

Raymund's Daughter's Divorce in the 9th-Century: a Woman's Textual Role in the Breaking of an Alliance

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ABSTRACT

This chapter will analyse an aspect of one of the divorce cases of the mid 9th century: I review its links with politics of the day and reconsider the roles given to wife and husband in the only text that deals with this case; I analyse the reasons for the girl's anonymity with a comparison between this text and other texts by the same author, studying other mentions of women in works which have a different purpose and nature.

In questo capitolo analizzo una lettera di Incmaro di Reims, in cui l'autore descrive e discute il caso matrimoniale di Stefano e della figlia di Raimondo di Tolosa, portato davanti alla sinodo di Tusey nell'860: l'arcivescovo, valutato il pericolo di incesto potenziale per la coppia, il cui matrimonio deve ancora essere consumato, ritiene il matrimonio in questione non valido, permettendo la separazione e le seconde nozze. Cercando di ricostruire lo scenario politico di alleanze tra famiglie aristocratiche che si nasconde dietro questa vicenda, riconsidero una precedente ricostruzione fattane da J. Nelson, sostenendo che sia la famiglia della donna a volere la dissoluzione del matrimonio-alleanza, a scapito di Stefano e con l'aiuto di Incmaro, parente del conte di Tolosa. Considerando tuttavia il fatto che Incmaro, nella sua lettera, non menziona mai il nome di battesimo della donna, ho eseguito un confronto con altre opere dello stesso autore, cioè altre due "perizie giuridiche" dello stesso anno 860 e gli Annali di Saint Bertin, testo di natura narrativa e pensato per un pubblico diverso e più ristretto: ne risulta che l'autore tende ad evitare, ma solo nei testi in cui discute un argomento dal punto di vista giuridico-dottrinale, l'uso dei nomi delle persone, portando all'esclusione dei nomi femminili e alla tendenziale riduzione della frequenza di quelli maschili (tranne che nel caso di Stefano); nel testo annalistico, invece, anche i nomi di donne compaiono frequentemente a fianco di quelli degli uomini. Nel complesso si può dunque ricondurre a motivazioni politiche e stilistiche alcuni aspetti del caso in questione che potrebbero in un primo momento far pensare ad una azione eseguita a scapito della donna per invece favorire il marito: quindi dal punto di vista testuale il ruolo di secondo piano dato alla donna corrisponde alla volontà dell'autore di insistere sul ruolo di protagonista di Stefano, che deve risultare essere il principale promotore di una dissoluzione matrimoniale che invece gli è imposta dalla famiglia del suocero.

In the last months of 860 Hincmar, archbishop of Reims (845-882) wrote a letter¹ to two of the main bishops of Aquitaine, the southern part of Charles the Bald's (840-877) kingdom: the subject of this letter was the marital case of Stephen, son of Count Hugh, and his wife, the daughter of Raymund, Count of Toulouse.

This is one of several notorious conjugal affairs of the mid 9th century: in these years the clergy, with Hincmar in the front line, are busily involved in debates and judgements concerning the marital vicissitudes of various married couples. The high number of cases, unknown in the previous century, is evidence of the momentum gained in the 9th century by transferring jurisdiction over marriage to the ecclesiastical sphere². This long-term phenomenon was enhanced by strict cooperation between Carolingian sovereigns and the clergy in their common effort to “organize life in every department according to canon law”³: the principle of indissolubility of the conjugal bond and the prohibition of incest were two potentially conflicting points of church law on marriage, both being broadly accepted by priests (and laymen as well?) but it was another matter actually to have to apply them in a developing society. Thus, from the time of Pippin the Short the Carolingians issued secular laws which generically forbade incest and repudiation⁴, but no clear solution was found in certain instances: the wife’s adultery, referred to in Matthew’s gospel as a justification for repudiating her and also mentioned in Pippin’s capitulary of 744, a partner’s unilateral decision to take monastic vows, or one partner contracting a contagious disease were circumstances which in the fifties of the 8th century were considered good grounds for dividing a married couple⁵. Among other problems, alleged incest was sometimes thought to be a possible justification for breaking off a marriage, allowing one or both partners to remarry⁶. From the late 8th century on, however, the general trend in both secular and ecclesiastical law and marriage theory is towards stricter theoretical application of the indissolubility principle: even if there is separation, a second marriage is not allowed till the previous partner’s death⁷. In this context, which offers less justification for repudiation and subsequent remarriage, a number of marital debates involve the definition of marriage: unions could take various forms, more or less stable and with differing social consequences⁸; people who wanted to be rid of their partners justified themselves by questioning the validity of their own marriage⁹. However, it should be borne in mind that the “Church” was not a monolithic body and that both churchmen and laymen had to deal with the real world and its compromises, adapting doctrine and laws to current power relationships and pastoral needs.

From the doctrinal point of view, Stephen’s case is interesting because it gives Hincmar the possibility of analysing certain aspects of the marriage bond, looking for what makes it valid and indissoluble, or non valid and therefore “dissoluble”¹⁰; at the same time it is worth studying if and how Hincmar was influenced by the gender roles of the parties involved. Such an analysis of gender roles in Hincmar’s ‘rhetoric’ could help shed light on the background to this affair, at first sight a doctrinal issue but potentially hiding political concerns. In particular I have worked on the author’s use of first names, making a comparison with other texts written by him and looking for connections between it and the gender of the people mentioned. I adopted this approach because, although female anonymity in medieval sources is not considered surprising in itself, there is a peculiarity about Hincmar’s writing concerning Stephen’s case, if compared with other texts on similar topics. In the attempt to study the background, and since there is only one source dealing with this case, I engaged in gender analysis because I needed to see if and how the author changed his approach to the characters involved according to their gender.

HINCMAR’S LETTER

Hincmar’s text starts by describing a synod of bishops who gathered at Tusey (November 860): the churchmen were asked by a letter from Raymund to give judgement on the aforesaid marriage, because the husband, in spite of his father-in-law’s pressure, refused to have intercourse with his wife. He justified his behaviour by saying that he had had a premarital relationship with a relative of the woman who was to become his wife. Summoned by the council, Stephen appeared before the bishops, and made a full statement.

His evidence starts by mentioning the pre-marital episode, followed by the marriage contract to another woman: only after engagement did Stephen become aware of a possible problem arising from kinship between his bride and his former lover. He sought his confessor's advice, which left him no choice: by ecclesiastical law his marriage would be incestuous, because "no Christian is allowed to be united [...] with two of the same kin"¹¹; this particular situation reveals that "casual sexual relations were thought to engender marital prohibitions"¹². A clash with the king had compelled Stephen to leave the kingdom, and this prevented him from cancelling the betrothal: he could not risk falling out with his future father-in-law's family as well. Later on, though, reconciled with the king, he was allowed to return to the Western Kingdom. He was nonetheless threatened by his bride's family, and felt forced into the marriage. He refrained from consummating the marriage, however, since as long as there was no sexual intercourse between him and his wife, the incestuous triangle would not be closed. Stephen ended by stating his readiness to obey any solution proposed by the clergy.

The synod decided to delay discussion of the case to a following meeting: a synod and assembly of the kingdom of Aquitaine should meet to solve the issue. The council of Tusey appointed one of its members, Hincmar of Reims, to analyse the matter from the viewpoint of ecclesiastical law: the letter I am working on is the expertise presented as the basis for ensuing discussion.

Hincmar's reasoning follows two distinct lines. On the one hand, the archbishop stresses the role of physical union between the couple: without sexual intercourse there was no sacrament of marriage, so it could not be acknowledged by the Church. The danger of incest following sexual union made Stephen's marriage inconsumable (though he points out that a non-consummated marriage is still valid if it *can* be consummated)¹³. On the other hand, Hincmar is really concerned to hammer home the indissolubility of the marriage bond, returning to the general statement that it survives all occurrence. In this way, Hincmar handles the peculiar case of a dissoluble conjugal tie, allowing the couple to separate and remarry, but at the same time he holds the principle of indissolubility generally valid: he wants to avoid the danger that Stephen's case be used as a precedent for other marriage dissolutions.

In conclusion, Stephen's and Raymund's daughter's marriage was held to be totally non-existent, because of potential incest: the woman was free to do as she pleased¹⁴, and so was Stephen; but the latter was asked to do penance for his sins (the premarital relationship, simulation of marriage, an extra-matrimonial affair with a concubine after marriage and therefore giving rise to scandal, being to all appearances adultery). Hincmar also proposed the dowry already given to the girl should be converted into economic compensation for breach of betrothal. The letter suggests a solution for approval by the Aquitanian synod. But mind, the letter we have reviewed is our only source about this affair: we do not know how it went in the end.

HOW HINCMAR PRESENTS THE PEOPLE INVOLVED

One of the reasons that drove me to deal with gender roles in this particular marital case is a remark written by J. Nelson in her book on the life of Charles the Bald: delineating the political background to Stephen's case, the authoress observes that a "chilling treatment" is reserved for the girl "by all the men concerned", and that no scholar has yet noticed this fact¹⁵. I want to deal with Nelson's statement, reconsidering her whole reconstruction of the political scenario. The following part of this chapter is thus devoted to analysing how the author of the letter refers to the main characters in the affair: Stephen, his wife¹⁶ and her father Raymund.

Hincmar's text does not quote the name of Raymund's daughter; she is mentioned many times in the argument, but she seems a minor character, an object of the action, more than a subject:

she has committed no sin, unlike her husband; the only really active role she is asked to play is as a witness, refuting or denying what Stephen has said. In referring to the woman, Hincmar often uses the term *puella* [girl]¹⁷: he avoids frequent use of expressions like *filia Regimundi* [Raymund's daughter], which can only be found three times in the whole text¹⁸; more interestingly he avoids all words implying the existence of any conjugal relation between Stephen and the woman: he uses the word *uxor* [wife] only once while considering the consequences of consummation of marriage¹⁹. Nonetheless, there are three moments at which Raymund's daughter plays a more important role. The first is when the archbishop requires the woman to be summoned before the council of Aquitaine in order to give her version of the facts²⁰. Stressing Raymund's daughter's freedom as a witness, Hincmar insists on the word *puella*, which appears three times in the space of 14 words. His intent is to guarantee that Stephen's case will be judged in an incontrovertible way: the truthfulness of the reasons for dissolution must be stated precisely and confirmed upon oath by both parties to the case. The second passage where Stephen's wife is more present is when a possible solution to the case is suggested²¹. In this passage Stephen is asked to pay a fee to the girl, converting the dowry he had already given into compensation; then she will be taken back to her father and free to marry again, if she so wishes. The third passage is the most problematic one; almost at the end of the letter, Hincmar envisages that Stephen's wife may even remain independent:

After all, if Raymund does not want to receive his daughter or if she chooses to remain independent, let it be understood that, if she commits any illicit action, it will not be Stephen's responsibility, but her father's or her own²².

This is presumably the greatest expression of "chilling treatment" reserved for the young woman. Hincmar states that, if the council decide for dissolution as he suggests, Stephen will bear no responsibility for any *stuprum* [illicit action] committed by the woman who was to have been his wife, even if she has not returned (or been unable to return) under paternal authority. The passage is astonishing, as there is no other reference to any incorrect behaviour on her part: her only misdeed was to be married by a man who was not entitled to do so.

Raymund, the bride's father, appears mainly in the first section of the text, where Hincmar reconstructs the facts as they were presented at the synod of Tusey; he is also glimpsed sporadically in the rest of the letter. During the legal-doctrinal argument the Count of Toulouse only appears as another witness, as the father to whom the woman must be given back, and as the parent that could refuse to welcome back his daughter after the union is declared null and void (though he could still be considered responsible for any scandalous behaviour by his daughter). Although his charge against his son-in-law is the engine that sets the whole question in motion, Raymund's letter is left in second place: Hincmar was present at Tusey when the written complaint was served on Stephen, but in the letter he writes that he is not in possession of that text²³ and summarizes it in a few lines, while on the other hand dwelling on the reconstruction of Stephen's confession.

Stephen is undoubtedly the main character in this affair: his name appears more than thirty times in the text of the letter; though he refers twice to Raymund and Stephen together as *virii* [men]²⁴, Hincmar mentions the latter's first name extensively and indeed uses no other term or expression to refer to him (except for personal and demonstrative pronouns)²⁵. Charged in writing (irregularly) by his father-in-law, he presents himself before the synod. His deposition to the bishops, related by Hincmar via first-person direct speech (in Latin), is very similar to a confession, ending in a declaration of full readiness to submit to the court's authority. His own alleged account of the facts testifies to his inability to choose a correct bride, or cancel the betrothal, or stand up to the pressure of his in-laws. Stephen seems a prey to the consequences of events greater than himself. In arguing the case, Hincmar depicts a negative figure: Stephen is a fornicator, an abductor of a woman in the sight of God; the objects of discussion are "Stephen's incest" and his nuptials,

potentially a matter for anathema. Even if the correctness of his refraining is underscored, he is nevertheless guilty of “minor evil”, and must expiate it, for he has been a sewer of discord and a scandalous example to all the people²⁶.

GENDER ROLES IN HINCMAR'S LETTER

In what follows I would like to answer a question: why did Raymund's daughter remain anonymous? Since Hincmar never mentions Stephen's wife's first name, making her known to history as “Raymund's daughter”, I ask myself this question, again drawing on Nelson's *Charles the Bald*: when she refers to the omission of Charles of Aquitaine's wife's name from Hincmar's *Annals*, she thinks that one reason for this anonymity could be the author's misogyny: “the imposition of anonymity on women was a common symptom of medieval misogyny”²⁷. Though she is referring to another matter, in Stephen's case too the lack of female names is striking; we could, therefore, imagine a similar explanation, but we do already know of another passage in the *Annals* in which Hincmar avoids mentioning a woman's name not because of a prejudice against females, but rather to get round a problematic incident, in which his own role was not fully sheltered from criticism: I refer to the divorce seemingly imposed by Charles the Bald on his son Louis without any (recorded) opposition from Hincmar²⁸.

To assess the reasons for Raymund's daughter's anonymity it may help to compare the letter reporting Stephen's case with other texts by the same author. Let me start with a quick analysis of the index to the MGH (Monumenta Germaniae Historica) edition of the “*De divortio*”²⁹. This work is a treatise written by the archbishop in answer to a set of questions about the ecclesiastical judgement on the Theutberga case. Theutberga, the wife of Lothar II, son of the emperor Lothar I and king of Lotharingia, confessed a grave sin to a regional synod held in Aachen at the beginning of 860³⁰. If we analyse the way Hincmar refers to the people involved we see that he was unwilling to use women's names: in the “*De divortio*”, a text which takes up more than 160 pages in the MGH edition, the king's wife is mentioned by name only three times, always within documents quoted by the archbishop³¹; the other appearances are reported by expressions like the “aforesaid woman”, “the king's wife” and so on. Moreover in the same treatise the name of Waldrada, Lothar's lover before and after the marriage to Theutberga, does not appear: she is always referred to by the term concubine and this could be interpreted as a form of contempt or condemnation³². However, it must be noted that the documents quoted in the treatise, and in particular the questions sent to the author, use the expression concubine instead of her name, and hence Hincmar might just be following suit. But there again, in the same text Hincmar only uses Lothar II's name once, if we make exception for the documents quoted in the treatise. All in all, Hincmar's treatise under-uses the names of the three main characters of the Lotharingian marital case. Again, in the “*De divortio*” Hincmar refers to another matrimonial case that came up in those years: the flight of Engiltrude from her husband Boso, count of the kingdom of Italy³³. Hincmar never uses the woman's name, but repeats her husband's name five times: indeed, almost every time Boso's name appears in Hincmar's text, it is to signify his wife.

One can use a similar analysis on another text by Hincmar, another letter³⁴ written in the same year 860 as a response to the archbishop of Cologne, who had previously stated that he could not give Engiltrude back to her husband Boso. The reason for refusing to hand her back was that the woman had confessed to the Cologne prelate the adultery she had committed: she hence had to stay in the diocese where her confession was made. Hincmar discusses this thesis and refutes it: in his reasoning he avoids mentioning the woman's first name, referring to her just once as “Boso's woman”; the husband's name appears two more times.

I think it useful to compare these findings with the same author's behaviour in his section of the *Annals of Saint Bertin*. In this text the archbishop quite often uses the name of the women involved in marital cases: "Thetberga" appears 19 times, "Waldrada" 20, "Engiltrude" once, over and above the documents which are quoted by the author³⁵. Stephen's case does not figure in the *Annals*: Hincmar certainly did not begin writing these until after 861, so at least one year after it had been heard.

As already hinted, in the *Annals* there are some interesting absences. I refer to the wives of the two older sons of Charles the Bald: both Louis and Charles married without their father's consent, thus rebelling against his authority, and we note that Hincmar avoided giving the brides' names. Louis' case is particularly interesting: Hincmar mentions three times an unnamed wife³⁶, after duly writing about the first wife, then about the second. Charles the Bald's responsibility for the divorce from the first woman no doubt prompted Hincmar to leave this matter out of this work, by simply not mentioning the woman's name. Thus the *Annals* give various examples of female anonymity, but in some cases this may be explained on political grounds. It seems to me that in this work, which was not intended for wide circulation³⁷, Hincmar gives his judgement on women more via attributes and adjectives associated with first names than with anonymity.

To conclude, this (partial and by no means exhaustive) analysis of Hincmar's use of names shows that he is generally unwilling to use first names, both male and female, in his expertises on divorce or matrimonial proceedings: in order to know the women's names we need other sources, often written by Hincmar himself or quoted in his own works. Concerning male names Hincmar seems to be less rigorous, but they too are usually seldom mentioned, and in most cases to refer to their female relatives, as in the case of Boso. Hence Raymund's daughter's anonymity is not striking at all, but is an effect of what seems to be the archbishop's tendency to use first names as little as possible in his doctrinal texts on matrimonial cases, and be particularly careful to exclude women's names.

Though of course we need a more general cross-check with other works by Hincmar and other contemporaries, it does seem that the letter about the Aquitanian case is abnormal for its frequent repetition of one person's name, which appears 35 times, spread quite regularly throughout the text and the doctrinal argumentation³⁸. Stephen is almost always called by his first name and one possible reason for this fact could be that Hincmar wants the text itself to imply that this particular marriage is not valid: in referring to the young man, the archbishop avoids any word meaning husband, and in this way Stephen is left out of the *ordo coniugatorum* [order of married people] in which marriage becomes the "supporting structure of lay society, its norm and standard"³⁹. Stephen is deprived of the status of a married man, which is a basic feature of lay people's masculine identity. Analysing other aspects of masculinity in Hincmar's letter, it is worth noting how non-consummation reverses the ideal of chastity as a man's quality: Jonas of Orleans (c.760-841) in his moral handbook for laymen required chastity also within marriage, and Dhuoda (who wrote the handbook for her son between 841 and 843) suggested it to her son as a way to gain influence in the secular world⁴⁰. In Stephen's case, on the contrary, chastity in marriage is scarcely a virtue: it is the only possible solution to an embarrassing situation which he himself has created; moreover, his pre- and extra-marital relationships show that he lacks the capacity for actually being chaste, and he is required to do penance in order to cleanse himself of this sin.

To sum up, in this letter there is a woman whose role is quite secondary and a man, who, on the contrary, is given the limelight by frequent repetition of his name. The woman's anonymity is not striking, if compared with other texts of the same kind, but Stephen's position needs further study. Moreover, Hincmar's letter portrays a weak figure, whose masculinity is not openly criticized but threatened, who has almost no control over his own life, and whose way of tackling problems is flight from assemblies.

OTHER SOURCES ABOUT STEPHEN

Temporarily suspending our impressions of the letter, I need to introduce other sources that deal with Stephen. His appearances in the surviving documentation are not numerous: the letter by Hincmar already seen, three mentions in the Saint Bertin *Annals* (all of them in the section written by Hincmar himself) and a letter by pope Nicholas I between the end of 862 and the beginning of 863, whose addressee is Stephen himself. There is also another letter, written by Lupus, abbot of Ferrières, between 847 and 862, to Stephen's father Hugh: the abbot mentions the addressee's son, who has been deceived by false information and related it to his father⁴¹.

Hincmar's *Annals* make reference to Stephen in the report for the years 862 and 864: in the first case he is mentioned as the one who persuaded Charles of Aquitaine, son of Charles the Bald and sub-king of Aquitaine since 855, to marry without asking the king's permission, which was effectively an act of rebellion⁴²; the second mention is a short description of Stephen's death, killed together with a few men during a Norman attack on Clermont in 864⁴³; in the account of the same year Hincmar makes another retrospective reference to Stephen which again gives him responsibility for persuading Charles of Aquitaine to rebel against his father⁴⁴. Hincmar, whose own loyalty towards Charles the Bald is relatively solid⁴⁵, in his *Annals* portrays Stephen as a treacherous adviser, one who creates strife in the royal family. It must be noticed that Stephen is simply identified by his first name, and only once by indicating his father Hugh; moreover Hincmar omits to say that the latter was a count, or that by the time of his death Stephen was a count as well, probably of Clermont⁴⁶.

Nicholas I's letter⁴⁷ gives us some interesting information: it was addressed to count Stephen, accused of having supplanted the bishop of Clermont. In condemning Stephen's action, the pope informs us that he was a count, and generically mentions the existence of other problems concerning Stephen: "indeed since something shameful and wicked is said about you"⁴⁸. However, no clue links this last reference to the matrimonial case: once again, it is an allusion to his involvement in the troubles of Aquitaine, and Charles the Bald's son's rebellion.

In these sources Stephen appears as an upsetter of social peace and the political and ecclesiastical hierarchy: such a figure fits well with the Stephen of Tusey, in conflict⁴⁹ with his king and therefore unable to break off a betrothal.

THE POLITICAL BACKGROUND

J. Nelson sets the marital affair in the tumultuous political context of mid 9th-century Aquitaine: in her scenario two leaders from the major aristocracy of the subkingdom, Raymund and Hugh, the betrothed's parents, wanted to bind their families by marriage while their support was fundamental to the young Charles, appointed sub-king of Aquitaine in 855 when he was just 5 years old. The political reasons lying behind the marriage did not prevent Stephen from trying to sever the bonds which tied him to Charles the Bald: his attempt to do so caused a clash that compelled him to flee from the kingdom. For the same reasons he lost his political interest in a marriage which would have bound him to a family remaining faithful to the king, as was Raymund's. Later on, reconciliation with Charles the Bald allowed him to come back and to contract the projected marriage (early 860). According to Nelson's reconstruction, at this moment Charles the Bald had chosen Stephen as one of his son's supporters in Aquitaine: in order to allow Stephen to dissolve the bond with Raymund's family, the king must be deemed to have induced the count of Toulouse to accept the "show" of Tusey, helped by the active collaboration of Hincmar of Reims. The Count of Toulouse would have gained the dowry, transformed into an indemnity, and the formal

declaration of his daughter's virginity. In conclusion, Nelson states that Raymund's daughter was considered "expendable" in order to keep peace in problematic Aquitaine⁵⁰.

First of all, I wish to prove, or at least to argue that the charges against Stephen were a put-up job. The main reason to suspect a trumped-up case is the juridical perfection of the affair: the particular conditions discussed give the synod a chance to declare nullity, leaving second marriage open to both separated partners. The potential incest in the case of the not-yet-consummated incestuous marriage is a very refined tool and allows one to avoid calling anyone to the witness box: if one sticks to the charge in question, there is no very serious sin to expiate. There is almost no charge, but Raymund's, which sets the mechanism in motion but is not considered valid from the procedural point of view; moreover, Hincmar plays it down by comparison with Stephen's deposition, which he reconstructs in direct speech, not bothering to transcribe Raymund's written charge. It almost seems that the bishops are simply expected to give an influential suggestion to a husband. Another suspicious element is that Stephen's former lover's identity is not discussed: the secrecy of the confessional makes this point absolutely unverifiable, though essential to the whole affair; it is impossible to check the tie of kinship that binds the two women. However it is possible that the two girls were kindred in less than the fourth degree: Stephen testifies that he went to his confessor because he had been told that marriage was only allowed from the fourth degree (inclusive), and he is troubled anyway⁵¹; so possibly we are not speaking of very distant relatives. Again, Stephen's scruples seem excessive: he does not fear the consequences of premarital fornication or of the relationship with the concubine, clearly extra-marital; meanwhile he raises the question of incest and refrains from consummation even though his father-in-law puts pressure on him. Raymund's insistence testifies that he was unaware of the relationship between Stephen and his daughter's relative (who might well be his own relative, maybe one or various degrees removed), or that he did not attach importance to this problem. We face a Stephen who has no problem with fornication and potential adultery, but is worried about a point of incest that no one else cares about.

I agree with Nelson when she contextualizes the whole matter within the political scenario of Aquitaine and when she casts the players' roles up to 860, but I think that in this reconstruction the parties' behaviour runs against their own interests.

First of all, Charles the Bald: he is supposed to have agreed to stage this scene simply to achieve dissolution of a marriage binding a family which was faithful to him (Raymund's), and Stephen, his son's aspiring supporter, even though Stephen had already shown a tendency to treason. Secondly, Hincmar of Reims: he is supposed to have devised a strategy such as the one discussed, when it actually opened a breach in the concept of indissolubility that he so wanted to defend. This contribution which favours Stephen is more suspicious if we consider a very important point: though it is impossible to establish the degree of kinship precisely, it is proven that Hincmar was a blood relative to the Counts of Toulouse⁵², so in working for the husband's interest he openly penalised his own family's. Lastly, Stephen's subsequent career gives no proof of gratitude to Charles the Bald: if he was released from this tie thanks to the latter's help, he repaid him two years later by inducing his son to rebel⁵³.

In my opinion a more probable reconstruction would assign the upper hand to the Toulouse party, led by Raymund and represented by Hincmar, who organizes the whole business with a view to ending an inconvenient tie with Stephen. The latter had already proved problematic and in the following years would give further evidence of his tendency to set himself against Charles. The interests at stake must have been important if the whole matter was to be made official: they built up a case to justify dissolution without damaging the Count of Toulouse's family and leaving Stephen almost unharmed. In order to reach this goal there was a need to collaborate on Stephen's

part who, persuaded or compelled to support his father-in-law, gained leave to remarry. This subordinate position corresponds exactly with the outline of Stephen's character as depicted in Hincmar's letter, and accords with the fact that he was asked to pay compensation and expiate his guilt. In my reconstruction, Raymund presents himself before the bishops gathered at Tusey as the one who wanted the marriage to be consummated, while Stephen had refused to seal a matrimonial bond by (allegedly incestuous) intercourse. The performance before the clergy was thought up to prevent Raymund's family from later being accused of breaking off the marriage: the bishops asked Hincmar (Raymund's relative) to analyse the matter at issue, and his final opinion was the opposite of what Raymund seemingly wanted. The case was brought before the bishops who came from Charles the Bald's and Lothar II's kingdoms: the publicity offered by this condition was probably sought by Raymund, who needed his relative Hincmar to be asked his opinion by the greatest authority available, in order to get the most authoritative and public "declaration of nullity" for his daughter's marriage.

The harsh tone used by Hincmar when he speaks about responsibility for the woman's future behaviour can be reinterpreted if the Counts of Toulouse actually had the upper hand. The statement about Stephen's non-liability for his former wife's acts implies that he has no duty of controlling her; this is a consequence of annulling the marriage, because a valid marriage bond would have given him authority over the girl. In my opinion, Hincmar stresses the non-existence of Stephen's duties to mean the total cutting of all the ties created by the marriage: Stephen will not be able to interfere with his former wife's family interests.

On my view Raymund's daughter represents an alliance in which her family is not interested any more, but this change in family policy is not strong enough if the woman is just left to her destiny. The relations of power, all in all favourable to Raymund, and the availability of active support from a relative like Hincmar, renowned for his knowledge of ecclesiastical law, allows them to act out a pantomime before the synod of Tusey, starting with the father-in-law's charge and Stephen's testimony: in this way the Count of Toulouse's daughter, far from expendable, is restored to her family, leaving the impression that Stephen himself gets what he wanted against his father-in-law's will. The archbishop of Reims avoids saying explicitly what is written between the lines, because severing the bond is exactly the purpose of the whole matter: the main target appears briefly at the end of the discussion, disguised as Stephen's rights.

If my own reading between the lines is right, Hincmar's narrative presents the whole matter as if the roles of "winner" and "loser", if one can use such terms, are turned upside down: the marriage is deemed invalid, against Raymund's official wishes, and this formally opens a way to salvation for Stephen, who seems concerned more with the spiritual danger of incest than with the social gains which his marriage offers him. Hincmar finds a way to justify the dissolution from the point of view of ecclesiastical law, but nevertheless he has to blame someone, and not surprisingly he chooses Stephen.

CONCLUSIONS

My opinion is that the secondary role played by Raymund's daughter in Hincmar's letter is one element in a strategy of privacy for the whole family of Toulouse, whose main member, Raymund, is himself mentioned only a few times and almost only in the description of what goes before the synod of Tusey. In any case, the daughter's name is not mentioned because of Hincmar's general tendency to avoid using first names in his reports, and in particular during doctrinal/legal reasoning; on the contrary, Stephen's frequent presence is an anomaly, probably due to the author's intention to offload onto him all the public responsibility for the whole matter. Stephen's front-

rank position is not a positive one, but a way to expose him as much as possible. If I am right in my reconstruction of the political scenario, Stephen's only right action, not consummating his marriage, is the point which allows Raymund's family to get rid of him, and therefore Hincmar needs to insert this key-element in the discussion.

In my opinion Stephen's portrayal by the archbishop can be considered as a low-degree attack on his masculinity: Hincmar has no interest in criticizing Stephen openly, because he needs his collaboration in the Tusey show, but anyway he is able to leave the reader with the impression of a weak man, whose inability to manage his life threatens the social order of the kingdom⁵⁴. Although the passage about Raymund's daughter's possible *stupra* may at first glance leave the feeling of a disagreeable harshness towards an innocent girl (and relative), it only comes when Hincmar needs to underscore the radical elimination of any remaining link between the two families, showing this aspect from Stephen's point of view, as if it were his right. Reversing the interpretation of the political background to this matrimonial dispute gives us another angle on the roles played by the parties, and a new slant to the way Hincmar handles politics and personal affairs while writing his doctrinal expertises. In the archbishop's doctrinal narrative elimination of first names is the norm, and therefore Raymund's daughter's "absence" is normal and should not be considered an expression of misogyny: moreover this textual absence serves the archbishop's aim. On the contrary, Stephen's undue presence is abnormal, but this is not because he is a male, since other men did not receive such treatment in other reports (for example Lothar II in the treatise *De divortio*), but because he is the scapegoat.

Going back briefly to Nelson's statement about the chilling treatment towards Raymund's daughter, never noticed by any other scholar, I must conclude that she missed the point, since what strikes one is, on the contrary, Stephen's continually and unnaturally being named: since male presence has never been thought of as an anomaly, it passes unnoticed, but the comparison with other similar texts has shown that Hincmar was here paying particular attention to emphasizing Stephen.

The purpose of my attempt to bring a gender approach to this conjugal case was to look for any evidence of Hincmar using "textual gender roles", and whether this could be employed to revise the existing reconstruction of the political background. The analysis proved fruitful in the case of the man, a weak figure who is nevertheless presented as the leading man of the case. Merging this result with what emerges from other evidence on Stephen gives confirmation of the hostility against this figure, and suggests we should reverse Nelsons reconstruction of the case.

NOTES

- ¹ Hincmar von Reims, *Die Briefe des Erzbischofs Hincmar von Reims*, ed. E. Perels, Berlin 1939 (MGH, Ep. 8, 1), pp. 87-107.
- ² J. Gaudemet, *L'interprétation du principe d'indissolubilité du mariage chrétien au cours du premier millénaire*, in "Buletino dell'Istituto di Diritto romano «Vittorio Scajola»", 1978, 81, pp. 11-70; reprinted in Id., *Sociétés et mariage*, Strasbourg 1980, pp. 230-289, at p. 231; Id., *Le lien matrimonial: les incertitudes du haut Moyen Age*, in *Le lien matrimonial*, Strasbourg 1970; reprinted in Id., *Sociétés et mariage*, Strasbourg 1980, pp. 185-209, at p. 206; a general account of the developing law on divorce and dissolution of marriage is available in J.A. McNamara, S. Wemple, *Marriage and divorce in the Frankish kingdom*, in S.M. Stuard, *Women in medieval society*, Philadelphia 1976, pp. 95-123.
- ³ G. Brown, *Introduction: the Carolingian Renaissance*, in R. McKitterick, *Carolingian culture: emulation and innovation*, Cambridge 1994, pp. 1-51, at p. 13.
- ⁴ *Capitularia maiorum domus*, ed. A. Boretius, Hannover 1883 (MGH, Legum sectio 2, Capitularia regum Francorum, 1), p. 30, ll. 8-11.
- ⁵ For example, the canons issued by the meetings of Verberie and Compiègne: *Pippini capitularia*, ed. A. Boretius, Hannover 1883 (MGH, Legum sectio 2, Capitularia regum Francorum, 1), pp. 37-41.

- ⁶ M. De Jong, *An unresolved riddle: early medieval incest legislation*, in I. Wood (ed.), *Franks and Alamanni in the Merovingian period. An ethnographic perspective*, San Marino 1998, pp. 107-140, at pp. 111-112; an example of the clergy's awareness that incest might be used as a pretext can be found in the *Capitula Frisingensia tertia*, ed. R. Pokorny, Hannover 1995 (MGH, Cap. Episc. 3), p. 227, ll. 12-15.
- ⁷ P.L. Reynolds, *Marriage in the western Church. The Christianization of marriage during the patristic and early medieval periods*, Leiden - New York - Cologne 1994, pp. 213-220.
- ⁸ R. Le Jan, *Famille et pouvoir dans le monde franc (VIIe-Xe siècle). Essai d'anthropologie sociale*, Paris 1995: pp. 263-277; the formal-legal distinction between different kinds of union has recently been queried as an imposition of a modern historiographical model on the reality of the Middle Ages, R. Mazo Karras, *The history of marriage and the myth of Friedelebe*, in "Early medieval Europe", 2006, 14, , pp. 119-151.
- ⁹ One example is Falcri's case, which is dealt with, among others, in R. Stone, 'Bound from either side': *the limits of power in Carolingian marriage disputes, 840-870*, in "Gender & History", 2007, 19, pp. 467-482; another example is Lothar II's, in which sodomitical incest before marriage, which was allegedly committed by his wife, allegedly made her unworthy of marriage and would invalidate the marriage bond with Lothar, who would be allowed to remarry *Die Konzilien der Karolingischen Teilreiche, 860-874*, ed. W. Hartmann, Hannover 1998 (MGH, Concilia 5), p. 74, ll. 8-15.
- ¹⁰ Reynolds, *Marriage in the western Church* cit., pp. 353-361.
- ¹¹ Hinkmar von Reims, *Die Briefe* cit., p. 89, ll. 20-21.
- ¹² De Jong, *An unresolved riddle* cit., p. 113.
- ¹³ Reynolds, *Marriage in the western Church* cit., p. 360.
- ¹⁴ Hinkmar von Reims, *Die Briefe* cit., p. 98, l. 14.
- ¹⁵ J. Nelson, *Charles the Bald*, London - New York 1992, p. 197.
- ¹⁶ In view of our ignorance of the girl's name, I will sometimes make reference to Raymund's daughter as "wife of Stephen" (and sometime "wife"): I think that this use reflects the real situation and allows us to avoid multiplying the already over-used expression "Raymund's daughter"; by the same token, I will also use the term "husband" for Stephen.
- ¹⁷ In the MGH volume of Hincmar's letters use of the expression "puella" is concentrated in the text about Stephen's marriage: it can be seen from research into the string "puell" with the search tool (volltextsuche) of the DMGH (http://mdz11.bib-bvb.de/dmgh_new/), selecting the filters "text" and with "8,1, Epistolae Karolini aevi [VI], Hincmari archiepiscopi Remensis epistolae", under the heading *Epistolae (in Quart) (Epp)*; out of 11 hits entailing pages with at least one apparition of the word "puell", nine belong to the letter about Stephen's marriage.
- ¹⁸ Hinkmar von Reims, *Die Briefe* cit., p. 88, ll. 20-21; p. 89, ll. 11-12; p. 106, l. 20.
- ¹⁹ *Ibid.*, p. 96, l. 23.
- ²⁰ *Ibid.*, p. 91, ll. 11-17.
- ²¹ *Ibid.*, p. 98, ll. 8-15; Hinkmar quotes 1, Cor 7, 39.
- ²² *Ibid.*, p. 106, ll. 20-23.
- ²³ *Ibid.*, p. 89, ll. 24-25, he also doubts his memory of the text of the letter.
- ²⁴ *Ibid.*, p. 88, l. 33; p. 90, l. 10.
- ²⁵ Comparison with the treatment reserved for Boso, again by Hincmar in a text about Engiltrude's penance, reveals that the betrayed man was called not only by his own first name, *Ibid.*, p. 82, ll. 13, 23; p. 83, l. 20, but also "vir" [man] *Ibid.*, p. 82, l. 14, 18 e 24; p. 83, l. 3, 26, 29 e 30; and "maritus" [husband], *Ibid.*, p. 82, l. 15.
- ²⁶ *Ibid.*, p. 95, l. 28; p. 95, l. 30; p. 95, l. 33; p. 96, ll. 16-17; p. 95, l. 35; p. 96, l. 23; p. 104, ll. 12-15; p. 105, l. 31; p. 106, l. 2.
- ²⁷ Nelson, *Charles the Bald* cit., p. 201.
- ²⁸ J. Nelson called this matter "Hincmargate", J. Nelson, *The Annals of St-Bertin*, in M. Gibson, J. Nelson (eds.), *Charles the Bald, Court and Kingdom*, Oxford 1981, pp. 23-40, at p. 38.
- ²⁹ Hinkmar von Reims, *De divortio Lotharii regis et Theutbergae reginae*, ed. L. Böhringer, Hannover 1992 (MGH, Conc. 4, suppl. 1), the interesting entries are "Theutberga", p. 312, "Waldrada", p. 314, "Lothar II.", p. 299, "Engeltrude", p. 291, "Boso", p. 283.
- ³⁰ About this case S. Airlie, *Private bodies and the body politic in the divorce case of Lothar II*, in "Past and present", 1998, 161, pp. 3-38.
- ³¹ The treatise has a question-answer structure; Hincmar quotes the answers that he received and other documents, letters and council acts that deal with the case.

- ³² Airlie, *Private bodies* cit., p. 15.
- ³³ About this case F. Bougard, *En marge du divorce de Lothaire II: Boson de Vienne, le cocu qui fut fait roi?*, in "Francia", 2000, 27, pp. 33-51.
- ³⁴ Hinkmar von Reims, *Die Briefe* cit., pp. 81-87.
- ³⁵ In counting the appearances of the names, I considered only the section of the Saint Bertin Annals written by Hinkmar, and I excluded those within texts quoted by the archbishop; some names appear in different forms.
- ³⁶ *Annales de Saint Bertin*, eds. F. Grat, J. Vielliard, S. Clemencet, Paris 1964, pp. 90-91.
- ³⁷ *The Annals of St-Bertin*, ed. and trans. J. Nelson, Manchester - New York 1991, pp. 11-13.
- ³⁸ In the letter Raymund's name appears 6 times, but only in the introduction of the subject and in the final section dealing with the practical solution to the case.
- ³⁹ P. Toubert, *La théorie du mariage chez les moralistes carolingiens*, in *Il matrimonio nella società altomedievale*, Settimane di studio del Centro italiano di studi sull'alto medioevo, Spoleto 1977, 24, pp. 233-285, at p. 267; in the same article Toubert stresses the link which authors of moral works made between loyalty towards the prince and fidelity in the conjugal context: interestingly, Stephen has troubles in both fields, before and after 860.
- ⁴⁰ Jonas Aurelianus episcopus, *De institutione laicalilibri tres*, ed. J.-P. Migne, *Patrologiae cursus completus, series latina*, vol. 106, Paris 1851, col. 121-278, 169C; B. Studt, *Helden und Heilige, Männlichkeitsentwürfe im frühen und hohen Mittelalter*, in "Historische Zeitschrift", 2003, 276, pp. 1-36, at pp. 21-24; J. Nelson, *Monks, secular men and masculinity, c. 900*, in D.M. Hadley (ed.), *Masculinity in medieval Europe*, London - New York 1999, pp. 121-142, at pp. 127-128.
- ⁴¹ Loup de Ferrières, *Correspondance*, ed. L. Levillain, Paris 1964, t. 2, pp. 212-213.
- ⁴² *Annales de Saint Bertin* cit., pp. 91-92, 227.
- ⁴³ *Ibid.*, p. 105.
- ⁴⁴ *Ibid.*, p. 114.
- ⁴⁵ Nelson, *Charles the Bald* cit., p. 145.
- ⁴⁶ C. Settipani, *La noblesse du Midi carolingien. Etudes sur quelques grandes familles d'Aquitaine et du Languedoc du IXe au XIe siècles: Toulousain, Perigord, Limousin, Poitou, Auvergne*, Oxford 2004, p. 11, note 2; probably he got his office with the help of Charles of Aquitaine, to whom he had been "advisor" at least since 862.
- ⁴⁷ Nicolai I. *Papae epistolae*, ed. E. Perels, Berlin 1925 (MGH, Ep. 6), p. 623.
- ⁴⁸ *Ibid.*, p. 623, l. 24.
- ⁴⁹ Hinkmar von Reims, *Die Briefe* cit., p. 89, ll. 23-24.
- ⁵⁰ Nelson, *Charles the Bald* cit., pp. 174, 185, 192, 196-197.
- ⁵¹ Hinkmar von Reims, *Die Briefe* cit., p. 89, ll. 15-16 "[...] et audieram, quod a quarto genu ei in reliquum pertinentes sibi copulari valerent [...]".
- ⁵² Settipani, *La noblesse du Midi carolingien* cit., pp. 4-5, note 7.
- ⁵³ Moreover, Nelson links Charles of Aquitaine's rebellion with that by Hunfrid of Gothia: the latter seized Toulouse in 865, probably causing the death of Raymund, Nelson, *Charles the Bald* cit., p. 202.
- ⁵⁴ Hinkmar von Reims, *Die Briefe* cit., p. 88, l. 34; p. 106, ll. 27-28.

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