonetheless could be given in marriage by their lord.⁹⁵ Facing this prospect or even that of being abducted and raped until agreeing to marry their abductor, widows were forced into many unpleasant and undesirable marriages.

Alice Townley was one such widow who was not only threatened with death, abused, and abducted, but was also forced into marriage with a man she found highly unattractive and unsuitable: Roger Talbot. Moreover, he was related to her, and this made any union between the two of them both immoral and illegal.⁹⁶ Due to the fact that they were indeed closely enough related for their marriage to be incestuous, Alice was able to plead for an annulment at court, thereby escaping the beatings, incarcerations, and forced isolation which she enjoyed as Talbot's wife.⁹⁷ Alice and all other widows during this period were vulnerable as propertied women, independent of the strictures or defense offered by a husband or other male relative.⁹⁸ There is no doubt that, faced with the possibility of such rape, abuse, and torture as Alice suffered through, rather

⁹² *Letters of Queen Isabella of Angoulême*, 226.

⁹³ Sara M. Butler, "I will never consent to be wedded with you!": Coerced Marriage in the Courts of Medieval England," in *Canadian Journal of History/Annales canadiennes d'histoire* 39.2, (2004), 247.

⁹⁴ *Henry I's Coronation Charter*, 96.

⁹⁵ Walmsley, *Widows, Heirs, and Heiresses*, 121.

⁹⁶ Butler, "I will never consent to be wedded with you!" 261-62.

⁹⁷ *Ibid.*, 262.

⁹⁸ *Ibid.*, 248.

than be forced into a marriage not of their choosing, women selected for themselves new husbands that might offer some defense.

Also to be considered were the needs of any children surviving from the widow's first marriage. As mentioned above, widows responsible for young children were expected to remarry more quickly and more often than were older widows or those who had no dependents.⁹⁹ Moreover, the practice of remarrying created an intricate network of relationships across the countryside. With high mortality rates due to accidents in the field or on the road, or the rigors of childbirth, the surviving parent and children of one family often united through marriage with the surviving parent and children of another.¹⁰⁰ In this way, many people in the same community belonged to the same family through blood ties or marriage.¹⁰¹ This meant that there were always others to turn to for support in raising the family.¹⁰²

Beyond a means of helping to care for and support children, remarriage was also used in the practical world of business and economics. If left a business by a previous husband, a widow might remarry out of sheer convenience; it would have been a relief to have someone else with a vested interest in the enterprise to help run it.¹⁰³ This was particularly the case in London and other such cities, where guilds were strong. Not only were most marriages between members of the same guild, but remarriages of widows was greatly encouraged, and the recirculation of both the women themselves and of their fortunes was kept tightly within the guild brotherhood.¹⁰⁴ This worked to ensure that the hard earned wealth of guild members as well as business and trade secrets remained within the guild's folds.¹⁰⁵

Of all the reasons for a widow to remarry (even beyond fear of coercion or coercion itself, the needs of children, and the pressures of the business world), it was perhaps the pressures of society and of social stigma that were the most

⁹⁹ Bennet, *Women in the Medieval English Countryside*, 147.

¹⁰⁰ *Ibid.*, 63.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, 147; Hanawalt, "The Dilemma of the Widow of Property," in *The Medieval Marriage Scene: Prudence, Passion, Policy*, ed. Sherry Roush and Cristelle L. Baskins, 143.

¹⁰⁴ Hanawalt, "The Dilemma of the Widow of Property," 143.

¹⁰⁵ *Ibid.*

profound. Remarriage was as much dictated by society as it was derived from high mortality rates. Both the church and society were concerned with the economic and sexual freedom of widows (such as those as have been discussed in this work) and therefore strongly urged women to remarry as soon as they were able.¹⁰⁶ While, as we have seen, widows did enjoy great economic independence, was society's concern for their sexual independence valid? This may have in fact been the case, as is suggested, albeit with some bias, from extracts taken from the reports of a Venetian who travelled to England in the fifteenth century:

I saw, one day, when I was with your magnificence at court, a very handsome young man of about 18 years of age, the brother of the Duke of Suffolk, who, as I understood, had been left very poor, the whole of the paternal inheritance among the nobility descending to the eldest son; this youth, I say, was boarded out to a widow of fifty, with a fortune, as I was informed, of 50,000 crowns; and this old woman knew how to play her cards so well, that he was content to become her husband, and patiently to waste the flower of his beauty with her, hoping soon to enjoy her great wealth with some handsome young lady....¹⁰⁷

Here was a wealthy woman, with enough political influence to appear at court, married to an attractive young man who had nothing to offer her in terms of land or wealth. Although there is a great deal in this account that hints to the prejudices of the writer, there is some shred of a story here that highlights the concerns of both society and the church. However, it is perhaps not fair to say that the desires of the woman and the greed of the young man were the only factors at work. The young man, at 18, was likely still very much under the influence of his parents or foster-parents, being younger than the age of majority. Also, although he was a second son, his was an illustrious family, one with whom it would be of great advantage to be united with, which may have

¹⁰⁶ Hanawalt. "The Dilemma of the Widow of Property," 135; James A Brundage, "Widows and Remarriage: Moral Conflicts and Their Resolution in Classical Canon Law," in *Wife and Widow in Medieval England*, 17; *Henry I's Coronation Charter*, 96.

¹⁰⁷ *An Italian Relation of England, in Medieval England 100-1500: A Reader*, 492.

been, rather than his beauty and youth, what the widow (and her family) lusted after.

There is further evidence of this concern as to the incontinence of widows found in Henry I's coronation charter. There, the king promised that a widow with children would have her dowry and right of remarriage "so long as she kept her body legitimately."¹⁰⁸ In light of the fact that, in Glanville's treatise, concern is spent on the sexual freedoms of female heirs as well, perhaps it is most accurate to say that the concern was valid, at least to some extent, with any independent women wanting to enjoy their independence as much as possible.¹⁰⁹ Also, it is perhaps fair to assume that male officials in a male dominated world were threatened by women who enjoyed some shred of independence, whether or not there was any reason for the concern they so willingly expressed.

Widows were an important and influential piece of the patchwork that made up medieval society. As Judith Bennet has written:

As a result of the forces exerted by locale, socioeconomic status, and age, each new widow faced a unique situation. As long as she remained unmarried...she shared with all other widows the status of a female endowed with extensive public authority; thus widows fit awkwardly into the social hierarchy of the medieval world. In a society of male householders, they were female heads of household. In a legal system that so often distinguished clearly between the public rights of males and females, they took on some of the public attributes of men. In an economy that most valued landholding, their particular land claims threatened the proper devolution of assets from father to son.¹¹⁰

Medieval Englishwomen, peasants and noblewomen alike, shared a similar burden: a common lack of freedom. Both as married women then as widows, they faced responsibilities and burdens of a social and legal mien. What limited freedom they had was not free, but came with a price. Married women were responsible for staying within the boundaries of their marriage contract. At the same time, they gave up their economic and social independence in the form of

¹⁰⁸ *Henry I's Coronation Charter*, 95.

¹⁰⁹ *Glanvill's Treatise*, 148.

¹¹⁰ Bennet, *Women in the Medieval English Countryside*, 149.

the goods and properties they brought to the marriage. These properties were placed in the control of their husband and would remain so for the duration of their marriage and even beyond. Widowed women, although they were freer, to a degree, upon their husband's death, had even more social and legal restrictions and obligations placed upon them: their obligations certainly outweighed their privileges. Responsible for the terms of inheritance of their husband's will, they also had to see to the care of any children of that union. Widowed women were required to attend court meetings, and other such legal commitments, and ensure the prosperity of any business they inherited. All the while, they faced the social stigma associated with being women of means without the guidance of a man.