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Sara McDougall, *Royal Bastards: The Birth of Illegitimacy, 800-1230*. Oxford and New York: Oxford University Press, 2017. x + 310 pp. Charts, bibliography, and index. \$100.00 U.S. (cl). ISBN 978-0198785828.

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Historians frequently contend that if children born out of wedlock were stigmatized as “bastards” and excluded from inheritance in medieval and early modern Europe, this was largely due to clerical hostility toward extramarital sexuality. According to the traditional account, eleventh-century Gregorian Reform campaigns in favor of clerical celibacy eventually spilled over into the secular domain, leading to a general exclusion of extramarital offspring from the inheritance of property, title, and land. As the French jurist Jean Bacquet narrated as early as the sixteenth century, Merovingian and Carolingian kings may have allowed illegitimate offspring to inherit, but the Capetians had seen the true light of Christian doctrine, excluding “bastards” not only from the throne, but also from succession to ordinary property.^[1]

Sara McDougall challenges this long-standing narrative in her lively, erudite, and thought-provoking book. Focusing on the narrow question of whether any royal bastards were actually excluded from succession on the basis of irregular birth during the Middle Ages, she offers three overlapping theses. First, she contends that because previous historians have examined medieval evidence through the anachronistic lens of later historical developments, they have exaggerated the extent to which the Latin Church had developed a consistent doctrine on marriage and illegitimacy any time before the end of the twelfth century. Second, she argues that prior that era, challenges to the legitimacy of particular dynastic successions tended to be grounded not on the marital status of the late king, but rather on the relative social status of the potential heir’s mother and her ancestral line. Third, to the extent that Europeans ultimately did arrive at a consensus that “a ruler had to be the child of a lawfully married king and queen” (p. 9), McDougall attributes the shift not to religious reformers, but rather to secular rulers who perceived a new set of evolving political interests amid the gradual formation of states. While the church certainly condemned illegitimate unions, threatening transgressive monarchs with interdiction or excommunication, McDougall contends that the clergy reserved its ire for the offending parents, not their offspring. Only in the thirteenth century did secular leaders begin invoking extramarital birth as a basis for the disqualification of their political rivals.

After cogently laying out these claims in a succinct introduction, McDougall moves on in her first chapter to offer a lengthy and impressively wide-ranging survey of the complex, diverse, and perennially ambiguous terminology used to describe irregular sexuality and birth in the early

Middle Ages. While early modern jurists like Bacquet ascribed stable meanings to commonly used Latin, Greek, and Hebrew words such as *mamzer*, *nothus*, *spurius*, and *naturalis*, McDougall successfully draws on a variety of legal and encyclopedic texts to show how the significance of each term actually varied according to local context. For example, *spurius* in some traditions referred broadly to any child born out of wedlock, but in others it designated only those born of adultery or incest, not the offspring of stable concubinage. While *spurius* could be used to designate a particular child, other expressions, such as *vulgo concepti* (“vulgarly conceived”), focused instead on the status of the parents or the circumstances of birth, rendering the basis for a given attribution of “illegitimacy” somewhat unclear. Even *bastardus*, a medieval neologism, was surrounded by ambiguity, because it initially seems to have meant “base born”—that is, born of a low-status mother—rather than “not born of a legitimate marriage.” In any case, McDougall finds no explicit evidence in manuscripts of the tenth through twelfth centuries that *bastardi* were necessarily excluded from inheritance. She also notes that while the adjective *illegitimus* was frequently applied to particular unions, it was rarely used to designate their offspring. All this linguistic diversity supports McDougall’s claim that the church still lacked coherent doctrines on the subject of marriage and illegitimacy, as well as her contention that before the twelfth century, “Ancestry defined legitimacy, not marital status or compliance with canon law” (p. 23).

McDougall further supports these claims over the next three chapters by re-examining specific cases of contested successions within the Carolingian, Ottonian, Capetian, Anglo-Saxon, and Anglo-Norman dynasties. Most broadly, she argues that the political success of these lineages depended not on their adherence to canon law norms on marriage, which had not yet been consistently articulated by the church, but rather on the arrangement of unions with powerful and socially prestigious maternal lines. In this context, inadequate maternal lineage might prompt questions about the suitability of a particular heir. McDougall argues that when Louis the Pious explicitly excluded the children of concubines from royal succession in his *Ordinatio imperii* (817), he did so not because such children were born outside of canonic marriages, but rather because they were the offspring of misalliances, their mothers being invariably of lower social status than their fathers. In this view, the extramarital sons of Lothar II and Charles the Fat were not regarded as unworthy of the throne because they were illegitimate. Rather, they were deemed illegitimate because they were regarded as unworthy of the throne. Similarly, McDougall claims that Henry the Fowler excluded his eldest son, Thankmar, from the Ottonian succession not because the marriage to his mother, Hedwiga, had been illegal in the eyes of the church. Rather, it was because Henry’s second wife, Mathilda, harkened from a more prestigious line, with greater land and wealth. It was the lack of a high-status mother, not birth outside of wedlock, that led some to challenge the legitimacy of Harold “Harefoot” and William of Normandy. As for the Capetians, while thirteenth-century apologists would eventually ground their political legitimacy on birth within legitimate wedlock, tenth-century contemporaries of Hugh Capet were more inclined to emphasize his personal qualities—as well as the high status of his mother—to legitimize his election to the throne. Because McDougall is offering new interpretations rather than any new evidence, she is careful to emphasize the tentative and provisional nature of her findings. Still, her deeper point—that historians have been too quick to assume that tenth- and eleventh-century Europeans defined illegitimacy in the same manner as subsequent generations—seems to be warranted.

In chapters five and six, McDougall pivots to an analysis of twelfth-century developments in canon law. Here her central argument is that although ecclesiastical jurists in this period defined legitimate marriage with increasing clarity, inveighing against “incestuous” unions, they did not

target the offspring of illicit unions with stigma or opprobrium. Canonists like Ivo of Chartres and Burchard of Worms promoted a Christian vision of marriage, condemning unions outside the norms of the church, but McDougall finds no evidence that they simultaneously promoted the exclusion of extramarital offspring from inheritance. When Philip I of France unceremoniously repudiated his first wife, Bertha, in order to marry Bertrada de Montfort, the wife of one his vassals, Fulk IV of Anjou, Ivo of Chartres pointedly refused to attend the wedding. Ivo then used repeated excommunication to force Philip to renounce Bertrada de Montfort in 1104—though in practice the royal couple stayed together. According to an account by Abbot Suger, Ivo and his allies rushed the coronation of Louis VII in order to forestall any claims to the throne by Bertrada de Montfort and her offspring—a threat that would be plausible only if bastards were potentially deemed throne-worthy. But nowhere in his writings did Ivo mention Bertrada’s offspring, even as he continued to condemn her marriage as illegal. Nor were her children prevented from inheriting substantial land in France and Jerusalem following Philip’s death. As for later developments, although a 1172 decretal of Alexander III tacitly invoked “the so-called stain of illicit birth” by contending it could be removed by a subsequent marriage of the parents, McDougall concludes that “[t]his mechanism for legitimacy found little application in dynastic politics” (pp. 183-84), except for highlighting the political independence of English common law, which rejected the provision.

In her final four chapters, McDougall returns to an analysis of specific succession disputes in order to assess the practical influence of twelfth-century innovations in canon law. She begins with Ramiro’s inheritance of Alfonso I of Aragon’s crown in spite of his status as a monk; the inheritance of Boulogne by the daughters of an abbess; and Tancred of Lecce’s 1189 accession to the throne of Sicily in spite of his extramarital birth. The central theme in these chapters is how even as the Latin Church consolidated its legal doctrines on valid marriage, children of incestuous unions were not necessarily impeded from inheriting political power, because political pragmatism often prevailed over principle. Historians of France will be particularly interested in chapter eight, where McDougall examines the conflict between Innocent III and Philip Augustus over the latter’s repudiation of his second wife, Ingeborg of Denmark. Although the pope rejected the legality of the king’s union with his third wife, Agnès of Merania, Philip apparently petitioned Innocent to recognize the legitimacy of their offspring on grounds of putative marriage—that is, on the assumption that he and Agnès had married in good faith, in ignorance of canonic impediments. Innocent III instead responded with a remarkable innovation: he revived the Roman law practice of legitimation by rescript, but he broke from precedent by extending its effects even to the offspring of an adulterous relationship. Explicitly erecting illegitimate birth into an impediment to political succession that might be relieved by the arbitrary grace of the pope, Innocent’s legitimation of Philip’s offspring was subsequently criticized and challenged by apologists for royal authority, many of whom alleged that only secular rulers had the power to legitimize their subjects. Still, as McDougall shows in her final two chapters, the principle that extramarital birth entailed exclusion from political authority was thenceforth mobilized against potential claimants, even as bastards occasionally continued to inherit crowns on the periphery of Latin Christendom in places like Jerusalem and Iberia.

Skeptical readers may not be swayed by all of McDougall’s interpretations. As she herself acknowledges, silence regarding a given norm does not necessarily mean the norm did not exist. By the time the Custom of Paris was first redacted in 1510, exclusion of bastards from inheritance had become so commonplace that merely an oblique reference to it was regarded as sufficient: “Whoever is not able to inherit, such as a bastard, cannot exercise lineal preemption.”^[2] Still,

by carefully locating medieval cases of disputed succession within their particular political contexts, McDougall convincingly demonstrates that the marital status of the late king was only ever one of several factors taken into consideration by political actors. She also shows that European aristocrats harbored their own assumptions about what constituted illegitimacy, based on lineage, well before the Latin Church brought to bear its particular emphasis on legally defined marriage. Chronologically relocating the advent of the stigmatization of extramarital offspring to the early thirteenth century, McDougall denies the influence of the Gregorian Reform and the clergy. Instead, she attributes increasing stigmatization of extramarital offspring to shifting aristocratic interests and beliefs. “The ‘horror’ of illegitimate birth,” she concludes, “is the story of a later era” (p. 279).

This conclusion raises questions that McDougall never fully addresses. Rather than drawing upon the medieval plurality of opinions about illegitimacy to obliterate a teleological narrative of stigmatization, McDougall instead merely displaces the telos into the early modern era, which then becomes the source of the anachronistic distortions in medieval historiography against which she inveighs. However, apart from some allusions to the slightly tendentious work of Bacquet, McDougall’s sole source for the early modern era is a single quotation by the Duc de Saint-Simon, offered at the outset of the book, in which he complains of the “mingling of the purest blood of our kings...with the corrupt filth of twofold adultery” (p. 1). It is difficult to see how such a statement is any more indebted to canon law theories of marriage than were the lineal-based aristocratic musings of Saint-Simon’s Carolingian predecessors. Even an only slightly more cursory exploration of illegitimacy in the early modern era might have shown McDougall that the subject was just as contested then—and its complex terminology just as fraught—as it had been in the period covered by her study.^[3] Indeed, during the *affaire des princes* that followed Louis XIV’s death in 1715, lawyers for the Duc du Maine, the king’s legitimated son, anticipated by three centuries many of McDougall’s own interpretations of Carolingian succession.

A deeper issue is that while McDougall’s exclusive focus on royal bastards is justifiable given that it allows “a comparative picture of the role of illegitimacy at the heart of medieval European culture...with attention to regional differences and change over time” (p. 9), it leads to a diffusionist model that assumes rather than demonstrates that “the stigmatization of those born outside of marriage, leading eventually to the implementation of discriminatory policies with considerable economic and social implications” (p. 19) necessarily followed from, rather than led to, the exclusion of extramarital offspring from political power. Can one assume that the treatment of royal bastards exemplified the status of extramarital offspring more generally in medieval society? Or were these not, by definition, exceptional cases? While McDougall convincingly dismantles traditional historiographic assumptions about the stigmatization of illegitimacy in the medieval era, she is arguably less effective at offering a compelling alternative account of how, when, and why the social and political exclusion of extramarital offspring occurred. Finally, at least some historians may be dismayed that she offers no consideration of illegitimacy as a medieval social problem that might have affected families of the poor and the middling ranks.

McDougall’s exceptionally fine and deeply researched book is nevertheless essential reading for historians of illegitimacy, dynasticism, and medieval politics. While offering new insight into ecclesiastical reform, legal history, and the evolving relationship between secular and religious authority, the book offers numerous object lessons in how the historical evolution of social

categories can lead historians into anachronism as they interpret sources from a given period through the distorted lenses created by intervening generations. Because this issue pertains not only to illegitimacy, but also to social categories such as class, gender, sexuality, and race, this book should actually be of tremendous interest to all historians, regardless of region or period of specialization.

NOTES

[1] Jean Bacquet, *Oeuvres*, ed. Claude de Ferrière, 2 vols. (Lyon: Frères Duplain, 1744), 2:148.

[2] Custom of Paris (1510), Article 186. The “reformed” Custom of Paris, promulgated in 1580, adopted this provision without any alteration as its Article 156. See Claude de Ferrière, ed., *Corps et compilation de de tous les commentateurs anciens et modernes sur la Coutume de Paris*, 2nd edition, revised & augmented by Claude-Josephe de Ferrière, 4 vols. (Paris: Chez Michel Guignard, 1714), 1:xxix-xxx, 2:973-74.

[3] Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (New York: Oxford University Press, 2012); Sylvie Steinberg, *Une tache au front: La bâtardise aux XVI^e et XVII^e siècles* (Paris: Albin Michel, 2016).

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