Chapter 1

INTRODUCTION

THE WAY TO HEAVEN

In about 800, Alcuin, abbot of St Martin of Tours, sent a moral treatise to Guy (Wido), count of the Breton march, entitled *De virtutibus et vitiis*. In his introduction, Alcuin said that he was writing since: 'you entreated me with all your might to write some brief exhortation for your occupation, which we know that you have in military matters'.[1] Alcuin's response discussed the virtues and vices, focusing less on doctrine or devotional practices than on how laymen ought to behave. His aim was that 'you might have a booklet every day in your sight, like a manual, in which you might be able to consider yourself, and what you ought to avoid or do'.[2] This image of self-contemplation, also used in other moral texts, leads to the description of the genre of the 'lay mirror'. Alcuin added: 'Do not let either the condition [*habitus*] of a layman or the quality of a secular way of life [*conversatio*] frighten you, as if in this condition you were not able to enter the doors of the heavenly life.'[3]

The two men were both significant figures in the Carolingian king-dom. Guy was almost certainly part of the influential 'Widonid' family, who dominated Neustrian politics in the early ninth century; another branch became dukes of Spoleto in Italy. He played important roles both

---

[1] *DVV* introduction, p. 464. On the text see Donald A. Bullough, 'Alcuin and lay virtue', in Laura Gaffuri and Riccardo Quinto (eds.), *Predicazione e società nel Medioevo: Riflessione etica, valori e modelli di comportamento. Proceedings of the* XII *Medieval Sermon Studies Symposium, Padova, 14–18 luglio 2000*, Centro studi Antoniani 35 (Padua, 2002), pp. 71–91; Franz Sedlmeier, *Die lai-enparänetischen Schriften der Karolingerzeit: Untersuchungen zu ausgewählten Texten des Paulinus von Aquileia, Alkuins, Jonas von Orleans, Dhuodas und Hinkmars von Reims*, Deutsche Hochschuledition 86 (Neuried, 2000), pp. 117–89; Alain Dubreucq, 'Autour du *De virtutibus et vitiis* d'Alcuin', in Philippe Depreux and Bruno Judic (eds.), *Alcuin, de York à Tours: Ecriture, pouvoir et réseaux dans l'Europe du haut moyen âge*, Annales de Bretagne et des pays de l'ouest 111:3 (Rennes, 2004), pp. 269–88.

[2] *DVV* conclusion, pp. 464–5.   [3] *Ibid.*, p. 465.

I

Introduction

militarily and politically, receiving the surrender of the Bretons in 799 and acting as a *missus dominicus* in 802.[4]

Alcuin was at the centre of Carolingian religious and political life, and made important contributions to two of Charlemagne's key reform edicts.[5] His many writings as a hagiographer, educator, biblical commentator and poet include several texts intended at least partly for a lay audience.[6] His extensive correspondence also contains a number of letters addressed to laymen or groups including them.[7]

De virtutibus et vitiis was, in terms of circulation, by far the most successful of all Alcuin's texts: more than 140 manuscripts of it survive.[8] Copies were owned by two ninth-century lay nobles, Dhuoda and Eberhard of Friuli.[9] A number of Carolingian authors reused Alcuin's material for their own moral treatises and sermons.[10] It was also translated into several vernacular languages and became the basis for Old English homilies and sermons, as well as the Middle English poem *Speculum Gy de Warewyke*.[11]

Why did this work, which most modern readers would consider dull and derivative, achieve such popularity? What can we learn from the wide circulation of this and similar moral texts? As I shall show, we can use these texts to study not so much how early medieval Franks behaved, as how they imagined themselves, particularly their masculinity and nobility.

---

[4] See *ARF* 799, p. 108; Julia M. H. Smith, *Province and Empire: Brittany and the Carolingians*, Cambridge Studies in Medieval Life and Thought, 4th series 18 (Cambridge, 1992), pp. 52–4.

[5] On Alcuin see Donald A. Bullough, *Alcuin: Achievement and Reputation* (Leiden, 2004); Depreux and Judic, *Alcuin*; and below, pp. 54, 64.

[6] On the audience for the 'court poetry' of Alcuin and others see Chapter 2, pp. 53–8.

[7] Alcuin, *Epistolae* 18, 33, 69, 98, 111, 122, 224, 302, ed. Ernst Dümmler, MGH *Epp.* 4 (Berlin, 1895), pp. 49–52, 74–5, 112–13, 142, 159–62, 178–80, 367–8, 460–1. On these see Bullough, 'Alcuin and lay virtue', pp. 73–82.

[8] Paul E. Szarmach, 'A preliminary handlist of manuscripts containing Alcuin's *Liber de virtutibus et vitiis*', *Manuscripta* 25 (1981), 131–40; Paul E. Szarmach, 'The Latin tradition of Alcuin's *Liber de virtutibus et vitiis*, cap. xxvii–xxxv, with special reference to Vercelli Homily xx', *Mediaevalia* 12 (1989), 13–41, at pp. 14–16.

[9] Pierre Riché, 'Les Bibliothèques de trois aristocrates laïcs carolingiens', *Le moyen âge*, 4th series 18 (1963), 87–104, at pp. 94, 99. On Dhuoda and Eberhard see below, pp. 28–30, 41–2.

[10] See *DIL* 3–6, col. 247; *LM* 4–6, p. 144; Richard Newhauser, 'Towards *modus in habendo*: Transformations in the idea of avarice', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 106 (1989), 1–22, at pp. 18–20; Clare Woods, 'Six new sermons by Hrabanus Maurus on the virtues and vices', *Revue Bénédictine* 107 (1997), 280–306, at pp. 282–3; James C. McCune, 'An edition and study of select sermons from the Carolingian Sermonary of Salzburg', unpublished Ph.D. thesis, University of London (2006), pp. 210–11.

[11] Szarmach, 'Preliminary handlist', pp. 133–4 lists translations into Old Norse, Old Icelandic, Old English and Middle English; Sedlmeier, *Laienparänetischen Schriften*, p. 119 mentions a Middle High German version.

STUDYING MORALITY

Alcuin's concern about lay *conversatio* was not an isolated example. Strenuous attempts at religious reform from the time of Charlemagne onwards aimed to correct the behaviour of both lay and religious people. The reformers believed that all of society needed to be made truly Christian, with the laity as one specific 'order' having its own suitable way of life.[12]

Alcuin's text was the most influential of several treatises addressed to noble laymen in the Carolingian period.[13] Such lay mirrors were only one in a variety of genres aiming to instruct and guide elite audiences. Hans Hubert Anton's work on moral instruction for rulers, for example, uses examples from letters, poetry, conciliar acts and mirrors for princes, while Katrien Heene's survey of 'edifying literature' focuses on hagiography, moral tracts, sermons and homilies.[14]

This large corpus of Carolingian moral texts has often been ignored or dismissed by modern scholars, who dislike both its admonitory tone and its objectionable views on such topics as slavery (accepted) and homosexuality (condemned). Even within religious history and the history of philosophy, the study of morality, or more specifically of moral instruction and moral discourses, has often been neglected.[15]

More studies of lay morality in the Carolingian period have focused on a few texts, such as the works of Nithard and Dhuoda and the *Vita sancti Geraldi Auriliacensis*.[16] Franz Sedlmeier's study of the Carolingian lay mirrors, meanwhile, provides a very detailed account of them and their sources, but gives little sense of their social context.[17] There have been

[12] Pierre Toubert, 'La Théorie du mariage chez les moralistes carolingiens', *Il matrimonio nella società altomedievale, 22–28 aprile 1976*, 2 vols., Settimane 24 (Spoleto, 1977), Vol. I, pp. 233–85, at pp. 235–40; Raffaele Savigni, 'Les Laïcs dans l'ecclésiologie carolingienne: Normes statutaires et idéal de "conversion"', in Michel Lauwers (ed.), *Guerriers et moines: Conversion et sainteté aristocratiques dans l'Occident médiéval (IXe–XIIe siècle)*, CNRS Collection d'études médiévales 4 (Antibes, 2002), pp. 41–92. On Carolingian reform movements and intellectual developments more generally see Rosamond McKitterick, *The Frankish Church and the Carolingian Reforms, 789–895* (London, 1977); Giles Brown, 'Introduction: The Carolingian renaissance', in Rosamond McKitterick (ed.), *Carolingian Culture: Emulation and Innovation* (Cambridge, 1994); Philippe Depreux, 'Ambitions et limites des réformes culturelles à l'époque carolingienne', *Revue historique* 304 (2002), 721–53.

[13] On these lay mirrors, see Chapter 2, pp. 36–42.

[14] Hans Hubert Anton, *Fürstenspiegel und Herrscherethos in der Karolingerzeit*, Bonner historische Forschungen 32 (Bonn, 1968); Katrien Heene, *The Legacy of Paradise: Marriage, Motherhood and Woman in Carolingian Edifying Literature* (Frankfurt am Main, 1997), pp. 11–14.

[15] Sibylle Mähl, *Quadriga virtutum: Die Kardinaltugenden in der Geistesgeschichte der Karolingerzeit*, Beihefte zum Archiv für Kulturgeschichte 9 (Cologne, 1969), p. 1.

[16] On these texts, see Chapter 2, pp. 28, 41–2, 52–3.

[17] Sedlmeier, *Laienparänetischen Schriften*.

Introduction

only a few wider studies of Carolingian lay morality, and these have not focused on the specific practical demands being made on the laity.[18]

One important reason for studying such texts is as material for the history of mentalities. An analysis of moral instruction can provide several important insights into wider thought patterns. Firstly, their priorities are revealing: which moral issues were seen as most significant? What abuses were felt to require repeated condemnation, and what areas were tacitly ignored or little discussed? Secondly, what reasons were given for the particular moral norm being inculcated? Michel Foucault and Peter Brown, among others, have shown how many different moral meanings could be given to the same sexual norms.[19] Such explanations again help illuminate the mental universe of the authors and audiences of moral texts.

Finally, what social categories underlie the moral demands? Moral systems dominated by universal moral norms are a relatively recent development; earlier moral instruction normally expected different behaviour from different sexes, classes and ages. The targeting of some moral norms at particular social groups provides insight into how society was imagined to work. An important article by Patrick Wormald argued that eighth-century Anglo-Saxon aristocrats who converted to Christianity had to make little change to their way of life.[20] This book is partly an examination of whether the same was true for Frankish noblemen during the Carolingian reforms.

To take this question a stage further, what can socially differentiated moral norms tell us about a culture's understanding of the meaning of masculinity and nobility? Cultural historians have shown the very varied moral norms that have been associated with ideas of masculinity: Aristotle, for example, thought that neither women nor slaves could properly possess *andreia* (manly courage), because of their defective reason.[21] The ethical content of both masculinity and nobility in early medieval Francia is demonstrated by its vocabulary: an adverb such as *viriliter* (manfully) combines both objective description and subjective

---

[18] These include McKitterick, *Frankish Church*; Thomas F. X. Noble, 'Secular sanctity: Forging an ethos for the Carolingian nobility', in Patrick Wormald and Janet L. Nelson (eds.), *Lay Intellectuals in the Carolingian World* (Cambridge, 2007), pp. 8–36.

[19] Michel Foucault, *The History of Sexuality. Volume 3: The Care of the Self*, trans. Robert Hurley (New York, 1986); Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity*, Lectures on the History of Religions, n.s. 13 (New York, 1988).

[20] Patrick Wormald, 'Bede, "Beowulf" and the conversion of the Anglo-Saxon aristocracy', in Robert T. Farrell (ed.), *Bede and Anglo-Saxon England: Papers in Honour of the 1,300th Anniversary of the Birth of Bede, Given at Cornell University in 1973 and 1974*, BAR 46 (Oxford, 1978), pp. 32–95.

[21] Marguerite Deslauriers, 'Aristotle on *andreia*, divine and sub-human virtues', in Ralph M. Rosen and Ineke Sluiter (eds.), *Andreia: Studies in Manliness and Courage in Classical Antiquity*, Mnemosyne Supplementum 238 (Leiden, 2003), pp. 187–211.

Studying morality

valuation.[22] Similarly, the long tradition of 'nobility' as meaning both
social status and a positive moral characteristic is reflected in the mul-
tiple meanings of terms like *nobilis* and *edel*. A study of appropriate
behaviour for male nobles, in contrast to expectations of other social
groups, therefore offers a useful approach to issues of masculinity and
noble self-representation.[23]

Carolingian moral texts also allow insights into other areas, because of
the particularly close connections between political and moral discourses
in the period. Etienne Delaruelle claimed that political reform in the
time of Louis the Pious became defined essentially as moral reform;[24]
more recently, Mayke de Jong has shown the key role of ideas of sin
and penitence in this period.[25] The same demands for universal moral
self-scrutiny and confession are already visible in Charlemagne's reign.[26]
Only Christian behaviour on the part of both ruler and subjects could
ensure the safety and prosperity of the kingdom.

Examining eighth- and ninth-century texts also shows the arbitrary
nature of modern labels separating 'religion', 'morality' and 'politics'. For
example, in a chapter in *De virtutibus et vitiis* on justice, Alcuin included
a substantial passage discussing the faults that judges (*iudices*) needed to
avoid.[27] Like much of Alcuin's treatise, this was a reworking of earlier
material: here, Isidore of Seville's *Sententiae*.[28] Alcuin's chapter was not the
only Carolingian text influenced by Isidore's passage. Very similar state-
ments appear in the *Admonitio generalis* – a capitulary of Charlemagne
from 789 – and also in a long poem by Theodulf, *Paraenesis ad Iudices*,
written about Theodulf's experiences as a *missus dominicus* in 798.[29] The

---

[22] On *viriliter* see Chapter 10, pp. 317–20.

[23] Other aspects of medieval culture have also been used to explore understandings of masculin-
ity and the gender order. See for example Joan Cadden, *Meanings of Sex Difference in the Middle
Ages: Medicine, Science, and Culture* (Cambridge, 1993); Rachel Dressler, 'Steel corpse: Imaging the
knight in death', in Jacqueline Murray (ed.), *Conflicted Identities and Multiple Masculinities: Men in
the Medieval West*, Garland Medieval Casebooks 25 (New York, 1999), pp. 135–67.

[24] Etienne Delaruelle, 'Jonas d'Orléans et le moralisme carolingien', *Bulletin de littérature ecclésiastique*
55 (1954), 129–43, at p. 130.

[25] Mayke de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious, 814–840*
(Cambridge, 2009).

[26] See Janet L. Nelson, 'The voice of Charlemagne', in Richard Gameson and Henrietta Leyser
(eds.), *Belief and Culture in the Middle Ages: Studies Presented to Henry Mayr-Harting* (Oxford, 2001),
pp. 76–88.

[27] *DVV* 20, cols. 628–9: see Chapter 5, p. 164. *Iudex* has multiple meanings: in discussions of legal cases
it could refer to men both advising on and giving judgement. It was also used of officials with non-
legal roles, such as the administrators of royal estates. In this book it is translated as 'judge' in legal
contexts, without implying that such men necessarily had all the legal powers of modern judges.

[28] Sedlmeier, *Laienparänetischen Schriften*, pp. 140–1.

[29] Manfred Fuhrmann, 'Philologische Bemerkungen zu Theodulfs Paraenesis ad iudices', in Klaus
Luig and Dieter Liebs (eds.), *Das Profil des Juristen in der europäischen Tradition: Symposium aus Anlaß*

Introduction

same moral expressions thus appear in the advice given to a nobleman by his spiritual adviser; in a satirical and political poem; and in a key text of Charlemagne's programme of religious, political and social reform. Moral norms cannot be separated out from the ideology of the ruling elite of Francia; they are intrinsic to it.

This book thus approaches Carolingian society, culture and politics via the lens of texts providing moral instruction to an audience of elite (noble) laymen.[30] Such instruction was inevitably religiously based: all the moralists assume their audiences adhere to Christianity. Early medieval philosophy says nothing about ethics independently of theology until the twelfth century.[31] Many patristic authors were influenced by classical philosophy, especially Stoicism.[32] Some Carolingian scholars, such as Sedulius Scottus and Haimo of Auxerre, collected classical extracts on ethical topics, and Sedulius used a number of these in his *Liber de rectoribus christianis*,[33] but other moral texts intended for laymen only occasionally cite classical sources or exempla directly.[34] Dhuoda's use of Ovid is a rare exception.[35]

Modern discussions of early medieval moral norms sometimes use the binary contrast of 'Christianity' and 'paganism'.[36] Yet this distinction is problematic for the Carolingian empire, which was not a newly Christianised society, but one where the elite were attempting further religious reform. As Julia Smith puts it, 'Throughout the Carolingian empire … the task was not conversion, in the sense of the baptism of pagans, but rather the upgrading of Christian observance, the elimination of inappropriate customs, and the substitution of authorised forms of devotion and morality.'[37] In addition, simple labelling

---

des 70. Geburtstages von Franz Wieacker (Ebelsbach, 1980), pp. 257–77. On Theodulf's poem and the capitularies, Chapter 2, pp. 55, 59–61.

[30] On definitions of nobility, see below, pp. 21–5.

[31] John Marenbon, *Early Medieval Philosophy (480–1150): An Introduction*, 2nd rev. edn (London, 1988), p. 157.

[32] See for example Mähl, *Quadriga virtutum*; Brown, *Body and Society*, pp. 128–37.

[33] *LRC* 6, 8, 9, 14, 17, pp. 44–5, 47–8, 63–4, 77–9.

[34] D. E. Luscombe, 'Peter Abelard and twelfth-century ethics', *Peter Abelard's Ethics* (Oxford, 1971), pp. xiii–xxxvii, at p. xix.

[35] *LM* 7:1, p. 190. On this quotation, see Peter Dronke, 'Dhuoda', in *Women Writers of the Middle Ages: A Critical Study of Texts from Perpetua (d. 203) to Marguerite Porete (d. 1310)* (Cambridge, 1984), pp. 36–54, at pp. 45–6.

[36] See for example Michael D. Cherniss, *Ingeld and Christ: Heroic Concepts and Values in Old English Christian Poetry*, Studies in English Literature 74 (The Hague, 1972); Wormald, 'Bede, "Beowulf"'.

[37] Julia M. H. Smith, '"Emending evil ways and praising God's omnipotence": Einhard and the uses of Roman martyrs', in Kenneth Mills and Anthony Grafton (eds.), *Conversion in Late Antiquity and the Early Middle Ages: Seeing and Believing* (Rochester, NY, 2003), pp. 189–223, at p. 211.

Studying morality

of behaviour and attitudes as 'pagan', 'pre-Christian' or unchristian is problematic, due to the polyvalence of Christianity. The gospels' ethical teachings had already been modified by the later first century.[38] The Christianisation of the Roman empire had further impacts. Michelle Salzman demonstrated how late antique bishops shaped the rhetoric of Christianity to appeal to the status-consciousness of western aristocrats; Kate Cooper has explored conflicting views on asceticism among this Christianised senatorial elite.[39] I have therefore aimed to outline the range of western Christian moral views on which Carolingian moralists could draw.

Because I am using Carolingian moral ideals to illuminate wider phenomena, I have ignored metaethics in favour of specific moral norms, which can be compared more easily across a range of genres. Most studies of such practical ethics in the Middle Ages have concentrated on a few topics, such as marriage, warfare and attitudes to money. They have often been concerned with tracing specific long-term ethical developments, and have seen the early medieval period as only one, relatively unimportant, era.[40] In contrast, this study covers a shorter period and three very broad moral areas (warfare, the use of power and sexual behaviour), allowing answers to the key issue of moral priorities.

The three areas I have chosen do not exhaust the moral discourses directed at Frankish noblemen; other issues, such as the consumption of food and drink, can only be touched on in this book.[41] Warfare, power and sexual conduct were, however, central to the conceptualisation of noble laymen. The basic distinction that the sources make between religious and secular men was that only the latter could bear arms and marry. Penances for laymen sometimes prohibited both bearing arms and marriage.[42] Charlemagne asked worriedly in 811: 'in what ways can those who have left the world be distinguished from those who still follow

[38] Ronald Preston, 'Christian ethics', in Peter Singer (ed.), *A Companion to Ethics* (Oxford, 1991), pp. 91–105.

[39] Michelle Renee Salzman, 'Elite realities and *mentalités*: The making of a western Christian aristocracy', *Arethusa* 33 (2000), 347–62; Kate Cooper, *The Virgin and the Bride: Idealised Womanhood in Late Antiquity* (Cambridge, MA, 1996), pp. 68–143.

[40] See for example Carl Erdmann, *The Origin of the Idea of Crusade*, trans. Marshall W. Baldwin and Walter Goffart (Princeton, 1977); Michel Mollat, *The Poor in the Middle Ages: An Essay in Social History*, trans. Arthur Goldhammer (New Haven, 1986); Jean Gaudemet, *Le Mariage en occident: Les Moeurs et le droit* (Paris, 1987).

[41] See Chapter 7, pp. 236–9.

[42] Karl Leyser, 'Early medieval canon law and the beginnings of knighthood', in Lutz Fenske, Werner Rösener and Thomas Zotz (eds.), *Institutionen, Kultur und Gesellschaft im Mittelalter: Festschrift für Josef Fleckenstein zu seinem 65. Geburtstag* (Sigmaringen, 1984), pp. 549–66, at pp. 556–63.

7

Introduction

the world; whether it is only that they do not bear arms nor are publicly married?'.[43] Notker the Stammerer told Charlemagne's great-grandson, Charles the Fat, an anecdote about Louis the German based on one about St Ambrose. Notker justified this since Louis 'was very similar to Ambrose, except in acts and matters without which earthly public life [*res publica terrena*] does not exist, that is marriage and the use of arms'.[44]

Similarly, noblemen had privileged access to certain forms of power, with an almost axiomatic equation of the 'powerful', the 'noble' and the 'rich'.[45] An examination of these key moral areas is therefore a particularly effective way of exploring the contrasting expectations made about lay noblemen and other social groups.

MORALITY AND REALITY

Two obvious problems arise in studying the impact of Carolingian moral norms. Firstly, given the relatively limited circulation of early medieval texts, did messages conveying these norms reach their intended audience? The second question is a broader one: does moral teaching in any period have an effect, or is it simply ignored by its recipients? The issue of audiences and sources will be discussed below;[46] firstly, we need to consider the more general question of how historians can study the effect of moral norms.

The assessment of effects is methodologically difficult: Charlemagne himself several times demanded that his *missi* should report back on whether his orders were being observed.[47] If such reports were produced, they have not survived, but many historians have nevertheless been confident that Carolingian clerics and rulers were unsuccessful in their attempts to 'impose' new moral norms on the laity.[48] Yet there are serious problems in assessing adherence to moral norms even in contemporary

---

[43] *Capitula de causis cum episcopis et abbatibus tractandis* 811, MGH *Cap.* 1:72, p. 163, c. 4. On this text, see Nelson, 'Voice', pp. 80–8; and Rachel Stone, '"In what way can those who have left the world be distinguished?" Masculinity and the difference between Carolingian men', in Kirsten Fenton and Cordelia Beattie (eds.), *Intersections of Gender, Religion and Ethnicity in the Middle Ages* (Basingstoke, 2010), pp. 12–33.

[44] Notker 2:10, p. 66.   [45] See Chapter 4, pp. 116–7.   [46] See Chapter 2, pp. 27–68.

[47] Hubert Mordek, 'Karolingische Kapitularien', in Hubert Mordek (ed.), *Überlieferung und Geltung normativer Texte des frühen und hohen Mittelalters*, Quellen und Forschungen zum Recht im Mittelalter 4 (Sigmaringen, 1986), pp. 25–50, at p. 49.

[48] See for example Suzanne Fonay Wemple, *Women in Frankish Society: Marriage and the Cloister, 500–900* (Philadelphia, 1981), p. 81: 'These pleas [by Jonas and Hrabanus] for a more fundamental reform of sexual morality were generally unheeded'; Mordek, 'Karolingische Kapitularien', p. 48: 'ein königliches Sisyphusbemühen um Korrektur, um Reform, dem den Umständen entsprechend ein dauerhafter Erfolg versagt bleiben mußte'.

Morality and reality

society, as seen, for example, in recent debates about the reliability of crime statistics.

The scantier evidence for earlier periods increases the difficulty. Alan Bray, for example, has demonstrated the problems in using court records to determine the incidence of homosexual activity in sixteenth-century England.[49] Carolingian texts provide only anecdotal evidence of moral offences, along with general comments from moralists that 'some', 'many' or 'very many' people are committing particular sins, or behaving correctly. Were anecdotes of misbehaviour included in texts as representative or, conversely, mentioned precisely because they are atypical and therefore noteworthy?

Similar problems arise with other evidence often used to claim that Carolingian reforms were ineffective. The repeating of legislation in councils and capitularies has often been assumed to show the existence of widespread and ineradicable problems.[50] Other historians, however, have pointed out that while legislation shows the continued existence of particular offences, it provides no information on changes in their frequency.[51]

Using evidence of enforcement or its lack to assess the effect of moral norms is also problematic. The handful of specific cases known in Carolingian times, and our incomplete knowledge of them, make generalisations and arguments from silence difficult. Suzanne Wemple, for example, makes broad claims about Carolingian rules on divorce not being rigorously enforced on the basis of a tenth-century hagiographical text. The *Vita S. Deicoli* does not mention any protests about Count Eberhard of Alsace abandoning his wife and marrying an abducted nun, but this may simply reflect the text's interest in showing the count as punished by God.[52] Claims that the lack of explicit punishments in capitularies for usury meant it was not taken seriously have been countered by Harald Siems' suggestion that some capitularies may have used an assumed standard fine for an offence.[53]

Given such problems with the interpretation of enforcement, I have limited the conclusions I draw from negative evidence. However, I have

---

[49] Alan Bray, *Homosexuality in Renaissance England* (London, 1982), pp. 38–42, 70–5.

[50] See for example Mollat, *Poor*, p. 26; Egon Boshof, 'Untersuchungen zur Armenfürsorge im fränkischen Reich des 9. Jahrhunderts', *Archiv für Kulturgeschichte* 58 (1976), 265–339, at p. 339.

[51] Franz J. Felten, 'Konzilsakten als Quellen für die Gesellschaftsgeschichte des 9. Jahrhunderts', in Georg Jenal and Stephanie Haarländer (eds.), *Herrschaft, Kirche, Kultur: Beiträge zur Geschichte des Mittelalters. Festschrift für Friedrich Prinz zu seinem 65. Geburtstag* (Stuttgart, 1993), pp. 177–201.

[52] Wemple, *Women*, p. 86; *Ex vita S. Deicoli*, ed. G. Waitz, MGH *SS* 15:2 (Hanover, 1888), pp. 675–82, at p. 679, c. 13.

[53] Harald Siems, *Handel und Wucher im Spiegel frühmittelalterlicher Rechstquellen*, MGH Schriften 35 (Hanover, 1992), pp. 752–3.

Introduction

seen evidence of particular concern to enforce a norm, such as by exem-
plary punishments, or demands for the active seeking-out of offenders,
as noteworthy.

A further issue is that enforcement is not necessarily vital for legisla-
tion. Max Weber argues that the social punishments for breach of a con-
vention may actually be more severe than, and at least as effective as, any
legal coercion.[54] Indeed legislation in both medieval and modern times
may not always have enforcement as its primary goal. James Brundage
comments:

Medieval sumptuary legislation, like these modern laws [on sex and gambling],
sought at least as much to affirm values as to modify behavior. Sumptuary laws,
like sex and gambling laws, proclaim our collective devotion to moral behavior
by defining immoral behavior as a crime. It need not follow as a consequence,
however, that we will therefore change our habits and forego our pleasures by
enforcing these bans vigorously. Sumptuary laws allowed urban authorities to
visit exemplary punishment from time to time on blatant transgressions of com-
munal morality.[55]

It is important to realise that even such symbolic legislation can have a
significant effect on behaviour. A notable modern British example of
this is Section 28 of the Local Government Act 1988, which barred the
'promotion' of homosexuality. Although no-one was ever prosecuted,
this act had a major impact on gay people and the discussion of sexual
issues in schools.[56] Research on medieval and early modern political ide-
ology has similarly stressed how discourses themselves form part of the
'underlying realities' affecting what political actions are possible.[57]

All this makes the 'effectiveness' of moral norms an inadequate meas-
ure for their social impact. I have therefore deliberately approached the
question of the impact of moral norms differently, using Max Weber's
concept of the 'validity' of an ethical norm (the probability that action
will be governed by it).[58] As Weber comments, adherence to a norm is
only a partial measure of its validity:

It is possible for action to be oriented to an order in other ways than through
conformity with its prescriptions … it is very common for violation of an order

---

[54] Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus
Wittich, trans. Ephraim Fischoff *et al.*, 3 vols. (New York, 1968), Vol. I, pp. 34, 320.
[55] James A. Brundage, 'Sumptuary laws and prostitution in late medieval Italy', *Journal of Medieval
History* 13 (1987), 343–55, at p. 353.
[56] '*Section 28 and the revival of gay, lesbian and queer politics in Britain*', Seminar held 24 November 1999,
Institute of Contemporary British History (London).
[57] See for example John Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), pp. 6–7.
[58] Weber, *Economy and Society*, Vol I, p. 31.