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DOI: 10.15290/dhmgz.01.2021.11

Konstrukcje dzieciństwa we wczesnośredniowiecznej Anglii V–XI wiek

Constructs of Childhood in Early Medieval England c. 500 – c. 1100

STRESZCZENIE: Nasze rozumienie konstrukcji dzieciństwa w średniowieczu znacznie się zmieniło w ostatnich dziesięcioleciach, ale historia średniowiecznego dzieciństwa pozostaje w dużej mierze niewidocznym tematem, mimo że prawie połowa populacji późnośredniowiecznej Anglii miała mniej niż osiemnaście lat. Częścią tego problemu jest brak zachowanych tekstów pisanych. Ten krótki artykuł analizuje wczesnośredniowieczne angielskie kodeksy prawne, aby zbadać, w jaki sposób możemy lepiej zrozumieć dzieciństwo i dzieci w średniowiecznej Anglii.

SŁOWA KLUCZOWE: dzieciństwo, rodzina, kobiety, wczesne średniowiecze, angielskie kodeksy prawne, królowie, przestępstwo, kradzież, zabójstwo, kara, zemsta, odszkodowanie

ABSTRACT: Our understanding of the construct of childhood in the Middle Ages has changed in recent decades, but the history of medieval childhood remains a largely invisible theme even though almost half of the population of late medieval England was under the age of eighteen. Part of the problem is the shortage of surviving written records. This short paper looks at early medieval English law codes to examine how we can gain further understanding of childhood and children in medieval England.

KEYWORDS: childhood, family, women, early medieval, English law codes, kings, crime, theft, homicide, punishment, vengeance, compensation

In his 1962 book, *Centuries of Childhood*, Philippe Ariès famously made the following assertion:

“In medieval society the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with affection for children: it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguishes the child from the adult, even the young adult. In medieval society this awareness was lacking.”¹

This view has been very much revised in recent decades, and it is now accepted that there was such a thing as childhood and that children developed through several stages into adulthood, stages that were recognised by society.²

This paper will focus on the early medieval English period, from c. 600 to c. 1100, and with particular reference to the first law codes, which give us a unique insight into social norms and values, including the place of children. The law codes are a crude and perhaps rather blunt instrument of assessing constructs of childhood, but they do provide insight into social norms that we can only be thankful for in a period of history where written documents are relatively few. We need to also remember that medieval society was entrenched in Christian beliefs and so all life, adult as well as child, was viewed through the lens of spiritual care and the salvation of the soul. That said, the law codes reveal an almost equal concern with the financial worth of human life, something all medieval kings were keenly interested in.

Most of our evidence for sensitivity and nurturing children comes from the later medieval period but this may be an issue with the evidence rather than evolving views of childhood. From Early England about 2000 charters and writs (including forgeries, copies, and originals)

¹ P. Ariès, *Centuries of Childhood*, trans. R. Baldick, London 1962, s. 128.

² M.S. Kuefler, „A Wryed Existence”: *Attitudes toward Children in Anglo-Saxon England Source*: “Journal of Social History” 1991, t. 24, nr 4, s. 823-834; S. Shahar, *Childhood in the Middle Ages*, trans. Ch. Galai, London and New York 1992; N. Orme, *Medieval Children*, New Haven and London 2001; H. Cunningham, *The Invention of Childhood*, BBC Books 2006. See also C. Heywood, *Centuries of Childhood*, “Journal of the History of Childhood and Youth” 2010, t. 3.3, s. 343-366 which gives a recent overview of the historiographical debates ensuing from Ariès’ publication.

survive, but tens of thousands survive from the thirteenth century.³ The written evidence is restricted to the upper educated strata of society, surviving in 3 million words, favouring survival of religious texts over secular, heroic poetry over cradle songs and lamentations, privileged upper-clergy or kingly authors over commoners and English speakers over any other vernacular; it has been likened to a corpus of Oxbridge theological English being taken to stand for British English as a whole.⁴

To begin with, it certainly seems that Aries' interpretation was accurate when we look at the Laws of Cnut, King of England (and later Denmark and Norway), dated to c. 1020:

'Up till now it happened that the child which lay in the cradle, although it had never tasted food, was reckoned by avaricious folk as being guilty as though it had discretion.'⁵

This would appear to suggest that from infancy, children were deemed able to discern good from evil. They were not, by implication, party to any developmental or pedagogical influences, teachings or instruction if they were born fully cognisant of morality. Cnut forbids this henceforth, since it was 'hateful to God,' which may suggest a change of perspective in the understanding of 'childhood' or it may perhaps reflect the need to correct or stamp out lingering traditions and customs – Cnut's laws are also concerned with witchcraft and sacrifices – in an attempt to impose some sort of 'modern' framework onto society in a way that only a conqueror could do. Indeed, so comprehensive were Cnut's law codes that they were never superseded by later kings, including William the Conqueror, and became part of the traditional 'laws of old England,' well into the later twelfth century when revolutionary changes were made to common law under Henry II.⁶

³ M. Clanchy, *From Memory to Written Record: England 1066–1307*, 3rd edition, Wiley-Blackwell 2013, s. 1.

⁴ O. Timofeeva, 'Ælfred mec heht gewyrca: Sociolinguistic concepts in the study of Alfredian English, "English Language and Linguistics" 2018, t. 22(1), s. 122.

⁵ D. Whitelock, *English Historical Documents*, t. 1: c. 500–1042, 2nd edition, Routledge 1979, s. 454-465.

⁶ R. Bartlett, *England under the Norman and Angevin Kings 1075–1225*, OUP, 2000, s. 190-193.

Earlier law codes shed some light on the status of the child and its societal role. The laws of King Ine of Wessex (c. 690s) state that a ten-year-old boy was liable for theft.⁷ If the age of ten was the age a child was deemed suitable for punishment for theft, then it would follow that ten was the age a child became an adult. If this seems harsh, it is worth reflecting that in the UK today, ten is still the age of criminal responsibility, one of the youngest in Europe – where fourteen is most common – though it ranges from six to eighteen around the world with a median age of twelve.⁸

Theft was seen as the most heinous crime in the early law codes (there was no equivalent for homicide until the later twelfth century). Theft was a Biblical crime and in a society which was totally interdependent and lived in close-knit harvest-sensitive communities, property was highly prized and if a thief was caught in the act he was to be executed. Theft could also mean being sent into slavery, since Anglo-Saxon England had a considerable number of slaves, reckoned to be around 10% of the population all the way into the Domesday Book survey in 1086.⁹ Other punishments for crime included flogging, castration (for rape) and various mutilations such as losing hands or feet on the second occasion and blinding, removal of ears, nose, upper lip or scalp for further offences (in Cnut's laws). Harsh though these may seem, it is hard to gauge just how many people suffered these punishments. The thirty or so Early English execution sites were located on the boundaries of hundreds and kingdoms from the later seventh century onwards and do not suggest very great numbers.¹⁰ The death penalty was usually beheading or hanging. The epic poem *Beowulf* (c. 1000) refers to the gallows '...like the misery endured by an old man/who has lived to see his son's body/swing on the gallows.'¹¹

⁷ D. Whitelock, *op. cit.*, s. 398-407.

⁸ <https://www.cps.gov.uk/crime-info/youth-crime>; R. Arthur, 'Rethinking the Criminal Responsibility of Young People In England and Wales,' *European Journal of Crime, Criminal Law and Criminal Justice*, 2012, t. 20(1), s. 13-29.

⁹ D. Pelteret, *Slavery in early medieval England from the reign of Alfred until the twelfth century*, Woodbridge 1995.

¹⁰ S. Brookes, A. Reynolds, 'The Origins of Political Order and the Anglo-Saxon State', *Archaeology International*, 2011, t. 13, s. 92.

¹¹ S. Heaney, *Beowulf*, Faber & Faber, 2000, s. 77 (lines 2444-46).

The primary aim of the early English law codes in the various kingdoms was to mediate rather than to punish the peoples. Early English Kings did not have the apparatus or the power to take life; this developed after the Norman Conquest in 1066 which led to a native population entirely subjugated by a military occupation. Castles, prisons, armed troops all combined to create a very different kind of kingship and government which initially executed Englishmen guilty of killing French occupiers (the crime of *murdrum*) and by the 1180s had developed into a more sophisticated form of state-sponsored violence.¹² Early English kings sought to resolve crimes and much of the law codes are full of financial penalties that crimes will incur, from killing right down to hair-pulling. Each and every man had a price according to his social status (except slaves) and the initial punishment, even with killing, was a financial penalty and only then maiming. The responsibility was on the kindred and the hundred, the local community, to find and punish the thief or murderer. The idea was to prevent violence escalating to blood feuds or vengeance, something the law codes of King Edmund (c. 940s) were especially pre-occupied with.¹³

Children, then, were part of this system from the age of ten but in the laws of King Æthelstan (c. 930s) this age was raised to the age of twelve. Further suggestion of an evolving perspective of childhood can be seen in Æthelstan's last ordinance, where we are told that after the king had spoken to his assembly he sent word that 'it seemed too cruel to him that a man should be killed so young, or for so small an offence [ie stealing]... no man younger than fifteen should be killed unless he tried to defend himself or fled, and would not surrender... but if he would surrender, he was to be put in prison.' If there was a further offence, 'he is to be killed or hanged, as an older man would have been.' The language clearly tells us that over twelve was the age of a man and the fact that the harshness of killing such youths weighed on people's consciences.¹⁴ Twelve remained the age of criminal responsibility in the laws of Cnut (1020s) but Bracton's

¹² See the legal treatise known as *Glanvill* written in the 1190 by the chief justice Rannulf de Glanvill; D.C. Douglas, G.W. Greenaway, *English Historical Documents*, t. 2, s. 1042-1189, 2nd ed. 1981, s. 462-471.

¹³ D. Whitelock, *op. cit.*, s. 431-437.

¹⁴ *Ibidem*, s. 417-429.

13th century treatise does not specify an age, referring to children being protected from the criminal law by their ‘harmlessness of intention’ and ‘lack of intention to harm,’ in refreshingly modern language.¹⁵

Moving on from crime and punishment, the early medieval law codes tell us quite a lot about the place of children in the family and in the wider community. Ine’s law code (c. 690s) stipulates that a child was to be baptised within thirty days (or face a 30 shilling fine) and that illegitimate children were to be identified in law.¹⁶ The purpose of baptism was to cleanse the child of original sin inherited from Adam (an unbaptised child would go to hell) though this would not necessarily remove all tendencies towards evil. Marriage was a financial transaction. In the very earliest law codes, King Æthelbert of Kent (c. 602), women were bought and sold: a bride payment is to be paid and if a woman is abducted, her ‘owner’ is to be paid compensation, unless he returns the woman or compensates her betrothed, if there is someone; if a free woman (marked out by her ‘long hair’) committed any ‘misconduct’ then she had to pay compensation.¹⁷ A child’s life was measured in financial worth; in Alfred’s laws (c. 890s) if a pregnant woman is killed, and the child dies, it is worth half the value of its father’s ‘wergild.’

Women could ‘go away with the children’ though, and she would have ‘half the goods,’ which suggests an element of freedom.¹⁸ A widow and maiden were not forced to marry against their will; after 12 months a widow could marry whom she wished. In King Ine’s Laws (c. 690s), if the father of a child died, the mother is to raise the child with maintenance support (6 shillings, a cow in summer and an ox in winter) from the paternal family ‘until the child is grown up’ [but it does not state the age]. There is also a reference to the maintenance of a ‘foundling’ (six shillings) and to the ‘children’s nurse,’ in Ine’s laws.

A major concern was the Christian regulation of society. It is clear that the Church was attempting to regulate behaviour, norms, and values in secular society as part of the conversion process. We can see the thinking behind the law codes in Augustine’s communication with Pope Gregory (early sixth century), which Bede inserts into

¹⁵ H. de Bracton, *On the Laws and Customs of England*, trans. S. Thorne, 1968.

¹⁶ D. Whitelock, *op. cit.*, s. 398-407.

¹⁷ *Ibidem*, s. 391-394.

¹⁸ *Ibidem*.

his *Ecclesiastical History*, (c. 731), where marriage, pregnancy and baptism, child-birth and church-going, sexual relations after birth and menstruation, Holy Communion and menstruation, adultery and fornication are all discussed at length.¹⁹

In some ways, married women had better choices and freedom before 1066, though if she fell foul of the norms expected, punishments were severe. Marriage and legitimacy were major concerns. Sex was a major pre-occupation in the early law codes; sexual relations with a maiden 'belonging' to the king, sex with a nobleman's serving woman, sex with a freeman's wife, sex with a ceorl's serving woman, sex with a slave woman, raping a girl 'not of age' [what is the 'age'? We are not told].²⁰ In the laws of Alfred (c. 890s), if a betrothed woman commits fornication, compensation is liable, according to her status and in Cnut's Laws, incest and rape were punishable by fines, but if a woman commits adultery, she 'is to lose her nose and ears.'²¹ However, a man may fight without incurring a vendetta if he finds another man in bed with his wife, or his daughter, or his mother.

This was a slave-owning society built around strict classification, where marriages were arranged and every life had a price but sources outside the law codes tell us of how children were loved, nurtured and mourned not as little adults but as youths in their own right. A seventh-century child's grave in Barton-on-Humber contained various grave goods, including a feeding bottle, shaped like a breast, powerful evidence of an attempt to sustain the child's life and nurture it.²² The *Life of Wilfrid*, by Eddius Stephanus (c. 720), tells the miracle of a child restored to life by baptism, in itself of interest but for our purposes we are also told in detail of the grief-stricken mother: '...she was bitterly distressed, moaning with grief and tired out with the weight of the child...'²³ Asser's *Life of King Alfred* (c. 890s) explicitly tells us, during a substantive point about recruitment for monasteries, 'children, who could not as yet choose good or reject evil because of the tenderness of

¹⁹ J. McClure, R. Collins, *Bede: The Ecclesiastical History of the English People*, Oxford 1994, s. 41-54.

²⁰ D. Whitelock, op. cit., s. 391-394, 398-407.

²¹ S. Keynes, *Alfred the Great: Asser's Life of King Alfred and other contemporary sources*, Penguin 2004; D. Whitelock, op. cit., s. 454-65.

²² H. Cunningham, *The Invention of Childhood*, BBC Books 2006, s. 21.

²³ D.H. Farmer, *The Age of Bede*, Penguin 1988, s. 124.

their infant years...'²⁴ King Alfred himself (c 890s) asked, 'What sight is more intolerable than the death of a child before its father's eyes?'²⁵ In the eleventh century Abbot Aelfric of Eynsham described the death of a child as 'the bitter death in contrast to the death of a young adult, the 'unripe death' and the death of an old adult, the 'natural death.'²⁶ The most significant person at the centre of the medieval world-view was, after all, a child: the baby Jesus and so we should be surprised if childhood was not venerated or understood to be a significant phase of life rather than a shadow between survival and becoming a 'little adult.' Every person in the Middle Ages was aware of the words in the Bible, 'Take heed that ye despise not one of these little ones, for there is a special place in heaven for them.'²⁷

It is early medieval education that brings the construct of childhood into sharp focus. Educating children was no new thing, of course; the conversion of the English had been achieved in the seventh century by building monasteries and educating people into the Christian religion to consolidate the conversions of the kings and nobles. Bede himself had been sent to such a monastery in the later seventh century at the age of seven and he mentions a boy as young as three in one monastery.²⁸ Asser's *Life of Alfred* (c. 890s) gives us a detailed picture of Alfred's instructions to educate his judges, who were thoroughly chastened and 'regretted that they had not applied themselves to such pursuits in their youth, and considered the youth of the present day to be fortunate, who had the luck to be instructed in the liberal arts, but counted themselves unfortunate because they had not learned such things in their youth nor even in their old age...'²⁹ This lends us insight not only to the different ages and stages of life but implies that young people were better suited to learning.

²⁴ S. Keynes, op. cit., s. 103.

²⁵ H. Cunningham, op. cit., s. 21.

²⁶ S. Crawford, 'Companions, Co-incidences or Chattels? Children in the Early Anglo-Saxon Multiple Burial Ritual,' in *Children, Childhood and Society*, Archaeopress, Oxford 2007, s. 89.

²⁷ Matthew 18:10.

²⁸ J. McClure, R. Collins, *Bede: The Ecclesiastical History of the English People*, Oxford 1994, s. 293, 185.

²⁹ S. Keynes, op. cit., s. 110.

To conclude, Cnut's Law code was right to dismiss the folklore that children had discretion over right and wrong. Cnut 'earnestly' forbade it, but the fact he had to do this reflects the paradigm of the innocent/evil divide in the construct of childhood before Cnut's time and long afterwards. It is a construct we are still grappling with today: definitions of youth, criminal age, adulthood and responsibility and we have no better answers than they did in the eleventh century.

Finally, an eleventh century poem describing the fates of man opens with a description of family life and the child's place within it:

'It very often comes to pass by God's might
That man and wife bring, by means of birth,
A child into the world, and provide him with delights,
Cheer and cherish him.'³⁰

³⁰ H. Cunningham, *op. cit.*, s. 23.