

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

Edited by George Garnett and John Hudson

Frontmatter

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The works of Sir James Holt are well known to all those working in medieval history, in Europe, North America and Japan. This important set of essays, written in his honour, reflects his interests in England and Normandy from the tenth to the thirteenth centuries. The first group, on rebellion and warfare, reminds us particularly of his work on the Northerners. The second analyses the issues of land-holding, family and politics: issues particularly discussed by Sir James in a series of papers since the early 1970s. The third group treats documents, politics and government, a field in which Sir James' collection of Henry II's and Richard I's *acta* will be of outstanding importance.

Particular concerns of the essays are the neglected subject of military intelligence; the legitimacy of rebellion and responses to revolt; the development of land law, and in particular of inheritance; legal learning, both Anglo-Norman and Romano-canonical; charters both for their own sake and as a more general source; and the extent of the forest of Nottinghamshire, itself a setting for the Robin Hood legends upon which Sir James has written so notably.

The essays have been contributed by specialists in these fields who have worked alongside, studied under, or debated with the honorand. Unusually for such a collection, it also contains an essay by his own tutor, J. O. Prestwich. The collection will be widely welcomed by all medieval historians.

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Frontmatter

[More information](#)*Contents*

<i>Preface</i>	J. C. HOLT	<i>page</i>	ix
<i>Acknowledgements</i>			xiii
<i>List of abbreviations</i>			xiv
1	Military intelligence under the Norman and Angevin kings J. O. PRESTWICH		I
2	1066 and the introduction of chivalry into England JOHN GILLINGHAM		31
3	Against the Lord's anointed: aspects of warfare and baronial rebellion in England and Normandy, 1075–1265 MATTHEW STRICKLAND		56
4	'Ducal' succession in early Normandy GEORGE GARNETT		80
5	' <i>Quadripartitus</i> ' PATRICK WORMALD		111
	<i>Appendix: The prefaces of 'Quadripartitus'</i> RICHARD SHARPE		148
6	The discourse of inheritance in twelfth-century France: alternative models of the fief in <i>Raoul de Cambrai</i> STEPHEN D. WHITE		173
7	Anglo-Norman land law and the origins of property JOHN HUDSON		198
8	The origin of prerogative wardship S. F. C. MILSOM		223

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

Edited by George Garnett and John Hudson

Frontmatter

[More information](#)

viii

Contents

9	<i>Possessio/proprietas</i> in ecclesiastical courts in mid-twelfth-century England MARY CHENEY	245
10	The sheriffs of Henry II and the significance of 1170 JULIA BOORMAN	255
11	The charters of the Empress Matilda MARJORIE CHIBNALL	276
12	A Norman <i>conventio</i> and bonds of lordship in the middle ages DAVID CROUCH	299
13	The archbishopric of York and the extent of the forest in Nottinghamshire in the twelfth century DAVID CROOK	325
14	Archdeacons and parish churches in England in the twelfth century BRIAN KEMP	341
	<i>A bibliography of published writings of Sir James Holt</i> BARBARA DODWELL	365
	<i>Index of names and places</i>	372

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

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Frontmatter

[More information](#)

Preface

J. C. Holt

This volume marks no significant anniversary or event, although its publication may, by luck rather than design, coincide with Jim Holt's seventy-second birthday. We have missed by wide margins the customary occasions for the presentation of such tributes. But in Jim's case both 'retirement' and seventieth birthday appear to be almost irrelevant: the former because he has if anything been even more active since that happy (in terms of the alleviation of distractions) event, the latter because he seems to be getting younger with each year. Indeed, any urgency in the editing of this volume arose from an uncomfortable sense that if we delayed too long he might well pass us, moving briskly, as it were, in the opposite direction. The first essay in this volume shows that he is not unique in this respect: they clearly put something miraculous in the tea in The Queen's College during the 1940s.

In the preface to his collection of essays on Magna Carta, Jim Holt observes that reflection 'at any length on such a prolonged period of work would be neither inspiring for the reader nor remedial for the author'. In considering his work as a whole, we take the hint; but a few, brief words may prove inspiring – or at least revealing – to future readers of this volume, however much they might disconcert the honorand.

Brevity, or more accurately, pithiness, is one of the striking features of a piece of Holt prose. Many of his sentences have an epigrammatic quality which might look well in Latin, were it not that their crisp directness is unmistakably that of northern English, and that they quite often embody a modern, technical metaphor, perhaps echoing his experiences in the Royal Artillery. They are epigrammatic because they summarise an argument, or express a judgment, economically. They owe something to the formulaic conciseness of the early legal records to which he has

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Frontmatter

[More information](#)

devoted so much of his attention; but their pellucidity stands at the opposite extreme from the enigmatic opaqueness of those records, and is directed to uncovering something of the world which that opaqueness obscures. As such, like the arguments they encapsulate, these sentences are manifestly the product of intensive, sustained reflection. This is why his work deserves and requires repeated, careful re-reading; and why his books have achieved the durability of classics, meriting second editions, in paperback, anything up to thirty years after their first publication. The arguments are both trenchant and nuanced; they have depth, and they are still developing, a process which has sometimes been fostered by the sort of dialectical trial by combat in which he has engaged with several of the contributors to this volume. However finely honed the prose, the reader would be in error if he inferred that the argument has been finally formulated. It is a living thing, requiring repeated redrafting and refinement. In this respect Jim Holt is very close to V. H. Galbraith, to whom he owes much. But, despite his equally northern roots, Galbraith's prose style was never quite as distinctive.

The common concern in all Jim Holt's work – whether it be Magna Carta and the political circumstances which gave rise to it, ranging forward into the later middle ages and beyond, or Normandy and the Norman Conquest, or Robin Hood – is with law. But, on the whole, it is with law as secreted in the interstices of procedure, or implicit in the staccato phrases of a charter or court record, of a Pipe or fine roll or a chronicle; with the extent to which law is a function of governmental activity. He is fascinated by the processes which eventually led to the systematic exposition of rules of law, but the suspicion is that his interest thereafter diminishes to the extent that they are expounded thus. For what appears to excite him is reconstructing the thought which informed the surviving fragmentary details. Systematic exposition removes this challenge; and thereby it also tends to distance law from political and social circumstances. His work, on the contrary, is a realisation of the truth of Maitland's aphorism that law is the point where life and logic meet. As Jim might put it, this is not doctrine, but fact. Legal history, and political and social history, become inseparable; his reconstruction of the conventions or rules of law, largely from the records of governmental action, resurrects the context in which contemporaries acted. If not

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

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Frontmatter

[More information](#)*Preface*

xi

the history of political thought, systematically expounded, it is certainly the history of political thinking.

To this end one of his most important achievements has been to integrate into English medieval history the lessons which French scholars have had to teach about understanding the medieval nobility. This has not received due recognition, perhaps because he has applied those lessons to rich materials with which continental scholars are largely unfamiliar, and because he has formulated his analysis with a sparse directness which seems to be uncharacteristic of much continental scholarship. Concomitant with this integration of modern French scholarship has been an acute sense of the bonds and divisions between the kingdom of England and the Continental possessions of English kings following the Norman Conquest; of the continental context of medieval English history. In the years while he has been working on it, this has been a theme with strong contemporary resonances.

As opposed to Holt the scholar and teacher, the editors have relatively little knowledge of Holt the administrator. But the little we have seen, and what we have gleaned, make it clear that his style of government has been at one with his scholarship. For him, assessment of the motives of men of action in the past is informed by watching how power is exercised in the present, and exercising it himself. According to his history of the University of Reading, Stenton, his august predecessor there, whose blurred image appears in the background to our frontispiece, held a season ticket to Paddington before the war, and considered it a very bad day when he had not yet set out for the PRO or BL by lunchtime.¹ That Stenton's successor operated in a different bureaucratic world is not to be accounted entirely as loss or waste where Jim's scholarship is concerned. In her oration presenting him for an Honorary D.Litt. at the University of Reading in 1984, Professor Hufton drew attention to the inadequacy, in Jim's case, of the conventional verbs used to describe a professor's tenure of his chair: 'holds', 'fills', or 'occupies' all, she said, 'suggest a degree of containment which fails to convey what Jim Holt did here'.² She is right, and not only with respect to Reading: his restless vigour means that he almost never sits still in any chair, let alone

¹ J. C. Holt, *The University of Reading: the First Fifty Years* (Reading, 1977), p. 5.

² *University of Reading Bulletin*, no. 175 (Long Vacation, 1984), p. 3.

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

Edited by George Garnett and John Hudson

Frontmatter

[More information](#)

xii

Preface

the metaphorical ones which did not quite 'contain' him at Nottingham, Reading and Cambridge. His liking for incisive action, for cutting a swathe through administrative impedimenta, must have rubbed many a professional committee man up the wrong way. For he displays an irreverence, sometimes twinkling, which is rare amongst his (administrative) peers. He likes to get things done: if you half close your eyes, you can see him as one of those Northerners who created, with purposeful astuteness, so many difficulties for King John, to such epoch-making effect. When contrasting the irreconcilable methods of the lawyer and the historian, Maitland said: 'The lawyer must be orthodox otherwise he is no lawyer; an orthodox history seems to be a contradiction in terms.'³ There can be no doubt about which category Jim Holt and his work fall into.

GEORGE GARNETT

JOHN HUDSON

³ F. W. Maitland, *Why the History of English Law is not Written* (Inaugural Lecture, 13 October, 1888), reprinted in *The Collected Papers of Frederic William Maitland*, ed. H. A. L. Fisher, 3 vols. (Cambridge, 1911), 1, 491.

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Frontmatter

[More information](#)

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Frontmatter

[More information](#)*Abbreviations*

ANS	<i>Proceedings of the Battle Conference on Anglo-Norman Studies</i>
ASC	<i>Anglo-Saxon Chronicle</i>
ASE	<i>Anglo-Saxon England</i>
<i>Beauchamp</i>	<i>Beauchamp Cartulary: Charters 1100–1268</i> , ed. E. Mason, PRS, NS, XLIII (1980)
‘Benedict’	<i>Gesta Regis Henrici Secundi Benedicti Abbatis</i> , ed. W. Stubbs, 2 vols. (RS, 1867)
(BI)HR	<i>(Bulletin of the Institute of) Historical Research</i>
BL	British Library
BN	Bibliothèque Nationale
<i>Book of Seals</i>	<i>Sir Christopher Hatton’s Book of Seals</i> , ed. L. C. Loyd and D. M. Stenton (Oxford, 1950)
<i>Bracton</i>	‘Henry de Bracton’, <i>De Legibus et Consuetudinibus Regni Anglie</i> , ed. and tr. S. E. Thorne, 4 vols. (Cambridge, Mass., 1968–77)
CChR	<i>Calendar of the Charter Rolls, 1226–1516</i> , 6 vols. (HMSO, 1903–27)
CDF	<i>Calendar of Documents Preserved in France illustrative of the History of Great Britain and Ireland</i> , ed. J. H. Round (London, 1899)
(C)HJ	<i>(Cambridge) Historical Journal</i>
<i>Chronicles of Stephen, Henry II and Richard</i>	<i>Chronicles of the Reigns of Stephen, Henry II, and Richard I</i> , ed. R. Howlett, 4 vols. (RS, 1884–9)

Cambridge University Press

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Edited by George Garnett and John Hudson

Frontmatter

[More information](#)

	<i>Abbreviations</i>	xv
<i>CM</i>	Matthew Paris, <i>Chronica Majora</i> , ed. H. R. Luard, 7 vols. (RS, 1872–83)	
<i>CRR</i>	<i>Curia Regis Rolls</i> (HMSO, 1922–)	
<i>DB</i>	<i>Domesday Book seu Liber Censualis Wilhelmi Primi Regis Angliae</i> , ed. A. Farley and H. Ellis, 4 vols. (London, 1783–1816)	
<i>Dialogus</i>	Richard FitzNigel, <i>Dialogus de Scaccario</i> , ed. and tr. C. Johnson, rev. F. E. L. Carter and D. E. Greenway (Oxford, 1983)	
Diceto	Ralph de Diceto, <i>Opera Historica</i> , ed. W. Stubbs, 2 vols. (RS, 1876)	
<i>EEA</i>	<i>English Episcopal Acta</i> , ed. D. M. Smith <i>et al.</i> (London, 1980–)	
<i>EHR</i> <i>English Lawsuits</i>	<i>English Historical Review</i> <i>English Lawsuits from William I to Richard I</i> , ed. R. C. van Caenegem, 2 vols., Selden Soc., cvI, cvII (1990–1)	
<i>EYC</i>	<i>Early Yorkshire Charters</i> , vols. I–III, ed. W. Farrer (Edinburgh, 1914–16); index to vols. I–III, ed. C. T. and E. M. Clay; vols. IV–XII, ed. C. T. Clay (Yorks. Arch. Soc. Rec. Ser. Extra Ser., 1935–65)	
<i>Fasti 1066–1300</i>	<i>Fasti Ecclesiae Anglicanae 1066–1300</i> , ed. D. E. Greenway, 4 vols. (London, 1968–91)	
Fauroux, <i>Recueil</i>	<i>Recueil des actes des ducs de Normandie</i> , ed. M. Fauroux, Mémoires de la société des antiquaires de Normandie, xxvi (Caen, 1961)	
FW	Florence of Worcester, <i>Chronicon ex Chronicis</i> , ed. B. Thorpe, 2 vols. (London, 1848–9)	
Gervase	Gervase of Canterbury, <i>The Historical Works of Gervase of Canterbury</i> , ed. W. Stubbs, 2 vols. (London, 1879–80)	
<i>Gesetze</i>	<i>Die Gesetze der Angelsachsen</i> , ed. F. Liebermann, 3 vols. (Halle, 1903–16)	

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

Edited by George Garnett and John Hudson

Frontmatter

[More information](#)

xvi	<i>Abbreviations</i>
GG	Guillaume de Poitiers, <i>Histoire de Guillaume le Conquérant</i> , ed. and tr. R. Foreville (Paris, 1952)
<i>Glanvill</i>	<i>Tractatus de Legibus et Consuetudinibus Regni Anglie qui Glanvilla vocatur</i> , ed. G. D. G. Hall (Edinburgh, 1965)
GND	Guillaume de Jumièges, <i>Gesta Normannorum Ducum</i> , ed. J. Marx (Paris and Rouen, 1914); <i>The Gesta Normannorum Ducum of William of Jumièges, Orderic Vitalis and Robert of Torigny</i> , ed. and tr. E. M. C. van Houts, 2 vols. (Oxford, 1992–)
GP	William of Malmesbury, <i>De Gestis Pontificum Anglorum Libri Quinque</i> , ed. N. E. S. A. Hamilton (RS, 1870)
GR	William of Malmesbury, <i>De Gestis Regum Anglorum Libri Quinque</i> , ed. W. Stubbs, 2 vols. (RS, 1887–9)
GS	<i>Gesta Stephani</i> , ed. K. R. Potter, intro. R. H. C. Davis (Oxford, 1976)
HH	Henry of Huntingdon, <i>Historia Anglorum</i> , ed. T. Arnold (RS, 1879)
HKF	<i>Honors and Knights Fees</i> , ed. W. Farrer, 3 vols. (London, 1923)
HMC	Royal Commission on Historical Manuscripts
HN	William of Malmesbury, <i>Historia Novella</i> , ed. K. R. Potter (Edinburgh, 1955)
Holt, <i>Magna Carta</i>	J. C. Holt, <i>Magna Carta</i> , 2nd edn (Cambridge, 1992)
Holt, <i>Northerners</i>	J. C. Holt, <i>The Northerners</i> , 2nd edn (Oxford, 1992)
Howden	<i>Chronica Rogeri de Houedene</i> , ed. W. Stubbs, 4 vols. (RS, 1868–71)
JMH	<i>Journal of Medieval History</i>
<i>Letters and Charters of Gilbert Foliot</i>	<i>The Letters and Charters of Gilbert Foliot</i> , ed. A. Morey and C. N. L. Brooke (London, 1967)

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Edited by George Garnett and John Hudson

Frontmatter

[More information](#)

	<i>Abbreviations</i>	xvii
<i>Letters of John of Salisbury</i>	<i>The Letters of John of Salisbury</i> , ed. W. J. Millor, H. E. Butler and C. N. L. Brooke, 2 vols. (Edinburgh and Oxford, 1955–79)	
<i>LHP</i>	<i>Leges Henrici Primi</i> , ed. and tr. L. J. Downer (Oxford, 1972)	
Milsom, <i>Legal Framework Mon. Ang.</i>	S. F. C. Milsom, <i>The Legal Framework of English Feudalism</i> (Cambridge, 1976) <i>Monasticon Anglicanum</i> , ed. Sir William Dugdale, rev. J. Caley, H. Ellis and B. Bandinel, 6 vols. in 8 (London, 1817–30)	
<i>Mowbray</i>	<i>Charters of the Honour of Mowbray, 1107–1181</i> , ed. D. E. Greenway (London, 1972)	
<i>MTB</i>	<i>Materials for the History of Thomas Becket</i> , ed. J. C. Robertson, 7 vols. (RS, 1875–85)	
NS	New Series	
Orderic	<i>The Ecclesiastical History of Orderic Vitalis</i> , ed. and tr. M. Chibnall, 6 vols. (Oxford, 1969–80)	
<i>Papsturkunden</i>	<i>Papsturkunden in England</i> , ed. W. Holzmann, 3 vols. (Berlin and Göttingen, 1930–52)	
<i>PKJ</i>	<i>Pleas before the King or his Justices, 1198–1202</i> , ed. D. M. Stenton, 4 vols., Selden Soc., LXVII, LXVIII, LXXXIII, LXXXIV (1952–67)	
<i>PL</i>	<i>Patrologia Latina</i>	
Pollock and Maitland	Sir Frederick Pollock and F. W. Maitland, <i>The History of English Law before the Time of Edward I</i> , 2 vols., 2nd edn reissued with a new introduction and select bibliography by S. F. C. Milsom (Cambridge, 1968)	
<i>PP</i>	<i>Past and Present</i>	
<i>PR</i>	<i>Pipe Roll</i>	
PRO	Public Record Office	
PRS	Pipe Roll Society	
<i>RCR</i>	<i>Rotuli Curiae Regis. Rolls and Records of the Court held before the King's Justiciars or</i>	

Cambridge University Press

978-0-521-43076-0 - Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt

Edited by George Garnett and John Hudson

Frontmatter

[More information](#)

xviii

Abbreviations

- Justices*, ed. F. Palgrave, 2 vols. (Record Commission, 1835)
- Reading Cartularies* *Reading Abbey Cartularies*, ed. B. R. Kemp, 2 vols., Camden Soc., 4th Ser. xxxi, xxxiii (1986, 1987)
- Red Book* *Liber Rubeus de Scaccario*, ed. H. Hall, 3 vols. (RS, 1896)
- Reg. Ant. Linc.* *The Registrum Antiquissimum of the Cathedral Church of Lincoln*, ed. C. W. Foster and K. Major, 10 vols. (Lincoln Rec. Soc., 1931–73)
- Rot. Litt. Claus.* *Rotuli Litterarum Clausarum*, ed. T. D. Hardy, 2 vols. (Record Commission, 1833–44)
- Rot. Litt. Pat.* *Rotuli Litterarum Patentium*, ed. T. D. Hardy (Record Commission, 1835)
- RRAN *Regesta Regum Anglo-Normannorum, 1066–1154*, ed. H. W. C. Davies *et al.*, 4 vols. (Oxford, 1913–69)
- RS Rolls Series
- Sanders, *Baronies* I. J. Sanders, *English Baronies: a Study of their Origin and Descent* (Oxford, 1960)
- SD *Symeonis Monachi Opera Omnia*, ed. T. Arnold, 2 vols. (RS, 1882–5)
- Stenton, *English Feudalism* F. M. Stenton, *The First Century of English Feudalism 1066–1166*, 2nd edn (Oxford, 1961)
- Stubbs, *Charters* *Select Charters and other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward I*, ed. W. Stubbs, 9th edn (Oxford, 1913)
- TRHS *Transactions of the Royal Historical Society*
- VCH *Victoria County History*