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Gaimar's Rebels:
Outla w Heroes and the Creation of Authority in Twelfth-Century England

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Located at the interface of two languages, two literary genres, two national identities and two social classes, the most marginalized and overlooked literary genre of the English Middle Ages is the vernacular chronicle. The first of this genre, Geffrei Gaimar's *Estoire des Engleis*, has puzzled modern critics by its unorthodox style and apparently inconsistent historical perspective, which blends Geoffrey of Monmouth's *Historia Regum Britanniae*, local legend, and the *Anglo-Saxon Chronicle*. Gaimar's chronicle was written for a woman, Constance, wife of Ralf FitzGilbert, one of the lesser nobility from Lincolnshire.1 Although not one of the great land-owners himself, Ralf FitzGilbert seems to have been well connected and rather typical of the men raised to prominence through an advantageous marriage. He was an undertenant of the Archbishop of York and held land of various magnates in Lincolnshire, one of whom was Gilbert of Gaunt, son-in-law of Ranulf le Meschin, Earl of Chester.2 He also had estates in Hampshire, which seem to have come to him by virtue of his marriage to Constance, since they are not recorded in Domesday.3 Gaimar tells us in his epilogue that Constance commissioned his history, and that he used a variety of sources in "English, Latin, and French." His statement that "Cest estorie fist translater / Dame Custance la gentil" implies that she directed him to write an English history and may suggest that she had in mind a translation of the *Anglo-Saxon Chronicle*. Gaimar also mentions that Henry I's queen, Adelaide, commissioned from a poet named David a work about her husband, and that Constance possessed a copy of this work, for which she paid one silver mark, "ars e pesé," and which she often read in her room ("en sa chambre sovent le lit," l. 6490).4 The book is thus for private reading by an obviously very literate woman, though not instructed in

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Latin, and the price she paid for it makes private reading a pleasure of great cost.5 Gaimar's description of the process of borrowing books also makes it clear that Constance took an active interest in the progress of the chronicle and had a hand in shaping it.6 The fact that Constance owned a copy of the book David had written for Adelaide suggests that Constance may have wanted to emulate Adelaide and that she saw sponsoring a work of history as a validation of her social status and indeed an affirmation of the role of her social class in the destiny of the English nation. It is thus surprising to find in a chronicle written as an authorizing text for the Anglo-Norman lesser nobility the inclusion of three romanticized stories of English outlaws, three proto-Robin Hoods who defy kings and even betray the nation to its foreign adversaries, including one who opposed the Conquest of Constance's own ancestors.

Yet the stories of Gaimar's outlaw heroes reflect a political vision that is consistent with the values and aspirations of the class to which his patrons belonged. An examination of Gaimar's rebel heroes--Sïebrit (from the Cynewulf story in the *Anglo-Saxon Chronicle*), Buern Bucecarle, and Hereward--reveals that Gaimar inverts precisely the legitimizing value the stories had in their sources by praising rebels and outlaws while kings are shown to be villains. And yet, far from undermining the value of legality or exalting rebellion, Gaimar's chronicle affirms the value of law over force at every turn. All of the outlaws are victims who are pushed outside the law by a breakdown of the accepted code of legality and right on the part of a king. Each time the feudal code is broken and the settlement of disputes declines from legality into force, a concatenation of events is set in motion that proves impossible to stop until all the parties involved have been destroyed. The breakdown of the mutual obligations of the feudal bond and the failure of law to restrain violence and protect the rights of individuals, whether from assaults by kings or vassals, result in the moral justification of the victim and the validation of his desire for redress. But no matter how understandable, morally justifiable and even inevitable the rebellion of the wronged individual, the result is nevertheless a downward and destructive spiral of violence that ultimately brings disaster to the nation. Gaimar's chronicle reflects, even before the end of the first half of the twelfth century, an ideal of law based on a contractual model of rights and obligations that encompasses, binds, and punishes the king as well as his vassals, lords as well as tenants. Gaimar idealizes the feudal bond as a symbol of the relationship of reciprocity and mutuality that represents Gaimar's ideal of justice. By writing a

history that values the contribution of individuals to the success or failure of the nation not according to their rank or lineage but according to the extent to which they uphold a code of right and law, Gaimar appropriates to the noble classes the authority that the royal histories were claiming for the monarchy.

The Norman fiction that they were the heirs and continuators of Edward

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the Confessor provided the impetus for a great deal of interest by Normans in the English past.7 Both William and Henry, as well as their successors, claimed in their charters to uphold the laws of Edward, and after the Conquest, lands were distributed to William's Norman followers by the fiction of assigning each Norman magnate an English "antecessore" whose lands the Norman "inherited." In addition to ancestral grants, land was distributed to Normans by fiefs that were new creations as well as in many cases by the plundering of opportunistic Normans who took possession of as many manors as they could by sheer naked force. Through the compilation of the Domesday Book in 1086, William obtained a record of the value of every estate in England as well as the terms under which it was held. Domesday served both to confirm and legalize the Norman rape of English lands, as well as to reveal the trespasses of those who had taken property illegally, since every Norman had to explain how he had acquired his lands. Domesday thus served to stimulate a flurry of interest in the English past, as Normans sought to produce charters, many of them forged, to justify claims to holdings, as well as claims to exemptions from taxes, demands for military service, and other obligations. Recourse to litigation, law, and courts bolstered by supposedly ancient English records replaced force as a means by which Norman tenants sought to protect their property from Norman usurpation. By the twelfth century, Norman tenants had pioneered a strategy of using the English past to support their claims to exemptions from taxes and services to Norman barons and monarchs.8

The detailed record of lands, estates, and holdings accumulated through the Domesday Book and made possible by the existing framework of English governmental divisions of hundred and shire gave the Norman kings unprecedented control over land and inheritance. At the same time, the English monarchs' attempts to centralize their power through the legal system meant that in England a concept of legality developed that offered vassals increasingly greater recourse against the arbitrary will of a lord. By giving the king authority over the transmission of virtually all significant property rights, Henry I's Charter established the precedence of the King's law above the myriad local laws and customs that prevailed in different parts of the country.9 Thus the law promised to offset, to a degree, what was lost to an unusually centralized monarchy. Vassals who felt themselves unjustly treated by their lords as well as lords whose vassals failed to respect the terms of their grants could appeal directly to the king, who was frequently involved in the resolution of disputes regarding land.10 Recently, in contrast to the older view denying the existence of rights before there was a common law to uphold them, work by scholars such as P. R. Hyams, John Hudson and others has shown that by the twelfth century, although lordship was in theory an absolute submission of vassal to lord, in customary practice it was felt that lords could not impose their will by force for more than had been agreed upon.11 Likewise, there was a general feeling that the lord should respect the judgment of the peers of his court--all

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his tenants--and even if this was not an obligation, it was beneficial for a lord to do so. It seems clear that the notion of the reciprocally binding nature of the lordship relationship was growing throughout the twelfth century, so that by the end of the century, Glanville could state that "the nexus between a lord and his tenant through homage is thus of so great and of such quality that the lord owes as much to the tenant as the tenant to the lord, reverence alone excepted."12

Gaimar's chronicle is remarkable for the way he anticipates and helps to shape the peculiarly English sense of legality that reconciles respect for hereditary right and precedent with a contractual model of the feudal bond based on mutual obligations and benefit. Gaimar's outlaw stories reveal, as early as 1137, a concept of law as a reciprocally binding constraint on the behavior of lords as well as vassals. All of Gaimar's stories of outlaws dramatize a radical

violation of the obligations of lordship on the part of a king: a treasonous disinheritance, a gross violation of the rights of a vassal, as when the king rapes the wife of his most loyal vassal, or the swearing of a false feudal oath by a king. All employ an array of rhetorical techniques meant to heighten sympathy with the victims and blacken the villainy of the king. The outlaws are daring, courageous, noble, loyal and bold, while the kings are treacherous, cowardly, deceitful and lustful. Gaimar employs extensive editorializing to denounce the wrongdoing of the royal villains and an array of legalistic terminology which imposes on lords the same obligations and constraints originally considered binding only on tenants.

In the first of these outlaw episodes, Gaimar radically alters the famous *Anglo-Saxon Chronicle* account of Cynewulf and Cyneheard, transforming it from a drama of the conflicting loyalties of kinship and lordship into the story of an interrupted inheritance. The changes Gaimar makes are as radical as they are purposeful. In Gaimar's version, Kenewlf wrongs his nephew Sïebrit, the rightful heir, by seizing the kingdom and then exiling him. After the death of King Guthred of Wessex, his cousin Siebrand succeeded him but ruled for only a year, followed by his son, Sïebrit. After that, according to Gaimar, Kenewlf usurped the throne from his nephew Sïebrit, a crime that Gaimar frames in terms of the twelfth-century preoccupation with land tenure. He describes Kenewlf's offense as a disinheritance ("Kenewlf desheritad Siebrït"), a deed which Gaimar defines as an act of treason: "Par traisun que orent menee" ("By the treason which they demonstrated" l. 1814).[13] Gaimar repeatedly condemns Kenewlf's actions in the strongest possible terms, as an offense against religion, reason, and law.

Cel Sïebrit k'il ot cacied
Ert sun cusin mais par pechied
E par cunseil de ses baruns,
Qui furent fols e mult feluns
[Estait li reis vers li marriz]. (1829-33)

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(This Sïebrit that he had chased away was his cousin, but because of sin and the wicked advice of his barons, who were foolish and extremely felonious, the king became angry with him.)

Gaimar's choice of terminology is significant; the term "felony" has feudal connotations. According to Glanville, it indicated not just a crime but "a breach of the faith owed by a man to his lord so fundamental as to end the relationship and so entitle the lord to retake the tenement and treat it as his own free disposal."[14] Likewise, "traison" participated in the same feudal connotations as "felony" in addition to its specific meaning as an offense against a monarch. Gaimar here extends the meaning of "felony" from a crime of a tenant against a lord to include the violation of the rights of a vassal by a king.

Gaimar also replaces Sïebrit's death in the Andredswald with Cumbra's, thus leaving Sïebrit conveniently alive. In the *Anglo-Saxon Chronicle*, Sïebrit's bad reputation was compounded by the fact that after having been exiled from his kingdom, he committed the heinous crime of killing the ealdorman Cumbra, who had been faithful to him the longest, thus bringing about his own death at the hands of a swineherd in revenge for the murder of Cumbra. In Gaimar's account, after the exile of Sïebrit, Cumbra (who is not named until later) conducts a long guerrilla war against Kenewlf from the Andredswald where he is killed by a swineherd who is presumably one of Kenewlf's men. The wrongful disinheritance of Sïebrit and the murder of Cumbra produce another act of violence, which, though foolish and futile, is not only understandable but inevitable. Sïebrit's brother, Kenehard, locates Kenewlf with a woman, and, out of a misguided desire to avenge his brother, attacks and kills him. Kenewlf's men immediately kill Kenehard, whereupon Sïebrit hears the commotion and arrives just in time to dispatch the remaining men. Sïebrit delivers an heroic speech justifying the legitimacy of his revenge. He has avenged himself according to his right: "'[S]eignurs,' fait il, 'ne

m'asaillez / Kar je m'en sui par dreit vengiez'" (ll.1867-8) ("'Lords,' said he, do not attack me because I have avenged myself by right'"). Sïebrit explains that he is the one who should have held the land by the judgment of the barons and ruled the kingdom since he was the lawful heir.

[Vus] savez bien, si cum jo crei,
Que sui fiz Sï[e]brant le rei,
Si deüsse par jugement
Tenir le regne, aveir la gent. (ll. 1869-72)
(You know well, as I believe, that I am the son of Sigebrand the king. I should have held the kingdom by judgment and ruled the people.)

Nevertheless he offers them a pact of peace formulated in terms of the necessary accord between barons and king. If the barons will restore him to his former rights, he in turn will grant them all their hereditary holdings together with an increase. The terms proposed by Sïebrit express the mutual

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service and reciprocal dependence enshrined in ceremony and custom that characterize the legally ordered society.

Si me faites rendre m'onur
Par tel covent cum jo l'avrai
Chascun de vus s'onur rendrai
E creissement vus durai grand. (ll. 1878-80)

(If you will return my honor to me, by such an agreement as soon as I would have it, I would return each of your honors to you and a great increase I would give you as well.)

The alternative to a legal solution is a violent confrontation in which all the contestants are destroyed. Gaimar is at pains to point out that every participant in the conflict--the uncle who tried to disinherit his nephew, the barons who colluded with him, the baron who fought against Kenewlf for a long time and was killed by the swineherd, Kenehard who tried to avenge his brother's wrong, and Sïebrit himself--were all utterly destroyed, and the kingdom for which they fought eluded all of them.

Eissi finad iceste guere.
Or [n'out] nul d'els [gueres] la terre,
L'uncle ne lez nevoz ne l'unt
Ne les baruns qui morz en sunt
Ne Cumbran qui se cumbatid
Qui en Andredeswald fuïd
Que li porchiers el bois ocist.
Mult mal eire home qui traïst. (ll. 1889-908)

(This is how this war ended. Now none of them got the land. Neither the uncle nor the nephews had it, nor the barons who died, nor Cumbra who fought and who fled to the Andredeswald and who was killed by the swineherd in the forest. Very badly behaved the man who started that feud.)

Like his Haveloc episode, Gaimar's version of Buern Bucecarle, the first known version for this story, found favor with later writers, finally making its way into the *Brut* or the *Chronicles of England*.15 The source for Gaimar's story is an obscure entry in the *Anglo-Saxon Chronicle* for the year 867 which records that the people of Northumbria repudiated their king Osberht and chose instead a man of non-noble birth, Aella. Gaimar exploits the opening offered by this bare and cryptic entry to construct a remarkable and complex tale of more than 200 lines that is best understood in terms of its legal implications. In this episode, Gaimar furnishes an explanation for the repudiation of Osbrith consistent with his theme of the disastrous consequences that ensue when a king violates the obligations of the feudal oath. According to Gaimar's account, the arrival of the Danes in the late ninth century is precipitated by the rebellion of Buern Bucecarle, who summons Danish aid in order to exact vengeance after King Osbrith rapes his wife. This story dramatizes the nega-

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tive consequences, not just to a single subject but to an entire nation, of a king who fails to respect the rights of his vassals.

By stressing the parallels between married love and feudal relations, both of which entail the exchange of loyal service for protection and defense, Gaimar's story justifies the rebellion of a vassal even to the point of aiding a foreign invasion. Buern, described as "the best vassal in the land," was ironically busy guarding the coast against "uhtlages" (outlaws) when the king went to his house and raped his wife. The king lacks both loyalty and compassion. The rape was premeditated: the king had been informed of Buern's absence. After raping Buern's wife, he returns to London "where he jokes about it many times with his intimates." In addition to being an ideal vassal, Buern's reaction to his wife's violation--his tender solicitude for her well-being, his unhesitating loyalty, and his insistence on justice--is a model of the sort of benevolent authority based on the obligation of defense in exchange for true service that should have governed the relationship between king and vassal, a relationship that Osbrith's actions perverted in every point.16

What is remarkable about Gaimar's treatment of the rape of Buern's wife is the array of legal arguments brought to bear on the offense. The repeated references (ll. 2599, 2601, 2634, 2663, 2686) to the king's crime in terms of *hunte* (shame) may suggest the legal stigma of *infamia*, a condition that the canonists attached to sexual crimes such as adultery, incest, bestiality, homosexuality and rape and which made a man unfit to hold offices of public trust and entailed the loss of legal status, such as the right to appear in court as either complainant or witness.17 Thus Gaimar characterizes the king as someone who has lost his legal status and as a result his right to hold the monarchy.

Buern's wife also presents her humiliation as an offense against right and offers herself as a sacrifice to satisfy the requirements of justice: "Puis faites de me tel justise / Cum fusse a larecin prise" (ll. 2651-2) ("Then give me such justice as if I had been taken in theft"). By demanding to be punished as if she had been taken in a theft, she describes her rape as one of the crimes that directly threaten the feudal relationship. The *Leges Henrici* included theft as one of the crimes that would justify the end of the lordship relationship.18 In civil law, rape was widely regarded as a form of theft and an offense against the property rights of the woman's male relatives, and the prescribed penalty was sometimes death.19 This is the position of both Buern and his wife who regard the offense as sufficiently grave to warrant death, a sacrifice Buern's wife is ready to assume herself. She tells him, "Ore est dreit que [perde] la vie" (l. 2656) ("Now it is right for me to lose my life"). In a touching scene, Buern reassures his wife of her innocence and promises to seek justice from the author of this crime: "Si li fel fist sa felunie, / Jo querrai que il perdra la vie" (ll. 2671-2) ("As the felon committed this felony, I will ask that he lose his life").

By the twelfth century the most serious crimes, such as rape and abduc-

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tion, arson, robbery, theft, treason, breach of fealty, and murder were called felonies and came under the jurisdiction of the crown.20 When Buern accuses the king of a felony, he is reversing the traditional meaning of the word as a crime of a man against his lord and using it to indicate the crime of a king against his vassal, thus suggesting that the law protects equally the rights of a vassal as well as those of a king. The conclusion that the king is a felon leads Buern to make an heroic speech of defiance which makes clear that the king's right to his vassal's loyalty is conditional upon respect of his vassal's rights. Buern's renunciation of his homage and allegiance points out that the lordship relationship can be voided by the crimes of a king as well as by those of a vassal.

Jo te desfi e tut te rent,
De tei ne voil tenir neient,
Tun humage ci te rendrai,
Ja mais de tei rien ne tendrai. (ll. 2679-82)

(I defy you and return everything to you. I do not wish to hold anything from you. I give you back my homage. I will never hold anything from you.)

Accusing the king of a felony, a type of crime that fell ordinarily under royal jurisdiction, raises the question of the competence to adjudicate an appeal brought in this instance against the king. Buern presents his case to a council of his lineage and informs them that he intends to summon Danish aid to take revenge on the king. The fact that Buern makes his claim to a family council suggests that the kin of the aggrieved men are those who should give him law. The term *forfait*, which signified a transgression or violation of rights, emphasizes the legal nature of the decision taken by the council of Buern's relatives to repudiate the king.

E ses parenz li unt pramis
Qu'il le metrunt fors del païs
Si firent il. Pur cel forfait
Le rei guerpire entreshait. (ll. 2693-6)

(And his relatives promised him that they would put him out of the country and so they did. For the transgression that he had committed they abandoned the king immediately.)

At this point Gaimar radically changes the tone of the story, launching into a highly romanticized tale that might seem unrelated to the rape of Buern's wife and Buern's subsequent outlawry. This episode relates that the newly-chosen King Elle, out hunting one day, was approached by a mysterious, blind beggar who cryptically informs him that he has lost his kingdom to the Danes (summoned by Buern) who have already killed Osbrith and that both he and his beloved nephew Orin will die at the Battle of York that day. After threatening the man with death if he is lying, Elle orders his nephew to be imprisoned in a tower to prevent the prophecy from being fulfilled and rushes off

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to York. At this point Orin, believing that he can fly with two shields as wings, jumps from the tower, crashing to the ground miraculously unhurt. Taking a horse and three spears from a man conveniently at hand, he races off to York. In a passage reminiscent of the episode of Taillefer at the Battle of Hastings, Orin arrives at York just in time to be the first person to strike a blow in the battle and, after killing two Danes, is himself struck and killed. Seeing his nephew

die in front of his eyes, Elle throws himself wildly into the battle, and he too is killed by the Danes, thereby fulfilling the beggar's prophecy.

The interjection of the supernatural into the episode of the defeat at York suggests a trial by battle, a legal form introduced into England by the Normans and used in the twelfth century to test the appeal of felony, the very appeal that Buern made against Osbrith. The prominent role of prophecy in the Battle at York implies divine participation, a crucial element of a trial by battle. Having announced to Elle the events that will take place that day in York, the beggar points out that foreknowledge cannot prevent what has been preordained. In addition, the statement that a king must lose his head at York seems to imply that the defeat of the English by the Danes is not just a punishment of a particular monarch, but of the monarchy as an institution.

"Si tu m'en creiz, ne iras avant

E nepuroc ne pot el estre,

Uns reis i deit perdre la teste" (ll. 2750-2)

("If you believe me, you will not go, and yet, it cannot be otherwise; a king must lose his head there.")

The story insists on the supernatural nature of the beggar's knowledge. When Elle asks the beggar how he knows the truth of his prophecies, the beggar replies, "Mun sen le m'ad si demustrez. / As enseignes, se m'en crëez" (ll. 2744-5) ("My understanding has shown it to me by signs, if you believe me"). The king accuses him of sorcery, which the beggar denies, and the point-by-point correspondence of the prophecy with the events that follow indicates that the source of the beggar's knowledge was not sorcery but divine revelation. On the way to York the king encounters wounded people fleeing from the battle who confirm everything the beggar had said.

Asez [encontret] des navrez
E des fuianz qui unt [cuntez]
Tut ço ke li devins ot dit.
[Neis] un sul mot n'aveit mentid. (ll. 2769-70)

(He encountered many of the wounded and the refugees who told him exactly what the seer had said. Not a single word of what he had said was a lie.)

Orin's death also fulfills the prophecy, and the text stresses again that what has been ordained by God cannot be avoided: "L'aneme s'en vait, li cors chaïd / Si cum li orps aveit geïd" (ll. 2813-4) (The soul departs, the body falls just as the blind man had predicted). The preordained and fated nature of the Battle of York

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underscores the significance of the defeat as a divine judgment on the crimes of the English monarchy. Rather than constituting "outlawry," Buern's acts of renouncing his homage, defying his king, and claiming the Danes as his champions are attempts at seeking justice and law. The illegal acts of the king, who should be the root and foundation of the law, bring anarchy, lawlessness and defeat to the nation, resulting finally in the destruction of the monarchy. Not only Osbrith, but Elle, and even Elle's nephew all perish.

Finally, Gaimar's account of the Norman Conquest differs dramatically from those of his contemporaries and predecessors. Gaimar omits the usual features of the Norman account: Harold's broken promise, the bad behavior of the English the night before the attack, the supposed desertion within the English ranks. Instead Gaimar confines his account of William's reign almost entirely to the story of the outlaw Hereward. Gaimar's version of this popular story is one of the earliest if not the first, possibly preceded by the Latin romance, the *Gestis Herewardis*, supposedly written at Ely by a monk named Robert between 1109-31. Gaimar's Hereward episode traces the northern risings against William to the perfidy of the king himself who betrayed the loyalty of his English barons. According to Gaimar, in the year following the Conquest, William journeyed to Nottingham to make peace with his northern subjects. Although William's journey to Nottingham is historical, Gaimar is the only source for what follows. Through the Archbishop of York, William issued a proclamation that all those who would accept him as their lord and swear homage to him would receive all their hereditary holdings to hold in peace and quiet. Gaimar stresses the fact that they were promised peace, safety, quiet and freedom from distress; William pledged that they would be allowed to:

En pais aler e salf venir;
Cil ki de lui voldrat partire,
Alt s'en ariere seinement,
Ja n'i avrat destrurbement. (ll. 5387-90)

(Come and go in peace and safety and return safely and never have any disturbance.)

But when the barons arrived at York, naively believing William's promises, William had them imprisoned and distributed their lands to his French followers. Although it is not clear whether William actually received homage from the barons, his false promise delivered by the Archbishop of York who had administered his coronation oath is a shocking betrayal of his word completely in conflict with the king's obligation to uphold the law.

In contrast to William who appears as a lying, cowardly bully and traitor, the outlaw Hereward is a character of heroic stature: daring, resourceful, courageous and bold. Hereward is depicted in several episodes performing spectacular feats, including a daring escape from the siege at Ely with five compan-

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ions hidden under rushes in the boat of a fishmonger who delivers them into an unsuspecting encampment of Norman soldiers whom the outlaws quickly dispatch. For many years Hereward and his allies war against the Normans. Hereward is so hardy and courageous that he can take on seven Normans at a time. Finally Hereward makes a truce with William in exchange for agreeing to help William in his war against the Mansels. But the Normans, envious of the wealth that Hereward has accumulated, break the peace and attack him by surprise while he is eating. Gaimar dedicates almost one hundred lines to the battle between Hereward and his attackers during which Hereward defends himself first with a lance, then with a sword and finally with a shield, killing fifteen Normans before being killed himself. Like S‹ebrit and Buern, Hereward delivers an heroic speech of defiance to his attackers in which he accuses the king of treachery, betrayal, and treason:

"Triwes m'aveit done li reis
Mais vus venez ireement,
Le mien pernez, tuez ma gent.
Suspris m'avez a mun mangier,
Fels traitres, vendrai mei chier." (ll. 5630-34)

("The king gave me a truce but you come here in hostility and take my goods, kill my people. You have surprised me at my meal. Traitors and felons, I shall sell myself dearly.")

: Gaimar's outlaw episodes emphasize the disastrous consequences that ensue when kings fail to respect the obligations of the feudal relationship. In obvious ways, Gaimar's outlaw episodes foreshadow romances such as *Bevis of Hampton*, *Guy of Warwick* and *Fouke le Fitz Waryn* in which noble heroes oppose the injustices of unworthy kings and unlawful usurpers. Gaimar's chronicle sought to adapt the legitimizing values of the royal histories to affirm the prestige and status of a different social class, and in so doing, he transformed the chronicle genre. Gaimar's history differed from the royal histories not in its underlying theme, that of participation in the national destiny, but in rejecting absolute submission to an institutional authority as the model for achieving that end. Like the English romances which his chronicle foreshadows, Gaimar stresses reciprocity and mutual obligation rather than subservience as the model for the relationship between ruler and ruled. Gaimar challenges the devaluation of the individual that characterizes the court histories and promotes an ideal of mutual obligation and service as the qualities on which the legitimacy of lordship depends.

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Notes

1. Ralf FitzGilbert founded the Augustinian priory of Markby (Lincs.) and he was also a benefactor of the Cistercian house of Kirkstead as well as the

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Cistercian nuns of Stixwould priory. He was an undertenant of the Archbishop of York. See Ian Short,"Gaimar's Epilogue and Geoffrey of Monmouth's *Liber vetustissimus*," *Speculum* 69 (1994), 335-6. According to Alexander Bell ("Introduction," *L'Estoire des Engleis*, Anglo-Norman Text Society, Nos. 14-16 [Oxford, 1901], pp. ix-x), Constance may have been a member of the De Venuz family of Hampshire. Judith Weiss thinks that the forceful character of Argentille may owe something to Constance, who was "no passive and powerless cipher but a respected and influential woman." See Weiss, "The Power and Weakness of Women in Anglo-Norman Romance," *Women and Literature in Britain, 1150-1500*, ed. Carol Meale (Cambridge, 1993), p. 19.
2. M. Dominica Legge, *Anglo-Norman Literature and Its Background* (Oxford, 1963), p. 28.
3. See Bell, "Introduction," *L'Estoire des Engleis*, p. ix.
4. This work has not survived, but it was most likely a work in French. See Ian Short, "Gaimar's Epilogue," p. 326.
5. According to Ian Short, the sum would amount to something like $4000.00 today. In the 1180's Abbot Samson of Bury recalled his student days when all he needed was five or six marks a year to keep him at university. See "Gaimar's Epilogue," p. 342, n. 85.
6. In his edition of Gaimar's work, Bell argues that Gaimar began the work in Hampshire, before the marriage of Constance to Ralf FitzGilbert ("Introduction," *L'Estoire des Engleis*, p. x).
7. See D. R. Howlett, *The English Origins of Old French Literature* (Dublin, 1996), pp. 19-20.
8. For example, Osbert of Clare, Prior at Westminster under the abbacy of Gervase of Blois, helped to defend the independence of Westminster Abbey from the See of London by forging charters supposedly issued by the chancery of Edward the Confessor and by composing a *Vita Beati Eadwardi* which prominently featured a legend according to which Westminster had first been consecrated by St. Peter himself, in the days when Mellitis was Bishop of London. See Kathryn Young Wallace, "Introduction," Matthew Paris, *La Estoire de Seint Aedward le Rei*, Anglo-Norman Text Society, No. 41 (London, 1983), pp. x-xii. In the same way, the independence of Bury St. Edmund from the grasp of the Bishop of Lincoln

was also defended by updating the saint's legend, including the production of a collection of *miracula* commissioned by Abbot Baldwin which showed the saint's punitive assaults on a variety of invaders and pretenders, including Bishop Arfast. The church at Ely also attempted to defend its lands from Norman depredations by promoting the cult of their patron saint, Etheldreda, who appeared as a vindicator of the property rights of the monks of Ely by punishing with death the agent of a Norman sheriff who attempted to expropriate their lands and, in the hands of a

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later historian, as the defender of the monks against Bishop Nigel (1131-69) and his associates. See Susan Ridyard, "*Condigna Veneratio*: Post-Conquest Attitudes to the Saints of the Anglo-Saxons," *Anglo-Norman Studies* IX, ed. R. Allen Brown (Wolfeboro, N.H., 1987), pp. 180-206. Likewise the abbot of Battle appealed to Henry II to enforce the supposed indemnities and exemptions of Battle Abbey against the pretenses of Hilary, Bishop of Chichester, by presenting forged royal charters in the king's court. See Marjorie Chibnall, *Anglo-Norman England: 1066-1166* (1986; rpt. Cambridge, 1995), p. 203.

9. Henry I's Charter required that the heir of any baron or earl who had held land under Henry make a payment to the king to relieve his inheritance; it required the king's permission in the case of marriages of the daughters, sisters, nieces, or other female relatives of any of Henry's vassals; it gave the king marriage rights over heiresses and widows and made him guardian over minor children. See Richard of Hexham's chronicle, *The Acts of King Stephen and the Battle of the Standard, 1135 to 1139*, trans. Joseph Stephenson in *Contemporary Chronicles of the Middle Ages* (Felinfach, Dyfed, 1988), pp. 55-56.

10. For example Henry I intervened in a dispute between Robert Mauduit and Abbot Faritius to order Robert to do service for the land that he held as his ancestors had before him, or else the abbot would be free to do as he wished with his lands that were held by Robert. See John Hudson, *Land, Law, and Lordship in Anglo-Norman England* (Oxford, 1994), p. 38. Likewise vassals also appealed directly to the king for redress of grievances against their lords, as did Guy Malfeth for fair treatment in his lord's court, William, son of Alured, for his lord to keep the agreement he had made with his men, and Robert of Chelsing that his lord might not bestow his service without his consent. See Judith A. Green, *The Government of England under Henry I* (Cambridge, 1986), p. 104.

11. P. R. Hyams has convincingly argued that the concept of a common law did exist, and warranty language is one way of studying the concept of tenants' rights. See "Warranty and Good Lordship in Twelfth Century England," *Law and History Review* 5 (1987), 437-503. See also John Hudson, *Land, Law, and Lordship*.

12. *Mutua quidem debet esse dominii et homagii fidelitatis connexio, ita quot quantum homo debet domino ex homagio, tantum illi debet dominus ex dominio praeter reverentiam* (Glanville, ix, 4).

13. All quotations from Gaimar's *Estoire des Engleis* are from Bell's edition, cited by line number; the translations are my own.

14. See S. F. C. Milsom, *Historical Foundations of the Common Law*, 2nd ed. (Toronto, 1981), p. 406.

15. See Alexander Bell, "Buern Bucecarle in Gaimar," *Modern Language Review*

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27 (1932), 168.

16. See Frederic William Maitland, *Domesday Book and Beyond* (1897; rpt. Cambridge, 1987), pp. 69-70 for a classic description of the ideal of mutual protection contained in the oath of homage and of its advantages for a vassal. See Hudson, *Land, Law, and Lordship* for a bibliography of more recent considerations of the ideal that a man should love whom his lord loves and hate whom he hates.

17. James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987), p. 207.

18. The *Leges Henrici* state that "anyone who commits theft, is a traitor to his lord, flees from him in an encounter with the enemy or on the battlefield, or is convicted of having committed felony, is to forfeit his land." See also Milsom, *Historical Foundations of the Common Law*, p. 406, where he speculates that Glanville considered theft to be a felony.

19. Rape in theory was punishable by death, but more often the punishment was a fine. See Brundage, *Law, Sex, and Christian Society*, pp. 249 and 250. Likewise Brundage points out that Gratian considered rape as a form of theft and a violation of the rights of the woman's family.

20. Judith A. Green, *The Government of England Under Henry I* (Cambridge, 1986), p. 202.