
Witnessing

HAWISE COUNTESS of Gloucester (d. 1197) attested 75 per cent of the charters of her husband, Earl William.¹ Her title is *comitissa*, sometimes elaborated as *comitissa Glouc(estrie)*. On one charter she is *Haw(is)ia uxore mea*. She is the first witness in all but four *acta*.² The charter witness lists place Hawise at the apex of the internal hierarchy of the Gloucester power structure on her husband's charters. Hawise was also involved in transactions where she was the recipient of countergifts. One is a charter confirming the grant by a tenant to Holywell Priory, London, in which Earl William received seven marks and Hawise two bezants.³ The other charter records the enfeoffment of Richard de Lucy, a justiciar of Henry II, on Gloucester lands. Both Hawise and Earl William received a gold ring in return for recognition.⁴ Not only was Countess Hawise a regular witness to the *acta* of her husband, Earl William, in 1185 she witnessed a charter of Margaret, the widow of Henry II's eldest son, Henry the Younger.⁵

How can we account for such a high level of visible public activity by a twelfth-century countess? David Postles, whilst noting Hawise's prominence, suggests that she was associated with her husband's *acta* to prevent her from claiming dower in the future.⁶ However, although as Maitland noticed on the evidence of one charter women 'sometimes' witnessed documents, there are no examples of women's testimony being brought forward in the courts of the twelfth century.⁷ Postles, like Pollock and Maitland before him, tends to view female witnessing from a legal perspective, and whilst the legal nature of charters is well accepted, this legalistic interpretation is problematical. It seems to imply that Hawise witnessed because her claims to dower were a threat to the Gloucester patrimony, and that therefore her witnessing reflected consent to a grant. Indeed, Postles elsewhere argues that, where family members were involved, witnessing may have necessarily implied consent

or, at the very least, acceptance of a transaction, since it is possible that witnessing, in some cases, took the place of the consent of relatives, the *laudatio parentum*.⁸ The importance of witnessing as a measure of consent to a transaction is particularly difficult to verify, since the references to consent in charters are inconsistent.⁹ If Postles's view about wives and dower was applied to all *acta*, one would expect that all major transactions by men would have involved their wives, which is clearly not the case.

Reading socio-cultural contexts from a legal perspective is more difficult, however. It is generally assumed that the process of attesting and witnessing documents was a method of ensuring the security of a transaction, because attestors and witnesses could be called upon to verify the transaction recorded in the charter in the event of a legal dispute at a future date.¹⁰ Precisely because charters were legal records the views of Timothy Reuter provide a useful context here. Reuter points out that, although they may appear to be legal records, they are more often 'fragmentary (and often contextless) narratives . . . frozen records in the course of a narrative'.¹¹ They are disjointed as a series of narratives because they were made in different contexts and to meet different needs. Further, cartulary copies were subject to tampering, sometimes malicious, sometimes explanatory in the light of changes in vocabulary. Thus complexities within texts were subject to smoothing out in the light of local knowledge.

The variety of documents that Hawise witnessed suggests that there may have been more to her participation as a witness than a legalistic device predicated on her potential claims to land. For example, she was sole witness to a charter in favour of Queen Eleanor which gave her the ivory dice that Elias the clerk owed. Such a small gift speaks of personal relationships rather than Hawise as threat to the integrity of the Gloucester patrimony. When Hawise witnessed a chirograph between Hamo de Valognes and Durand, son of Robert of Torigni, she was witnessing a complicated settlement of inheritance in her husband's court.¹² By contrast she also witnessed a charter of her husband to Walter the harper granting some land for a full dish of beans rendered annually at the earl's exchequer in Bristol.¹³ The agreements that Hawise witnessed thus concerned both important tenants and household servants.

One of the key problems when studying witness lists is how to evaluate their significance as indicators of the personal, social and political power of twelfth-century noblewomen. Several issues affect the interpretation of charter evidence. The use of documentary records became more routine, as did the formulas which were used to express

commonplace happenings, and phrases were developed to express what may in fact not have occurred.¹⁴ Thus charters may have been statements of pretension rather than expressions of real power and authority, and therefore propaganda.¹⁵ Thus witness lists may have also been pretensions to power rather than evidence of gatherings of individuals at specific occasions. The date of composition within a wider chronology of change in the twelfth century is also significant, since the Angevin legal reforms may have had an impact upon the way that charters were drawn up. The significance of witnessing and the procedures for recording an act changed during the twelfth century, and charter formulas reflect those changes.¹⁶ Everything indicates considerable variation in the construction of witness lists.

The historiography of witnessing turns on two axes within broader debates about the nature of charter evidence. Empiricists such as Thomas Keefe, Donald Fleming, C. R. Cheney and Janet Burton tend to see witness lists as the product of political influence.¹⁷ Other historians such as Emily Tabuteau have considered the social status of witnesses, whilst John Hudson suggests that a broad cross-section of trustworthy people, including some of high rank, was important and that witness lists show that honorial courts were often attended by non-tenants.¹⁸ Diana Greenway suggests that witness lists commonly included a core group of family members who were supplemented by tenants.¹⁹ David Postles argues that by the twelfth century witness clauses generally suggest the presence of a witness at a ceremony and the importance of that presence.²⁰

On the other hand Dominique Barthélemy's reassessment of charter evidence has set witnessing into debates about the importance of documentary provenance against a background of production and custom.²¹ He believes that monastic charters and cartularies reveal the social context in which they were produced. Barthélemy attacks Duby's view of a cataclysmic transformation in French society *c.* 1000 and argues that the change in the nature of charters between *c.* 1050 and 1150 ('la mutation documentaire') did not necessarily reflect wider social changes, but might reveal practices which earlier styles of document had hidden. Barthélemy, Olivier Guyotjeannin and Susan Reynolds believe that charters are problematic because they emanate from an ecclesiastical élite which had a different ideology from that of secular society.²² Barthélemy attacks methodologies which statistically analyse specific phrases within charters, because charters should be studied within the complex cultural and political processes which affected how they were produced. Jan Hendrik Prell argues against a crisis in documentary forms and that the legal status of witnesses declined in importance so

that their function changed from a juridical corroborative role: they became ‘témoins instrumentaires’.²³

The key problem with this debate, although it is subtle and sophisticated, is that it is ultimately a sterile postmodern argument about male power and action which fiercely contests the difficulties of reading social realities from constructed narratives. It does little to address the difficulties of measuring the power of women, for example as witnesses. The debate about ‘la mutation documentaire’ has shown the significance of documentary provenance, but nevertheless charters offer the historian superb opportunities to study the dynamics of power, and facilitate a reading of female power which challenges assumptions about the interactions of gender and lordship on women’s power. Despite the relatively barren nature of postmodernist debates about documents, they nevertheless, in varying degrees, see witnessing as important. Thus, in terms of understanding female witnessing, an empirical view would see female witnessing as important because presence as a witness indicates that individuals were key political players. Alternatively, a postmodern perspective would suggest that witnessing represents the importance of women in a mythologised narrative which is reflective of the views of those party to and who created the document.

There are two useful approaches which are suggestive of new ways that women’s power as witnesses could be examined. Bates’s analysis of the *acta* of William I in terms of the context of production indicates that the historian needs to be particularly aware of the interaction of ‘public’ and ‘private’ forms of power.²⁴ Bates argues that frequency of attestation was important, but, crucially, changes in diplomatic practice affected the process of the creation of witness lists.²⁵ Thus documentary provenance is important. Hence, for example, the witness lists of confirmation charters of the late eleventh century are problematical, since they may not be an accurate reflection of gatherings of individuals when agreements were made, but, rather, they indicate that the beneficiary felt it was important that such names were recorded on such documents.²⁶ The significance of witnesses of royal writs on the other hand is placed in the political context of the royal court to cast light on ways that a new élite supplied documentary authority.²⁷ Bates argues that the personal power of William I’s wife Matilda is evidenced in the number and frequency of her attestations. Her special place in consenting to, and confirming, the grants of her husband elevated her above the powerful aristocracy.²⁸ Thus this way of viewing charters as products of socio-cultural conditioning and immediate political context acknowledges the importance of documentary provenance whilst accepting that

both were important as legal devices and reflective of social realities. Thus female witnessing may be considered to have had real significance.

Pauline Stafford also considers that witnessing had social and political significance. She has shown that in the eleventh century witnessing was part of the role of a queen.²⁹ Stafford suggests that the exercise of office, which could degender or regender, was at the heart of queenly power.³⁰ Further, witnesses of eleventh-century *acta* were all office holders, and such groupings reflected the perception of the Anglo-Saxon kingdom as a series of office holders.³¹ Queenly witnessing was thus an expression of queenly power, rooted in office. The paradigms offered by Bates and Stafford can be applied to explain the witnessing of Hawise countess of Gloucester. If twelfth-century witnessing was thus a form of public 'office', or power, which had the capacity to re- or even degender, it facilitated the participation of women. The basis of Hawise's power was of course her marital status: as the wife of the earl of Gloucester, Hawise's social status at the pinnacle of aristocratic society was assured. This explains the frequency of her attestations and her place above her husband's noble followers usually as head of the secular witnesses to his charters. A model of female witnessing existed in the royal household, where queenly witnessing was well established, and perhaps Earl William, who was styled *consul* in his *acta*, a title which associated him with high office and prestige, saw also that his wife as the wife of a *consul* could also play an important role as a witness similar to that of the queen for the king. Hawise as the wife of the earl was possibly therefore involved regularly, since the Gloucester secretariat had imitated royal practice under Earl Robert (d. 1147) and then Earl William. Thus Hawise's position as a witness was underpinned by a recognition of her office as countess.

However, high-status witnessing by females was more than a part of their role as office holders. Janet Nelson argues that women had a role to play in social memory: 'the *memoria*, the commemoration of the dead . . . the ancestors, of the dynasty of the *gens*'.³² The confirmation of a sense of community that is represented by group witnessing was part of the purpose of witnessing: charters preserved *memoria* as well as the legal implications of the transaction recorded.³³ This places women's power in religious benefaction in its cultural context, but if the analysis is extended to apply to female witnessing it provides one paradigm which explains why women witnessed documents. This of course raises important questions about the purpose of the original gifts and the need to record *memoria*,³⁴ and who was who in relation to them, and also the importance of those witnesses as time passed and as their significance

diminished, which in part may explain the truncation of cartulary witness lists.

The issue of documentary provenance can partly be resolved where there are extant charters written by the same scribe in favour of numerous beneficiaries. Professional writers were employed in the Gloucester household. Countess Hawise in her widowhood maintained at least one clerk in hers.³⁵ The existence of a secretariat suggests a developed administrative framework which Hawise controlled. The secretariat framed documents from her perspective, not from that of the beneficiaries.

These themes – the importance of documentary provenance, the preservation of social memory, the socio-cultural significance of witnessing and the complex contexts of female participation – are superbly illustrated in a charter dated 18 March 1101/02. By this charter William, son of Baderon, gave to St Florent and St Mary Monmouth land near the mill at Goodrich Castle.³⁶ His wife, Hawise, and their daughters, Iveta and Advenia, confirmed the gift. On the day the gift was made William, his wife and daughters ‘and almost all their barons and their wives’ received the benefits of fellowship, ‘and all who were present, male and female, small and great, young and old, confirm and testify to the grant’. There follows a list of named witnesses, all of whom all are male. Thus although many women were present, received spiritual benefits and witnessed the charter, only male witnesses were listed by name, key office holders and their sons or members of Abbot William of St Florent’s entourage. It is striking that, when this grant was augmented by William, son of Baderon, by a later charter, *Domina Hadewis*, Iveta and Advenia placed their crosses on the charter. Thus they participated in the ceremony of transfer of seisin.³⁷ The charter of 18 March was drawn up the scribe of the abbot, the beneficiary; this may reflect anxiety about the nature and security of the gift. It was also a product of the socio-cultural conditioning which underpinned the way that the ceremony was constructed, recorded and witnessed. It also illustrates the complexities of measuring witness lists as a guide to participation, since although we know that numbers of women were present, their names were not recorded. This is in turn suggestive that the role of witnessing was generally gendered male. The transfer of seisin by symbolic action of the knife on the altar served to assist the memory of those witnesses present, both male and female.

As the twelfth century progressed there was a marked growth in female attestations: whilst at the start of the period high-status women such as Countess Hawise witnessed documents, by the end of the century, groups of women of freeholder status witnessed charters. This may

be related to the increasing awareness of procedures and jurisdiction typical of documents of this period and therefore of a trend to record more precisely those individuals involved in a grant.³⁸

The twelfth-century development of co-parceny, that is, the division of inheritance among female heirs,³⁹ may also have created tenurial relationships which brought women into business in the courts.

There is sparse evidence of non-royal noblewomen witnessing prior to 1100.⁴⁰ There are limited examples from 1100 until the 1130s.⁴¹ Thereafter the incidence of noblewomen witnessing documents increased in the 1130s.⁴² The period 1140–60 is also notable as a period when female witnessing increased.⁴³ After 1160 there are examples of groups of women and also lower-status women witnessing documents, which will be discussed below. The most common context for female participation as a witness is that of a wife either with or for her husband. Of all the examples cited above almost all the female witnesses were wives of the grantors or co-witnessed with their husbands.⁴⁴

Rates of female participation in witnessing are particularly hard to evaluate. Out of 391 private deeds relating to Waltham Abbey only four were witnessed by women. All were wives of grantors, even if two of them were also queens.⁴⁵ Out of 178 twelfth-century charters relating to Eynsham Abbey, eight were witnessed by women. Of these witnesses six were wives of the grantors, one witnessed her brother's charter, and Alice de Langetot as a witness has no obvious connection with kin.⁴⁶ It is noteworthy that the main context of female witnessing was as wives of the main grantors. If we set female witnessing into a broader analysis of their appearances in charter evidence, a fuller picture of the significance of female witnessing is apparent. For example, single or married women issued 10 per cent of the charters in favour of Waltham Abbey and with their husbands conjointly made agreements with the abbey, consented to gifts and received spiritual benefits in grants made by male kin.⁴⁷ Similarly women were involved with Eynsham Abbey in a variety of ways. In addition to the female participation as witnesses, thirty-five charters show that women participated in transactions, as co-alienors, alienors in their own right, as recipients of counter-gifts or gave concessions to grants.⁴⁸ Thus the total female participation in the Eynsham charters is 24 per cent, a significant figure: witnessing as sole guide to the power of noblewomen is problematic and needs to be set into the socio-cultural and political contexts. Further, these two examples show the variable nature of rates of female participation as witnesses.

This variability of rates of female participation can be seen in the cases of individual women. In the early twelfth century Matilda de L'Aigle,

the wife of Nigel d'Aubigny, witnessed three of his charters during her marriage to him (1107–18), 50 per cent of the sample.⁴⁹ She witnesses as *coniuge mea*, and is third witness after Thomas archbishop of York and Ranulf Flambard bishop of Durham in two, and second witness after Archbishop Thomas in the third. All three charters were in favour of religious houses: Bec, St Peter's Hospital, York, and St Cuthbert's, Durham. It is possible that all three charters were ratified on the same occasion, because the witness lists are similar.⁵⁰ In one notification charter to Aubrey de Vere that Nigel had given Bec £20 worth of land in Essex there is evidence that he had made the gift *supradicta benigno concessu uxoris mee*.⁵¹ Matilda countess of Chester attested 6 per cent of the charters of her husband, Earl Ranulf, usually as first witness. The beneficiaries were the religious houses of Basingwerk, Lenton, and the nuns of St Mary's Chester in the period 1135–53.⁵² In a charter of Earl Ranulf c. 1150 Hugh, son of Oliver, quitclaimed a number of crofts *coram me et comitissa et plurimus baronum meorum*. Yet in this charter Matilda is placed third in the witness list, after John and Roger the chaplains.⁵³ Thus the charter specifically states that Matilda was present when the quitclaim was made and the phrasing implies that her place at the ceremony was beside her husband, before the barons. Given this, her position as third witness is surprising, and may be a scribal oddity. Other high-status women witnessed their husband's charters, for example Margaret duchess of Brittany witnessed six of her husband's charters in the period c. 1160–71.⁵⁴ Lescelina, the wife of Geoffrey de Mandeville (I), witnessed his foundation of Hurley Priory in 1085–86.⁵⁵ Rohais countess of Essex witnessed a charter by her first husband, Geoffrey de Mandeville earl of Essex, to Holy Trinity Aldgate in 1140–44.⁵⁶

There are rare examples that demonstrate that grants were made on the advice of a wife who then also witnessed the charter. On the advice of Margaret, his wife, William de Chesney gave William 'Walensis' half a hide of land c. 1165–72, and Margeret witnessed the charter.⁵⁷ When Mabel, the wife of Ralph, son of Nicholas, witnessed her husband's charter her name was last on the witness list and the scribe added a clause specifically stating that the grant had been made at the advice of Mabel and with her concession.⁵⁸ Circa 1160–73 Bertrada countess of Chester used her personal influence to secure a grant to her servant and witnessed her husband's charter.⁵⁹ However, the striking feature of these examples is that the beneficiaries were secular individuals, whereas the majority of twelfth-century charter evidence relates to religious insititutions.

There is important evidence to suggest that when husbands and wives acted as joint witnesses they did so as conjoint lords. For example, Maurice of Windsor and Edith, his wife, were conjoint *signa* to a document dated 25 May 1130. This agreement, made at the episcopal court, details their joint benefaction of Wix Priory.⁶⁰ Edith's title next to her *signa* is *domine*, whereas her husband's name reads only as *Mauricii*, and Bishop Herbert of Norwich, who confirmed the grant, is *Eboradi episcopi*. It is possible that the lands were Edith's inheritance.⁶¹ Husbands and wives who made conjoint benefactions were *jointly* liable to warrant a gift and did so conjointly in lordship, since ensuring the security of a tenant's property conveyance was one of the functions of lordship.⁶² Lordly witnessing of a tenant's agreement was one way of ensuring that the superior lord(s) knew of a tenant's conveyance; it implied lordly consent and therefore bound the lord to uphold the agreement.

The following examples of noblewomen who conjointly witnessed charters with their husbands illustrate conjoint action of husband and wife in their capacity as superior lords for their tenants in their seigneurial court. Hudson has argued that lordly witnessing of a vassal's charter is an indication that lords dealt with business between vassals and their tenants.⁶³ As discussed earlier, Hawise countess of Gloucester and her husband Earl William both witnessed a charter made in their court which ratified a complicated settlement of inheritance.⁶⁴ In the late twelfth century Isobel countess of Pembroke witnessed with her husband, William Marshall, a grant of dower by Matthew de Luci to his wife, Dionisia.⁶⁵ Circa 1100–14 William count of Evreux and his wife, Hawise, made various grants to the abbey of Troarn. They acted as principal witnesses of their own endowment charter, witnessing second and third respectively after King Henry I.⁶⁶ Such an interplay of forces shaping documentary form places the emphasis on wider contexts – whereas Hudson, on the basis of one example of familial witnessing by the earl of Shrewsbury, his sons and the countess Adeliza in the late eleventh century, explains Earl Roger's witnessing only in the context of his power as the 'dominant lord of the area'.⁶⁷ This model needs modification in order to take account of the participation of the countess and her sons. It is arguable that the family acts as a unit of lordship. Indeed, the above examples suggest that Bates is essentially right to stress the importance of kinship and lordship as the dominant influences upon the making of diplomas.⁶⁸ This approach also confirms that the stress placed by Hyams on the family when lords acted to give warranty is a paradigm that can be applied to witnessing.⁶⁹

Certainly the importance of kin connections is apparent when Matilda de Lucy, the wife of Walter fitz Robert, the son of Matilda de Saint Liz, witnessed second after her husband for her mother-in-law in the mid- to late twelfth century. The charter granted land of her mother-in-law's dower.⁷⁰ In the late twelfth century two women alongside their husbands as part of a family group witnessed a charter which granted land to their mother-in-law.⁷¹ In 1148–55 Roger earl of Hereford gave various lands to St Mary Monmouth; Baderon of Monmouth, and his wife, Rohais, witnessed his charter.⁷² A key context for female involvement in witnessing was as wives for and with their husbands in the context of tenurial lordship.

Noblewomen as widows witnessed charters with and for their sons; for example, in 1144–59 Matilda, the mother of Henry de Lacy, witnessed an agreement of Lacy tenants made by the Chevrecurt family with her son.⁷³ As a widow Ada de Warenne countess of Northumberland witnessed seven charters of her son, King William the Lion of Scotland, in the period 1152–71.⁷⁴ As well as witnessing the charters of husbands and sons some women witnessed charters granted by their mothers, and the involvement of a daughter could be related to her claims to the land in question as heiress. When in 1135–45 Cecily de Rumilly made a gift to the canons of St Mary and St Cuthbert in Embsay her grant was witnessed by Amice de Rumilly *filia mea seniore*.⁷⁵ Amice, or Avice, subsequently augmented and confirmed her mother's gift in 1138–50.⁷⁶ She thus witnessed her mother's charters as her eldest co-heir. When in 1147–c. 1152 Amice notified the bishop of Lincoln and archdeacon of Leicester of her grant to the canons of Drax, her son-in-law, Robert de Gant, and daughter from her second marriage, Alice Paynel, consented to the gift and witnessed the charter. It is intriguing that the sister of Robert de Gant also witnessed.⁷⁷ Another example of a female heir co-witnessing with her husband her mother's grant of land is that of Michael Capra and his wife Roesia in 1156–62, when they witnessed a charter made by Jordan de Bricset and his wife, Muriel. Here the daughter witnessed her parents' grant to the religious institution that they had founded and was the heiress to the lands alienated.⁷⁸

There are examples where a daughter, possibly unmarried, witnessed as part of a sibling family group: Rohais, Gilbert, Walter and Baldwin, the sons and daughters of Alice, the wife of Gilbert fitz Richard de Clare, witnessed a charter granted by Alice 1136–38.⁷⁹ When c. 1123 Walter de Gloucester gave his nephew Little Hereford in fee, he compensated his daughter-in-law Sibyl through an exchange of one manor for another, since the land was of her dower. The witness list has fourteen

male witnesses as well as Margeret, *filia ipsi' Mil'*.⁸⁰ Given that Sibyl had married Miles of Gloucester in 1121, Margaret must have been only one or two years old.⁸¹ Her witnessing can hardly reflect consent, since she was so young, and more probably reflects her position as potential heir to the lands conveyed; her inclusion must have had more to do with notions of family participation in alienation rather than consent.

The ranking of witnesses is an indication of the interaction of gender and status. In 1144–50, when Alice de St Quintin with her son Robert made a grant to the nuns of Appleton, her daughter Agnes witnessed the charter and is second to last after ten male witnesses.⁸² Agnes also witnessed her mother and stepfather's charter confirmation and augmentation of Alice's grant c. 1163, when she was again placed second to last, following seven male witnesses.⁸³ As last witness she subsequently witnessed a confirmation of this grant made by her brother in 1163–70.⁸⁴ As part of a family group Agnes witnessed a confirmation charter c. 1150–70 made by her stepfather, with the assent and consent of his wife, Alice de St Quintin, concerning lands which were of her dower. There were six female witnesses to this charter, whose names follow the list of male witnesses: they were Alice de St Quintin, as *domina* Alice de St Quintin, and Agnes, Denise and Sibilla, her daughters, as well as Agnes and Alice *neptibus ejus*.⁸⁵ The lands alienated were Alice's dower from her first marriage, and it is possible that her daughters retained some interest in them. Agnes de St Quintin's support for her mother's foundation of a nunnery entailed witnessing the original foundation charter as part of a kindred group of six women: such group witnessing is unusual. Their names appear last on the list and where groups of women witness that is the norm.

There are few examples of charter witness lists containing more than one or two female names. There are fifteen examples of groups of women witnessing which all date from the mid to late twelfth century, the earliest dating from 1150–70, the latest c. 1198. Although the absolute number of this sample is small, each example is nevertheless significant, because the inclusion of women as witnesses was relatively uncommon in general in twelfth-century witness lists and such witness lists are not necessarily accurate records of all those present when agreements were ratified. Six women witnessed a charter of c. 1170–80 by William Lenveise and Denise, his wife. The witness group included the sister of Denise, the lady Eularia, and the wives of three of the male witnesses, as well as the daughters of the donors.⁸⁶ Thus all six women had kin connections with the alienors. The importance of kindred connections of female witnesses is demonstrable in a charter of 1166–76 by Asceria, the widow

of Asketil de Habton. Asceria gave a carucate of her dowry to Rievaulx Abbey. This charter confirmed her husband's previous grant and was witnessed by six women. The women's names are placed at the end of the list of male witnesses and include that of the wife of Ranulf de Glanville, the sheriff of York, as *Bertha vicecomitissa*, Matilda, her daughter, and four other women whose familial and marital status is made explicit.⁸⁷ In a grant to Kirkstead in the mid to late twelfth century by Agnes, daughter of Hugh de Pincun, seven male witnesses attested, after whom four women, including Lady Amicia, mother of 'Haket', and her daughter, Emmelina, as well as Margeret and Emmelina, the daughters of the grantor, also witnessed.⁸⁸ The women's names are last on the list, following male witnesses, suggesting that women were perceived at the bottom of the hierarchy of witnesses.⁸⁹ Social status mattered as well as gender.

In an unusual charter dating from the late twelfth century Alexandria, the daughter of Ralph Bernard, her sisters, Matilda, Hawise, Agnes and Beatrix, and her husband, William, gave lands to Stixwould. Of the sixty-three witnesses twenty were women, one of whom, Ragenild, wife of Ailmer, witnessed twice – in the general witness list and in the list for Agnes at the end of the charter. The named individuals were attesting on behalf of each sister, since the list is divided into three. Those witnessing for Beatrix and Agnes are listed sequentially. Beatrix made her gift at Heuton, and Agnes, her sister, also made her gift on a different occasion attested with a separate witness list. A general feature of all these female witnesses is that most of the women are listed after their male kin, and wives witness as daughters and mothers of male attestors.⁹⁰ In 1172 Alexandria, as a widow, and after the death of her son, again granted a charter in favour of Stixwould, which lists nine female witnesses and thirty men.⁹¹ When Alexandria's son had previously granted a confirmation charter at about the same date as his mother's grant there was only one female witness.⁹² Such group female attestations show the importance of kin connections, the definition that marital status gave to women, and the role of witnesses as guardians of the social memory of the occasion.

There is less evidence of groups of women witnessing independently in contexts divorced from family connections and tenorial obligations. It is striking that in the following examples groups of noblewomen witness for other noblewomen. Seven noblewomen who witnessed a charter by Hawise countess of Aumâle in 1181 were possibly her ladies-in-waiting.⁹³ When in 1212–14 she confirmed to Garendon Abbey various gifts three women, Alice *de Fontibus*, Richeuda and Clementia, *puellis*

meis, witnessed her charter. Their names are last on the list of *testes*, following three male office holders, two abbots and a sheriff, and three other men.⁹⁴ It is possible that these ‘girls’ held important office or performed defined functions within her household. There are other examples of high-status women witnessing charters for other women: for example, in 1185 Marie countess of Champagne and Hawise countess of Gloucester witnessed a charter of Queen Margaret, the widow of Henry the Younger (d. 1183), made for the benefit of his soul.⁹⁵ Alice duchess of Burgundy, Matilda countess of Tournai and Matilda abbess of Fontevrault witnessed a charter of Eleanor of Aquitaine in favour of Alice prioress of Fontevrault c. 1200.⁹⁶ There are also examples of lower-status women witnessing for other women, and it is unclear whether these witnesses had a kindred connection with the female grantor. When c. 1170–98 Matilda, the daughter of Roger of Huditoft, gave lands to Revesby held by Alice, sister of Hugo *Habba*, the lady Margaret and Elena, the wife of Roger the cleric, both witnessed last after six male witnesses. A further grant by Matilda *tempore viduitatis mee* was witnessed by ten male witnesses and lastly by Christina, wife of Henry de Claxby, and Eda, wife of Richard, *clerici de Mar*.⁹⁷ In 1160–70, when three women witnessed a charter granted by Emma de *Selveleia*, their names are listed sequentially following those of their husbands, who also witnessed.⁹⁸ Only one, Athelina, is named: the other two simply witness as *uxor eius* [of their husband, named] and they are at the bottom of the witness list, following fourteen male witnesses, who are listed in descending social status. It is unclear whether these female witnesses had any relationship with Emma, the grantor. A grant by Margaret, the wife of Roger de Bray, in the early thirteenth century was witnessed by two women, one who witnessed as the wife of a male witness, and one who is listed as *Petronille vidua et fuit uxor Rob’ le gag*.⁹⁹ The use of *vidua* to define a woman’s status in a witness list is unusual. In the late twelfth century three sisters and co-heiresses, Dianisia, Seiva and Agnes, sold to a certain William the Weaver lands worth 19s. The charter, agreed in the lord’s court, listed six female witnesses, as well as twenty-one named men and *multis aliis*.¹⁰⁰

The formulaic closing protocol *et multis aliis* on many charters is indicative of more than diplomatic practice, and the way that male names are listed in descending hierarchical order of social rank and personal importance due to office holding is well established. The way that women’s names fit into this schema is indicative of the mutable interactions of rank and gender which influenced female identities. When high-ranking women such as queens and countesses witness, whether as

wife or widow, their name is usually at the head of a witness list. Likewise, the importance of the female life cycle in the way that it gave women social definition can be seen in the way that women's names are recorded on charters, as can the importance of a gendered hierarchy as an organising principle on witness lists. When Isabella countess of Warenne witnessed a vassal's charter made in her court, she was fulfilling one of the functions of lordship. However, she did so during the period of her first widowhood, 1159–65, before her second marriage.¹⁰¹ She is listed as first witness as *Ipsa Isabel comitissa*. The names of the countesses of Gloucester and Chester appeared at the head of witness lists. Their social status overrode the disability of gender conventions in the specific context of female witnessing. By contrast, in the last quarter of the twelfth century lower-status female group witnesses are listed at the end of the lists of *testes* after named male witnesses.¹⁰² For example, in 1180–4 Hamo, son of Meinfelin, granted land to Aldith, the wife of the king's forester.¹⁰³ The charter was witnessed by eleven male witnesses and two women, Cecilia, *sponsa Alani*, and Margaret, *sponsa Mauricii*.¹⁰⁴ Aldith's daughters-in-law, who witnessed as part of a family group, appeared after their husbands and last on the list.

The impact of the female life cycle upon the participation of women as witnesses can be assessed where a series of extant charters relate to the same woman across her life cycle. Mabel countess of Gloucester, mother-in-law of Hawise, attested four charters for her husband, Earl Robert, as first witness. Her participation rate in his *acta* as a witness was over 30 per cent.¹⁰⁵ In her husband's foundation charter of Margam Abbey her consent was specifically mentioned, since the lands were of her inheritance.¹⁰⁶ Of those *acta* that she witnessed two were in favour of Montacute Priory (Somerset) and date from 1132 and c. 1135 respectively. In a charter of 1140–47 in favour of St Peter's Abbey, Gloucester, she is entitled *Mabilia comitissa*.¹⁰⁷ In a charter of Earl Robert's, in favour of Tewkesbury Abbey, which may have been issued as early as 1121–22 but possibly as late as 1147, she is listed as *Mabilia coniuge mea*.¹⁰⁸ At a critical period in the 1140s Earl Robert of Gloucester and Miles earl of Hereford made a treaty whereby Miles surrendered his son to Earl Robert as surety of his support for the earl and the Angevin cause. Countess Mabel was made responsible for ensuring that Earl Robert adhered to the agreement, so much so that if he did not keep to it she was responsible for bringing him back to it.¹⁰⁹ The clause details Countess Mabel's affidavit to 'use her power' to ensure the agreement was fulfilled and is paralleled by a similar clause to ensure that Earl Miles abided by the agreement. However, the affidavit was made by Earl Miles's son

Roger. This careful delegation of responsibility defines Mabel as *comitissa* responsible for ensuring her lord (*suum dominum*) complied, Roger for *patrem suum*. No doubt the scribes who composed the charter did so with great care, and thus the way that the role of the individuals concerned was described was important. Mabel was defined in terms of lordship, Roger by his family status. This treaty shows Mabel's role at the epicentre of the Gloucester administration at a critical period in the Angevin cause. It is possible that Mabel acted as regent for Earl Robert whilst he was abroad helping Count Geoffrey of Anjou.¹¹⁰

There is evidence to suggest that as a widow Mabel retained some authority as dowager countess. In 1147–48 conjointly with her son she restored lands to Jocelin bishop of Salisbury, a 'significant policy decision' in a charter which stressed her name first.¹¹¹ In 1147–57 she co-granted with her son a charter in favour of St Gwynollyw's church (Newport, Monmouthshire).¹¹² There is charter evidence to suggest that Mabel acted in some official capacity for her son in Normandy. In 1147–57 Earl William granted protection to Savigny Abbey. The writ-charter is addressed specifically to Mabel, his mother, his *balli* and his Norman men, and commanded her to maintain Savigny's rights in proper lordship by the use of his power. It is thus evidence that Mabel was in control of, and responsible for, the Norman territories of the earldom of Gloucester.¹¹³ Mabel's role, her power and authority changed as she moved through the female life cycle from wife of the earl to dowager countess. Thus the witnessing activity of both countesses of Gloucester should be seen in their social and political contexts and her importance as the wife of the earl of Gloucester. It was as the countess, or 'my wife', that Mabel as countess of Gloucester headed witness lists which include key office holders, the dapifer and constable, within the Gloucester administration. The impact of the female life cycle is apparent as other evidence from the *acta* relating to the Gloucester lands show that Mabel's role as a widow was important administratively for her son. Thus as an index of Mabel's personal power witnessing presents only a partial and fragmentary view, since she did not witness her son's *acta* but nevertheless had an important role to play in supporting his policies.

Gundreda de Gournay witnessed eight of her son Roger de Mowbray's charters, usually as first witness, in 1138–54.¹¹⁴ All the charters she witnessed were in favour of religious houses. In four cartulary copies she is listed as Roger's mother.¹¹⁵ In two charters which survive in the original she is listed as *domina Gundreda matre mea* and *domina Gund(reda)*.¹¹⁶ In a charter where she witnessed first, in front of her

daughter-in-law, she was *Gundreda matre mea* and Roger's wife, Alice de Gant, was *Alice uxore mea*.¹¹⁷ In another charter where she witnessed as part of a family group, Gundreda as *matre mea* was first witness, followed by Nigel, his son, and Alice, *uxore mea*, witnessed third, before four named male witnesses *et al*. Two forged original charters include Gundreda as a witness, one lists her as *Gundrea mater mea* before his sons Nigel and Robert, the other places her second to last as *Gundrea matre mea* before *Aelizia uxore mea*.¹¹⁸ Gundreda conjointly granted three charters with her son Roger de Mowbray early in his majority in c. 1138–40¹¹⁹ but she witnessed only one charter of her son, which confirmed a conjoint grant.¹²⁰ When Roger augmented this gift and confirmed it in 1140, Gundreda witnessed the grant.¹²¹ Setting Gundreda's role into context as a witness is further complicated when we consider Roger's later augmentation and confirmation of this gift in the same year.¹²² Gundreda did not witness further grants by Roger to Byland in the period to 1154.¹²³ However, she did maintain an interest in the abbey. In 1147 the monks of Byland were in conflict with various local landholders. They appealed to Roger de Mowbray as their superior lord, who arranged for legal proceedings in the king's court. Gundreda acted as Roger's informant and adviser, since she sent a letter containing information to Normandy with Abbot Roger, who ensured its safe delivery to Roger. In response, Roger de Mowbray wrote a letter to 'Gundreda his mother and his steward and his bailiffs of York that they were to protect and defend Abbot Roger'.¹²⁴ Gundreda's interests in religious houses were not confined to Byland Abbey: she granted land to other ecclesiastical beneficiaries, including Garendon Abbey, Newburgh Abbey, Rievaulx Abbey, St Leonard's Hospital, York, and St Michael's Hospital, Whitby.¹²⁵ Gundreda de Gournay's role as a witness for her son, when set into the context of her interests, is one facet of her role as a widow; as with Mabel countess of Gloucester, witnessing is one gauge of her personal power. The basis of her authority was her position as mother, her relationship with her son, the current lord. She may have had an important role as the protector of Byland's rights, and may perhaps have been acting as a Roger's representative when he was absent from Yorkshire defending his castle of Bayeux in 1147. This suggests that Gundreda may have had some official role, responsible for Roger's lands in Yorkshire during his absence in France.

All the above evidence shows that women participated as witnesses in land transfers as wives, widows and as part of family groups. Rates of female participation are hard to assess, since survival rates of documents are haphazard and there was variation in diplomatic practice,

and thus there may well be instances where women's property is the subject of a charter but where the woman does not witness. This of course reflects on women's role as witnesses, but, as the discussion of Gundreda de Gournay and Mabel countess of Gloucester has shown, witnessing is just one gauge of an individual's power. Female witnessing is reflective of the fluctuations in women's power through the impact of the female life cycle, as Stafford suggested. Bates and Barthélemy are right to suggest that charters should be studied in the socio-cultural contexts which produced them. As Bates noted, attestations are a problematic guide to power, politics or the significance of individuals, and developments in documentary forms must also be taken into account.¹²⁶ Despite this, certain lessons can be drawn from the evidence, and it is clear that the evidence supports a maximalist view that, although it may not be directly apparent, family participation was important.¹²⁷

By the end of the twelfth century witnessing had spread through society so that women of all ranks of landholder participated as witnesses. Social rank, as expressed through title, took precedence over limitations of gender to define their place on witness lists, since high-status women and wives of grantors usually appear at the head of witness lists. Where women witness, their position is clarified through a definition of their marital status or family connections with male kin. When women acted as a joint witness with their husband as confirmers of a vassal's charter they did so as wives who acted conjointly with their husband in performing a function of lordship. All this reflects on the role of the witness as a male-gendered function, because male witnesses predominate in twelfth-century charters. Thus noblewomen witnessed mostly for their husbands and male kin, and although they could witness in other contexts – for female kin, or for other women – they did so only rarely. This is in contrast to male witnesses, who witnessed as office holders, as family members or as interested parties with tenurial connections with the land conveyed. This is gender-specific because women's participation was founded on their marital status, and the life cycle was predominant in the definition it gave to their participation. It could be argued that gender precluded participation in witnessing more than rank and social status, since it has been shown here that women's participation in witnessing was relatively restricted whatever their social rank. Bates, on a more limited range of documents than has been surveyed here, contended that lordship, family and custom shaped documents and that witnessing must be therefore understood in a context which takes account of the interplay of 'private and public' forms of power.¹²⁸ As Professor Vincent noted, not only does such

a methodology convincingly undermine Warren Hollister's analysis of witness lists but, more important, it also confirms that several interactive factors, including opportunity, chance and personal relations, contributed to the appearance of individuals as witnesses.¹²⁹ In terms of understanding female witnessing this insight is crucial. We can go further, however, and argue that although female witnessing is a limited guide to the power of any individual, witnessing nevertheless reflects the ways that gender, lordship, the female life cycle, familial, social and tenurial connections impacted upon the power of twelfth-century noblewomen and thus served to define their roles.

Notes

- 1 As first witness, *Gloucester Charters*, nos 5, 7, 35–7, 44, 47, 49, 51–2, 65, 69, 71, 77, 88–9, 99, 102–3, 106, 118 (forgery), 120, 124–36, 168, 180, 182–3, 186–9; second witness in nos 116, 191; third in no. 111. Of the 111 *acta* listed, forty-one were excluded because they present no witness list, were issued prior to the marriage of William and Hawise or else are forgeries; excluded charters include nos 5, 11–30, 36, 85, 86, 96, 118, 171–2, 178–9. For Hawise's seal see Appendix 1, no. 54.
- 2 In a chirograph of 1155–60 made at the earl's court at Torigny-sur-Vire she is second after Earl William (*Gloucester Charters*, no. 186); in a charter in favour of Llanthony Priory (Monmouthshire) in 1150–65 she is listed as third witness after her parents Robert earl of Leicester and Amice the countess (*Gloucester Charters*, no. 111); she is second witness after bishops in charters in favour of ecclesiastical beneficiaries (*Gloucester Charters*, nos 116, 191). She is third witness in no. 100, after the abbot and prior of St Augustine's, Bristol.
- 3 *Gloucester Charters*, no. 113.
- 4 *Ibid.*, no. 115.
- 5 *CDF*, no. 41, a charter by which Margaret, daughter of Philip, king of France, made provision for monks of Clairvaux to pray for her husband's soul. In 1185 Margaret's dowry, the Vexin, was transferred to her sister Alice, who was betrothed to Richard. It is intriguing that Hawise associated with Margaret in their widowhoods – had they become friends during their husbands' rebellions? See W. L. Warren, *Henry II* (London: Eyre Methuen, 1977), pp. 598–603, 609–11.
- 6 D. A. Postles, 'Choosing a witness in twelfth-century England', *Irish Jurist*, 23 (1988), 336.
- 7 F. Pollock and F. W. Maitland, *A History of English Law before the Time of Edward I* (Cambridge, 1895, 2nd edn 1898, repr. London: Cambridge University Press, 1968), 1. 484–5.
- 8 Postles, 'Choosing a witness', p. 335.
- 9 J. Hudson, 'Anglo-Norman land law and the origins of property', in G. S. Garnett and J. G. H. Hudson (eds), *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt* (Cambridge: Cambridge University Press, 1994), pp. 198–222, at p. 210.

- 10 J. G. H. Hudson, *Land, Law and Lordship in Anglo-Norman England* (Oxford: Clarendon Press, 1994), pp. 158–9; S. D. White, *Custom, Kinship and Gifts to Saints: The Laudatio Parentum in Western France, 1050–1150* (Chapel Hill NC: University of North Carolina Press, 1988), p. 3; E. Z. Tabuteau, *Transfers of Property in Eleventh-century Norman Law* (Chapel Hill NC: University of North Carolina Press, 1988), pp. 142–69; M. Clanchy, *From Memory to Written Record: England, 1066–1307* (London: Edward Arnold, 1979; 2nd edn Oxford: Blackwell, 1993), pp. 254–5.
- 11 T. Reuter, 'Property transactions and social relations between rulers, bishops and nobles in early eleventh-century Saxony: the evidence of the *Vita Meinwerki*', in W. Davies and P. Fouracre (eds), *Property and Power in the Early Middle Ages* (Cambridge: Cambridge University Press, 1995), pp. 169–70.
- 12 *Gloucester Charters*, no. 186. Cf. witness to quitclaim made by Avice, wife of Philip of Galway to William de la Mare, who had challenged possession: *ibid.*, no. 106.
- 13 *Ibid.*, no. 188.
- 14 Postles, 'Choosing a witness', p. 345; Tabuteau, *Transfers of Property*, p. 142; Reuter, 'Property transactions and social relations', p. 170. For a cartulary which does not include original documents see 'Early charters of Sibton Abbey, Suffolk', ed. R. Allen Brown, in Patricia M. Barnes and C. F. Slade (eds), *A Medieval Miscellany for Doris Mary Stenton* (PRS, new ser., 36, 1962 for 1960), pp. 65–76.
- 15 P. Dalton, *Conquest, Anarchy and Lordship: Yorkshire, 1066–1154* (Cambridge: Cambridge University Press, 1994), p. 259; Hudson, *Land, Law, and Lordship*, p. 159.
- 16 Clanchy, *Memory to Written Record*, pp. 254–6. Postles, 'Choosing a witness', p. 345, suggests the role of the witness in ensuring the security of a gift declined in the later twelfth century. See Hudson, *Land, Law, and Lordship*, p. 159. For Normandy, Tabuteau, *Transfers of Property*, p. 119.
- 17 T. K. Keefe, 'Counting those who count: a computer-assisted analysis of charter witness lists and the itinerant court in the first year of the reign of King Richard I', *Journal of the Haskins Society*, 1 (1989), 135–45. T. Webber, 'The scribes and the handwriting of the original charters', *JCAS*, 71 (1991), 139. D. F. Fleming, 'Milites as attestors to charters in England, 1101–1300', *Albion*, 22 (1990), 185–98; *English Episcopal Acta*, II, *Canterbury, 1162–90*, ed. C. R. Cheney and B. E. A. Jones (London: Oxford University Press, for the British Academy, 1986), p. xxv; *English Episcopal Acta*, V, *York, 1070–1154*, ed. J. E. Burton (Oxford: Oxford University Press, for the British Academy, 1988), p. xxxiii; M. Chibnall, 'The charters of the empress Matilda', in Garnett and Hudson (eds), *Law and Government in Medieval England and Normandy*, pp. 291–3. For royal households see RRAN, 'Introduction', to vols 1–3. For intra-familial politics see Jones, 'La vie familiale de la duchesse Constance', and Chapter 4 nn. 66–7 above.
- 18 Tabuteau states that for Norman churches the length of a witness list was not a particular concern – practice varied from church to church – and that neither rank nor class made an individual suitable to witness: *Transfers of Property*, p. 156; Hudson, *Land, Law, and Lordship*, p. 159; J. Hudson, *The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta* (London: Longman, 1996), p. 42.
- 19 *Mowbray Charters*, p. lvi, where the lord's family were supplemented by members of the household, knights and those who held by socage tenure.

- 20 Postles, 'Choosing a witness', p. 333. For Normandy see Tabuteau, *Transfers of Property*, p. 153.
- 21 D. Barthélemy, *La Société dans le comté de Vendôme de l'an mil au XIV siècle* (Paris: Fayard, 1993).
- 22 O. Guyotjeannin, 'Penuria Scriptorum : le mythe de l'anarchie documentaire dans la France du nord (X^e–première moitié du XI^e siècle)', *Bibliothèque de l'École des chartes*, 155 (1997), 11–44. For Guyotjeannin the spread in literacy was due to the church's Gregorian reform, and was not about power relations. Reynolds, *Fiefs and Vassals*, p. 64, suggests this is a particular problem in the debate over the origins of property law and English feudalism.
- 23 J. H. Prell, 'Les souscriptions des chartes des comtes de Poitiers, ducs d'Aquitaine (1030–1137)', *Bibliothèque de l'École des chartes*, 155 (1997), 214.
- 24 D. Bates, 'The prosopographical study of Anglo-Norman royal charters', in K. S. B. Keats-Rohan (ed.), *Family Trees and the Roots of Politics* (Woodbridge: Boydell, 1997), p. 90.
- 25 Bates, 'Prosopographical study', p. 90. For comments on the twelfth century see *Mowbray Charters*, p. lxix, which likewise discusses the problem of the construction of witness clauses in the context of the authentication of documents by beneficiaries.
- 26 Bates, 'Prosopographical study', p. 92.
- 27 *Ibid.*, pp. 100–1.
- 28 *RRAN: The Acta of William I, 1066–87*, pp. 93–4; Duchess Matilda, wife of William I, witnessed half the ducal diplomas (a role she continued as queen): *Recueil des Actes des ducs de Normandie de 911 à 1066*, ed. M. Fauroux (Mémoires de la Société des antiquaires de Normandie, 36, Caen, 1961), p. 58; for Matilda, the wife of Henry I, see *RRAN*, 2, e.g. nos 524, 534, 538, 544, 547–8, 550, 554, 601, 607, 624, 634, 645; she both witnessed and acted as a *signa*.
- 29 Stafford, 'Emma', pp. 6–8.
- 30 *Ibid.*, p. 6.
- 31 *Ibid.*, p. 14.
- 32 Nelson, 'Gender and genre', p. 151.
- 33 Reuter, 'Property transactions and social relations', p. 168. See also M. Innes, 'Memory, orality and literacy in an early medieval society', *Past and Present*, 158 (1998), 5.
- 34 Reuter, 'Property transactions and social relations', p. 168.
- 35 *Gloucester Charters*, pp. 25–30.
- 36 *CDF*, 1. no. 1136.
- 37 *Ibid.* no. 1138.
- 38 Stafford, 'Emma', p. 8, shows that Emma was the only secular woman to witness royal charters. In eleventh-century Normandy women witnessed charters very rarely, except for the duchesses: Tabuteau, *Transfers of Property*, pp. 146–7.
- 39 J. C. Holt, 'Feudal society and the family in early medieval England', IV, 'The heiress and the alien', *TRHS*, 5th ser., 35 (1985), 1–28, esp. pp. 10–19; S. F. C. Milsom, 'Inheritance by women in the twelfth and thirteenth centuries', in M. S. Arnold, T. A. Green, S. A. Scully and S. D. White (eds), *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne* (Chapel Hill NC: University of North Carolina Press, 1981), pp. 60–89, esp. pp. 65–73.

- 40 For 1085–6: Lesclina, the wife of Geoffrey de Mandeville, ‘The original charters of Herbert and Gervase abbots of Westminster (1121–1157)’, ed. P. Chaplais, in *A Medieval Miscellany for Doris Mary Stenton*, ed. Patricia M. Barnes and C. F. Slade (PRS, new ser., 36, 1962 for 1960), pp. 89–110, at appendix A, pp. 105–8; she witnesses as the ‘Lady Lesclina my wife’. 1090–96: Emma de Port, *EYC*, 2. no. 855.
- 41 For 1100–01: Hawise and her daughters Iveta and Advenia, *CDF*, nos 1136, 1138. *Circa* 1100–14: William count of Evreux and his wife, Hawise, *CDF*, no. 478. 1107–19: Matilda de L’Aigle, *Mowbray Charters*, nos 5, 7, 10. For 1123: *Ancient Charters, Royal and Private, Prior to A.D. 1200*, ed. J. H. Round (PRS, old ser., 10, 1888), no. 11 and notes following.
- 42 For 1130: Edith, wife of Maurice de Windsor, ‘Some charters relating to the honour of Bacton’, ed. B. Dodwell, in *A Medieval Miscellany for Doris Mary Stenton*, ed. Patricia M. Barnes and C. F. Slade (PRS, new ser., 36, 1962 for 1960), pp. 154–5 and 161–2, no. 6. For 1130: Rohais, the daughter of Alice de Clare, *Northants. Charters*, no. 18. For 1132–47: Mabel countess of Gloucester, *Gloucester Charters*, nos 156–7, 84, 283 (176A). For 1135–50s: Matilda countess of Chester, *Chester Charters*, nos 37, 84, 98–9. For 1138–54: Gundreda de Gournay, *Mowbray Charters*, nos 21, 32, 37, 40, 49 (fabrication), 98–9, 200, 228 (forgery), 289. For 1135–8: Adeliza, wife of Richard fitz Gilbert, *Chester Charters*, no. 39.
- 43 For 1140–4: Rohais countess of Essex, *The Cartulary of Holy Trinity Aldgate*, ed. G. A. J. Hodgett (London Record Society, 7, 1971), no. 962. For 1144–50: Alice de St Quintin, *EYC*, 1. no. 541. For 1144–56: Matilda, wife of Henry d’Oilli, *EYC*, 2. no. 1239. For 1148–55: Rohais, wife of Baderon, *CDF*, no. 1143. For 1150–65: Hawise countess of Gloucester, see n. 1 above. For 1154–63: Lesclina de Trailli, ‘Charters relating to the honour of Bacton’, pp. 162–3, no. 8. For 1157: Emma, wife of Roger of Arundel, *Sarum Charters*, no. 31. For 1160–71: Margaret duchess of Brittany, *EYC*, 4. nos 58–9, 64–7. For 1160–72: Bertrada countess of Chester, *Chester Charters*, no. 185. For 1165–72: Margaret de Chesney, *Oxford Charters*, no. 48. For 1169–87: Oliva de Vaus, ‘Charters of Sibton Abbey’, p. 72, no. 6.
- 44 Exceptions: Adeliza, the wife of Richard fitz Gilbert, who witnessed for her brother, Earl Ranulf of Chester (see n. 42 above); Iveta and Adevenia, daughters of William, son of Baderon (see n. 43 above); Rohais, the daughter of Alice de Clare (see n. 43 above). Alice de Gant witnessed as a wife and widow (see n. 96 below); Gundreda de Gournay as a widow (see pp. 95–6 and n. 42 above).
- 45 *The Early Charters of Waltham Abbey 1062–1230*, ed. R. Ransford (Woodbridge: Boydell, 1989), nos 1, 12, 31, 626, and see lxix.
- 46 *Eynsham Cartulary*, ed. H. E. Salter (2 vols, Oxford Historical Society, 49, 51, 1907–08) 1, charters nos 7–184; of these nos 7–9, 11–12, 15A, 16, 18, 21, 23, 24–5, 34, 40, 44A, 44B, 48–9, 51–4, 58, 61, 67, 78, 90A, 110, 131A, 143, 146, 150, 159A, 173, 176–9, 181–5 were excluded because they were either too early or too late, or have no witness list. Women witness nos 59 (third, wife of grantor), 65 (second after husband), 72 (fourth, sister of male witness), 79 (third after son and a clerk, Alice de Langetot, witnessing for grandson), 101 (first, wife of grantor), 105 (second, wife of grantor), 132 (first, wife of grantor) 133 (first, wife of grantor).
- 47 *Early Charters of Waltham Abbey*, lxxviii.

- 48 Conjoint husband and wife grants: *Eymsham Cartulary*, 1. nos 64 (with son), 66 (with son), 67, 80, 81, 84, 90, 109, 112, 113, 116, 138, 153, 166, 172. Female grantors: nos 67, 83, 92–3 (same grantor), 109, 111, 124, 126 (mother and son), 130, 139, 145, 167; 142. Other female involvement: 110 (wife involved as petitioner in concord made at the king's court), 148 wife (and sons) received countergift; nos 167, 170: husband and wife received countergifts; no. 147: mother involved in affidavit; no. 179: wife involved in final concord.
- 49 Of seventeen charters granted by Nigel d'Aubigny, seven must be excluded, since they date possibly to the period after 1118, and four have no witness list or are heavily abbreviated: *Mowbray Charters*, nos 1–3, 6, 12–17.
- 50 *Mowbray Charters*, nos 5, 7, 10; *EYC*, 2. no. 855 (1090–96), where Emma de Port witnessed for her husband, William de Percy.
- 51 Given the dating limits of this charter of 1109–24 it could possibly relate to Gundreda de Gournay, Nigel's second wife; for the *acta* of Nigel d'Aubigny: *Mowbray Charters*, nos 1–17, the concession of *uxoris mee*, no. 11. There is no evidence to show that Nigel d'Aubigny's second wife, Gundreda de Gournay, whom he married in 1118, witnessed his documents. There is only fragmentary evidence relating to the period 1118–29 (when Roger de Mowbray died), and no original charters survive: *Mowbray Charters*, nos 11–17.
- 52 *Chester Charters*, nos 37, 84, 98–9. Of 103 *acta* (nos 15–119) which relate to Earl Ranulf, 37 were excluded because they presented no witness list, were not Earl Ranulf's *acta*, were spurious, were writs or were charters of notification: nos 15, 17–19, 20, 23, 28–33, 48–9, 51, 53–4, 59, 70, 75, 79, 83, 86, 89, 91, 94, 97, 100, 102, 105–6, 110, 112–14, 116. See above, Chapter 4, for a detailed discussion of the *acta* of Matilda and her role as a countess.
- 53 *Chester Charters*, no. 98.
- 54 *EYC*, 4, nos 58–9, 64–7.
- 55 'Original charters of Herbert and Gervase abbots of Westminster', pp. 105–8.
- 56 *Cartulary of Holy Trinity Aldgate*, no. 962 (1140–44), and for her son, Earl William; *Clerkenwell Cartulary*, no. 46 (before April 1176); and see above, p. 72, for Rohais. Other examples of wives witnessing: *EYC*, 2. no. 1239 (c. 1145–56); *Sarum Charters*, no. 31 (21 March 1157), no. 79 (c. 1201); *Clerkenwell Cartulary*, nos 21, 22 (1176, *ante* 1178–79); *Oxford Charters*, nos 8, 15, 48, 89; 162–3. 'Charters relating to the honour of Bacton', pp. 162–3, no. 8.
- 57 *Oxford Charters*, no. 48; her husband acted with her assent and at her petition.
- 58 *Cujus consilio et concessionem hanc donationem feci* (late twelfth to thirteenth-century): *The Cartulary of St John of Pontefract*, ed. R. Holmes (2 vols, Yorkshire Archaeological Society, Record Series, 25, 30, 1899 for 1898, 1902 for 1901), 2. no. 407.
- 59 *Chester Charters*, no. 185. In 1145–53 Richard de Curcy, *peticione et concessione Alicie uxoris mee*, gave to Jordan de Furches lands to hold by service of three-quarters of a knight's fee; unfortunately the cartulary copy of this charter has an abbreviated witness list, so it is unclear whether Alice witnessed or not: *EYC*, 4. no. 61. See below, Chapter 6, for discussion of countergifts more generally.
- 60 'Charters relating to the honour of Bacton', pp. 154–5 and 161–2, no. 6.
- 61 Possibly dowry: 'Charters relating to the honour of Bacton', pp. 154–5.

- 62 For the role of lordship in guaranteeing a tenant's right see Hyams, 'Warranty and good lordship', pp. 447–8, which argues that lordship was synonymous with protection over both vassals and their lands.
- 63 Hudson, *Land, Law, and Lordship*, pp. 140–1.
- 64 *Gloucester Charters*, no. 186.
- 65 Original charter: Huntington Library, San Marino CA, Stowe Grenville evidences, STG box 5, no. 18 (DBC). Cf. Matilda countess of Eu, who co-witnessed with her husband, Count Henry, the grant by a tenant, Odard the doctor, of Foucarmont, with his wife, Avicia, and with the concession of his niece Elizabeth and her husband, Eustace de Stoquis, of lands which were of Avicia's *maritagium*: Cartulary of Fourcarmont, Rouen, Bibliothèque Municipale Y13, f. 72r (thirteenth-century) (DBC). Also Alice countess of Eu and Earl Henry, her husband, witnessed charters by Thomas de St Leger and Renger de Northie: *Calendar of Charters and Documents relating to the Abbey of Robertsbridge co. Sussex, Preserved at Peshurst among the Muniments of Lord de Lisle and Dudley*, ed. P. Sidney (London: printed by Spottiswoode & Co., 1873), nos 4–5.
- 66 CDF, no. 478. Alienors witnessing their own charters were in fact an anomaly in eleventh-century Normandy, according to Tabuteau, *Transfers of Property*, p. 159. Their appearance is related to changes in the social significance of witnessing: Postles, 'Choosing a witness', p. 330. Another example of a wife co-witnessing with her husband: 1169–87, Oliva de Vaus, as second witness, 'Charters of Sibton Abbey', p. 72, no. 6.
- 67 Hudson, *Land, Law and Lordship*, pp. 141–2.
- 68 Bates, 'Prosopographical study', p. 94.
- 69 Hyams, 'Warranty and good lordship', pp. 440–1 and n. 8.
- 70 BL, Harl. Ch. 55. G. 9, dated 1154–89; for the seal of Matilda de Saint Liz see Appendix 1, no. 115.
- 71 *Luffield Priory Charters*, ed. G. R. Elvey (2 vols, Northamptonshire Record Society, 22, 26, 1968 for 1956–57, 1975 for 1973; jointly published with the Bedfordshire Record Society), 2. no. 757.
- 72 CDF, no. 1143. St Mary's, Monmouth, was a dependency of St Florent, Saumur: see CDF, no. 1136.
- 73 EYC, 3. no. 1771. Other examples: Rohais countess of Essex for her son, *Clerkenwell Cartulary*, no. 46; Muriel de Munteni for her daughter and son-in-law, *ibid.*, no. 79.
- 74 *Regesta Regum Scottorum*, II, *The Acts of William I, King of Scots, 1165–1214*, ed. G. W. S. Barrow (Edinburgh: Edinburgh University Press, 1971), nos 3, 39, 48, 55, 61, 75, 100. Cf. Agnes Basset, who witnessed her son's charter confirming her previous grant of dower to Stixwould: BL, MS Add. 46,701, f. 5v. Alice de Gant, as *domina matre mea*, witnessed a charter for her son, Nigel de Mowbray, and is the only named witness in the truncated cartulary copy (1186–90 or 1150–54): *Mowbray Charters*, no. 189. As *Aliz de Gant* Alice is listed as third witness, after the chaplains, Nicholas and Hugh, in a charter of her mother-in-law, Gundreda de Gournay, in favour of St Leonard's Hospital, York, in 1142–54: *ibid.*, no. 300. Her appearance as a witness to her son's charter and to that of her mother-in-law is no indication of her spheres of interest, nor of her relative power to pursue her own objectives. Alice issued six charters in favour of Fountains Abbey, and one each to Pontefract and

- St Peter's, York: *Mowbray Charters*, nos 100–1, 104, 106–7, 131 (Fountains), 229 (Pontefract). Alice de Gant was married twice, firstly to Ilbert de Lacy (d. 1141–42) and subsequently, in 1142–43, to Roger de Mowbray; she predeceased him, dying 1176 × 1181: *Mowbray Charters*, pp. xxvii–xxviii, xxxii. She acquired a seal in 1144–55: see Appendix 1, no. 48. In 1147 Alice de Albemarle, Gundreda, the mother of Roger de Mowbray, her second husband, and Matilda, the mother of Alice de Gant's first husband, Ilbert de Lacy, all witnessed a charter by Henry de Lacy confirming a grant of a carucate for the soul of Alice's first husband: *EYC*, 3. no. 1495 (1144–55); *Chartulary of St John of Pontefract*, I, 16, which gives the date as 1147. The land in Ingoldmells (Lincolnshire) that she granted to Pontefract was Alice's dower land that had been given to her by her first husband, Ilbert de Lacy: *Mowbray Charters*, no. 229; *EYC*, 3. no. 1494.
- 75 *EYC*, 3. no. 1861.
- 76 *Ibid.* no. 1862. Avice married *ante* 1130 William de Curcy, steward of Henry I. Amice was co-heir with her sister Alice to the barony of William Meschin following the death of their brother Ranulf *c.* 1135: *EYC*, 3. no. 1862, notes following.
- 77 *Ibid.* no. 1864; 6. no. 62.
- 78 *Clerkenwell Cartulary*, no. 74.
- 79 *Northants. Charters*, no. 18. For her seal see Appendix 1, no. 32. In 1154–89 both the son and the daughter of Agnes de Pincun witnessed her charter in favour of Kirkstead Abbey, which was in effect her will, and in which Agnes bound her heirs to warrant her gift: BL, Harl. Ch. 50. B. 21 (*Danelaw Charters*, no. 178); for her seal see Appendix 1, no. 101; cf. n. 109 below.
- 80 *Ancient Charters*, no. 11, and notes.
- 81 *Ibid.*, no. 6.
- 82 *EYC*, 1. no. 541.
- 83 BL, Cott. Ch. xii, 46 (*EYC*, 1. no. 543). The lands were the inheritance of Alice de St Quintin.
- 84 *EYC*, 1. no. 545.
- 85 *Ibid.* no. 546.
- 86 *Cartulary of the Abbey of Old Wardon*, ed. G. H. Fowler (Bedfordshire Historical Society, 13, 1930), no. 299; see also no. 300, which records four female witnesses to a grant by the same donor.
- 87 *EYC*, 2. no. 780; the other women are Matilda, the daughter of Tochman, Eda, the wife of Brian the Clerk (her daughter; cf. *EYC*, 2. no. 781), Hawise, the daughter of Literi, and Othild, the wife of Godwin Givenout.
- 88 BL, Harl. Ch. 50. B. 19 (*Danelaw Charters*, no. 177).
- 89 Three women witnessed sequentially, following their husbands, a charter of 1162–*c.* 1175 by Beatrice, the widow of Walter fitz Ivo, when she confirmed her husband's gift of lands to Rievaulx: *EYC*, 2. no. 1249.
- 90 BL, Egerton Ch. 428.
- 91 *Ibid.* Ch. 434.
- 92 *Ibid.* Ch. 433.
- 93 Stenton, *English Woman in History*, p. 36.
- 94 *Book of Seals*, no. 444.
- 95 *CDF*, no. 41.

- 96 CDF, no. 1108, giving Alice, her 'dear maid', £10 of lands from Poitou. Eleanor did not in fact routinely use female witnesses. See *ibid.*, nos 1061, 1080, 1092–4, 1096–1101. Of these charters only no. 1100 has a woman witnessing, a solitary female alongside eighteen men. For Eleanor's charters see F. G. Richardson, 'The letters and charters of Eleanor of Aquitaine', *EHR*, 74 (1959), 193–213; cf. W. W. Kibler (ed.), *Eleanor of Aquitaine: Patron and Politician* (Austin TX and London: University of Texas Press, 1976).
- 97 Dorothy M. Owen, 'Some Revesby charters of the soke of Bolingbroke', in *A Medieval Miscellany for Doris Mary Stenton*, ed. Patrica M. Barnes and C. F. Slade (PRS, new ser., 36, 1962 for 1960), pp. 232–4, nos 12, 13; Postles, 'Choosing a witness', pp. 340–2.
- 98 *Luffield Priory Charters*, 1. no. 107; the lands were Emma's inheritance, see *ibid.*, 267. She witnessed a charter for her son 1170–75, when he confirmed the grant made by his parents: *ibid.*, no. 111.
- 99 BL, Harl. Ch. 84. I. 22: Bertha *uxor Richard le Fre' Petronilla vidua et fuit uxor Rob. le gag'* witnessed last following eight male witnesses; for Margaret's seal see Appendix 1, no. 82.
- 100 *Northants. Charters*, no. 42; see also no. 43. For their seals see Appendix 1, nos 136–8. See Chapter 6 for a discussion of women's sealing practice.
- 101 *EYC*, 8. no. 111.
- 102 BL, Egerton Ch. 428; BL, Egerton Ch. 434; BL, Harl. Ch. 84. I. 22; *EYC*, 2. no. 780; *Cartulary of Old Wardon*, nos 299, 300.
- 103 *Luffield Priory Charters*, 2. no. 757.
- 104 *Ibid.*, nos 758, 759, 761. Two female witnesses following four male: BL, Add. Ch. 20,394 (grant by Matilda de Wateville, mid-twelfth-century; for her seal see Appendix 1, no. 134).
- 105 The following *acta* listed in the appendix to *Gloucester Charters* were excluded, since they are not reliable for these purposes: nos 192–4, 199–200, 209, 211, 216, 219, 226, 239–40, 242–3, 249–52, 255, 258, 273, 275, 278; see notes to *Gloucester Charters*, appendix 169. Of twelve *acta* granted by Earl Robert (*Gloucester Charters*, nos 6, 68, 70, 82–4, 95, 109–10, 119, 157, 283 (176a)), no. 82 has no witness list; Mabel witnessed nos 156–7 (1132–35), 84 (1140–47) and 283 (176a) (1121/22–47).
- 106 *Gloucester Charters*, no. 119.
- 107 *Ibid.*, nos 156–7; no. 84 and notes following, where Patterson suggests that, although the main text of the charter is problematical because there are discrepancies between different versions of the text, the witness list is not doubted.
- 108 *Ibid.*, no. 283 (176a).
- 109 *Ibid.*, no. 95.
- 110 *Ibid.*, 96, no. 95, and notes following.
- 111 *Ibid.*, no. 171.
- 112 *Ibid.*, no. 86.
- 113 *Ibid.*, no. 172, and notes following.
- 114 *Mowbray Charters*, nos 21, 32, 37, 40, 49 (fabrication), 98–9, 200, 228 (forgery), 289, all as first witness, except no. 37, where she is listed third. Gundreda was the second wife of Nigel d'Aubigny (d. 1129); she died in 1154, having remained unmarried.
- 115 *Ibid.*, nos 21, 32 (third witness after two male), 37 (in front of his brother), 40.

- 116 *Ibid.*, nos 98–9.
- 117 *Ibid.*, no. 200.
- 118 *Ibid.*, no. 228.
- 119 *Ibid.*, nos 33 (Byland 1138 × 1140), 170 (Hospitallers, York, c. 1138), 288 (Whitby, 1138 × 1140).
- 120 *Ibid.*, no. 33.
- 121 *Ibid.*, no. 37.
- 122 *Ibid.*, no. 35. According to this version of the confirmation charter transcribed into the Byland Chronicle, Gundreda did not witness the agreement with the monks, but the charter contains some suspicious elements. According to a different version, Gundreda witnessed the grant: *ibid.*, no. 37. It is therefore hard to be sure whether Gundreda was an authentic witness or not. The witness list on the original grant with her son may also be open to doubt, although the details of the gift itself are not.
- 123 *Ibid.*, nos 36–50.
- 124 *English Lawsuits from William I to Richard I*, ed. R. C. Van Caenegem (2 vols, Selden Society, 106, 107, 1990–91), 1. no. 323.
- 125 *Mowbray Charters*, nos 47 (Byland, 1147–54), 156 (Garendon, c. 1146), 232 (Rievaulx, 1138–43), 235 (Rievaulx, 1144–54); 287 (St Michael’s Hospital, Whitby, 1130–38), 300 (St Leonard’s Hospital, York, 1142–44).
- 126 Bates, ‘Prosopographical study’, p. 90.
- 127 As Hyams’s analysis of charters and Glanville suggests: ‘Warranty and good lordship’, pp. 470–1. Yet closer attention to legal developments in twelfth-century society, especially after 1170, means that charters are relatively more reliable, although it is dangerous as yet to speculate upon a chronology of change in documentary forms: *ibid.*, pp. 474, 477.
- 128 Bates, ‘Prosopographical study’, p. 90.
- 129 N. Vincent, ‘Review of *Family Trees and the Roots of Politics*’, *EHR*, 114 (1999), 408.