

Sara McDougall. *Royal Bastards: The Birth of Illegitimacy, 800-1230.* Oxford: Oxford University Press, 2017. 320 pp. \$100.00, cloth, ISBN 978-0-19-878582-8.

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By the thirteenth century, canon law and secular practice broadly agreed that children of illicit or illegal unions were illegitimate, and that without recourse to exceptional legal mechanisms this excluded them from inheriting lands and titles. In this thought-provoking book, Sara McDougall makes a deceptively simple suggestion: that prior to this time none of the premises of this statement held true in European societies, and that when we see them expressed in late twelfth- and early thirteenth-century documents, we are witnessing the emergence of something new.

McDougall proposes instead that it was not until the second half of the twelfth century that the link between inheritance and legitimate birth within a licit marriage began to be made, and not until the following century that it was applied with any regularity. Furthermore, she argues that until c. 1150 medieval European societies operated with a flexible understanding of what made a union licit and what made children worthy inheritors. These decisions centered on questions of the relative status of the parties, and especially on the lineage of mothers. Especially in earlier periods, McDougall argues, not only was legitimacy not yet linked to matters of inheritance, but the very concept of legitimacy cannot have applied in the same ways as in later medieval Europe, given that the criteria for legitimate sexual union were

themselves so removed from subsequent understandings. She argues, further, that this change not only took place much later in medieval time than has often been supposed, but that the impetus for change, when it occurred, was not the moralizing or legislating of ecclesiastical authorities or reformers, but the pressure of individual aristocratic litigants seeking to secure their own access to lands or titles. On the contrary, as McDougall shows, in several cases churchmen acted to mitigate detrimental consequences for children whose parents' marriage was questioned or had been annulled, and even to promote the interests of children conceived in adultery or in unconventional and technically illegal marriages. In fact, as the connection between illegitimacy and disinheritance began to gain ground among secular leaders, it was the papacy that responded with a novel legal mechanism for restoring illegitimate children to their former rights.

McDougall's arguments thus speak to a broad historiography in both chronological and thematic terms. The geographical and chronological scope of the book alone—taking in Merovingian Gaul, twelfth-century Sicily, and thirteenth-century Iberia to name but a few—would mark it as an ambitious work of comparative history. But it also engages with histories of canon law, spiritual reform, aristocratic property exchange, political

structures, and women's power, often in challenging ways. It sets out to achieve a paradigm shift with potential impacts in many of these areas. This reader found herself sympathetic to the project but not always or wholly convinced of its success. This is an important book that should stimulate the beginning of many new conversations, rather than the final word on the many questions it raises.

Perhaps McDougall's most significant achievement in this book is the accumulation of so many case studies demonstrating that fluidity of ideas about the legitimacy of both marriages and the children that sprang from them was widespread across European societies throughout the period before c. 1160. Even after this time, striking exceptions to the presumed rules of exclusion can be found that show—certainly at the elite aristocratic and royal levels—that prescript and practice could still occasionally diverge. McDougall discusses, for example, the notorious cases of Petronilla of Aragon, and Ida and Matilda of Boulogne, in which dynasties extracted surviving members from their lives of monastic enclosure in order to beget these children for the continuance of the line. These and the other examples discussed are all known to scholars, but have typically been considered in isolation or as part of distinct political historiographies of individual lands or regions, and thus a sense of the exceptional has persistently been attributed to them. Once gathered together, however, it becomes evident that a narrative that assumes the early establishment of canonical marriage as central to a child's capacity to inherit cannot satisfactorily accommodate so many outliers. The "facts" of these cases, as it were, are compelling evidence to suggest an alternate explanation is needed.

McDougall's argument for the alternative she proposes is not without its problems, however. Especially for the period before c. 1050, the analysis relies rather heavily on offering alternate readings of the vocabulary of legitimacy and illegiti-

macy that have hitherto been understood as they would be defined in thirteenth-century canonistic texts. This reader is sympathetic to the demand that such anachronism should be jettisoned, but found the argument for alternative readings not wholly satisfying. McDougall often reminds readers of the problems of assumptions, but presents her own readings mostly through asserting that others are possible: one wants to believe her, but cannot help noticing that this is ultimately another form of assumption in action. Frequently, too, readers are enjoined to dismiss any presumed links between what a contemporary author or text had to say about marriage, and the practices that they were willing to advocate or overlook in practice. In addition, McDougall asserts in several cases that texts that seem to articulate negative assumptions about the offspring of illicit unions are not really that at all, but only aimed at criticizing a given union itself, or commenting on the low status of the (usually female) partner to political ends, or attempting to regulate access to ecclesiastical office only, without implications for secular inheritance. Taken in the individual context, this seems reasonable. Indeed, one gains the impression that deep and elegant skills of source criticism lie behind such interpretive moves. But the fact that McDougall relies on such moves so often to build the core of her case leaves one with a slightly unsettled feeling, as if the argument is not yet quite complete. In some respects, then, this is a book that should stimulate discussion about ways of reading sources about marriage and inheritance, as much as is it as book about those questions themselves.

Let these reservations not detract from what is undoubtedly a significant work of scholarship, rich in detailed discussion, and full of thought-provoking suggestions that are sure to stimulate new research. Given the scale of the paradigm shift McDougall is attempting here, it seems unlikely that her argument will be accepted *in toto*, especially in circles where older assumptions are most closely held, unless more direct evidence or

explicit argument can be presented to the contrary. Perhaps it is a measure of how deeply those assumptions have sunk into the mortar that binds the standard paths through the history of marriage and inheritance that McDougall is so often forced to reiterate her intentionally disruptive methodological approach: imagining the opposite to be possible, and testing if that better fits with the mass of case study evidence she has assembled.

Ultimately, one suspects McDougall will be proven right, but that it will take the work of many scholars and many studies to settle the debate: the task is bigger than can be achieved in a single volume. One thing is certain: this book sets the agenda for a thoughtful reassessment of the ideas, laws, and practices of medieval inheritance and marriage as a whole, and will repay the reader's engagement with its suggestions.

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