
**PRELATES AND PRINCES:
ARISTOCRATIC MARRIAGES, CANON LAW PROHIBITIONS,
AND SHIFTS IN NORMS AND PATTERNS OF DOMINATION
IN THE CENTRAL MIDDLE AGES***

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In this article, I explore the processes whereby, at the turn of the twelfth century, European aristocrats acknowledged clerics' prohibitions of divorce and close-kin marriages. I argue that this normative shift cannot be adequately accounted for by the rise of feudalism, the Gregorian reformers' moralist offensive or the development of canon law: These events do not explain (1) why the Roman hierarchy thought it possible, at a certain moment in time, to impose their normative preferences on reluctant elites; or (2) why aristocrats eventually yielded to demands that undermined their autonomy of choice regarding marriage. I address both problems by considering two analytically distinct transformative processes. One concerns the symbolic and institutional conditions that allowed Roman prelates to substantiate their normative claims: The Church hierarchy emphasized the sacramental and spiritual significance of the marital tie and implemented reforms intended to preclude collusive practices between lords and bishops. The second process highlights how canonical rules of marriage were converted into effective normative constraints: In a context marked by the patrimonialization of feudal relations and an increase in competition, aristocrats relied on ecclesiastical standards for their own regulatory and strategic interests.

"I shall not come (to your marriage) until I know if a general council has found that you and your spouse are legitimately divorced and that you and her you wish to marry may be legitimately married."

—Yvo, Bishop of Chartres, from a letter written in 1092 to King Robert
(quoted by Duby 1983:9)

"A feeling of sinfulness . . . is incompatible with the feudal lord's sense of dignity."

—Weber ([1922] 1978:1179)

Reflecting on the transition from customary law to legal norms, Weber ([1922] 1978) pointed out the paradox of normative innovations. In a "world oriented

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toward the regular as the empirically valid" (p. 321), a world of "canonized custom which, just because it is considered as binding, seems as though it could never give birth to anything new" (p. 754), how could anything ever change? Consider the ban issued by the medieval Church on divorce and consanguineous ties. Until the end of the eleventh century, European nobles simply disregarded rules that forbade them to repudiate their wives and marry their cousins. Repudiation and endogamy were critical strategies of political and military aggrandizement. By the end of the twelfth century, however, ecclesiastical precepts were gaining precedence over such practices. The church's doc-

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trine on matrimonial unions was being accepted. Marriage had become "Christianized" (Duby 1994:7).

My purpose here is twofold. First, I highlight the processes that brought about this shift in norms and practices. Why did aristocrats endorse normative standards that limited their ability to realize their political interests? Historians suggest that two broad structural transformations influenced nobles' acceptance of clerics' right to regulate their matrimonial choices: the institutionalization of the feudal structures of property (Duby 1983:19) and the reforms of the Church set out by the papacy in the second half of the eleventh century (Herlihy 1985:87). These accounts, however, do not specify underlying causal links. My second goal is theoretical. I explore the transformative processes whereby normative prescriptions are translated into "empirically valid" (i.e., "factually binding") rules of conduct (Weber [1922] 1978:312, 754). I focus on the causal underpinnings of "normative shifts"—shifts in the normative principles regulating a set of social practices.

SHIFT IN RULES OF CONDUCT: THEORETICAL PERSPECTIVES

"Norms are rules of conduct that provide standards by which behavior is approved or disapproved" (Hechter 1987:62). If compliance is relatively cost free and violation brings forth sanctions, actors will in all likelihood abide by the norms. Compliance becomes dubious in situations in which sanctioning is problematic and observance costly (Hechter 1987:62). Most work devoted to the issue has attempted to highlight the emergence of a spontaneous normative order within a given group of people (Axelrod 1986; Coleman 1990a; Heckathorn 1988). I depart from this line of investigation by considering what Coleman calls "disjoint norms" (1990b:250)—prescriptive demands that are set forth by one class of actors ("beneficiary actors") and that pertain to the behaviors of another class ("target actors"). These prescriptions restrict the capacity of those who are the nominal target of their jurisdiction. The problem then is to determine under what conditions such constraints come to effectively regulate social practices.

On cursory examination, the problem seems simple: People submit to constraining normative injunctions when they have more to lose by breaching them than they gain by obeying them. "Those having more power will be able to impose disjoint norms to govern the actions of those having less power" (Coleman 1990b:262). Normative shifts, in other words, stem from processes of empowerment. This view of the issue, however, overlooks transformative processes. The notion of empowerment is, to paraphrase Weber ([1922] 1978:53), "sociologically amorphous" if it is not defined in reference to specific "causal mechanisms" of coercion and enforcement (Kiser and Hechter 1991). What needs to be explored is the nature and underpinnings of this shift in power. In this regard, two paradigmatic explanations can be contrasted. Each describes, in an ideal-typical fashion, a process of transformation.

The first model relates normative shifts to shifts in bargaining power. Central to this approach is the notion that "power resides in the other's dependency" (Emerson 1962:32). Beneficiary actors gain leverage over target actors by controlling a set of events or resources in which the target actors have a vested interest. These events or resources then may be used as sanctions (Coleman 1990b:262; Levi 1988:17). This model faces two challenges. First, its explanatory power is questionable if relationships of domination "exist reciprocally"—if, in other words, it is not clear who "has control over whom" or "who has the most power" (Weber [1922] 1978:947). Second, this model gives short shrift to the issue of compliance. It conflates an "asymmetry in sanctioning" with a transfer of right: Beneficiary actors enforce their normative demands when they successfully claim a right to control the actions of target actors (Coleman 1990b:50). But, as Coleman observes, the effective exercise of a right is predicated on consent.¹ Whether the threat of sanction alone can explain the permanence of this "consent" remains open to investigation.

The second model imputes normative shifts to a change in dispositions. Categories

¹ "An actor has a right to carry out an action or to have an action carried out when all who are affected by exercise of that right accept the action without dispute" (Coleman 1990b:50).

discriminating between licit—or appropriate—and illicit behaviors undergo a major change. The question, then, becomes: How can we account for this transformative process whereby actors alter the regulative principles of their actions? Following Weber ([1922] 1978:754), one may point to a process of “habituation” structurally induced. Actors “make virtue out of necessity” (Bourdieu 1990). Material constraints are converted into “self-restraints” (Elias [1939] 1994:443). This approach, however, moves the problem one step back. It is not enough to state that “the mere fact of the regular recurrence of certain events somehow confers on them the dignity of oughtness” (Weber [1922] 1978:326) if the crux of the matter is to explain how this “regular recurrence” emerged in the first place. Arguments that grant causal precedence to the “symbolic power” (Bourdieu 1979) of claimant actors face a similar difficulty when the emphasis is shifted to the genesis of this power.

This brief discussion brings two sets of issues to the fore. One revolves around the notion of sanction. A norm exists to the extent that violation of its code of conduct entails sanctions. This basic observation lies at the heart of an explanatory model framed in terms of resource dependence. Hence, attention should be paid to the conditions that make *possible*, from the viewpoint of claimant actors, the control of a strategically crucial resource. I argue that these conditions are ideological (relative to the symbolic significance of a claim to a right of control) and institutional (relative to monitoring and transaction costs). The second issue has to do with the production of *consent*. This point is central to arguments that ascribe normative shifts to a change in dispositions. Following Weber’s ([1922] 1978) remark that “every genuine form of domination implies a minimum of voluntary compliance, that is, an interest . . . in obedience” (p. 212), I focus on the factors that engender what Levi calls “quasi-voluntary compliance” (1988: 52).² I investigate how patterns of conflict and com-

² In Levi’s conception (1988:52), “quasi-voluntary compliance” cannot be accounted for solely by coercion or ideological persuasion. Nor is it simply self-interested behavior. Actors comply with the rule because they expect others to do so.

petition among target actors can contribute to the emergence of mutual expectations of compliance.

CLERICS’ NORMS AND NOBLES’ MARRIAGES IN THE CENTRAL MIDDLE AGES

Drawing on Duby’s (1978, 1983) work, I contrast two successive patterns of relationships between prelates and nobles on the issue of marriage in Western Europe during the central middle ages.³ These two patterns can be described as two states of equilibrium (i.e., two relatively stable and self-sustaining systems of interactions). One pattern, which spanned the last centuries of the first millennium, was marked by the prevalence among the nobility and the knightly class of what Duby (1994:9) calls the “lay model of marriage” centered on the perpetuation of familial “honor.” A second pattern followed in which clerics came to be in charge of the moral code of marriage—canon law provided the ethical standards for judging the legitimacy of matrimonial unions. The transition between these two patterns took place during the few decades that spanned the year 1100.

Around 996–997, King Robert (the Pious), son of Hugues Capet, married Bertha, daughter of King Conrad of Burgundy. Four years earlier, Robert had repudiated his first wife, Rozala, daughter of Beranger, King of Italy. The French clergy apparently raised no objection to the divorce, and it was duly concluded by an assembly of bishops (Daudet 1933:78, 1941:23). At the time of Robert’s second marriage, Rozala was still alive. Hence, according to the canons of the Church, Robert could not lawfully take Bertha for a wife (Duby 1978:46).⁴ However,

³ My geographical focus is on continental Western Europe, especially the lands now making up Germany and France. This area extends approximately from the eastern provinces of the Rhine River (Franconia and Swabia) to the papal states and Catalonia. Although there were regional variations in the chronology and magnitude of the phenomenon described here, and systems of rule differed from one region to another, the shift in norms was fairly general within the area.

⁴ At the end of the first millennium, prelates could rely on an already constituted doctrine of

despite Pope Gregory V's explicit interdict and threats of excommunication, Robert had no difficulty summoning an assembly of prelates willing to bless his second marriage (Duby 1978:47, 1983:82). In 1004, the King dismissed Bertha and married Constance, daughter of the Count of Arles. He was now trigamous according to the canon of the Church. Duby (1978:52) suggests that no bishop would "have dared" to condemn King Robert at the end of the tenth century.

Nearly a century later, in 1092, Robert's grandson, Philip I, repudiated his wife of 20 years and "appropriated" a woman named Bertrade (Daudet 1941:50; Duby 1983:7). Bertrade was at the time the lawful spouse of Fouque Rechin, Count of Anjou. From the viewpoint of canonical rules, Philip was committing bigamy (because his first wife was still alive) and adultery (because he was taking the wife of another). Yet, the bishops of his domain, with the exception of Yvo, bishop of Chartres, agreed to celebrate his union with Bertrade. Chroniclers described the ceremony as "holy," like Philip's previous marriage (Duby 1983:7). This time, however, the Pope (Urban II) excommunicated the King on grounds of adultery and incest.⁵

nuptial indissolubility that found its spiritual sources in the Old Testament and the Gospels. The Council of Toledo in the year 369 defined the Christian ideal of marriage as a union binding for life. St. Augustine praised its morality and emphasized the indissoluble character of its bond (Esmein 1891:65). Referring to the union of Christ with his Church, Isidore of Seville (560–636) characterized the marital state as "*inseparabile sacramentum*" (Gaudemet 1987:120). If marriage was indissoluble, separation could only be pronounced on specific grounds and remarriage allowed only within stringent constraints. The Synod of Hertford stated, for instance, in 673 that "*no man may leave his lawful wife except, as the gospel provides, for fornication*" [on the part of the wife]. "*And if a man puts away his own wife who is joined to him in lawful marriage, he may not take another if he wishes to be a good Christian*" (as quoted in Goody 1983:37, italics added). The prohibition was reaffirmed at the Council of Soisson in 742. Allowance was made for a man who has repudiated his wife for adultery (Wemple 1981:77).

⁵ This meant exclusion from the community of believers and "deprivation of the right to participate in the sacraments of the church" (Berman 1983:71). The relationship of the sinner to God

The measure was repeated several times (in 1094, 1095, and 1099), and the King yielded a few years later to Urban II's injunctions that he "abjure the sin of carnal and *illicit* copulation" (Duby 1983:13, italics added).

Both Robert the Pious and his grandson, Philip I, acted in the implicit belief that they naturally held the right to repudiate their wives when they thought it judicious or necessary. Their matrimonial choices were embedded in a "moral code," a "system of ethics" (Duby 1983:36, 1994:9) based on two cardinal principles: the consolidation of a patrimony and the perpetuation of the "glory" of a house through the legacy of blood. Consequently, endogamous practices were appealing because they preserved family property (Duby 1978:8) and ensured that dynastic blood would be passed on to the next generation.⁶ Both the genetic economy of dynastic blood and the political economy of patrimony required "the capacity to repudiate existing marriages and to arrange new ones in response to changes in political and social circumstances" (Brundage 1987:185).

Clerics' insistence on monogamy, exogamy, and the free consent of the marrying partners ran counter to the aristocrats' propensity to end their marriages at will and establish matrimonial ties with their cousins. These interdictions limited nobles' capacities to adjust their matrimonial choices to the military and territorial interests of their houses. Aristocrats therefore had a lot to lose in endorsing a set of rules that constrained their matrimonial choices and, consequently, undermined their interests (Brundage 1987:193; Goody 1983:145).⁷ Yet, although King

was cut off. Social intercourse with those ostracized was forbidden. Excommunication was intended to have an effect similar to that of "the strictest social boycott" (Weber [1922] 1978:1165).

⁶ Blood was the "vehicle of nobility" (Poly and Bournazel 1991:89). It was commonly believed that women produced sperm and that, through sexual union, they mingled their blood with that of their lord (Thomasset 1981:5). As mothers, women therefore played a decisive role in the hereditary transmission of honor.

⁷ Goody (1983) observes that the Church's rules about divorce, close-kin marriages, adoption, and concubinage at the time of their emergence in the fourth century bore "little or no relation to the doctrines of the faith, much less to its

Robert had been able, at the end of the tenth century, to carry out his matrimonial plans without encountering major constraints, Philip eventually submitted to the Pope's exhortations. Duby (1978:67) interprets the contrast between these two cases as evidence of the emergence of new patterns of relationships between prelates and princes in the last decades of the eleventh century—the aristocratic model of marriage was being “infiltrated” by the normative concerns of clerics.

To what extent is this reading of the historical record acceptable? Gregory V may have been a more lenient Pope than Urban II. Conversely, Philip may have been more concerned than was his grandfather about the salvation of his soul. Nobles' matrimonial strategies were not, prior to the eleventh century, entirely free from ecclesiastical pressure and control. Prelates did not hesitate to encroach on aristocrats' domains. Herlihy (1985:86) notes that disputes over noble marriages were frequent in ecclesiastical annals from at least the ninth century. In the middle of the eighth century, King Pépin the Younger (751–768), for instance, was persuaded by Pope Stephen II to give up his projected divorce (Wemple 1981:77). And, in 862, when Lothaire, King of Lorraine (855–869), divorced his queen, Theutberga, and married his mistress, Walrada, Pope Nicholas I annulled the marriage, excommunicated Walrada, and deposed the bishops who presided over the ceremony (Gaudemet 1987:127). Lothaire formally yielded to the Pope's request to restore Theutberga as his wife (Wemple 1981:86).

Nothing indicates, however, that Lothaire's difficulties marked the decline of the common practices of divorce and close-kin marriages—princes continued to disregard ecclesiastical regulations and prelates continued to reprimand rather than sanction marital deviance.⁸ As the complaints expressed at the scriptures” (p. 84). He suggests that the Church may have designed these prohibitions to maximize its inheritances by substantially limiting strategies of heirship available to kin groups (Goody 1983:95).

⁸ In 878, for instance, a few years after the imbroglio created by Lothaire's divorce, Louis, son of Charles the Bald, dismissed his wife Amsgarde so he could marry Adelaide, daughter of Count Adalard (Gaudemet 1987:125). Hincmar, archbishop of Reims, raised no objection to the dismissal of Amsgarde, while Pope Jean VIII re-

Synod of Douzy in 874 suggest, marriage regulations were constantly defied at the end of the ninth century (Wemple 1981:87). During the next decades, when the last barbarian invasions destabilized Western Europe, the prelates' grip on aristocrats' marital behaviors probably became even more ineffective (Daudet 1941:20; Strayer 1959:135). By contrast, the controversy raised by Philip's second marriage sheds light on a recurrent source of conflict between princes and prelates on issues of marital indissolubility.⁹ The Roman curia had launched a vast offensive to curb behaviors judged to be morally deviant within and outside the Church (the “Gregorian reforms”).¹⁰

Similar observations can be made regarding the definition of incest and the regulation of consanguinity. Since the Council of Paris (829), the Church prohibited marriages within seven degrees of consanguinity, computed according to the German method—“acts of generation” were calculated from “ego” to the common ancestor (Champeaux 1933; fused to consecrate the new queen (Daudet 1941:16).

⁹ In 1069, King Henri IV of Germany attempted to divorce with the support of the episcopate. Papal legates were sent to the court of the King to dissuade him from carrying out his decision. Their forceful threats put an end to the affair (Fliche 1944:462; Paul 1986:302). Hildegard, Countess of Poitiers, went before Pope Calixtus II in 1119 to denounce her husband, William IX of Aquitaine, who had repudiated her (Fliche 1944:463). William was subsequently excommunicated on the ground that he had replaced his second wife with a concubine, who was herself married (Duby 1983:123).

¹⁰ The doctrine of the lawful marriage was key to this moralist offensive. Decrees against repudiation were adopted at the Council of Reims in 1049. The Council of Rome in 1069 underscored the sacred character of monogamy (Duby 1983:118). The Councils of Bourges (1031), Tours (1060), and Rouen (1072) prohibited remarriage while a spouse was still alive (Gaudemet 1987:242). Canon X of the Council of Nîmes (1096) reasserted the ban on marriage to the wife of another (Fliche 1944:463). Compilations of canon laws and decretals reflected similar concerns. Anselm of Lucca devoted the Book X of his *Collectio canonum* to the indissolubility of matrimonial ties (Fliche 1944:466). In his *Decretum*, Yvo, bishop of Chartres, also emphasized this point of doctrine and “reinterpreted” previous regulations in a stringent way (Duby 1983:165).

Herlihy 1985:61). This method of computation puts stringent constraints on licit matrimonial choices. In her study of the matrimonial history of the Counts of Burgundy, Vermandois, and Nevers in the tenth and eleventh centuries, Bouchard (1981) argues that consanguinity "made impossible a number of marriages that other considerations made highly desirable" (p. 286). This analysis suggests that the fear of incest *as defined by canon law* already motivated strategies of exogamy at the end of the tenth century. In short, ecclesiastical prohibitions may have been more pervasive than Robert's behaviors would suggest.

But, as Bouchard (1981) herself points out, throughout the period the clergy "fulminated against the wickedness of incestuous unions" (p. 271; also see Brundage 1987:192). Although blatantly consanguineous marriages were rarely performed, aristocrats apparently thought they could legitimately marry their cousins. Endogamy was rife among the nobility in the Mâcon region on the eve of the twelfth century (Duby 1976:25). King Robert and his first wife, Rozala, were cousins six times removed, that is, the union was within the prohibited degrees defined by canonical texts (Duby 1983:79). The clergy itself at times had a rather lenient position on the issue.¹¹ Such leniency would have been unimaginable to the Gregorian reformers of the second half of the eleventh century, when prohibitions and methods of determining consanguinity were strongly reaffirmed,¹² and sanctions were increasingly applied.¹³

¹¹ An assembly of bishops duly celebrated King Robert's marriage with Bertha, his cousin in the third degree. A letter of Pope Leo VII evoked the possibility of dispensations for marriages beyond the second degree (Daudet 1933:72).

¹² The Council of Reims in 1049 punished incest with excommunication (Gaudemet 1987:140). In 1059, Pope Nicholas II called on a grand council that reiterated and specified the interdiction (Goody 1983:135). Around the same period, the Roman hierarchy eventually endorsed the arguments set forth by Peter Damian in his *De Parentelae Gradibus* (1063) regarding the Germanic system of computation. This position was, for instance, defended by Pope Alexander II (1061–1073) (Esmein 1891:353) and Yvo of Chartres (Bouchard 1981:271).

¹³ Duke William of Normandy and his wife Mathilda were excommunicated by Pope Leon IX

Thus, prior to the end of the eleventh century ecclesiastical norms of marriage did not constitute a "valid legal order" in Weber's sense of the term. Nobles' choices of marital partners eluded the normative grip of the Church (Brundage 1987:144; Mc Namara and Wemple 1976; Wemple 1981:81). On the issue of marriage, Roman prelates and princes were engaged in a regular and presumably self-perpetuating pattern of relationships characterized by two central features. On the one hand, noble families paid only lip service to the Church's matrimonial regulations, demonstrating little concern for papal pronouncements (Fliche 1944:462). Repudiations and remarriages were "routine" among the high aristocracy (Duby 1978:37), and the notion of incest remained, in all likelihood, meaningless beyond the third degree of kinship. On the other hand, marital deviance, although verbally disapproved or condemned, was not effectively repressed, and threats of sanction were not enacted.

By the end of the twelfth century, the normative demands of Roman prelates no longer went unheeded (Brundage 1987:192; Goody 1983:86; Herlihy 1983:7). Aristocrats integrated Church regulations in their horizon of expectations, and clerics did not hesitate to sanction violations. Ecclesiastical precepts, in other words, were becoming effective norms of practice.¹⁴ Brundage (1987) notes

in 1053 on the ground that they were related in the fifth degree (Paul 1986:302). Pope Gregory VII forbade several marriages deemed to be incestuous, including those of Countess Mathilda of Tuscany, Count Centullus of Béarn, and King Alfonso VI of Castile and Léon (Brundage 1987:192). Philip I was accused of incest and was excommunicated (Duby 1983:6). Constance, daughter of Philip, was forced to separate from Count Hugh of Troyes because they were related within four degrees (Bouchard 1981:279).

¹⁴ This is not to say that nobles faithfully adhered to the standards ordained by clerics. Undoubtedly, adherence to the prohibitions of canon law often served instrumental purposes. The point, however, is that in the twelfth century the heads of great families could no longer ignore prelates' normative injunctions. They acknowledged *de facto* clerics' authority on matrimonial issues. Thus, ecclesiastical norms of marriage were, to take up a dichotomy established by Elster (1989), at once "legal" and "social." They were "legal" in the sense that they were "enforced

that “in view of the objections raised against their marriage policies, it is remarkable that the reformers succeeded as quickly as they did in securing a fairly high degree of conformity to their unpopular principles” (p. 184). Popes were “weak” actors in the sense that they were not in a position to carry out their claims by force. They lacked armies of their own. Moreover, they needed the collaboration of princes to fulfill their pastoral efforts. How, in these conditions, was the papacy able to enforce its normative demands? What processes led great nobles, over only a few decades, to acquiesce to a normative model of marriage that constrained their capacity to realize their interests?

THREE EXPLANATORY ARGUMENTS

In addressing these questions about normative change, historians generally refer to the rise of feudalism, the moralist offensive of the Gregorian reforms, or the development of canon law. Arguments cast in these terms do not explain: (1) why the Roman hierarchy thought it possible, at a certain moment in time, to impose its normative preferences on reluctant elites, and (2) why aristocrats eventually yielded to demands that undermined their autonomy of choice regarding marriage. As for the view that imputes the shift in norms to clerics’ monopoly of jurisdiction over marriage, it simply begs the question. The question is precisely how the Roman curia was able to assert an exclusive right to determine the legitimacy of marital unions.

Feudalism

The first line of argument suggested by historians establishes a parallel between the “triumph of monogamy” and the institutional development of feudal structures of property¹⁵ (Duby 1983:19; Herlihy 1985:86). In

by specialists who [did] so out of self-interest” (Elster 1989:100). They were “social” precepts insofar as they conveyed an ideal of conduct whose blatant violation brought collective disapproval. King Philip’s two marriages, for instance, provided the material of numerous chronicles because it was perceived as scandalous (Brundage 1987:184; Fliche 1944:262).

¹⁵ The relevance of the term (“feudalism”) has been disputed (Brown 1974). By “feudal struc-

ture” the second half of the eleventh century, heads of noble families reorganized inheritance rules and family relations around the male line of descent (Duby 1983:92; Poly and Bournazel 1991:110). In the Mâcon region from 1075 onwards, for instance, inheritance became a common feature (Duby 1976). Such changes in lineage and property structures occurred at a time when prospects of military conquests in the East were waning and Gregorian reformers’ long-standing efforts to recover and secure ecclesiastical possessions restricted the access of great families to economic and land resources (Goody 1983:116; Herlihy 1961:97, 1985:87). This narrowing of economic opportunities increased the value of patrimonies transmitted from generation to generation and, as a result, enhanced concerns about lineage (Herlihy 1983:124).

Far from resolving the issue, these few remarks make it even more paradoxical. First, it is unclear how sociostructural shifts affected prelates’ capacity to impose canon law precepts on reluctant aristocratic elites. Second, this move toward patrimony altered aristocrats’ strategies of social reproduction in a way that reinforced their need for autonomy of decision. Strategies to consolidate lineages required not only the right to repudiate one’s wife and marry one’s cousin, but also the control over the marital fate of one’s offspring so as to minimize transfers of property. The political and economic rationality of feudalism should have induced princes to reject prelates’ injunctions. The paradox is that they yielded at a time when their interest in eluding clerics’ claims at control had become stronger.

Moral Reform

Could this shift in attitude among the nobility have been prompted by the moral offensive launched by the reforming clergy? The first crusade (1095) was marked by an increase in religious fervor and the growth of the Church’s influence in all realms of social

tures of property” I mean here the system of interpersonal relationships based on the granting of lands or offices to an inferior as a reward for services (Bloch 1961:444–45; Poggi 1978:20–23). Within my framework, “feudalism” denotes the relationships between lords and vassals determined by these institutional arrangements.

life. In pointing out clerics' ability to exploit the scandals created by princes' matrimonial affairs, Brundage (1987:244) seems to suggest that nobles were persuaded to conform to the standards set forth by the Church. This process of "disciplinization" may have been related to the emergence of new forms of penance "shifting the control on the individual from the techniques of shame to the techniques of guilt" (Pizzorno 1987:59).¹⁶ Aristocrats' gradual compliance with papal interdictions, and their greater acceptance of clerics' spiritual mission would have reflected a shift in sensibility and moral dispositions resulting from a successful policy of norm indoctrination.

There is little ground, however, for believing that the leaders of the Church had only to adopt a firmer stance on marital issues to ensure knights' compliance with Christian teachings. The truth of the matter is that the high aristocracy, as shown in the examples mentioned, fiercely resisted reformers' pleas for matrimonial indissolubility and exogamy—and they had good reasons to do so (Brundage 1987:137; Duby 1991:5; Goody 1983:145). Roman prelates' recurrent complaints about princes' matrimonial wrongs throughout the eleventh century and their reliance on threats and measures of excommunication clearly indicate that moral injunctions in the name of God were of little use when nobles opposed rulings that thwarted their matrimonial interests. Papal decretals certainly provided considerable ideological weight to the reformers' arguments on marriage. However, the moral offensive set forth by the reformers did not by itself persuade the aristocrats to endorse ecclesiastical standards.

Canon law

Prior to the eleventh century, the law of the Church remained a "disorganized body of material" made up of heterogeneous and often contradictory sources (Zacour 1969:150). Penitentials had primarily a regional significance, and canon law emerged as an autono-

mous system of rules and concepts in the late eleventh and twelfth centuries.¹⁷ The law elaborated by canonists would play a "political role as a source of authority and a means of control" (Berman 1983:95). Subsumed in Berman's statement is the assumption that this process of legal codification and rationalization was a factor of legitimization. Canon law, it is argued, originated a legal order endowed with its own legitimacy. Clerics had the advantage over lay rulers of holding a monopoly on the written word. Therefore they had the capacity to objectify and interpret rules of conduct. From this viewpoint, the codification of ecclesiastical rulings empowered bishops eager to curb deviant matrimonial practices by providing them a firm basis on which to ground their normative claims.

The problem with this argument is that it imputes to the rule of law an efficacy of its own. Berman (1983) seems to assume that the simple act of formulating legal standards gave those standards a certain degree of effectiveness. Two points are worth underscoring. First, there is no reason to believe that the process of rationalization undertaken by reforming clerics in the late eleventh and twelfth centuries was a guarantee of norm enforcement. The rules of law elaborated by canonists "were only effective when they coincided with the general run of secular interests" (Southern 1970:25). Second, the codification of a complex system of legal standards could prove to be both a resource and a limitation for the papacy. With the help of benevolent prelates, nobles could now use the loopholes or contradictions inherent in these regulations and, in this way, sustain their claims of repudiation.

A THEORETICAL REFORMULATION

Thus, neither the development of feudal property structures nor the moralist offensive launched by Roman prelates nor the creation

¹⁶ In Pizzorno's conception (1987:59), "guilt" is associated with the "idea of morality as intention and will," while "shame" refers to "morality as social custom."

¹⁷ The collections put up by Burchard of Worms (about 1012), Anselm of Lucca, and Yvo of Chartres (around 1090) represented the first attempts to systematically organize and homogenize ecclesiastical legal writings. This process of legal codification culminated in the *Decretum* of Gratian (1150) and the *Decretals* of Gregory VIII (1234).

of a distinct body of legal precepts explains why aristocrats agreed, at the turn of the twelfth century, to adjust their matrimonial behaviors to meet ecclesiastical standards. Does an argument centered on clerics' monopoly of jurisdictional control over matrimonial issues solve the problem? Churchmen, explains Duby (1978:67), acquired a monopoly of regulation over marriage by assuming its jurisdiction. At the time of Hincmar, in the ninth century, matrimonial issues were a matter of civil law (Brundage 1987:137; Duby 1983:33). When King Lothaire sought to divorce Theutberga, the bishop of Reims and Pope Nicholas I agreed that the choice between secular and ecclesiastical judges should be left to the contending parties (Daudet 1933:77). The distinction between the two jurisdictions was blurred. "Legal" could mean "in conformity with Roman law" or it could refer to secular practices. After the eleventh century, by contrast, matrimonial issues were the business of episcopal courts. The Church system of prohibitions had become exclusive and its monopoly of jurisdiction was uncontested (Daudet 1941:63; Gaudemet 1987:111).

To say, however, that the heads of great families endorsed Church prohibitions pertaining to marriage only when Roman prelates gained the right to distinguish licit from illicit matrimonial behaviors begs the question. At this juncture, the issue of the confrontation between popes and princes was already settled—clerics had taken control of the institution of marriage. Their veto invalidated the bequeathal of a patrimony (because heirs could no longer be considered legitimate) and the consolidation of political alliances (because spouses could be denied the social quality of spouses). In pursuing "deviant" matrimonial behaviors, aristocrats undermined the very purpose of their matrimonial strategies. Expected costs of a violation of canon law outweighed expected benefits. This investigation thus must focus on those mechanisms which facilitated this jurisdictional takeover.

To this end, I first reexamine the question from a strategic and analytical point of view. I assume that the pattern of interactions between Roman prelates and aristocrats regarding matrimonial issues can be conceived as a bargaining game between two classes of ac-

tors endowed with distinct resources and preferences. Four main parameters must be considered: (1) the extent to which aristocrats value endogamy and the capacity to repudiate their wives at will, (2) the value that aristocrats grant to the blessing of their marriage by the Church, (3) the enforcement and monitoring costs to the Roman curia of a policy of repression, and (4) the political and moral costs to Roman prelates associated with the option of renouncement.

Several observations emerge from a game-theoretical analysis of this bargaining game between Roman prelates and aristocrats. (See Appendix A for a full description of the formal analysis.) First, the permanence of a pattern of interactions in which aristocrats' concerns for power and honor prevail over ecclesiastical prohibitions (the status quo) is conditional on the enforcement costs to prelates of a repressive policy. If enforcement costs are high, Roman prelates' optimal strategy is a policy of leniency and this pattern of interactions is self-perpetuating—an aristocratic ethos of matrimonial alliances prevails. Second, a decrease in enforcement costs is a necessary but not sufficient condition for the emergence of a regime of interactions regulated by prelates' norms for marriage (state of compliance to new norms). Further, if aristocrats value churchmen's blessings less than they value their own strategic independence, aristocrats and prelates may be locked in a self-perpetuating pattern of conflict. Third, the transition from an equilibrium state dominated by aristocrats' "taste" for endogamy and repudiation at will to a regime dominated by ecclesiastical norms rests on a conjunction of factors: (1) a substantial decrease in the enforcement costs to prelates of a policy of normative regulation by the Roman curia, and (2) an increase in value to aristocrats of the certificate of matrimonial legitimacy delivered by the Church. For the papacy, the problem is not simply to reduce the costs associated with a policy of sanctioning. To get the upper hand in this confrontation, the papacy must ensure that its certificates of matrimonial legitimacy become both an exclusive validation procedure and a currency that nobles cannot risk disregarding without incurring great costs. The point is consistent with Coleman's (1990b:262) observation that beneficiary ac-

tors are in a position to enforce their normative demands vis-à-vis target actors if they can control a resource that the target actors value.

In the remainder of this paper, I expand upon these suggestions, confront them with the historical evidence, and, through this critical dialogue, refine them. I consider two analytically distinct aspects of the problem. (1) Symbolic and institutional factors conditioned clerics' ability to set forth their normative demands. The Church hierarchy substantiated its claim to a right of control of aristocrats' matrimonial behaviors in two ways: Marriage was, from a symbolic and ceremonial point of view, redesigned as a sacramental and spiritual reality; and Gregorian reformers created a hierarchical, centralized, and independent government that significantly lowered the monitoring costs of a policy of norm enforcement. (2) Clerics' normative demands emerged as effective claims of jurisdiction when significant fractions of the nobility invoked ecclesiastical standards to further their own regulatory and strategic interests.

IDEOLOGY, ENFORCEMENT, AND COORDINATION

Ideological and Institutional Conditions for Norm Enforcement

Symbolic appropriation. In the first millennium, wedding rites remained mainly secular. The betrothal (*desponsatio*), which sealed parental consent and property settlement, did not require the presence of a priest, whose role was confined to endorsing the union (Duby 1983:33). As for the *nuptiae*—the conclusion of marriage proper—its carnal connotations (the procession conveyed the woman to the nuptial chamber) were usually regarded with deep repugnance by clerics. Although there was already a liturgy of marriage (Gaudemet 1987:118; Vogel 1977), its significance was subsidiary. Marriage could be concluded lawfully without being tied to ecclesiastical rites (Wemple 1981:83). Prior to the eleventh century, “the sacred and the profane were ultimately undivided” (Tellenbach 1993:39). The sanction of ecclesiastical authorities was therefore not deemed crucial, and marriages that contravened

ecclesiastical rules were not necessarily considered “invalid.”¹⁸

How was the Church hierarchy able to take hold of the social definition of marital legitimacy? The sacralization of marriage was a twofold process. First, theologians emphasized the holy character of the sacraments in marriage. These doctrinal developments gained momentum in the few decades that spanned the year 1100 with the writings of Anselm of Laon and Hugues of Saint-Victor (Duby 1983:181; Gaudemet 1987:189). Second, wedding rituals were symbolically and ideologically redesigned in a religious sense. A new matrimonial liturgy slowly emerged (Bouchard 1981:271; Toubert 1977). Duby (1983:152) notes that liturgical procedures pertaining to marriage can be traced back in the surviving Church manuals to the late eleventh century. The role of the priest in the marriage ceremonial gained in importance. After the second half of the eleventh century, the ceremony of the betrothal appears to have been transferred to the Church door and performed by priests (Molin and Mutembe 1974:32–40). By about 1140, in Gratian's *Decretum* the procedure is conceived of as a condition of legality (Sheehan 1978:13).

The creation of a coercive apparatus. To fulfill its moral mission, the papacy had to rely on the services of its representatives (archbishops and bishops) throughout Western Christendom. Their compliance with papal rulings as well as their willingness to enforce these rules was a necessary condition of an effective ecclesiastical jurisdiction. The Roman curia, therefore, was confronted with a basic principal/agent problem: To assert its monopoly of jurisdiction over marriage, the Church had to rely on agents acting as its officers. But at the same time it had to make sure that these agents were pursuing policies that met its objectives and that agents did not collude with princes. In fact, prior to the end of the eleventh century, collusion between clerics and aristocrats was the rule rather

¹⁸ Kern ([1939] 1968) notes, for instance, that many of the greatest rulers before the eleventh century “were born out of wedlock, and this indifference to the ordinary law of marriage and of inheritance was, after all, only logical, since the claim to rule rested on the fact that the claimant actually possessed a ruler's blood in his veins” (p. 23).

than the exception, and the Roman curia had few institutional means to supervise its agents or to enforce its sanctions.¹⁹

Two main factors explain this situation. One was the absence of strong boundaries separating the Church from society. Before the reign of Gregory VII (1073–1085), lay and religious societies tended to merge with one another (Tellenbach 1993:38). The Church did not constitute a “visible, corporate, legal structure standing opposite the political authority” (Berman 1983:91). This lack of differentiation was part ideological and statutory: Kingship was considered a “sacred office” (Tierney 1964:25) that had “an undisputedly ecclesiastical function and dignity” (Tellenbach 1993:23). The boundaries between the clergy and the nobility were blurred socially and economically as well. Bishops and archbishops were sons and cousins of great families (Moore 1980:66; Tellenbach 1993:59). No clear distinction was drawn between aristocratic and clerical possessions (Goody 1983:107). Great families patronized local churches and held hereditary interests in their properties. Barons did not hesitate to seize episcopal estates (Tierney 1964:25).

A second factor explaining the Church’s difficulties with its agents is that lay powers controlled clerics’ investiture. Great princes participated in Church councils, appointed bishops, and determined canon law (Morris 1989:23). In the absence of a corporate identity, imperial bishops could not help but link their rights with the ruler rather than with the Pope. In addition, local prelates had few links to central ecclesiastical authorities

(Berman 1983:107). They were often “indebted to the secular overlords from which they had fiefs and tithes” (Spruyt 1994:48). It comes, then, as no surprise that clerics were “more under the authority of emperors, Kings and leading feudal lords than of popes” (Berman 1983:88). As Southern (1970) points out, “The only weapon under the popes’ direct control were interdicts and excommunication” (p. 125). But for excommunications to be effective, they had to be enforced by bishops, and as the examples cited illustrate, great princes and kings could induce the churchmen of their realm to reverse papal decisions.

At this point, a disclaimer is in order. One could object that matrimonial deviance was sanctioned infrequently before the first half of the eleventh century simply because clerics were not interested in its regulation. The Roman curia may not have sought to extend its hold over aristocrats’ matrimonial practices during this period. Throughout the first millennium, indeed, churchmen viewed marriage with ambivalence (Toubert 1977:269). As something carnal, marital relations could be viewed as a source of “spiritual pollution” (Brundage 1987:163). Some prelates among Queen Constance’s entourage in the first half of the eleventh century went so far as to argue that, to avoid dealing with debasing practices, the Church ought not to interfere at all with marital issues (Duby 1978:72).

However, the thesis that doctrinal distrust, not lack of power, explains the weakness of the ecclesiastical grip on aristocratic marriages before the eleventh century would underestimate the importance granted by theologians and prelates to issues of matrimonial morality (Gaudemet 1987). The Roman curia was not indifferent to violations of canon laws (Bouchard 1981:271; Payer 1980:370). Conceptions that viewed marriage as un-Christian were actually condemned as heretic (Brundage 1987:140). Roman prelates “tolerated” aristocrats’ matrimonial deviance, not because they believed marriage was unworthy of religious concern, but because they did not control the Church hierarchy. Significant in this regard is the ease with which King Robert was able to summon, *despite the Pope’s interdicts*, an assembly of clerics ready to endorse his second marriage. Rome could not pretend to rule over aristocrats’

¹⁹ There are numerous examples of such collusion. Tellenbach (1993:73) indicates that Countess Irmingard of Hammerstein’s appeal to Pope Benedict VIII (1012–1024) against the verdict of the emperor invalidating her marriage led to a conflict between the papacy and a substantial part of the German episcopate. The investiture strife is another example. Pope Gregory VII several times was declared “usurper and no true pontiff” by councils of German and Lombard bishops acting under the auspices of Henri IV (Tierney 1964:55). In 1074, Gregory VII himself had to consecrate Landricus as bishop of Mâcon: King Philip opposed the election of Landricus, and the Archbishop Humbert of Lyon would not perform the consecration (Tellenbach 1993:180).

marriages as long as it did not have a hold over the clergy. In such circumstances, measures of excommunication were likely to be overruled by assemblies of bishops subservient to princes. In pursuing a policy of canon law enforcement, popes risked revealing the frailty of their authority.

The primary goal of the reformers, therefore, was to put an end to the collusive practices between princes and clerics. How was this goal pursued? The reforms improved the popes' sanctioning and monitoring capacity in several ways. First, the statutory distinctiveness of the clergy was emphasized (Moore 1980:69). Clerical marriage, for instance, was fiercely opposed. Second, the Roman curia acquired its institutional and judicial independence vis-à-vis lay rulers (Paul 1986:309). Until the Election Decree of 1059, popes were nominated by the emperor. The reform of the election process transferred this power of nomination to a college of cardinals that also acted as a permanent body of advisors (Zacour 1969:192). Third, mechanisms of direct supervision and hierarchical control were created (Berman 1983:209), and after the middle of the eleventh century, papal legates were regarded as the agents of a centralized system of Church government (Brooke 1931; Robinson 1990). These representatives were placed under the direct authority of the Pope (Fliche 1944:89-94; Ullmann 1970:292). The chances that they might be bribed by princes decreased.

The success of a policy of norm enforcement was conditioned by the creation of this hierarchical, centralized, and independent instrument of government within the Church. Weber ([1922] 1978) emphasizes that there is no law without "the presence of a staff engaged in enforcement" (pp. 34, 312), a "coercive apparatus able to lay effective and comprehensive claims to obedience" (p. 906). The Gregorian reforms explain why, in the late eleventh and twelfth centuries, Roman prelates could reasonably conceive of a policy of sanctions as a viable alternative to leniency. These reforms do not account, however, for aristocrats' eventual compliance with ecclesiastical requirements. That the Gregorian reformers thought it possible, in the last decades of the eleventh century, to flex their theocratic muscles is one thing. That aristocrats conformed to these regula-

tions is quite another. Why did the nobles yield to the Pope's injunctions?

Norm Establishment: Competition and Coordination

I contend that the normative shift observed among the Western nobility at the turn of the twelfth century cannot be simply analyzed as the direct consequence of an increase in the Roman curia's sanctioning capacity. There is no question that aristocrats paid respect to ecclesiastical prohibitions because the costs of noncompliance had become greater than the benefits. But this view remains tautological as long as it does not explain how this transition process came about. I argue that the ecclesiastical hierarchy acquired the power to invalidate marriages deemed illegitimate because aristocrats relied on clerics' matrimonial standards for strategic and regulatory purposes. In a context marked by the patrimonialization of feudal ties and an increase in competition, the Church's rules of marriage became a convenient strategic tool among aristocrats for contesting the power of competitors and a salient coordinating principle for regulating potentially conflictual relationships.

Consider the case of Philip I at the end of the eleventh century. Philip had been condemned for incest and bigamy by the Roman curia in 1094. A few years later, the same Philip invoked the church's prohibitions on consanguineous ties to call into question the marriage between his daughter, Constance, and Henry, Count of Troyes. This union, he argued, was incestuous and must be dissolved. The high clergy backed his demands, and the marriage was annulled in 1104 (Duby 1978:28). Lords used ecclesiastical rules to control the marriage of their vassals' daughters and the remarriage of their vassals' widows (Zacour 1969:95). In the twelfth century, nobles did not hesitate to invoke papal interdicts to contest the legality of their competitors' marriages. Raymond VI of Toulouse, Peter II of Aragon, and the Count of Melgueil refused to recognize the marriage of their neighbor, Guillem VIII, lord of Montpellier, with Agnes of Castille on the ground that the marriage was bigamous (Lewis 1971:163-65): The children of Agnes were deprived of their inheritance, and the lands and rights of

the Guillems became Aragonese shortly after Guillem VIII's death (1204).

Nobles also used the Church's standards to dissolve their own marriages, taking advantage of the contradiction between the requirement of exogamy and the rule of indissolubility. In 1152, when Louis VII sought to divorce Eleanor of Aquitaine, he conveniently "discovered" that he and his wife were related within four degrees (Bouchard 1981:268). Duby (1983) cites several examples of princes who, after several years of marriage, "suddenly" realized that they and their wives were cousins. Philip II "Augustus," for instance, decided to repudiate his wife Ingeborg of Denmark the day after they had been lawfully married (August 14, 1193). An assembly of barons and bishops convened at Compiègne and under the auspices of the archbishop of Reims duly concluded that the two spouses were cousins in the fourth degree (Duby 1983:204).

The point is not simply that the Church's matrimonial standards became effective normative constraints as nobles used them to exploit strategic opportunities. The phenomenon must be reinterpreted in broader terms by reference to the changing economic and political conditions of the time. In the eleventh century, aristocrats were engaged in interactions characterized by two divergent trends. On the one hand, feudal estates tended to become inherited. On the other hand, internal competition increased. This increase in rivalries reflected the crystallization of small feudal dynasties faced with fewer opportunities for plundering. In a context marked by the development of competitive relationships and the institutionalization of feudal ties, aristocrats had a growing interest in regulating one another's behavior to minimize the cost of conflicts and consolidate their own positions.

Originally, the fief (*beneficium*) was a temporary grant of land made by a lord to his followers as a reward for temporary services (Zacour 1969:92). In the course of the eleventh century, fiefs were converted into inheritable property, and the ties between lord and vassal became more and more impersonal. Large systems of rules tended to be fragmented into "many smaller, and increasingly autonomous, systems of rules that differed widely in the way they carried out the busi-

ness of rule and were often at war with one another" (Poggi 1978:27). The spread of feudalism gave way to the emergence of "small rival dynasties rooted in their estates" (Duby 1983:94). Most of these rivalries were related to boundary disputes. At the end of the eleventh century, "small feuds, disputes and tensions were endemic" (Tellenbach 1993:136) with knights carrying on private battles with their peers (Poly and Bournazel 1991:67). The patrimonialization of feudal tenures went along with increased competition (Goody 1983:116).

The tension inherent in the development of these two divergent trends (the institutionalization of feudal ties and the development of competitive relationships) could be described in terms similar to the notion of a "coordination game" as defined by Schelling (1960:83). Conflict provided the "dramatic element" of this system of interactions, while mutual dependence was part of its "overall structure." Because heads of aristocratic families could rely less on war conquests or pillaging the Church to consolidate their wealth, they were in competition for depleting territorial and economic opportunities. At the same time, these families were entangled in a tight network of matrimonial alliances. In an environment characterized by growing competition and increasingly tight family ties, the drive toward patrimony promoted the development within the nobility of what Heckathorn (1988:541) calls "regulatory interests": Aristocrats were better off if they could defuse conflicts and check their competitors' strategies of expansion. Both competition and patrimonialization called for some form of coordination or "mutual accommodation" (Schelling 1960:83).

Marriage was already instrumental in this respect. It entailed property rights, provided legitimacy to territorial claims, and operated as a "substitute for political maneuvering" (Poly and Bournazel 1991:92). As feudal structures of property became more hereditary in the last decades of the eleventh century, the political stakes attached to matrimonial alliances gained importance as well. But rules of marriage were not the only principles of conduct available for coordinating increasingly competitive relationships. The establishment of vassalic ties served this purpose too. Why, then, did ecclesiastical stan-

dards of marriage emerge as "focal points" (Schelling 1960) for solving "coordination problems" among the nobility (Ullmann-Margalit 1977)? Two factors seem to have played a crucial role in this process.

First, standards of canon law had an advantage over feudal law; they were written down and thus clearly defined. Formal rules of matrimonial legitimacy provided a firm ground to organize aristocrats' interdependent expectations regarding their matrimonial conduct. Because of its "vagueness and imprecision," feudal law embodied in unwritten customs "led to much litigation, defiance, appeals and warfare" (Zacour 1969:143). Lords who married off their daughters and sisters, for instance, had an obvious interest in the "unambiguous fixation of the law" (Weber [1922] 1978:849) because it offered them some protection against arbitrary repudiation. The personal character of vassal ties was a source of instability. Partly in response to this uncertainty, in the eleventh century, the practice of accompanying verbal oaths with a written document spread (Duby 1991:70; Zacour 1969:97).

Second, prelates became more and more involved in the arbitration of disputes (Duby 1977:27; Zacour 1969:192). Around 1059, Bérenger, Vicount of Narbonne, brought his conflict with archbishop Guifred before the Pope after having failed to convince the bishops present at the Council of Arles that his grievances were well-grounded (Magnou-Nortier 1974:463-73). Engaged in incessant feuding with his vassal Hugh, Lord of Lustignan, William, Count of Aquitaine, turned to Fulbert, bishop of Chartres, for legal advice in the mid-eleventh century. According to Duby (1991:78), this move was motivated not only by the fact that the vassal bond was grounded in an oath that, like any other oath, was sacred, but also in the fact that the law of the Church was written. At this time, bishops had already been playing a crucial role in the development of calls for truces and the regulation of conflicts (the "Peace of God movement") (Bloch 1961:418; Zacour 1969:108). It was at the bishops' initiative that "peace assemblies" were convened in which local nobles, among others, would swear a collective oath to renounce prohibited forms of violence (Duby 1971:167).

CONCLUSION

My purpose has been to investigate why aristocrats agreed, at the end of the eleventh century, to endorse the matrimonial standards imposed by canon law. I have suggested that three processes underlie this conversion of the Church's precepts into effective normative constraints. First, Roman prelates "made their case" regarding the normative control of marriage by emphasizing its sacramental and spiritual reality. They symbolically redefined marriage to justify their right to regulate it. Second, a policy of enforcement of canon law emerged as a viable option when Rome secured its political independence vis-à-vis lay rulers and created the institutional means to preclude the collusion between great lords and bishops. Third, the Church hierarchy ultimately was able to impose its normative demands because aristocrats took up these prohibitions to advance their own strategic goals and to regulate competitive interactions.

In investigating those conditions which undergird claims to "possess" a right of control over a set of events and those which lead actors to endorse these claims, I have shifted the focus from patterns of interaction between beneficiary actors and target actors to the dynamics of relationships *within* each group. The valence of beneficiary actors' (prelates) normative demands was conditioned by their capacity to symbolically construct their claims and to resolve agency problems related to the enforcement of sanctions. Target actors' (aristocrats) "quasi-voluntary" compliance reflected the emergence of interdependent expectations regarding the effectiveness of the rules as a strategic tool and a principle of coordination in a competitive environment.

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Appendix A: A Formal Analysis of the bargaining game between Roman Prelates and Aristocrats

Aristocrats could pursue their matrimonial strategies and ignore canonical norms (autonomous rule of decision) or choose to abide by canon law (heteronomous rule of decision). In defining strict limitations to divorce, repudiation, and endogamy, ecclesiastical precepts restricted the range of licit marital choices, therefore imposing a “natural” hindrance to aristocrats’ strategies for lineage maintenance and consolidation. An autonomous rule of decision, on the other hand, served aristocrats’ interests insofar as it allowed them to maximize endogamy and take advantage of strategic opportunities.

In the analysis, v represents the value aristocrats place on endogamy and their capacity to repudiate their wives. In disregarding ecclesiastical precepts, however, aristocrats risked not having their matrimonial alliances blessed by the Church and risked excommunication. L represents the value vested by aristocrats in the certificate of legitimacy or of salvation provided by the Church.

Roman prelates could either enforce ecclesiastical regulations on marriage and sanction deviance or renounce their normative claims. I attribute, for simplicity, a value of 0 to the externality on prelates imposed by aristocrats’ disregard for ecclesiastical precepts. The benefit to prelates entailed by aristocrats’ compliance with the Church’s matrimonial norms is given a value of 1.

A policy of normative enforcement was costly to Roman prelates in two respects. By restricting princes’ marital choices, the Roman curia risked alienating political support. Such a policy supposed, moreover, that any collusion between prelates and their lords must be prevented. It entailed, consequently, close supervision of the clergy. I formally summarize both costs (loss of political support and close supervision of clergy) by c .

Renouncing a policy of enforcement of canon law was also costly to the Roman hierarchy insofar as it meant reneging on the moral mission of the Church. I designate by r the moral costs to prelates associated with a strategy of renouncement.

Figure A-1 depicts the bargaining game between aristocrats and prelates. Sequentially, aristocrats first decide whether to conform to the normative standards for marriage defined by the papacy. If they comply with these standards, they lose the value of an autonomous rule of decision ($-v$) but gain the value of the certificate of legitimacy inherent in the Church’s blessing (L). Their payoff is therefore $(L - v)$. If, on the contrary, aristocrats disregard these imposed normative standards, Roman prelates must then decide whether to ignore these violations (policy of nonenforcement) or whether to sanction them. In the case of nonenforcement, aristocrats receive an optimal outcome $(L + v)$ whereas the papacy relinquishes its right to control matrimonial behaviors ($-r$). When the prelates sanction matrimonial deviance (a policy of enforcement), aristocrats must either yield to papal injunctions and lose the benefit of unrestrained matrimonial strategies ($-v$) or refuse to comply and retain the benefit of their autonomy minus the cost entailed by ecclesiastical sanctions ($v - L$).

Aristocrats’ optimal strategies depend on the relative values, not only of L and v , but also of $L - v$ and $-v$ (that is, L and $2v$). Similarly, prelates’ optimal choices vary according to the relative values of c and r , and the relative values of c and $r + L$. The equilibrium paths resulting from these strategies are indicated in Figure A-2.

This formulation of the bargaining game between Roman prelates and aristocrats is interesting in several respects. First, it is consonant with the hypothe-

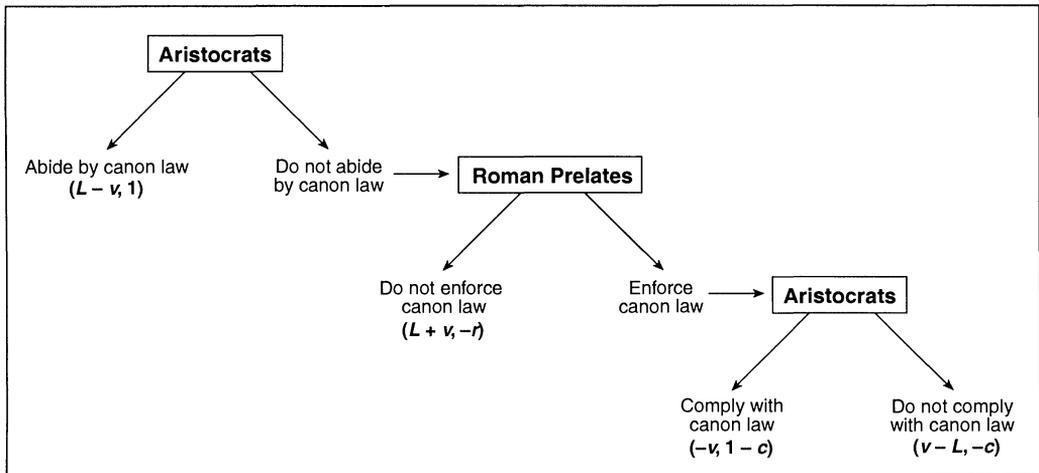


Figure A-1. Bargaining Game between Aristocrats and Roman Prelates on the Issue of Compliance with Canonical Norms of Marriage

Values for Aristocrats	Values for Prelates		
	$c < r$	$r < c < r+1$	$c > r+1$
$2v < L$	Aristocrats abide by canon law 	Aristocrats abide by canon law 	Aristocrats do not abide by canon law Prelates do not enforce
$v < L < 2v$	Aristocrats abide by canon law 	Aristocrats do not abide by canon law Prelates do not enforce 	Aristocrats do not abide by canon law Prelates do not enforce
$v > L$	Aristocrats do not abide by canon law Prelates enforce Aristocrats do not comply 	Aristocrats do not abide by canon law Prelates do not enforce 	Aristocrats do not abide by canon law Prelates do not enforce

= Conflict
 = New norm
 = Status quo

Figure A-2. Equilibrium Paths and Resulting Normative Regimes

Variables: v = value to aristocrats of divorce and endogamous marriage; L = value to aristocrats of legitimacy and salvation offered by the Church; c = costs to Roman prelates of loss of political support from aristocrats and of increased supervision of the clergy; r = moral costs to Roman prelates for failure to enforce canon law.

Assumptions: $0 < v < 1$; $0 < L < 2$; $0 < r < 1$; $0 < c < 2$.

sis that prelates' enforcement costs (c) play a critical role. The persistence of the status quo (nonestablishment of the norm) and, consequently, the possibility of its breakdown appear conditioned by the relative value of c . If this cost is high ($c > r + 1$), Roman prelates' optimal strategy is a policy of leniency, and the status quo is a Nash equilibrium, that is, in this situation, neither prelates nor princes have an interest in deviating from this equilibrium path. Thus, a decrease in prelates' enforcement costs is a necessary condition for the successful emergence of a policy of matrimonial regulation by the papacy.

Second, low enforcement costs do not necessarily entail the establishment of ecclesiastical norms of marriage. If nobles value churchmen's blessing less than they value their strategic independence ($v > L$),

both classes of actors may be locked in a self-perpetuating pattern of conflict. Aristocrats will not abide by the normative standards. Canonical rulings are likely to be transposed into effective rules of behavior once the value vested in the certificate of legitimacy offered by the Church becomes greater than the benefit aristocrats attach to an "autonomous rule of decision" regarding marriage (maximization of the resources provided by endogamy and strategic repudiations) ($v < L$). When the value of matrimonial legitimacy to aristocrats is substantially greater than the value vested in an autonomous rule of decision ($2v < L$), the papacy has an incentive to sanction deviance even though its enforcement costs exceed the moral costs of leniency ($r < c < r + 1$). In other words, the norm may exist even if $c > r$.

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