

Chapter I

INTRODUCTION

The State of Research and Theoretical Framework

Until recently relations among siblings did not attract much interest among scholars studying the history of the early medieval family. They were mentioned primarily in discussions of marriage strategies used to safeguard the interests of family groups and in analyses of relations between families linked by marriage. Fraternal relations appeared as a research topic almost exclusively in studies dealing with political history, mainly those concerning power struggle, the best known example of which was the fratricidal conflict among Louis the Pious's descendants. Questions about the definition of the fraternal bond, about what it was and how it was perceived, almost never appear in historical studies. It could be said that fraternal relations were regarded as so obvious and immutable that they escaped scholars' attention. Consequently, the question of models and ideas of fraternal relations has not been studied in any detail either.

We can point to several reasons behind this neglect of the position and role of brothers in kin groups. First of all, what was all-important in the development of research into the history of the family, and not only in the early Middle Ages, was the input of cultural anthropology from the time when the discipline was dominated by the structuralist-functional methodological orientation. This influence was particularly evident in French- and English-language historiography. The emphasis put on the analysis of kinship structures and the search for models explaining their functioning in studies conducted by anthropologists in the 1960s and 1970s stimulated interest in the topic also among historians.¹ Even if George Duby and Karl Schmid, who in the 1950s defined new directions and methods in the study of the history of the family, had not yet read the works of great anthropologists, over the following decades it was precisely the methodological proposals of anthropology that encouraged many scholars, including medievalists, to take a closer look at the question of kinship, strategies of marital exchange, etc.² What made these proposals attractive was the fact that, as the structuralists argued, a multifaceted study of kinship was key to understanding basically all aspects of the functioning of human society, including its spiritual, economic, and political life. However, anthropologists focused generally on two main topics: recognizing filiation structures (kin groups) and strategies of building links between kin groups through relationships between men and women

¹ For an overview of sociological and anthropological inspirations in research into the history of the family and kinship in the Middle Ages in Western European historiography, see Crouch, *The Birth of Nobility*, 99–155 and Hummer, *Visions of Kinship*, 97ff. and passim.

² Morsel, "Le médiéviste, le lignage et l'effet de réel," 83–110.

belonging to different kin groups.³ Consequently, like anthropologists, historians, too, studied relations among siblings generally in the context of an exchange of women and goods between groups of brothers or in that of limitations of this exchange stemming from biological links between people (the question of marital exo- and endogamy).⁴

The structuralist inspirations and the resulting belief in the existence of universal models explaining the patterns in the development of social institutions contributed to the spread in historiography of a model of transformations of the family from broad structures of bilateral kinship of the early Middle Ages to the strictly agnate family of the high and late Middle Ages, with the principle of primogeniture being more or less rigorously observed. A turning point came apparently around the year 1000, when the break-up of the post-Carolingian social order was finally completed. The concept was formulated in the 1950s and 1960s.⁵ It was based on findings of German scholars in the prosopographic Freiburg School, gathered around Gerd Tellenbach.⁶ A decisive influence on its form came from the works of Karl Schmid,⁷ although, in fact, this scholar never aspired to be the author of a general theory of the development of family structures in post-Carolingian Europe. Methodologically innovative research, using as its source basis obituaries and other commemorative sources, made it possible to capture processes which until then had eluded scholars—processes such as the consolidation of patrilineal family structures, the weakening of the female line in the building of the family's position, and the privileged treatment of the eldest sons at the expense of their younger brothers when it came to inheritance.

The biggest role in promoting the concept of a profound change that occurred in family structures in the eleventh century as one of key factors in the emergence of a new, “feudal” order of the High Middle Ages was played by Georges Duby. Duby confronted the results of his German colleagues' research with his own findings obtained as he worked on his doctoral thesis devoted to the society of the Mâcon region in the tenth to twelfth

3 The anthropological theories of kinship are discussed concisely in e.g. Leaf and Read, *Introduction to the Science of Kinship*; Carsten, *After Kinship*; Stone, ed., *New Directions in Anthropological Kinship*, and, in the context of historical research: Yanagisako, “Bringing it All Back Home.”

4 Guerreau-Jalabert, “Sur les structures de parenté”; Guerreau-Jalabert, Le Jan, and Morsel, “De l'histoire de la famille.” As Hans Hummer noted, the interest in anthropological models was a consequence of the exhaustion of research tools used by historians and “the conviction that our modeling is wrong and that if we just had the right anthropology, we might create a machine that could stamp out some answers”; Hummer, *Visions of Kinship*, 2.

5 On the debatable nature of this breakthrough in the history of the family from the perspective of scholars studying the late Middle Ages and the early Modern Period see Sabean, Teuscher, and Mathieu, eds., *Kinship in Europe*. 4ff.

6 Concisely and critically on the role of the Freiburg School in research into the family organization of the elites of post-Carolingian Europe see Leyser, “The German Aristocracy,” 25–53, esp. 32ff.

7 Schmid, “Zur Problematik von Familie”; on Schmid's legacy and role see Oexle, “Gruppen in der Gesellschaft”; on the early criticism of his theses see Freed, “The Counts of Falkenstein,” 1–11.

centuries.⁸ He interpreted the similarities in the phenomena occurring in this area as a common tendency, explaining it by specific political circumstances (the collapse of the structures of the Carolingian state and the concomitant power vacuum, the resulting changes in the economic and symbolic foundations of the position of the elites, etc.). The model provided a convincing explanation of complex phenomena present in many regions of post-Carolingian Europe, for example the regionalization of the old Frankish *Reichsaristokratie* (imperial aristocracy), the concentration of settlement and the creation of indivisible domains around family castles accompanied by an increasingly strong genealogical awareness of the elites, and a tendency to treat the eldest sons in a privileged manner at the expense of their brothers and of women. Duby's later erudite studies, translated into many languages and devoted to the transformations of family structures, for a long time influenced not only the views of scholars but also the common picture of the transition from the early to the high Middle Ages, an influence that has continued to this day. It is enough to recall, for example, the international success of his study *Le chevalier, la femme et le prêtre*, seductive in its literary elegance but rather controversial.⁹ In this book it is hard not to notice the distant echo of the fierce and ideologically burdened disputes raised by anthropologists at the turn of the nineteenth and twentieth centuries over the historical evolution of human societies, especially over the inevitable replacing of matriarchal kinship structures with patriarchal ones.

As early as the 1970s critical opinions about the Schmid-Duby theory emerged, especially in German medieval studies,¹⁰ but it was not until the 1980s and 1990s that the model was thoroughly revised. The criticism came from many sides and concerned the very essence of the problem, that is the historicity of the profound breakthrough which apparently happened around the year 1000 and was commonly referred to as the "feudal revolution."¹¹ This was followed by a thorough revision of the basic interpretative categories, challenging the validity of using the very term "feudalism" to describe the reality of the past. On the wave of this criticism polemics also included the assumption—often accepted *a priori* in the past—that there were major differences in the form of the basic relations keeping societies together in the early and late Middle Ages, including the differences in family structures characteristic of these periods. In

8 Duby, *La société aux XI^e et XII^e siècles*, see also Bougard, "Genèse et réception"; nearly twenty years later Duby abided by his main theses in Duby, "Lignage, noblesse et chevalerie," 803–23. The role played by Duby and the discussion surrounding the breakthrough in social structures in the eleventh century are analyzed by Bisson, "Nobility and Family."

9 Duby, *Le chevalier, la femme et le prêtre*.

10 For a discussion of the arguments of the critics, including Friedrich Prinz, Karl Bosl, Wilhelm Störmer, and Karl Leyser, see Freed, "The Counts of Falkenstein," 1–11.

11 The 1990s were marked by the publication of numerous studies revising the established views on the "feudal revolution" of the eleventh century. The most important among them was the discussion on the pages of the *Past and Present* journal in 1994–1997. Its participants included Thomas Bisson, Dominique Barthélemy, Stephen D. White, and Chris Wickham. See also Bagge, Gelting, and Lindkvist, eds., *Feudalism: New Landscapes of Debate*.

France, the theory of a breakthrough was attacked especially by Dominique Barthélemy. He accused its advocates of not drawing conclusions from the changes happening in the eleventh century in the sources themselves (an increase in the number and emergence of new kinds of sources) and of being too hasty in equating the reality of the sources with social phenomena.¹²

A scholar who emerged as the main figure in the revolt against Duby's classic model in the English-speaking world was the English medievalist Constance B. Bouchard, who attacked the premises of the model, drawing on earlier sources than those used by the French scholar.¹³ Her analyses of texts from the Carolingian era and the early post-Carolingian period demonstrate the lasting nature of the privileged treatment of the male line in inheritance at least two centuries before the boundary of the year 1000. In addition, she has shown that kinship in the female line continued to play an important role as a factor in both the construction of identity and in the inheritance of property and position. Whether in a given family or at a specific point in time, the patrilineal or matrilineal orientation came to the fore, and whether sons or paternal uncles were ahead in the inheritance order depended on a complex combination of factors including the personal status of the various individuals, both men and women, within the family's political or economic interest at the time; it may also have been resolved simply through violence.¹⁴ The situation was similar in the following centuries. Bouchard deserves credit for pointing to the incompatibility of convenient structuralist-functional interpretative patterns with the rather complex reality of the sources, as well as to the shortcomings of the widely used methods of studying the organization of family groups (especially anthroponymic analyses).

The advocates of the theory of the breakthrough in family structures usually did not resist strongly, being instead inclined to revise Duby's theses in part. The French medievalist Regine Le Jan, for example, was willing to reduce the sharp opposition between the agnate and cognate family structures to various "tendencies" prevailing in a given period, and to acknowledge regional variability in the rhythm of the changes, remaining nevertheless convinced of the key significance of the late Carolingian era in this process.¹⁵ In the late twentieth and early twenty-first century the path indicated by Bouchard was followed by other scholars working on sources from various parts of post-Carolingian Europe.¹⁶ The differences in the conclusions drawn from earlier studies and, in the first place, the recent progress of regional studies are to a large extent a

12 Barthélemy, *La mutation de l'an mil a-t-elle eu lieu?*; the same idea can be found in Barthélemy's study devoted to kinship and published in the collection Duby, ed., *Histoire de la vie privée*.

13 Bouchard, *Those of My Blood*, 98–134; Bouchard, *Strong of Body*, 67ff.

14 For an overview of controversial issues see Goetz, "Coutume d'héritage," and Goetz, "Les 'affins' au haut Moyen Âge"; see also Ubl, "Zur Einführung Verwandtschaft."

15 Le Jan, *Famille*, 381–427; Le Jan, "Continuity and Change"; see also e.g. Aurell, "La parenté en l'an mil."

16 It is hard to list here all numerous studies of recent years. Worthy of note among them are: Evergates, *The Aristocracy in the County of Champagne*; Livingstone, "Kith and Kin"; Livingstone, *Out of Love for My Kin*; Everard, *Brittany and the Angevins*.

consequence of a change of the source basis—the broad use of documentary material analyzed independently of normative and narrative sources. They also stem from the different nature of the questions put to these sources—a move away from questions rooted in the history of law and political systems (normative systems regulating relations within groups, principles of inheritance, land trading, etc.) towards problems typical of anthropology and historical sociology (various coexisting forms of social bonds, individual strategies of building one's position within a group, the role of women, etc.). On the one hand, these studies have brought us much more information about the local diversity in the functioning of family groups; on the other hand, they have conclusively confirmed that it is high time to mothball the decades-long belief in the universality of the socio-political model initially created on the basis of source data originating at the centre of the Frankish domain.

Post-structuralist criticism is a strand represented by works of scholars who pointed to the dependence of the advocates of the eleventh-century breakthrough theory on the historical context in which the theory emerged.¹⁷ It was influenced by the nineteenth-century approach—evolutionistic and evaluative—of the agnate model of the family as a higher level in the development of European society, contrasted with the amorphous nature of “primitive” societies. Seen from this perspective, the shift from vast cognate structures to agnate lineages was not just a stage of development (progress), but really a historical necessity, which was to lead to the emergence in the late Middle Ages of the foundations of the social organization of early modern Europe, lasting until the nineteenth century. Yet critics also noted that the belief in the crucial differences between the early and late medieval family model stemmed from the number and nature of the sources. They pointed to two main questions challenging the framework of the theory of a revolutionary change in family structures between the early and high Middle Ages. This concerns primarily the fact that between the tenth and eleventh centuries the number and kind of sources available to historians changed: the eleventh century is much better documented than the previous periods (especially the tenth century). As a result, historians, having noticed a change in the types, structure, and proportions of sources, considered that it must reflect some profound social change. It has also been noted that in the late Middle Ages there was a greater chance for the emergence and survival of family archives and historiographical works recording family traditions hitherto transmitted orally and used to legitimize claims to power by representatives of the various families.¹⁸ It is precisely the study of these sources that has contributed to the emergence in historiography of a picture of old patrilineages well aware of their origins among the Western European aristocracy in the eleventh to fifteenth centuries. A question arises, however, as to whether we do not have earlier accounts of this type because the patrilineal genealogical awareness did not exist or because the way of

¹⁷ One of the most radical critics of the traditional research approach is recently Hans Hummer (*Visions of Kinship*).

¹⁸ Barthélemy, *La mutation de l'an mil a-t-elle eu lieu?*; from a slightly different perspective but in a similar spirit see Morsel, “Le médiéviste, le lignage et l'effet et l'effet de réel,” *passim*.

recording this genealogical memory changed. Obviously, we can reverse the problem and ask about the cause and effect in this case. That is, whether the sources create or reflect reality and whether by drawing on *ex silentio* conclusions we can say anything certain about the preceding period. Irrespective of what answers we give in this never-ending discussion, it seems right to point out to the advocates of the breakthrough theory their tendency to overuse retrogression and to underestimate the consequences of transformations of literacy to social history.

Yet Bouchard, Barthélemy, Hummer and other scholars who dared to challenge the authority of the great historians of the older generation deserve credit above all for overcoming the schematic pattern of thinking about the organization of the family as an ordered structure based on immutable and inviolable principles, doomed to a gradual decline with the emergence of the late medieval and then early modern institutions of the (nation) state and the law. It could be said that it was only with their studies that medievalists were able to liberate themselves from the impact—going as far as Marc Bloch's works—of the Durkheimian way of seeing the history of the family as an evolutionary series of successive developmental stages from fluid cognate groups, through the domination of agnate and patrilineal bonds, to the emergence of the modern nuclear family.¹⁹ The changes in the theoretical foundations of historical research coexisted with the transformations taking place in the 1980s and 1990s in sociology and anthropology in the way of thinking about the family and kinship, primarily with the questioning of the structural-functional paradigm according to which the family is a self-contained, relatively stable system best adapted to the existing conditions (which mean it can change only under the impact of external factors). The criticism of family studies in the social sciences concerned primarily the insufficient consideration of the cultural context in which the analyzed institutions functioned and the disregard for the role of individual circumstances in the emergence of family bonds (direct contact between family members, being brought up together, mutual care, etc.). Even such fundamental concepts in anthropology and sociology of the family as "kinship" were challenged, as they were seen as a construct created by scholars from a European cultural background, through which they tried not so much to explain but to translate phenomena incomprehensible to them from foreign cultures into the language of their own cognitive categories.²⁰ Under the impact of this criticism, at the turn of the century anthropology and sociology creatively managed to revise their own methods and conceptual categories, and to formulate new questions about the directions and objective of family studies.²¹ An important role was also played here by interpretations originating in the studies of psychological determinants of the functioning of the family

¹⁹ Crouch, *The Birth of Nobility*, 103ff.

²⁰ See especially Schneider, *A Critique of the Study of Kinship*; a critical analysis of Schneider's key studies is found in Feinberg and Ottenheimer, eds., *The Cultural Analysis of Kinship*.

²¹ Worthy of note among numerous studies is Marshall Sahlins's short book *What Kinship Is—and Is Not*, which contains a critical summary, important also for historians, of the main threads in the discussion from the point of view of social sciences at the beginning of the twenty-first century.

as well as interpretations, inspired by evolutionary biology, of altruistic behaviour in the family as a form of the evolutionary adaptation of human beings, subordinated to the overriding principle of genotype survival (especially the theory of “inclusive fitness”).²²

The change of paradigm in family studies in the social sciences led to a shift in the emphasis to topics other than those previously attracting scholars’ attention. From the point of view of research into relations among brothers, the most interesting are theoretical proposals concerning the analysis of the creation of kinship relations, factors strengthening or weakening them, and transformations of ideas about these relations under the influence of various systems of values. In this approach every kinship (system) is a primarily socio-cultural construct; consequently, studies should focus on understanding the perception and cultural meaning of this relationship in past society. These assumptions became the basis for Hans Hummer’s research on early medieval kinship.²³ In his view, the most notable weakness of the previously conducted research was the “genealogical and biogenetic presupposition,” which does not necessarily have to correspond to what the authors and recipients of the sources adopted when they thought and wrote about family relations.

The end of the twentieth century was also marked by a break with a tendency, dominating research since the 1970s, to look for a single, culturally legitimized and essentially abstract kinship and family model excluding all examples of otherness as deviations disrupting the functioning of society’s life. In more recent studies, sociologists and anthropologists emphasize the role of individuals and their individual choices in constructing the family and the resulting changeability of its forms. In other words, environmental factors do set the boundaries of human activity, yet within these boundaries individuals can shape forms of family life depending on their own needs, without violating the social norm; their actions are not without influence on the social order. This change in the approach to the family was also associated with sociologists and anthropologists appreciating the historical changeability of this institution.²⁴

In recent decades, as a result of inspiration from the social sciences within medieval studies, the structuralist-functionalist family model has clearly begun to give way to a dynamic processual approach in which the form of the family is not regarded as constant in the analyzed period. Depending on a variety of factors, both external and internal, various solutions may exist side by side and are not treated by contemporaries as a deviation from some abstract norms. Thus, even if the model of the family and family relations present in normative or moralistic sources seems to be fixed and durable, social practice may, although it does not have to, deviate considerably from this model, without the social system losing its stability and coherence.

22 On the significance of these studies to sociology of the family, see e.g. Szlendak, *Socjologia rodziny*; Giza-Poleszczuk, *Rodzina a system społeczny*.

23 Hummer, *Visions of Kinship*.

24 Segalen, *Historical Anthropology of the Family*; Szlendak, *Socjologia rodziny*, passim.

This new way of looking at the family and its changeability over time has given rise to an increased interest in bonds within it other than those bonds that were a consequence of marriage (kinship, filiation). The change was also influenced by an intensification of research into the topic in sociology, anthropology, and psychology.²⁵ More studies devoted to relations among siblings appeared after the year 2000. However, the revival of interest concerned primarily research into the late Middle Ages and the early Modern Period as well as studies of societies during the era of industrialization. This was largely associated with attempts to describe the (successive) turning points in the history of the family which historians were inclined to date to the fifteenth and sixteenth centuries and to the nineteenth century.

The impact of anthropology and psychology can be found in the clearly privileged position assigned to relations between siblings of the opposite sex as the object of analysis. Relations between sisters and brothers were examined both in the context of the pursuit of family property strategies and in that of the psychological and emotional significance of these bonds. Historians studied classic themes tackled by anthropology, such as the question of sexual taboo encompassing relationships between siblings and its impact on the relations among sisters and brothers. Similarly, the structuralist theory of exchange inspired scholars to analyze the flow of property between fraternal groups following marriages of their sisters or the role of these marriages in building the position of the families. In recent years, scholars have increasingly used the category of gender in sibling studies, for example in analyzing the power balance between brothers and sisters, or the construction of gender-determined social roles in the family.²⁶ The relations between same-sex siblings usually served as a background

25 Among the studies devoted to relations among siblings published in recent years in social sciences the one that can be useful as an introduction to the topic is a study by the French sociologist Buisson, *La fratrie, creuset de paradoxes*, because of its cross-sectional nature and the author's sensitivity to historical contexts; see also Coles, ed., *Sibling Relationships*; Alber, Coe, and Thelen, eds., *The Anthropology of Sibling Relations*; Buchanan and Rotkirch, eds., *Brothers and Sisters*.

26 The scholar who has studied the question of siblings in history, especially in the late Middle Ages, most intensely is Didier Lett. See *Histoire des frères et sœurs*, a revised version of the study: *Frères et sœurs: Histoire d'un lien*. See also important collections of studies: Godeau and Troubetzkoy, eds., *Fratries: Frères et sœurs*; Miller and Yavneh, eds., *Sibling Relations and Gender*; Johnson and Sabean, eds., *Sibling Relations and the Transformation of European Kinship*; among studies devoted to sibling relations in the nineteenth century is Davidoff, *Thicker than Water*; see also Hemphill, *Siblings: Brothers and Sisters*, and special issues of journals: "Fratello/sorella," *Quaderni storici*, 83, no. 2 (1993), "Sibling Relations in Family History: Conflicts, Cooperation and Gender Roles (Sixteenth to Nineteenth Centuries)," *European Review of History*, 17, no. 5 (2010), and "Frères et sœurs," *Médiévales* 54 (2008). In March 2012 an international conference was organized at the University of Toulouse, "Frères et sœurs du Moyen Âge à nos jours" (see volume: Boudjaaba, Dousset, and Mouysset, eds., *Frères et sœurs du Moyen Âge* and audio recordings of papers delivered: www.canal-u.tv/chaines/ouvrirlascience/open-science-european-conference-osec; for a summary of the main research threads discussed during the conference see Fine, "Frères et sœurs en Europe." Worthy of note are also studies devoted to siblings in Antiquity: Harders, *Suavissima Soror*; Cox, "Sibling Relationships in Classical Athens."

for such analyses and were not the subject of separate studies.²⁷ While it could be said that for the late Middle Ages and the early Modern Period relations among siblings of both sexes have been analyzed at least to some extent, the situation for the early and high Middle Ages is far from satisfying. There are basically just two extensive monographs devoted to the topic. Jonathan R. Lyon discusses the political aspects of the relations among brothers and sisters in German elites in the twelfth and thirteenth centuries.²⁸ Carolyne Larrington presents sibling relationships across medieval literature from a vast chronological and geographical perspective. She uses various sources written in many languages and in different cultural contexts (from *Beowulf* and Scandinavian sagas to Arthurian romance and the *Decameron*), and on this basis she formulates sometimes risky generalizations about a complex phenomenon.²⁹

In addition, there are also some case studies.³⁰ One of the few studies that asks broad questions concerning the place of siblings in family organization and symbolic social order in the seventh–tenth centuries is a conference paper by Isabelle Réal.³¹ The author emphasized the need for a parallel analysis of topics relating to anthropological reflection on the structure of kinship and the question of family strategies and topics relating to ideas and representations. However, in this article, too, the focus of the analysis is on interdependencies of brothers and sisters. The paper's overview-like nature does not make it possible to examine each topic thoroughly.

What is striking in nearly all studies touching upon the question of sibling bonds and dependence is a disproportionately limited interest in relations among brothers as a separate phenomenon, as well as a tendency to analyze bonds among brothers and sisters together. It seems that fraternal relations became marginalized in the social sciences, including history, largely because of an a priori and essentially intuitive assumption that these relations were invariably relations of solidarity and cooperation. I would like to refer here to the words of a classic of sociology by the author of one of the first sociological studies devoted to fraternal relations and roles, Florian Znaniecki. In his unfinished book, published posthumously, *Social Relations and Social Roles*, Znaniecki wrote:

When two male children have been born of the same parents, each of them is unconditionally obliged to accept the other as a brother, and neither has anything to

27 The rare exceptions include a study devoted to fraternal relations in ancient Rome: Bannon, *The Brothers of Romulus*.

28 Lyon, *Princely Brothers and Sisters*.

29 Larrington, *Brothers and Sisters*.

30 Primarily in the collection of studies: Cassagnes-Brouquet and Yvernault, eds., *Frères et sœurs* and the special issue of the journal *Médiévales*, 54, 2008; see also e.g. Bühner-Thierry, "Fratelli e sorelle: Solidarietà familiari." In May 2013 an interesting paper on the relations among brothers and sisters in the eighth–tenth centuries in the light of epistolographic sources was delivered at a conference in Kalamazoo (ICMS) by Hailey La Voy ("Brothers and Sisters: Sibling Bonds in Early Medieval Letters, c. 700–900"). I would like to thank the author for making the paper available to me.

31 Réal, "Représentations et pratiques."

say about it. Of course, the older boy is the first to accept the other boy as his brother; but eventually both of them, as they learn the standards and norms of their community, are made fully aware that they are innately and inseparably united as brothers, and will remain so, as long as they live—perhaps even in the next world, according to the religious beliefs of some communities. Their mutual acceptance implies mutual positive valuation; for, if one of them evaluated the other negatively, he should also evaluate negatively himself, since they share the same hereditary nature.³²

It was no coincidence that Znaniecki chose fraternal relations as an example of a social bond that is universal (it occurs in all human communities) and, at the same time, is an ideal type, a model for other social relations to follow. The excerpt from the Polish sociologist's book contains all the premises that set the direction of research into fraternal relations (or rather, no matter how paradoxically this may sound, would explain a lack thereof) in sociology and cultural anthropology, basically until the 1980s. They can be summarized in three points. Firstly, a relationship between the brothers emerges at the moment of birth; it is unbreakable and non-negotiable. Secondly, brothers are forced to accept each other, view each other positively and, consequently, collaborate; a deviation from this principle means questioning one's own value. And finally, brothers are united by their "hereditary nature," that is a brother is "another I," and thus brothers share an identity.

The concept of altruistic collaboration among brothers, an essential condition for the functioning of the family and likewise for the existence of a balance in the social system, was developed by functionalists in the 1950s and 1960s.³³ The scholar who comes to the fore among them is Alfred Radcliffe-Brown. Of key importance to brotherhood studies is his thesis that siblings are a separate whole within a broader kinship structure. This has its own internal structure, in which a crucial role is played by gender division and age difference, and its functioning is based on cooperation among the group members. For the English anthropologist, as for Znaniecki, this principle of solidarity and cooperation stemmed from siblings' biological unity (being of "one flesh and one blood").³⁴ It should be noted, however, that Radcliffe-Brown, like other anthropologists from this circle, was interested in relations among siblings (especially relations among brothers and sisters) only to the extent they could be used to explain the kinship structures he regarded as key. In other words, the research problem was the way in which sibling bonds were used to construct a "system." Scholars were not interested in relations among siblings as such, especially in relations among same-sex siblings. From their point of view these relations were insignificant, as they were wholly subordinated to the overriding objective of maintaining a structure based on links between ancestral relatives and descendants. Consequently, information from sources not conforming to a family model regarded as characteristic of a given period was seen

32 Znaniecki, *Social Relations*, 135.

33 Parsons and Bales, *Family: Socialization and Interaction*.

34 Radcliffe-Brown, "Introduction." In Radcliffe-Brown and Forde, eds., *African Systems of Kinship*, 83.

as a deviation without cultural sanction. Thus, cases of conflicts among brothers, their reluctance to engage in altruistic actions and collaboration, and even the very conflict of norms determining the brothers' conduct were viewed as a violation of the social order dangerous to the whole system.³⁵

Fraternal relations were treated in anthropology as serving to maintain the cohesion of the family group also by the structuralists, including the most representative and influential exponent of this school of thinking, Claude Lévi-Strauss.³⁶ The structuralists believed that fraternal groups constituted the foundation on which the social structure rested, but they did not explore the relations within these groups. The groups were important primarily as a collective entity in the process of marital exchange, of fundamental significance to social relations; it was men linked by blood ties who had power over women. The structuralists assumed an internal coherence of these groups of brothers, coherence based on natural bonds of cooperation existing among their members.

This way of seeing or, rather, not seeing fraternal relations as a stand-alone research topic was transferred, with inspirations of the structuralist school, to research into the history of the family. Even if references to fraternal relations do appear in this research, it is almost always with the implicit assumption that the relations were based naturally, as it were, on cooperation. And if fraternal relations were determined by biological bonds between brothers, then, essentially, studying these relations from a historical perspective does not make sense, for their nature is not, *ex definitione*, dynamic. If evidence of deviations from the "natural" rule—ordering altruistic fraternal relations—does appear, it is treated as breaking the "natural" community based on blood ties. Scholars have tried to explain such cases either by referring to disruptions in the mechanisms of the functioning of the structured family group, or to external determinants—and not by the institution of brotherhood itself.

The most important consequence—also from the point of view of historical studies—of the redefinition of concepts concerning family relations in the social sciences and of the application of new methodologies in research on this topic in the 1980s and 1990s was the rejection of the hitherto commonly accepted belief in the objective, universal nature of family relations. Scholars challenged the model of a fraternal bond based on positive values and cooperation, a bond that apparently emerged in the case of the elder child already upon the birth of his younger siblings and was then only consolidated through socialization. There were ever more advocates of the thesis that kinship and family relations were mainly cultural.³⁷ As Marshall Sahlins succinctly put it, "whatever is constructed genealogically may also be constructed socially."³⁸ Thus, it is not only that biology, "flesh and blood," determines kinship and relations among family members,

35 At this point I refer e.g. to opinions of anthropologists expressed in the introduction to Alber, Coe, and Thelen, eds., *The Anthropology of Sibling Relations*, 4ff.

36 Lévi-Strauss, *Les structures élémentaires*.

37 This view was developed recently by Hans Hummer, *Visions of Kinship*.

38 Sahlins, *What Kinship Is—and Is Not*, 2.

but the emergence, understanding, and form of these relations is influenced by a set of various factors and cultural categories, characteristic of a given community, and the relations themselves are constructed and re-constructed throughout an individual's lifetime. To put it very simply: brothers can be brothers by birth without regarding themselves and being regarded as brothers. Or they can be without any biological ties, but be brothers with regard to their social role, mutual relations, and the way they are perceived.

This seems to be a banal observation, but it does have far-reaching consequences. For, if being or not being someone's brother in the social sense depends mainly on cultural factors, there is no fraternal relation pattern common to all human cultures stemming from a biological bond. Fraternal relations and ideas about them should be treated dynamically, as changeable, not only depending on a given culture and period, but also on the circumstances in which siblings function. Accepting such an assumption also means rejecting the immutable and universal model, adopted *a priori*, of fraternal relations characteristic of European culture. As Klaus van Eickels rightly notes, a historian cannot see fraternal relations in the Middle Ages through the metaphors of brotherhood which are present in contemporary culture, which can be found between two ideals: that of the Christian *fraternitas* and that of the Republican *fraternité*.³⁹

In the light of these remarks what may emerge as a paradox is the interest, attracted for over fifty years, especially in German medieval studies, by those forms of social bonds which, not being bonds of biological kinship, did nevertheless refer to the ideal of brotherhood as a model.⁴⁰ However, the paradox is not hard to explain and stems from a different historiographical tradition in which studies into topics traditionally regarded as part of the history of the family in Germany could develop. Unlike in French- and, to some extent, also in English-language historiography, research into bonds of kinship has been part of a broader investigation of social groups, considered primarily in cultural terms. Thus, groups directly invoking genealogical criteria (such as kinship) and other groups, including those imitating family ties (understood metaphorically), have been analyzed as equal and interpenetrating elements of the organization of medieval societies.⁴¹ Consequently, topics intensively studied by German medievalists have included questions such as friendship as a form of social bond or history of various fraternities, beginning with monastic prayer communities and ending with guilds. Emphasizing the cultural nature of the relations within groups referring to the family model, groups whose members described themselves as "brothers," scholars seemed to lose sight of the basic question about what it meant to "be a brother" in the early Middle Ages and to what these bonds were really compared. Significantly, more or less in the

39 Eickels, "Der Bruder als Freund."

40 Among classic studies, see Schmid and Wollasch, "Societas et Fraternitas"; Oexle, "Conjuratio und Gilde"; Althoff, *Family, Friends and Followers*; and the collection Krieger, ed., *Verwandschaft, Freundschaft, Bruderschaft*.

41 Jussen, "Famille et parenté."

1980s, the interest in the emergence and functioning of groups clearly began to prevail over research into kinship relations (apart from genealogical studies). Thus today, topics like “friendship” or “spiritual kinship” seem to be sometimes studied more thoroughly than the question of bonds among biological kin.

What I have said so far has prompted me to formulate several initial theoretical assumptions. First of all, we need to reject the evolutionist belief in a single line of development common to a vast area of Western Europe, a line that supposedly led from the early medieval egalitarian model of relations among brothers to the principle of primogeniture, more or less strictly observed, characteristic of the late Middle Ages and early Modern Period. It cannot be demonstrated that changes in family structures were linear—elements which in traditional theories belonged to different orders (let us call them, following the German terminology, *Sippe-Geschlecht* model⁴²), occurring in parallel in the same areas. Even if in some periods and groups the tendency to treat the eldest male heirs in a privileged manner predominated, for example, this does not give us grounds to claim that this particular model was the only model legitimized in society. Thus, the phenomenon described by Bouchard—that is domination of patrilineal ties in the inheritance system in the early Middle Ages with a recognition of the significance of ties in the female line—is not inherently contradictory, but is rather a natural consequence of various choices made by individuals and family groups functioning in specific environments. Similarly, fraternal relations within a family cannot be examined with regard to a simplified family model which places the nuclear family (parents–children) at the centre. In such a model, all other forms of family relationships are by definition of secondary importance, distorting the picture emerging from the sources. If we consider the average life expectancy in the Middle Ages and the duration of marriages, it turns out that it was precisely the relationship among siblings that was the longest and most stable bond in the life of an individual within a kin group. This relationship changed over time, if only because it was established among children and lasted until the death of one of the siblings. Given the frequent premature death of one or both parents, resulting in children being orphaned quite early, it was the siblings, especially brothers, who were the most important partners for each other in family strategies; they supported each other, but it was among them that the biggest tensions arose as well.

What should also be emphasized, is the crucial difference in the relations among siblings of the same and of the opposite sex. This criterion is of key significance: the relations between brothers and sisters were determined by the social roles assigned to each gender and by the different social status of the brothers and of the sisters. The brother–sister relationship was a relationship of power and subordination, in which the brother had custody rights over his unmarried or widowed sister, who as a woman did not have full legal capacity. The relations between siblings of the opposite sex were strictly connected with the economy of honour; they played an important role in the building and preservation of the group’s symbolic capital. To this was added a system

42 For a summary on the genesis and evolution of this model see Hummer, *Visions of Kinship*, 35ff.

of ideas legitimizing and justifying the hierarchy in the relations between brothers and sisters. Finally, these are relations with different dynamics than those in the case of relations among same-sex siblings (sisters leaving the family group and entering their husband's family, the resulting conflicts of loyalty, the problem of the women's double identification, etc.). These factors did not appear in the case of relations among brothers, where we are dealing with a formally equal legal status and a shared sense of identity. Thus, treating siblings as a community of brothers and sisters is, in the case of the Middle Ages, methodologically dubious.⁴³

Singling out the problem of brothers and the relations among them from the broader context of family relations and kinship ties does require a more detailed justification. This decision is the result of the basic methodological assumption adopted in this study. Its aim is to analyze, as extensively as possible, the construction and functioning of fraternal bonds and the system of ideas about these bonds—the models of them and the deviations from them—as well as the meanings attributed to them. The study is not only a study of family history but above all an attempt to provide a comprehensive picture of fraternal relations as a cultural phenomenon. The fraternal bond is a unique example, because in the collective imagination, and not only of the Middle Ages, it is associated with a complex system of values. At the same time, it is a form of biology-based relationships between people most frequently referred to as a model to describe other relations, not associated with kinship. In the Middle Ages a metaphorical use of the term “brother” appears in many different contexts. A lack of explanation what hides behind the term means that the metaphors remain only seemingly obvious. On the other hand, the model of family relations in Carolingian Europe was redefined in the eighth and ninth centuries under the influence of the teaching of the Church supported by the ruler's authority. However, the changes were not linear: they took place as various norms and models, ideas and practices constantly clashed.

The pursuit of such a research objective requires the parallel analysis of both phenomena defined by the rather vague term of “social practice” and the models of fraternal relations. This is by no means an easy task. On the one hand, we are dealing with echoes of daily relations within families recorded in charters and other documentary sources (court records, *notitae*, etc.), and on the other with a large number of varied texts concerning the theological reflection and spiritual life of Christian elites, in which deliberations on social aspects of relations between people were subordinated to the main objective of life: the search for a road to salvation. This poses many risks primarily

43 In the Middle Ages we can speak of blood ties or affection uniting brothers and sisters, but the abstract concept of “siblings” is a much later construct; in any case, it is worth noting that the concept does not appear in all languages which emerged in the analyzed area. This is characteristic e.g. for Romance languages (French, Italian), which use the phrase “sisters and brothers” to refer to siblings. Historians and social scientists try to deal with this shortcoming by using artificial, generalizing (and imprecise) terms like “fratrie” or “adelphique” (e.g. “lien adelphique”). In the following part of the book I will deliberately avoid using the term “siblings” owing its such social as well as linguistic determinants.

of using conclusions drawn on the basis of analyses of sources belonging to one group to interpret phenomena present in completely different sources, made for completely different purposes.

A research topic formulated in such a way also makes it essential to ask questions concerning the normative system defining the acceptable and preferred ways for siblings to behave in the investigated society. In the case of early medieval societies, the task is particularly difficult, not only because of a limited source basis, but also because of the interpenetration and clash of norms and values originating in different orders—primarily customs sanctioned by ethnic traditions, which sometimes must have gone back to the pre-Christian era. However, customs underwent constant modifications under the impact of cultural contacts and changing living conditions as well as religion, which invoked sacred principles set down in Scripture as the source of God's law.

Research into the system of rules and values of societies in the ninth century cannot be limited to sources traditionally classified as normative, such as codes of laws, capitularies or synodal legislation. Just as relevant are sources rarely used in research into social history: theological texts, biblical commentaries, and homilies. It is impossible to understand the functioning of the legal systems of the Carolingian era, including its internal tensions and contradictions, without realizing the role played by the Bible in shaping the ideas of the legal order. In the ninth century, the text of the Bible was the main point of reference for elites determining the form and implementation of legal principles and having at their disposal tools of control enabling them to enforce them (more or less effectively).⁴⁴ Scripture, especially the Old Testament, was treated as a source of a law superior to any laws created by man. Interpreting the Bible was not just an attempt to explain complex meanings hidden behind the words, but was also used to discover the principles of God's law binding on every Christian.⁴⁵ In other words, early medieval exegesis did not deal with the abstract reality of the text, but, when formulating their commentaries on the revelatory text, exegetes spoke at the same time about the world in which they lived, about its history and future, and the laws governing it. This also applied to the order that should reign in Christian communities, including the family.

An obvious question arises. To what extent could complicated interpretations of the Word of God and norms derived from Scripture influence people's attitudes at the time? This is a question to which it is impossible to provide a definite answer. The ongoing discussion in historiography focuses on attempts to define the addressees of exegetical texts other than the clergy. Due to the scarcity of the sources, it cannot go beyond the dispute over whether biblical commentaries and homilies commissioned by rulers were read and analyzed at the courts of Carolingian monarchs (as is suggested by dedication letters attached to them), whether Carolingian elites, including secular

⁴⁴ De Jong, "Old Law and New-Found Power"; De Jong, "The Empire as Ecclesia"; Heydemann, "People(s) of God? Biblical Exegesis"; De Jong, "The People of God."

⁴⁵ Firey, "The Letter of the Law"; among older studies see Kottje, *Studien zum Einfluss des Alten Testamentes*; *La Bibbia nell'Alto Medioevo*.

elites, had at their disposal appropriate intellectual tools enabling them to understand and assimilate the complex meanings of such works, and to what extent Bible-based models were translated into political decisions taken by them.⁴⁶ Although it is difficult to provide an unequivocal answer to the question about the audience of the analyzed writings, it is possible to indicate what threads from the teachings of theologians found their way into normative texts, especially into royal legislation, and where there were contradictions between customary law and the principles of God's law derived from the Old Testament.

Exegetical and homiletic sources as well as hagiography constitute the basis for the reflection on models of attitude and behaviour towards other human beings disseminated through the Church's teaching. However, the problem we need to realize is the distortion of perspective stemming from the lack of sources that would make it possible to define alternative models of family relations to those of the Christian ideal. When analyzing texts of learned theologians, we need to bear in mind that through them their authors not only presented their attitude to the message of Scripture, but also engaged in constant dialogue as well as, just as often, polemic with ideas of social relations, power relations, etc. based in traditions other than the Christian traditions (or, to be more precise, many other coexisting traditions). The difficulty lies in the fact that, although we may try to examine these alternative models and ideas, either on the basis of normative or documentary sources or, less often, narrative texts, all the written evidence was created by authors who, because of their education, used categories borrowed from the language of the Church.

What I can do in order to solve this problem, at least partially, is to make an attempt to complement this picture through an analysis of the practice of fraternal relations. The term "practice" should be accompanied by a caveat. It is obvious that the barrier we cannot cross in our investigation of the everyday reality of human actions is the availability and structure of sources. In the case of the subject matter in question, the most numerous group of sources consists of charters traditionally (and imprecisely) described in source studies as "private" sources originating from or confirming various legal transactions. Another group comprises royal privileges and all kinds of documents relating to actions taken by rulers: from royal diplomas in the full sense of the term through agreements to court records of cases heard before public courts. All this evidence refers to concrete social situations; it documents legal relationships between specific individuals. But it has fundamental weaknesses: a formalized structure, a schematic nature and conventional terminology. Thus, although

46 On the literacy of the Carolingian elites, their intellectual formation as well as reception of theological thought outside the clergy, see McKitterick, *Carolingians and the Written Word*; Nelson, "Literacy in the Carolingian Government"; De Jong, "The Empire as Ecclesia"; De Jong, "Introduction—Rethinking Early Medieval Christianity" (a summary of a session at a conference organized in 1996 in Leeds, "The Bible and Politics in Early Medieval West," including also a broad historiographic overview); De Jong, "Exegesis for an Empress"; De Jong, *The Penitential State*, esp. 112–47; Shimahara, "L'Exégèse biblique"; Wormald and Nelson, ed., *Lay Intellectuals*.

it refers to practice, it uses a language which makes it difficult to get insight into that practice. In addition, these sources reveal only a small fragment of a complex social reality. This is a particularly acute problem when it comes to family relations. Power struggles and tensions among close family members rarely leave a trace in writing. The written evidence we have at our disposal today largely concerns exceptional situations or those aspects of fraternal relations which for various reasons required a charter to be drawn up (that is, usually in connection with relations with a world external to the family circle).

The Sources

For the purposes of this research it is assumed that, in the ninth century, the social framework of human actions and patterns of thinking were defined by norms rooted in overlapping traditions and customs that were changing under the impact of cultural contacts and Christian moral teaching and were disseminated by the elites and dealt with on the order of the world and humans' place in it. Answering the research questions that arise out of these assumptions requires a variety of sources. Before embarking on their analysis, we need to make several introductory remarks concerning problems associated with their interpretation. We will focus on three main groups of sources: exegetical and homiletic texts, normative sources, and diplomatic sources.

Carolingian exegetical texts began to attract more interest of scholars other than historians of the Church only relatively recently.⁴⁷ For a long time the dominant opinion in historiography was that of the imitative nature of biblical commentaries from the period, and this view persists. Their authors were seen as compilers (or even plagiarists), mechanically assembling writings by Church Fathers.⁴⁸ In recent years, however, exegetical sources, too, have seen their status enhanced. The most important novelty is a departure from assessment of the informative value of these sources by using the modern category of originality, understood as the authors' ability to formulate their own opinions, referring to the existing texts, but remaining autonomous with regard to them. Scholars have pointed out that the novelty of the exegetes writing in the period consisted primarily in using well-known texts from unquestionable authorities to express original thoughts and pursue various objectives. Therefore, the value of these sources is determined by the selection of texts used, and the authors' ability to construct new wholes out of them and thus give them new meanings. This seemingly simple observation has changed the way in which early medieval biblical commentaries are analyzed; it has also considerably increased the interest in them not only among

⁴⁷ Among studies by Catholic historians devoted to the history of exegesis, including early medieval exegesis, a central spot is still occupied by Lubac, *Exégèse médiévale*.

⁴⁸ Chazelle and Van Name Edwards, "Introduction: The Study of the Bible and Carolingian Culture," in Chazelle and Van Name Edwards, eds., *The Study of the Bible*, 6–8.

historians of theology but also among scholars studying a broadly defined history of the Church, culture, and society.⁴⁹

In commentaries and theological treatises explaining the meaning of Scripture our interest will focus on the presence of motifs associated with relations among brothers. This results from the assumption that by analyzing ways of interpreting the themes of Cain and Abel, Isaac and Ishmael, Esau and Isaac, or Joseph and his brothers it is possible to reconstruct models of fraternal relations referred to by early medieval authors writing about an ideal Christian society. Through the teaching addressed to the faithful, these models also influenced collective representations (at least among the elites of the Carolingian realm). Thus the object of this study is to follow recurring themes, establish interpretations common to various authors, and explain the differences between them. However, we should be aware of the consequences of such a choice: in aiming at an analysis of selected motifs of the biblical story simultaneously in many texts, we have to renounce a detailed discussion of the place occupied by these motifs in the structure of the various works. Nor has it always been possible to answer questions about the functioning of a given text and about its audience: this stems to a large extent from the still insufficient research into exegetical sources from the perspective of source studies. Basic critical studies are still needed even in the case of a large part of the legacy of such seemingly well-known authors as Hrabanus Maurus or Paschasius Radbertus.⁵⁰

A special group of sources is that of collections of homilies and sermons.⁵¹ For a long time early medieval, including Carolingian, homiletics was looked at by scholars with reserve for reasons similar to those with regard to biblical commentaries. Authors of homilies and sermons were accused of lacking originality and of relying slavishly

49 A quarter of a century ago the problem was pointed out by Le Maitre, "Les méthodes exégétiques." Among more recent literature see e.g. Cantelli Berarducci, "L'esegesi della Rinascita carolingia"; Chazelle and Van Name Edwards, eds. *The Study of the Bible*; De Jong, "The Empire as Ecclesia"; Shimahara, ed., *Études d'exégèse carolingienne*; Van 't Spijker, *The Multiple Meaning of Scripture*; Shimahara, *Haymon d'Auxerre, exégète*; Shimahara, "Charlemagne, premier souverain chrétien"; see also studies by Michael Gorman (e.g. Gorman, "The Commentary on Genesis"; Gorman, "Wigbod and Biblical Studies") and John L. Contreni (some reprinted in Contreni, *Learning and Culture*); and recently also Chevalier-Royet, *Les livres des Rois*.

50 It is worth noting that the corpus of texts associated with these authors has not yet been fully explored. It was not so long ago that a list of manuscripts with Hrabanus Maurus's writings (some never published) was released: Kottje, *Verzeichnis der Handschriften*, as was a very useful source edition of his biblical commentaries: Cantelli Berarducci, *Hrabani Mauri Opera Exegetica*. On Hrabanus's oeuvre, see also studies collected in Depreux, Lebecq, Perrin, and Szerwiniack, eds., *Raban Maur et son temps*; see also Phelan, "The Carolingian Renewal."

51 The classic late medieval distinction between a sermon and a homily, based on their formal features and functions (homilies as explanations of parables from the Bible, sermons as moral instructions, not necessarily connected with a given fragment of the Scripture), can be applied to early medieval texts only to a limited extent. In early medieval practice both genres can appear side by side in the same collections; in addition, the structure of the various texts can combine characteristics of a homily and a sermon. On the systematics of homiletic texts in the Middle Ages, see Kienzle, ed., *The Sermon*, on the problems with definitions of the early medieval homily and sermon, see Hall, "The Early Medieval Sermon," 203–12.

on patristic models; their allegedly limited oeuvre was contrasted with the wealth of preaching literature of the late Middle Ages.⁵² It was only detailed investigation conducted with growing intensity from the 1980s onwards that helped to overcome this schematic thinking. Studies by Raymond Étaix and many other scholars revealed the richness of the homilies of the Carolingian era, and their formal and functional diversity.⁵³ Drawing on an analysis of homiliaries originating in Auxerre, Henri Barré distinguished a unique type of homilies, unique in terms of their method of constructing the text, which he described as “Carolingian.” It was characterized by freedom in using patristic texts and originality in the authors’ commentaries. In addition, he raised the question of the audience (explored later as it is important to us as well) pointing out that in addition to being used in the divine office, the texts were also read privately.⁵⁴

Recent scholarship also points to the pastoral aspect of homiletic texts, previously underappreciated owing to a lack of direct evidence of homiletic practice in the Middle Ages. In recent years it has increasingly focused on attempts to establish the relation between the author and the audience of sermons and homilies, attempts associated with a discussion about the levels of literacy in early medieval societies, forms of transmitting and spreading the Church’s teaching among the laity (orality, literacy, use of vernacular languages, etc.), and the role of sermons in the implementation of the Carolingian religious reform, and their links to political events.⁵⁵

As we hear more and more about the existence of close links between exegetical, homiletic, and normative texts, especially about the teaching function common to all of them (e.g. in the work of Mayke de Jong), such a research approach is, we believe, justified. The tropological sense of the Scripture discovered by exegetes was for their contemporaries the key to understanding how humans should live and how the social world should function. Homiletics growing from exegesis (or even being “exegesis in action”) shaped the minds of those who could make decisions about putting God’s plan into practice either by introducing laws binding on all or through their own actions.

52 These non-substantive determinants are pointed out e.g. by Old, *The Reading and Preaching of the Scriptures*, XIIff. Until the 1980s the fundamental monograph devoted to Carolingian homilies, a book that is still valuable today, was a study by Barré, *Les homéliaires carolingiens*; more recent studies of the influence of the Auxerre school on the theological thought of the Carolingian period are collected in the volume Iogna-Prat, Jeudy, and Lobrichon, eds., *L’École carolingienne d’Auxerre*, the volume also includes studies devoted to the homiletic oeuvres of Haimo and Heiric.

53 Étaix, “L’homélaire composé par Raban Maur”; Étaix, “Le recueil de sermons”; Amos, *The Origin and Nature*; Amos, “Preaching and the Sermon”; Mitalaité, “La transmission de la doctrine”; Diesenberger, Hen, and Pollheimer, eds., *Sermo doctorem*.

54 See e.g. McKittrick, *The Frankish Church*, 80–114; among the more recent publications is Martin, “The Italian Homiliary” (including the bibliography).

55 An extensive discussion of the state of research, especially English-language research, can be found in the unpublished doctoral thesis, McCune, “An Edition and Study of Select Sermons,” 6–36; see also McCune, “The Sermons on the Virtues and Vices,” 250–90; Diesenberger, “Karl der Grosse und die Predigt,” 81–99; Diesenberger, *Sermones: Predigt und Politik*.

Yet despite a considerable intensification of research, thanks to which hundreds (!) of new, previously unknown texts were added to the corpus broadly discussed by scholars, it has to be said that Carolingian homiletics still remains underexplored.⁵⁶ This means not just that there is a lack of detailed studies devoted to the various collections or authors, but also that the catalogue of texts is still incomplete and that the manuscript tradition has been recognized only in part (this concerns even the best known collections), and consequently that there is an insufficient number of editions meeting the requirements of modern scholarship. Even the most famous collections of sermons and homilies by Hrabanus Maurus (d. 856) or Haimo of Auxerre (d. ca. 865), which influenced preaching in the following centuries, are available only in the outdated and incomplete edition of Migne's *Patrologia*.

I have chosen nevertheless to use these sources in this investigation by a belief, based on the findings of the more recent historians in the significance of Carolingian sermons and homilies for the transmission of complex theological context not only among the clergy but also among the secular elites. In this study I use the best-known homiletic collections of the Carolingian era—those by Hrabanus Maurus and the authors associated with the Auxerre school, Haimo and Heiric (d. 876). I will limit myself to following only the threads relating to brotherhood as they appear in homiletic texts in the period. I am aware of the fact that adopting such a method of using the sources is debatable, as it makes it impossible to present the broader context in which these threads functioned. This context encompasses both the composition of the various texts and the place of the homilies dealing with these topics in entire collections and in relations to similar works. However, given the wealth of material and the insufficient number of available editions, it is impossible to carry out in-depth analyses here. I have therefore decided to focus on the coexistence of brotherhood-related content in exegetical and homiletic sources, treating them primarily as tools by means of which the content influenced the faithful (both the clergy and the laity). That homilies were a tool of such influence in the highest circles of the laity is suggested, for example, by Hrabanus Maurus's dedication letters accompanying the homiliary commissioned by Emperor Lothar I and a collection of sermons sent to Archbishop Aistulf of Mainz.⁵⁷

The normative sources used in our research can be generally divided into three groups: law codes of the post-Roman kingdoms; royal legislation; synodal legislation and episcopal capitularies (treated as one group).

The first group contains most information, but at the same time it is the most problematic when it comes to interpretation. First, these sources emerged over a long period, from the fifth to the ninth centuries, undergoing numerous changes, receiving additions, influencing each other, and being revised. Consequently, it is very difficult to

⁵⁶ The lack of the basic tools like repertories and inventories as well as a monograph on the Carolingian homiletics as a whole is stressed by McCune, "An Edition and Study of Select Sermons," 17–18.

⁵⁷ MGH Epp. *Epistolae Karolini aevi*, 3, no. 6, p. 391; no. 51, pp. 505–6. For more on these collections see Étaix, "L'homélaire composé par Raban Maur"; Étaix, "Le recueil de sermons."

distinguish between successive layers, establish the circumstances of their introduction, and date them. However, these issues are covered by a standard set of research questions in source studies that have been developed for nearly two centuries.⁵⁸

A difficult question is the one about the objective of those deciding to record customary laws in writing. The problem has been extensively discussed in the literature on the subject for over 150 years, and scholars are still divided. The continuous relevance of the debate should not surprise anyone, for an answer to this question determines how codes of laws can be used as the basis of research into social history and related studies. I do not intend to sum up the whole historiographic discussion at this point.⁵⁹ In simplified terms, two opposing positions can be identified. On the one hand some contemporary scholars, the best known among whom was the English medievalist Patrick Wormald, are inclined to view codes of laws of Germanic *gentes* as a tool to build ideological foundations of power and pursue political objectives of the kings ruling the states which emerged from the ruins of the Roman Empire.⁶⁰ They see codifications as an attempt to draw on the legislation of Roman emperors, irrespective of the legal practice of the day. In their opinion, the content of the legislation was primarily an expression of values that were important from the point of view of the power elites; thus, the sources contain perforce a description of a postulated reality. Consequently, although the legal norms written down in the codes may have been reflected in social life, this is a secondary connection, as it was of no particular importance to the codifiers. In other words, there are no grounds to claim that the legal regulations recorded in the codes were applied in practice or that this was the only law in force, and attempts to reconstruct, on the basis of their analysis, actual relations in the society of the time are misguided.

Advocates of the opposite position argue that, irrespective of their ideological and religious functions, codes of customary laws were above all records of a living legal tradition rooted in a society's life, and the codifier acted primarily as a guardian of this tradition. The norms recorded in codes of laws defined the conduct of groups identifying themselves with a given ethnic-legal group.⁶¹ Thus, an analysis of these sources can be

58 Recently summarized briefly by Alexander Callander Murray, "The Law of the Post-Roman Kingdoms." See also, for instance, the review of contemporary research areas: Dilcher and Distler, eds., *Leges—Gentes—Regna*.

59 For the summary of the older literature, see Schott, "Der Stand der Leges-Forschung."

60 Wormald, "Lex scripta and verbum regis"; Wormald, *The Making of English Law*; Wormald, "The 'Leges Barbarorum,'" see also Nehlsen, "Aktualität und Effektivität."

61 This view was represented by German legal historians, who studied the laws of Germanic peoples already in the nineteenth century. For a summary of this stage of research see Brunner, *Deutsche Rechtsgeschichte*. However, their way of analyzing these sources was affected—in addition to presentism and non-historical implications of their research—above all by their focus on looking for an explanation of the origins of phenomena characteristic of the high Middle Ages in early medieval sources. In German historiography of recent decades, see numerous studies by Ruth Schmidt-Wiegand, devoted e.g. to the Salic law, collected in the volume *Stammesrecht und Volkssprache*; from a philological perspective see also Olberg, *Die Bezeichnungen für soziale Stände*.

the basis for drawing conclusions about the organization of early medieval societies and their social life practices. There is a divergence of opinion about whether the *leges*, codified and presented by kings as records of ethnic laws, were personal or territorial (or how the dynamic of the transition process from the personality to territoriality of law went). However, this is an issue of secondary importance here.⁶²

In recent discussions scholars more or less successfully try to go beyond this dichotomy, but it still remains the point of reference.⁶³ Siding with any party in the dispute is essentially a declaration of faith. However, such a declaration has far-reaching consequences: the adoption of the first of the two positions mentioned above basically means that codes of customary laws cannot be used in social history research. I am inclined to accept the second view, although with some reservations stemming from my own research practice and the experience gained in a parallel analysis of codes of laws and documentary material. Thus, codes of laws are treated here as a document of social life and an important source of information about legal solutions used both in the judicial system and in the practice of daily life. Yet I adopt this assumption while aware that the legal regulations recorded in codifications and royal edicts were not the only source of law: there was also a body of unwritten legal custom reflected only in practice that is largely eluding scholarly observation. Moreover, regulations recorded in legal sources were not treated as objective legal norms in the modern understanding of the term: they may have been modified depending on specific circumstances. At the same time, codes of laws may have included regulations which, although applicable at the moment of being written down, with time became obsolete and were not forgotten only because they were recorded in writing and had authority due to their age.

Other normative sources originating in the Carolingian period also cause many major interpretative problems. In the case of Carolingian capitularies, an additional difficulty is the heterogenous nature of the sources described by the term. The only editions of capitularies available to historians, those from the *Monumenta Germaniae Historica*, outdated from the point of view of the requirements of today's editorial practices, have created a distorted picture of this group of sources.⁶⁴ This is because past editors included under one category sources differing considerably in formal terms as well as in terms of their origin, purpose, and addressees. In addition, the codicological context of these sources has become blurred in the old editions of the capitularies. Yet this context is extremely important for their interpretation—it is enough to note that a vast majority of texts published by Alfred Boretius and Victor Krause as distinct, chronologically arranged wholes that probably never functioned in such a form. They have survived to the present usually as part of larger legal collections, which also

⁶² See e.g. the polemic between Karol Modzelewski and Stefano Gasparri over the nature of the Lombard legislation (Modzelewski, "La stirpe e la legge"). On the problem of personality of law, see an old study by Guterman, *The Principle of Personality of the Law*; Everett, "How Territorial Was Lombard Law?" and Hoppenbrouwers, "*Leges nationum* and Ethnic Personality of Law."

⁶³ See e.g. Faulkner, *Law and Authority*.

⁶⁴ MGH LL *Capitularia regum Francorum*.

contain, for example, codes of barbarian laws or synodal legislation, excerpts from the predecessors' capitularies, etc.⁶⁵ Waiting for a new edition of the royal capitularies,⁶⁶ we are forced, however, to use these imperfect editions, fully aware that many aspects of the sources published in such a form have become blurred.

The value of the capitularies lies not only in documenting the changes occurring in the legal system (or rather systems) of the Carolingian realm. Just as important are the moral admonitions which are included in them and which serve an equal (perhaps even more important) function in comparison with the administrative functions attributed to these texts. Thus the capitularies contain information about changes introduced by kings in the existing laws, legal foundations of their power, and the organization of the administration or the justice system; and they reveal their ideological justifications. What legitimized the kings' lawmaking above all was following (directly or indirectly) the precepts of that law the authority of which could not be questioned by humans: the law that came from God and was recorded in Scripture. Carolingian kings remained kings of peoples living according to their own laws, enshrined in their tradition. New laws could be effectively introduced by rulers, provided they combined two roles: that of guardians of the legacy and legal memory of the community and of those who had been chosen to lead the people entrusted to them to salvation. In order to cope with such a difficult challenge, it was necessary to use arguments referring to the sphere of ideas and values understood and shared by a wider circle than just that of the elite gathered around the court.

Obviously, as in the case of all medieval legal sources, what remains an open question is the relation between royal law and social practice. In a vast majority of cases we do not know whether and how the norms recorded in the royal legislation functioned in practice, whom they reached, how they were transmitted, and to what extent and with what methods they were enforced. All these questions are part of a lively discussion over the last thirty years about the use of writing in Carolingian administration, the degree of literacy among power elites, the role of the oral promulgation of laws, and the significance of capitularies as one of the tools of communication between the ruler and his subjects.⁶⁷ As research into court practice and conflict resolution methods in

65 A tool of major importance as an aid in working with the MGH edition of the capitularies is a catalogue of manuscripts featuring the capitularies edited by Hubert Mordek, *Bibliotheca capitularium*.

66 So far, only the collection of Ansegis's capitularies has received a modern edition: *Die Kapitulariensammlung des Ansegis*; since 2014, a project of a print and digital edition of capitularies has been implemented: Capitularia <https://capitularia.uni-koeln.de/project/>, see also Kaschke, "The New Edition of the Frankish Capitularies," 107–16.

67 For current bibliography see Capitularia, <https://capitularia.uni-koeln.de/en/resources/biblio/>; Bühler, "'Capitularia Relecta'"; Schneider, "Schriftlichkeit und Mündlichkeit"; Schieffer, ed., *Schriftkultur und Reichsverwaltung*; Mordek, "Karolingische Kapitularien"; Mordek, *Studien zur fränkischen Herrschergesetzgebung*; Nelson, "Literacy in the Carolingian Government"; Schmitz, "The Capitulary Legislation"; McKitterick, *The Carolingians*, 23–77; McKitterick, "Zur Herstellung von Kapitularien"; McKitterick, *Charlemagne*, 229ff.; Pössel, "Authors and Recipients of Carolingian Capitularies"; Patzold, "Normen im Buch"; Ubl, "Gab es das Leges-Skriptorium"; Depreux, "Charlemagne et les capitulaires."

the early Middle Ages has demonstrated, regulations collected in codes of law or royal edicts were just a part of a much broader corpus of rules governing human conduct. The privileged treatment of normative sources in research is obvious: only what has been recorded can be analyzed. However, the evaluative distinction between written law and custom or unwritten law is unjustified, from the point of view of legal practice. The belief in the key role of an internally coherent, stable set of legal norms framed by a coherent system of laws and customs regulating the relations among close relatives also stems from a modern view on legal norms as abstract and objective, operating independently of the individuals applying them. In the case of a society treating legal regulations as a resource it can, but does not have to use in specific circumstances, such a way of thinking turns out to be misguided.⁶⁸ A customary law, recorded in writing, with time combined with a royal law, may have been the main, but not the only and irrefutable, point of reference in defining such relations. In analyzing of the relations among brothers I will try to confront conclusions drawn from reading normative sources with evidence from sources of a different nature.

Royal legislation is strictly linked to ecclesiastical legislation. A special place in this latter group of sources is occupied by records of regional or provincial councils. In recent years our knowledge of Carolingian conciliar legislation has been considerably expanded by in-depth research conducted by Wilfried Hartmann during the preparations of editions of successive volumes of these sources for the MGH.⁶⁹ We also have at our disposal modern editions (also published in the MGH) of the so-called episcopal capitularies, that is ordinances issued by bishops for the clergy and the faithful in their dioceses.⁷⁰

Doubts concerning the functioning of legal texts in society prompt scholars to look for evidence that make it possible to determine whether and to what extent legal regulations and the patterns of behaviour behind them influenced people's individual decisions and actions, in other words: to what extent were they only a postulate and tool of the ideology of power; and to what extent did they influence social practice? Such a role can be played first of all by diplomatic sources, primarily charters traditionally classified as private, that is produced outside royal chanceries, drawn up on various occasions (property transactions, donations, last wills, etc.).⁷¹

68 Brown, "The Use of Norms in Disputes."

69 In addition to source studies prepared for the successive volumes of the MGH edition of synodal legislation, see the fundamental study: Hartmann, *Die Synoden der Karolingerzeit*; see also Hartmann, "La transmission et l'influence"; Kramer, "Order in the Church."

70 MGH LL *Capitula episcoporum*, 4 vols.; on the significance of this group of sources see McKitterick, *The Frankish Church*, 45–79; Brommer, *Capitula episcoporum*.

71 The division into private and public charters introduced and defined by nineteenth-century legal historians does not convey the essence of the diversity of early medieval diplomatic sources. These categories—derived from Roman law but transformed with the consolidation of the institutions of the early modern state—when applied to the early medieval material turn out to be misleading in many cases.

Owing to the considerable number, fragmentation and variety in quality of the editions of the diplomatic sources from the Carolingian era, it has been impossible to carry out a systematic survey of the entire surviving materials. The selection is based on two main criteria: I chose sources that illustrate the functioning of a local community over a longer period and that come from various regions of the Carolingian realms. Such conditions are met by monastic cartularies and archive collections associated with the work of early medieval ecclesiastical institutions. We have studied the four biggest collections of diplomatic sources from the period: those from the archives of the monasteries of Fulda⁷² and St. Gallen,⁷³ as well as the archives of the bishoprics of Freising⁷⁴ and Lucca,⁷⁵ most of which were published in print already in the nineteenth century and have been quite systematically studied. In addition, we have carried out a less detailed survey of documents from northern Italy (documents from the archbishopric of Milan⁷⁶ and court records from the entire Kingdom of Italy⁷⁷). In total, the corpus of diplomatic sources surveyed encompasses over 2000 charters originating between the late eight and the late ninth century.⁷⁸ They have survived to this day in their original form (diplomas from the archives in Lucca and in St. Gallen), and in the form of copies, including those from cartularies (from the bishopric of Freising and from the monastery of Fulda).

I decided to use materials originating in various, very distant part of the Carolingian realms. This came from a belief in the need to go beyond the dominant local perspective and to attempt to compare social practices on a broader scale. Limiting the research perspective to one region (more precisely: to one set of sources associated with one ecclesiastical institution) does make it possible to carry out an in-depth analysis of the network of connections and ties of dependence in individual communities, but it makes it impossible to ask the question whether the phenomena observed were common and

72 *Codex diplomaticus Fuldensis; Urkundenbuch des Klosters Fulda.*

73 UStG1; UStG2; *Chartularium Sangallense*; document scans available on www.e-chartae.ch/en; on current research and the new edition of charters from the abbey of St. Gallen see Sonderegger, "Urkunden—mehr als 'nur' Rechtsquellen"; Zeller, "Language, Formulae, and Carolingian Reforms"; see also Goetz, "Beobachtungen zur Grundherrschaftsentwicklung."

74 *Die Traditionen des Hochstifts Freising.*

75 *Memorie e documenti per servire*, 4; *Memorie e documenti per servire*, 5/2; see also Pagano and Piatti, ed., *Il patrimonio documentario.*

76 *Codex Diplomaticus Langobardiae.*

77 *I placiti del 'Regnum Italiae'*; Keller, "I placiti nella storiografia"; Petrucci and Romeo, "Scrivere 'in iudicio'"; Mersiowsky, *Die Urkunde in der Karolingerzeit*; for a description of the sources and discussion of court practice see Bougard, *La justice dans le royaume d'Italie*; on the significance of early medieval court records as sources for the study of social history see Davies and Fouracre, *The Settlement of Disputes.*

78 Charters from before 800 and partly from the early ninth century were also published in the *Chartae Latinae Antiquiores*; for the St. Gallen monastery: 1–2 (1954–1956), 100–106 (2006–2013); and the Bishopric of Lucca, 30–40 (1988–1991), 72–83 (2002–2013).

were repeated on the supra-regional scale, or whether they were an example of local specificity (be it with regard to society or to a chancery).

In studies carried out on the basis of ninth-century diplomatic material the problem is the uneven geographical distribution of this type of sources: while in the case of East Francia, the Kingdom of Italy and the northern part of the Iberian Peninsula (Catalonia) we can speak of a relative abundance of material, the huge territory of West Francia is disproportionately underrepresented. This needs to be emphasized at the beginning of the present analysis. The picture that emerges from analysis may not be automatically generalized to encompass also those areas that are traditionally regarded as belonging to the centre of the Carolingian empire.

The available diplomatic material is one-sided, in the sense that both its production and preservation are related to the activities and needs of ecclesiastical institutions. This influences the perspective of the sources, which record primarily what was important in the eyes of the clergymen responsible for drawing up and securing documents. Research into early medieval diplomatics and archival practices—developing intensively in recent years—indicates that, in the case of archive materials associated with the work of ecclesiastical institutions, we are dealing with records of the more or less consciously constructed collective memory of these institutions. Selections made over centuries, the way of using and securing charters (their copying, transformations, including interpolation and falsification; and the organization of the archives) were subordinated not just to practical but also to ideological objectives, changing over time depending on the circumstances. This forces us to be cautious in treating these sources as a reflection of all aspects of the life of the local communities, although they are, of course, invaluable as evidence of the coexistence between an ecclesiastical institution and its social environment.⁷⁹

As far as their textual form is concerned, too, the charters are by no means uniform: in addition to charters in the full sense of the word (that is drawn up according to a fixed form and appropriately authenticated), we encounter all kinds of *notitiae*, *pro memoria* notes, inventories, court records, etc. It is also impossible to overlook time as a factor: over a period of more than a century scribal practices changed, and an important role was played by those drawing up the documents, as by the authors of cartularies and their individual habits and practices. In the analysis of documentary sources we also need to face a whole range of problems relative to their cultural role and functions: beginning with the question of language (differences in language between

⁷⁹ Especially worthy of note in the vast literature of recent years devoted to early medieval diplomatics is Mersiowsky, *Die Urkunde in der Karolingerzeit*; see also Heidecker, ed., *Charters and the Use of the Written Word*; Erhart, Heidecker, and Zeller, eds., *Die Privaturkunden der Karolingerzeit*; Mostert and Barnwell, eds., *Medieval Legal Process*; Brown, Costambeys, Innes, and Kosto, eds., *Documentary Culture*; Jarret and McKinley, eds., *Problems and Possibilities*; a good summary of the state of research is McKitterick, "Charters, Languages, and Communication"; on cartularies see Guyotjeannin, Morelle, and Parisse, *Les cartulaires*, and an important study by Patrick Geary, "Archival Memory."

that the local community and that of the source—especially in areas where Latin was the language of the clergy and a narrow secular elite, such as East Francia⁸⁰), through the literacy rate in society and the habit of using written proofs (there is a considerable difference between, for example, the Rhineland, where the use of writing in social life was a fairly new phenomenon, and Italy, where the tradition of using documents had been basically uninterrupted since Antiquity), to the consequences of the intellectual formation and erudition of the scribes writing them.

A separate group of the diplomatic sources are the royal diplomas.⁸¹ However, they provide us with little information that would be important to the subject matter in question. Diplomas issued by the royal chanceries contain many references to fraternal relations during the period when Louis the Pious's sons and grandsons fought for power, and when regulating the relations among them became the main political problem of the day. Consequently, the documents were evidence of and, at the same time a tool in, an ideological game, and they reflect a clash of rival concepts of power organization in the Carolingian realm rather than the actual relations among the royal brothers.

Among broadly defined diplomatic sources we have also used the early medieval collections of formulae published by Karl Zeumer, treating them, however (given their genre) as auxiliary material. Particularly useful have been the formularies from St. Gallen containing copies of charters relating to property transactions as well as letters.⁸² Epistolary sources have been also taken into consideration. Valuable information has been provided especially by the correspondence of Alcuin (d. 804), Einhard (d. 840) and Hrabanus Maurus, as well as by papal letters.⁸³

80 On this problem see Gallagher, Roberts, and Tinti, eds., *The Languages of Early Medieval Charters*.

81 MGH DD Karolinerum 2; MGH DD Karolinerum 4; MGH DD regum Germaniae ex stirpe Karolinerum 1; Bautier, "La chancellerie et les actes royaux"; Mersiowsky, *Die Urkunde in der Karolingerzeit*, 1:54–163, 2:543–782.

82 MGH LL *Formulae Merowingici et Karolini aevi*; see also the study devoted to early medieval formularies: Rio, *Legal Practice*; Brown, "Die Karolingische Formelsammlungen"; Brown, "Laypeople and Documents."

83 MGH Epp. *Epistolae Karolini aevi*, 5 vols. being MGH Epp. 4–8 (vol. 8 being in two parts); on Carolingian epistolography see Mersiowsky, "Regierungspraxis und Schriftlichkeit"; Hartmann and Orth-Müller, *Codex epistolaris Carolinus*.

