CHAPTER 3

Disfigurement, Authority and the Law

The previous chapter touched upon some of the legal evidence for damage to the face and head, and began to tease out the possible social categories that such evidence revealed. In particular, the indirect association of violence inflicted on subjects, and the potential damage this caused to the ruler, was the basis of my argument that medieval society was not simply an honor culture, but had more subtle vertical gradations of personal status that equate closely with the modern definition of face culture. In this chapter, the legal material will be mined more deeply to define how injury was conceptualized, and how the ruler, whose laws ostensibly existed to prevent violence escalating, was also able to claim a sovereign right to inflict violence in specific circumstances. Toward the end of the chapter, a later sample of material from court cases will offer some idea of how injuries were presented by their victims.

The sheer preponderance of violent injuries and punishments in the medieval laws and accounts of judicial proceedings might be responsible for some of the shriller assessments of the medieval period as one of unmitigated violence and brutality.[1] The core thesis of Michel Foucault's influential *Discipline and Punish* (which in turn built on earlier work by Johan Huizinga, Norbert Elias and, more pertinently for medieval history,

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Marc Bloch)—that the corporal display and uncontrolled, emotion-driven savagery of the medieval period was replaced by more "rational" forms of punishment such as imprisonment in the modern era[2]—whilst disputed and discredited by subsequent research,[3] is still highly influential in shaping perceptions. Studies of medieval violence per se, whilst not always accepting such a viewpoint, do little to radically shift the paradigm. Miller comments of Elias that he "paints a caricatured view of the Middle Ages in which civility was at a minimum and shame and disgust over bodily functions pretty much non-existent," but goes on to suggest that "It is a trait of great works to be able to be proven wrong in particulars and still manage to offer a truth about the larger picture."[4] Sean McGlynn terms Foucault "misleading" but prefaces his work with the statement "we should not let the stories of brutality in this study be blunted by the wearing-down of the centuries."[5] Medievalists do not, it seems, have to go far to find juicy examples of violence and coercion, perpetuating the image of a time when brutality served as a deterrent to transgression. Yet what is striking about much of this work is that, first, it tends to read the sources too literally, taking accounts of violence and extreme cruelty as emblematic of medieval society as a whole (Guy Halsall's introduction to *Violence and Society in the Early Medieval West*, one of the few volumes to focus on our period, suggests that "Violent relationships can often be seen as a discourse structured around shared norms"); and, secondly, it largely relates to the later medieval period.[6] As Lucy Grig points out, accounts of violence and torture elicit strong, often negative, responses from those studying them, obscuring the fact that such accounts are not neutral and have a specific purpose that closer reading can reveal. She comments, "The Catholic church asserted its authority through narrative, through the power of the story, as much as by any other means."[7] Her acute observation has a broader application, well beyond the late antique martyrologies that she was using as examples. Randall Collins has commented, in an influential and much-cited essay on cruelty, that our job as researchers is not so much to judge and justify the violence of an age, but to try to gain access to the discernible patterns and meaning of that violence.[8] Work on the early Middle Ages, such as the majority of essays in the 1998 volume *Anger's Past*, in fact found that the violent expression of that emotion was not as spontaneous or uncontrolled as Elias, in particular, had argued.[9] Early medievalists, again utilizing insights gained from the social sciences, identified clear parameters and rituals determining and circumscribing violent acts and *how they were reported by writers*. Expressions of horror

and disgust, therefore, might be targeted at the actions of a perpetrator, rather than the eventual appearance of the victim. It is also easy to assume that what was going on in the later Middle Ages must have had its roots in earlier practices, but a careful reading of just some of the abundant legal material, taking as its entry point material relating to injuries and mutilations of the head and face, suggests that whilst the values enshrined in the early medieval laws did have wider purchase (at least, according to the reports of other members of the same, literate class), they are not at all reliable as evidence for levels of violence in early medieval society.

Laws and Injuries

The early medieval lawcodes issued in Europe from c.650 to c.1050 contain multiple clauses dealing with injuries to the face and head, as well as to other parts of the body, listed in often minute detail, as is well known. Appendix 2 gives something of a sense of their content and extent, as well as their remarkably similar nature. Specific elements of the laws' concern with the treatment of wounds will be discussed later in Chapter 7.

What the raw statistics reveal, however, is the fact that in almost all cases, the perpetrator of the injury was fined rather than physically punished. This is not a straightforward, talionic legal system of reciprocal injury—an eye was not given for an eye, a tooth did not replace a tooth.[10] There also seems to be an increasing elaboration of clauses, with ever-finer detail, in later codes. The *Lex Frisionum*, "given" by the Carolingians to the Frisians soon after Charlemagne's imperial coronation in 800CE, is a positive panoply of personal injury, with the head and face covered by nearly thirty individual—but possibly not original—chapters.[11] It is useful to examine the categories of injury alongside each other, however, because some are clearly not related to bodily harm so much as bodily appearance or personal interactions.[12] There are, for instance, numerous clauses about hair, whether cutting, pulling or shaving it.[13] Not just hair, but beards, mustaches and even eyebrows were featured, damage to which incurred a penalty.[14] Teeth, too, feature in many of the codes, with damage or removal of the front teeth, those most visible, incurring higher fines than damage to the back teeth.[15]

These injuries might literally be termed superficial, but honor in these codes—understood here as the horizontal status of an individual face-to-face with his or her social peers—was explicitly linked to unblemished personal appearance, and damage to this carried with it a penalty to be

paid to avoid reprisal. Shame (*turpis*) accompanied injury, as several clauses point out.[16] Furthermore, in some codes the tariff for injury was broken down into still more detail by assessing the social rank of the victim in order to determine the appropriate compensation.[17] Where slaves and the semi-free were injured, for example, the injury was really to their master, and the latter certainly received the compensation payment for his/her slave being out of action. Whilst some of the Germanic codes owed much to their late Roman predecessors in ideas and ideals of personal honor—compare Emperor Justinian's sixth-century *Digest* chapters on "Contumelies and Defamatory Writings"[18]—the emphasis on physical appearance as a marker of honor seems a feature of post-Roman legal culture.[19] The *Lex Frisionum*, by far the most explicit on this matter, included a clause punishing any mutilation of the face that was visible at twelve feet away. As we have seen, the tenth-century compilation of Welsh laws attributed to Hywel Dda, similarly, was concerned with compensation for the "conspicuous scar" to the face, that is, one which would elicit inquiry as to what had happened.[20]

That personal appearance as the heart of the legal framework is emphasized when we turn to what might, medically, seem more serious head injuries—cutting off noses and ears, gouging eyes, or hitting the head so hard that skull and brain were exposed and/or broken. Despite the obviously disabling, and potentially life-threatening, nature of these injuries, the monetary penalties were not substantially higher than for the "superficial" group: the earliest Frankish law fines exposing the brain, cutting off an ear or knocking out a tooth are all at 600d or 15 *solidi*. The *Lex Frisionum* fined the same amount for exposing the skull or knocking out a front tooth.[21] The examples of mismatched injuries carrying the same penalty could multiply, but what this seems to suggest is that the actual affront—and potential for revenge—contained in an action was at the core of legislators' priorities, rather than the after-effects of specific injuries on the victim. (Only if a wound ran continuously is there any reference to the perpetrator paying for ongoing medical assistance.)[22] The apparent illogicality (to modern eyes) of the fines is a warning not to "substitute for what the evidence actually said and did more modern notions of what it should have been saying or doing."[23]

Before leaving this subject, it is worth highlighting that in some law-codes, at least, injuries that left a permanent impairment were recognized and fined more heavily. Edward Wheatley's categories of "blindness" come to mind as we find a reference in the Alemannic laws to seeing "as

if through glass"—partial sight epitomized.[24] Deafness resulting from a blow to the head or injury to the ear, muteness and speech impediment were also noted.[25] To reiterate, however, such clauses are numerically far outweighed by those concerned with appearance. Shame, however, is not the same as disgust: the legislators do not dwell on disfigurement, nor do they make any judgment apart from assessing the status of the victim and the potential for disordering revenge.

Just as the earlier law codes seem to have borrowed from each other, so later prescriptions might echo the earlier ones. The *Ecloga ad Procheiron Mutata*, a compilation made for the Greek-speaking subjects of the Norman kings of Sicily and southern Italy in the twelfth century, combines clearly Byzantine elements with a section (Chap. XXXI (XVIII)) on interpersonal violence, which orders compensation for the victim for hitting on the head, blinding, splitting the nose, knocking out teeth, breaking the arm (for which a doctor is to be called), and "injuring a neighbor's beard so as to disfigure him."[26] The concern for appearance here, and the injuries listed, suggests that the compiler was familiar not only with Byzantine law, but possibly also with the earlier Lombard laws that still had great purchase in parts of the South.

Mutilation as Punishment – and Redemption?

Whilst the laws ostensibly punish violent behavior through fines on the one hand, some also assert the ruler's right to inflict facial mutilation as punishment, most frequently in criminal cases such as theft or treason, also extending to other acts of betrayal such as adultery. There is a flipside, therefore, to the injury tariffs: serious corporal punishment—such as branding, slitting of the nose and loss of ears—was threatened for certain offences, raising the possibility of permanent physical impairment and/or social disablement if actually carried out. The sixth-century Bishop Gregory of Tours, whose History of the Franks is regularly mined for examples of early medieval violence, reports mutilations as punishment for treason: the would-be assassins of King Childebert II (d. 595), he says, were deprived of their ears and noses and let out to become "an object of ridicule."[27] Notker's account of Louis the Pious's enforcer, discussed earlier, envisaged corporal injuries being meted out.[28] The Lombard king Liutprand's laws of 726 included shaving and branding on the forehead and face as the penalty for repeated theft, although such corporal punishment was in fact unusual within the Lombard codes.[29] The eighth-century *Ecloga* of

Byzantine Emperors Leo III and Constantine V prescribed blinding for a thief stealing from a church, the removal of perjurers' tongues, and the cutting off or slitting of the nose for sexual offences, including adultery and incest.[30] Despite these laws being superseded in Byzantium by the legislative activity of Emperor Basil I (r. 867–886), their influence was felt later in the West through the partial transmission of the *Ecloga ad Procheiron Mutata*.[31] This possibly explains why nose-slitting and removal recur in the Sicilian laws of Frederick II, inspired by and building on the earlier Norman kings' rulings.

In the period between these early and later manifestations of Byzantine law in southern Europe, however, we find similar prescriptions of mutilation in the laws of King Cnut (r. 1016–1035) for England:

> A woman who commits adultery with another man whilst her husband is still alive, and is found out, shall suffer public disgrace, and her husband will have all her property, and she will lose her nose and ears. If she denies it and fails to purge herself, let a bishop take control and punish her severely.[32]

Nose-cutting of women is in fact visible as a penalty well beyond the end of the period under review here. And whilst we have no early medieval court cases showing the injury tariffs discussed earlier being brought to bear on offenders, it is not difficult to find examples in the chronicles and capitularies of rulers mutilating their subjects, whether justly (following plots) or not.[33] Charlemagne's second capitulary of Thionville (805), for example, ordered that those assisting in sworn conspiracies be condemned to cut each other's noses off, a fate Jinty Nelson described as "savage" and "ghastly," and which Paul Edward Dutton interprets as demonstrating the Carolingians "at their most secretive and anxious."[34]

Here, an extreme act (and to cutting off the nose and ears could be added other judicial sentences such as blinding, branding or tattooing the face) was appropriated by the ruler and permitted because he (and in some cases she) *was* the ruler, demonstrating Giorgio Agamben's distinction between the sovereign as constituting power (and thus outside the law) and the constitution and laws of the state over which s/he ruled.[35] Agamben highlights, usefully for our purposes, the *potential* use of force by the sovereign—it is available but only used and visible when forced upon the ruler by the transgressor—it is therefore entirely exceptional and to be used circumspectly.[36] Medieval authors recognized the difference: Gregory of Tours presents himself explaining to the Frankish

King Chilperic I that "if any one of our number has attempted to overstep the path of justice, it is for you to correct him. If on the other hand, it is you who acts unjustly, who can correct you?"[37] Excessive force by rulers, therefore, often finds its way into our sources in the context of condemnation of exceptional or extreme (to the observer) practices and/or accounts of unjust (again, in the eyes of the observer) persecutions. In the same passage condemning Chilperic's injustice, Gregory cites the case of Gailen, servant to Chilperic's opponent Merovech, who is mutilated gratuitously as punishment for having deprived Chilperic of the opportunity to kill Merovech himself: they cut off his hands, feet, ears and nose, and tortured him cruelly before killing him "in the most revolting fashion [*infiliciter negaverunt*—here the translator's own distaste shows through]."[38] Gregory's huge history, with its numerous instances of violent acts by Frankish kings and their subjects, makes it hard to judge whether the successors to the Merovingian kings were less prone to such acts, or whether the apparent drop in cases is simply due to differences in source material. Nevertheless, the threat of violence was a crucial tool for keeping the peace, a role that the Carolingians emphasized in their projection of royal authority, and the ambivalence surrounding violence as reported by clerical chroniclers is visible.[39]

King Cnut in England, too, exemplifies "good" and "bad" mutilation: as king his threat to mutilate adulteresses was legitimate, but several years earlier his actions in mutilating a group of Anglo-Saxon hostages was remembered in the Anglo-Saxon Chronicle as a highly illegitimate act.[40] The treatment of the face and head, the most visible parts of the body, seems to have acted as an index for reporting such excess. For example, Pope Nicholas I, addressing a letter of 106 chapters to the Bulgarians in 866, specifically condemned the practice whereby Bulgarian judges beat confessions out of suspected thieves by blows to the head and pricking with iron implements. A confession, he pointed out, was not valid in human or divine law unless it was voluntary.[41] Similarly condemned as excessive behavior (at least in hagiographical texts) is the iconoclast Byzantine Emperor Leo V's order that saints Theodore and Theophanes be tattooed with a twelve-line indictment of their errors on their faces, the last three lines of which read:

> They did not abandon their lawless stupidity.
> Therefore with their faces inscribed as evil-doers,
> They are condemned and driven forth again.[42]

Arguably these men, known to posterity as the "*graptoi* [inscribed]," got off lightly, compared with the 342 holy men imprisoned with St Stephen the Younger (d. 764/5) and described thus:

> some with cut off noses, others with their eyes gouged out, some with their hands cut off for writing in favor of icons, others with no ears, whipped, others with their hair shaved, most having their honorable beards soaked in pitch and burnt.[43]

The latter two cases, however, fit into Lucy Grig's formula relating to accounts of torture: the sufferings undergone by these supporters of icons simply reinforced their moral superiority and the righteousness of their case.[44]

Why would rulers act in this way? Collins defines mutilation as "punishment not by death, but by life at its lowest level." It is interesting that he characterizes it as a behavior typical of "iron age (agrarian) societies which are highly-stratified around a patrimonial form of government."[45] If mutilation does indeed reinforce hierarchy, we are again seeing hints of the "face" culture posited in Chapter 2. Again, however, we are mainly dealing with threat rather than action: even the idea of being mutilated surely had the power to terrify subjects into submission. Miller suggests that threatening punishments, as most lawcodes did, would have little effect if not carried out occasionally to make the threat believable.[46] Agamben's formulation of the *potential* power of the ruler is clear to see in the threatened punishments in law. If the idea of mutilation was to shame the victim, however, the treatment of Gailen reported by Gregory of Tours seems almost gratuitously cruel. Gregory reserves his disgust, however, for the perpetrators, not the spectacle of the victim.

Yet the fact that we are, for the most part, only dealing with rhetorical threats raises another problem. In Cnut's laws for England, at least, Wormald has demonstrated that the penalty quoted above for adultery (although not the principle of mutilating itself) was an addition by Archbishop Wulfstan of York (d. 1023). Wulfstan was active in drafting laws for both Cnut and his predecessor Aethelred, driven by a strong sense of moral reform, and he would have been well aware of the biblical precedent of nose-cutting as a punishment for adultery.[47] Several commentators have highlighted the persistence of Old Testament models for medieval behavior: G. R. Evans has commented that the separation between law and theology visible in the modern university curriculum would have been unintelligible to the medieval student. For Evans, "The

primary authority for medieval scholars is the Bible, and it was not necessary to stretch interpretation to take that to be a text with something to say to lawyers." Patrick Wormald adds, "...it is hard to exaggerate (though easy for a modern mind to overlook) the impact of the Old Testament as a prescriptive mirror for early medieval societies."[48] The underlying justification for commuting death sentences to mutilation, after all, was Ezekiel 33.11: "I have no desire for the death of the wicked. I would rather that a wicked man should mend his ways and live." The nasal mutilation of the Egyptian prostitute Oholibah, threatened in Ezekiel Chapter 23, surely inspired not one, but three separate codes of law from different parts of Europe: eighth-century Byzantium, eleventh-century England, and twelfth/thirteenth-century Norman and Hohenstaufen law in the Kingdom of Sicily, all of which prescribed facial mutilation for sexual transgressions.[49] As Collins points out, far from being a suppressant for such cruelty, "Medieval Christianity... is not an aberration from the main pattern, but the pattern itself."[50]

Case Study: Byzantine Disfigurements

This link between law and biblical precedents was particularly apparent in Byzantium. The lawmaking activities of the Byzantine emperors were increasingly driven by religious zeal as the secularized concerns of Justinianic legislation made way for an image of the emperor as an "instrument of God."[51] Old Testament precedent also underpinned a facet of Byzantine political behavior that appears to have spread westward, namely the blinding or disfiguring of political opponents, an echo of the Levitical ban on disfigured men acting as priests and, by extension, holding a position of authority.[52] Blinding and nose-cutting were favored means of disposing of political opponents, and the latter as a political act reached a peak in seventh- and eighth-century Byzantium. The cutting off of the nose of an incumbent emperor, Justinian II (r. 685–95, 705–11), may however have been a cut too far, if his restoration after a ten-year hiatus is any indicator.[53] The fascination with and repetition of Justinian's story apparent in western authors such as Paul the Deacon (writing in the late eighth century) and Agnellus of Ravenna (early ninth century) suggests that even if they were used to the idea of mutilation as a loss of honor, the reality was a rather rarer occurrence. Paul's colorful account paints a picture of the restored emperor seeking vengeance for his injury every time his nasal orifice dripped:

> when he was restored to power, every time he wiped away a droplet of snot with his hand, he ordered that one of those who had opposed him should be slaughtered.[54]

whilst Agnellus highlights that Justinian lost his nose and ears, and replaced both with gold prosthetics.[55]

It is striking, however, that after the bloodiness of the eighth and ninth centuries, blinding and tonsuring seem to have replaced nose-cutting as a political tool.[56] Blinding, of course, could be accomplished without the shedding of blood, and this may explain the apparent change (conversely, it could still be a bloody business).[57] The evidence of the chronicler Michael Psellos (1018–96) seems to underscore the transition and a distaste for bloodiness—he reports the Bulgar usurper "Dolianus" being captured by prince Alousianus: "He arrested Dolianus, cut off his nose and blinded his eyes, using a cook's knife for both operations."[58] The detail of the cook's knife is, I think, revealing, the unplanned and "barbaric" removal of Dolianus's features a fitting way for these "Scythians" to be united under one ruler. For Psellos, such mutilations are what Others do. But they were also things that characterized a ruler out of control: his report of Constantine VIII's brief reign (c.1025–8) is peppered with references to "cruel punishments," "uncontrolled anger," "awful tortures" and arbitrary and indiscriminate punishments:

> it was not a question of temporary restrictions, or of banishment, or of prison; his method was to punish malefactors on the spot, with blinding of the eyes by a red-hot iron... quite apart from the fact that, in one case, he was dealing with apparently flagrant crime, in another with minor delinquency.[59]

Psellos goes on to report other, later blindings, such as that of the exile John Orphanotrophos, in whose downfall "evil followed evil"—blinded in prison, he was then banished and executed. Basil Skleros, he says, "had the misfortune to be deprived of his sight." It is clear that Psellos is troubled by blindings: when Constantine IX went against his oath to show clemency when faced with rebellion, and ordered the blinding of Tornikios and Vatatzes "on the spot" (an echo of the earlier Constantine's tyranny?), one of the rebels "emitted a cry of anguish," whilst the other "merely remarked that the Roman empire was losing a valorous soldier, straightway lay down on the ground, face upwards, and *nobly* submitted to his fate [my emphasis]."[60] As we shall see in Chapter 6, Psellos uses this structuring tool of

contrasting behaviors in the face of adversity again, when he reports at length on an episode to which he was an eyewitness.[61]

Reports of blinding in certain Byzantine texts, for example that of Anna Komnena (writing in the first half of the twelfth century), are so matter-of-fact as to suggest that this became something of a norm. Komnena dwells at length on some examples and reports a variety of methods in her numerous cases.[62] In fact, such episodes occur frequently in Byzantine texts of this period. Alexander Kazhdan notes how the judicial mutilations and unjust punishments contained in the later account of Nicetas Choniates (d. 1215/16) have been read as evidence of "Byzantine depravity." Instead, he argues, we should note that the chronicler is actually concerned with the preservation of human life, and that mutilations were in fact a merciful alternative to execution.[63] Geneviève Bührer-Thierry has made much the same point for earlier medieval examples in the West,[64] but it is also clear that earlier western authors shared assumptions about this being a "Byzantine" practice, if a strange story in Notker is indicative. Recounting an embassy from Charlemagne to the Byzantine emperor, Notker relates that the envoy breached strict Byzantine protocol at a dinner, opening himself up to punishment by death. Given a last request by the emperor, the envoy asked that anyone who had *seen* him being disrespectful should lose their *own* eyes. Not surprisingly, his challenge silenced his accusers, and thus were the "empty-headed sons of Hellas beaten in their own land."[65] Such punishments had to be justifiable: some cases attracted particular opprobrium in contemporary and subsequent histories because they could not be presented as legitimate punishment. The Byzantine empress Irene's blinding of her son Constantine is a case in point. It stood out because she was both woman and mother perpetrating this act, for all that she had her apologists. As we shall see in Chapter 5, gender sometimes intersected with discussions of "right" and "wrong" instances of disfigurement.

Popes, Saints and Mutilation

Visible mutilation was associated with breaches of trust, and thus intimately connected with the codes of honor expressed in the injury tariff lists. To mutilate someone judicially (or politically) had the same meaning: it was a shaming act, regardless of how severe the actual bodily injury was. Thietmar reports that in retaliation for the killing and humiliation of envoys sent to negotiate Otto III's marriage to Theophanu, Otto II's men Gunther and

Siegfried captured and blinded some Greeks in Calabria, and seized the tribute being collected for the Byzantine emperor.[66] In essence the attacks on servants (envoys, subjects) fit our pattern of inflicting face-damaging injury to the rulers concerned. Rather less easy to justify, however, were attacks on churchmen. Twenty years later, Emperor Otto III's troops cut off the hands and ears and blinded the eyes of Pope John XVI when they deposed him in 998. For at least three more years (the date of his death is uncertain), he lived as a prisoner in the abbey of Fulda. John's case is illuminating on a number of levels: surviving his awful injuries, he could easily have become a focus for sympathy, particularly given his elevated status as pope. Killing him was not an option, but permanent removal to a closed community ensured that his potential as a living martyr was contained. Radulf Glaber's report of the mutilation (written within living memory of the event) makes it clear that he thought the punishment justified: he calls John, who had been installed by the Crescenzi family of Rome after the deposition of Otto's candidate, a pope of "little authority [*male securum*]" whose amputated hands were "almost sacrilegious [*manus quasi sacrilegas*]."[67] Not surprisingly, the episode is reported in several texts: John the Deacon's Venetian history, for example, elaborates that John was deprived of his eyes, nose, ears and tongue, and thus "shamed [*deturpatus*]" he was shut away, but only after being deprived of clerical office and publicly displayed in Rome riding facing backwards on a mule.[68]

Here a false pope—and opponent of the Emperor—was written up as getting his come-uppance, yet as Gerd Althoff points out, Otto's actions have been interpreted as unusually brutal, and opportunities had presented themselves for a peaceful settlement between the emperor and his Roman subjects.[69] An earlier pope, Leo III (r. 795–816), was also the victim of an assault to his face, but here it was his *legitimate* authority as pope that was being questioned, and reports of the incident all play up his suffering in order to introduce Charlemagne as his protector. Whilst Einhard simply reports that Leo suffered attempted blinding and cutting out of his tongue, forcing him to flee to Charles for help, Notker gives a more extended version that, according to his modern translator, shows him to have been "better-informed" about the incident. In Notker's account, Leo's assailants tried to put his eyes out but lost heart. Unsuccessful in their attempt to gouge his eyes, they then slashed him across the face with a knife. God restored Leo's damaged eyesight and, "As a sign of his innocence, a shiny scar, as white as driven snow, ran across his dovelike eyes, in the shape of a very thin line."[70] Far from being

"better-informed," Notker's account appears to be developing the story of Leo into a quasi-hagiographical account, and it is I think no accident that a substantial proportion of the evidence for judicially-mutilated faces occurs in narrative, particularly hagiographic, texts. We have already met Paul the Deacon and Agnellus of Ravenna fantasizing about the noseless Byzantine emperor, Justinian II. The *topos* of the unjustly mutilated saint, or the saint rescuing/restoring an unjustly mutilated victim, recurs across both eastern and western texts. But there is an important difference to note here. The original mutilation in each case was intended to dishonor, or punish, the victim for challenging the authority of the ruler. How it was subsequently *read* and reported, however, lies at the heart of any methodological issue of tracking medieval disfigurement. For Notker, the recorders of icon-worshipping monk-saints under both periods of iconoclasm in Byzantium (and, for that matter, the author of an account of the leader of the anti-episcopal movement in Milan in the eleventh century), mutilation not infrequently preceded or was equated with martyrdom, guaranteeing some form of veneration.[71] But the point to note is that the texts celebrating their actions included the mutilation *at all*: it clearly functioned as a way to heighten the reader's devotion to the emergent cult. Physical dishonor meant nothing next to spiritual cleanliness. Turning to instances of saints restoring mutilated victims (familiar, no doubt, to students of Thomas Becket's miracle repertoire),[72] hagiography provides the earliest evidence of the use of facial mutilation to punish in England, as a law of Edgar, prescribing blinding, removal of ears, slitting of the nose, scalping and amputation of hands and feet for a convicted thief, is cited to preface a story of St Swithun's restoring of a near-dead, innocent victim of such multiple injuries.[73] Again, the practice itself mattered little to the hagiographer, only the unjust circumstances of the specific case.

Rhetoric to Reality—and Back

The link between facial appearance and honor in the early Middle Ages can, I think, be securely argued. But what of the practical effects of disfigurement or perceived impairment? The stigma attached to visible difference, if not outright disgust, has already been hinted. Blindness is an interesting case in point. We read that the onset of blindness in an intended bride, for instance, could be cited as the reason to break off an engagement in Lombard law "on account of her weighty sins"; it is also identified as a blemish sufficient to disinherit a person in early Welsh laws, with the justification that "no

one who is blemished can fully accomplish the service of the land due to the king in courts and hostings."[74] Here the physical impairment leads to loss of social position and potentially, loss of honor. Thus, striking out the eye of a one-eyed person, rendering him or her completely sightless, is also equated in Lombard law with social, if not actual, death.[75]

Thus far it has been evident that the Byzantine Empire provides many of our early examples of mutilation, and Janet Nelson, citing Mark McCormick, suggests that it was a Byzantine practice imported into the West in the sixth and seventh centuries.[76] Others, however, contend that the use of mutilation in western polities spread with the expansion of Norman power in the West and had its origins not in the East, but Scandinavia. Klaus van Eickels suggests that the danger of killing one's distant kinsman in Scandinavian society precluded the use of the death penalty and favored mutilation as a substitute.[77] In fact, blinding of traitors appears also to have had Biblical sanction: Gregory of Tours quotes Proverbs 30:17, "The eye that mocketh at his father, the ravens of the valley shall pick it out."[78]

It has in fact become something of a commonplace to blame the expansion of Norman power in the eleventh and twelfth centuries for a concomitant rise in recorded examples of judicial mutilation and instances of cruelty and disfigurement. Van Eickels' consideration of castration and blinding in Normandy and Anglo-Norman England accepts unproblematically the report of William the Conqueror replacing execution in some cases with mutilations such as these.[79] Edward Wheatley has drawn a contrast between blinding as a common punishment in France and Normandy, and its relative rarity in England.[80] He notes the increase of blinding as a punishment in England after 1066,[81] and attributes its introduction into southern Italy and Ireland to the Norman arrival.[82] A closer look, however, suggests that the connection between the arrival of the Normans and the introduction and/or increase in mutilation is wrong. Blinding as a political tool was already present in southern Italy by the ninth century, according to Erchempert.[83] In Ireland, for example, much has been made of the fact that old Irish laws do not mention it, whilst it is documented for the first time in 1224, but the absence of a judicial procedure does not mean the absence of mutilation as such.[84] As I have shown elsewhere in more detail, the weight of written sources relating the rise and establishment of Norman power may have exaggerated the sense of Norman "injustice" surrounding mutilations, and when such episodes occur, they are often presented as extremes of behavior going beyond the acceptable parameters.[85]

Unlike the king, men like William Talvas, guilty of blinding and castrating William of Giroie, were not permitted to step outside the law.[86] Norman authors such as William of Malmesbury in fact preserve accounts of such mutilations prior to the Conquest in both Normandy and England.[87]

These, like many Norman "mutilation" texts, offered the opportunity for writers of hagiography to develop the theme further. The Worcester monks, for example, made much of their saint, Wulfstan, curing the wrongly-blinded and castrated Thomas of Elderfield.[88] Key to the episode is injustice—Thomas loses a judicial duel engineered by one George, and is blinded and castrated by the victor and his associates. This may explain John Hudson's assertion that mutilations might be carried out not by a professional executioner, but by the person whom the convicted person had injured. However, this is an extract from a hagiographical text, which emphasizes the cruelty and injustice of the blinding and castration recounted. Could its perpetration by a layperson with no expertise simply be to heighten the horror?[89] Whilst judicial duels might well pit accuser and defendant against each other (as in the case of Geoffrey Baynard against Count William of Eu),[90] the extremity of outcome in Thomas's case may explain why it made a good subject for a miracle story. The problem with this type of evidence is obvious. I would argue that it was the infrequency of use of mutilation in Norman society that led Norman authors to report episodes in detail when they did occur. To return then to Agamben's formulation of political authority, many of the cases reported by Norman authors feature precisely as moments of exception, when either a legitimate ruler, or a challenger to that rule, stepped beyond the boundaries of the "normal" to inflict bodily injuries so terrible that they merited recording and condemnation. A later example of stepping outside the boundaries is the case of Berchtold, bishop of Passau, who was deposed c. 1251 on account of his "reprehensible" life, and his offence to his clergy, including having one of them blinded and mutilated in his nose and ears. Bernard, the Krems chronicler who records this, leaves us in no doubt as to his unsuitability as a pastor.[91]

What Happened Next: Disfigurement in the Courts

The rich evidence of the lawcodes, and rather more ambiguous accounts of narrative sources, show that the right to disfigure and mutilate was, in theory, tightly controlled and reserved to the ruler in medieval society. The missing piece of the puzzle, however, is to trace the impact of

disfiguring head injuries on the lives of victims. Sensory impairment features as a potential outcome, but records of dispute settlements before 1200 relate almost exclusively not to personal injury cases but disputes over property.[92]

As a postscript to this discussion of disfigurement and the law, however, there exists rich evidence available from Angevin England which, although it strictly falls well outside our chronological parameters, nevertheless demonstrates some of the issues surrounding illegal injury. Early medieval court cases do not, as a rule, concern personal injury (although violence might accompany claims to land and be deployed deliberately and strategically in disputes), but some of the procedures visible in the thirteenth-century evidence from England suggest elements of continuity, as well as one significant change.[93]

Sitting in session in 1201, the English justices of the Cornish Eyre court heard a number of cases relating to interpersonal violence resulting in severe head injuries and/or facial disfigurement. At this court, the victim needed to plead "as a maimed man [*ut homo maaimatus*]" as well as describing the injury. Serlo of Ennis-Cavem did just this when he accused two men of beating him [*verberaverunt*] and seriously wounding him [*graviter vulneraverunt*] so that three bones were extracted from his head. Furthermore, the jurors who presented the case confirmed that Serlo had shown his fresh wounds at the county court, and that his injuries were as described. The first-named assailant was condemned to the ordeal of hot iron, with the second to be put to the same ordeal once the outcome of the first was known.[94] A similar judgment was passed on Robert of Penwithen, whom Eadmer of Penwithen, also pleading as a maimed man, accused of wounding him so that *twenty-eight* pieces of bone had been removed from his head. However, Eadmer subsequently withdrew his case.[95]

Although the Cornish roll also includes more mundane accounts of head wounds,[96] the striking detail of bone removal in these cases (there are four other, similar, accounts, including one of a female victim) points to something more than simple rhetoric.[97] It is noteworthy that none of the survivors of these serious head wounds was deemed able-bodied—the injury was simply too permanent (the bone in the skull was unlikely to regenerate to replace fully the hole that breakage and removal had left) to make a full recovery.[98] The dry court record gives little indication of how debilitated such victims were, but the prospect of living with head injury may have been worse than death itself. At best, an injury in which the integrity of the skull was compromised was disfiguring, painful and

constantly at risk of infection, requiring constant care in terms of wound dressing. (The basic care of such a wound appears in the *Leechbook* of Bald: "if the brain is exposed take the yolk of an egg, mix a little with honey and fill the wound. Bind it up with tow and let it alone…"[99]) At worst, the victim might also have suffered brain injury with its associated problems of loss of motor or memory skills, behavioral changes or sensory deprivation.[100] Such symptoms were not, it seems, deemed necessary to record, even assuming they were verbally articulated, but rehearsal of the injuries at both county and royal court may have helped the victim to extract compensatory payments from her/his assailants, addressing their economic hardship if not their healthcare needs.

Court rolls were not, of course, written up to provide information for the social history of medicine in the Middle Ages. In most cases, the information provided about the head wound itself is sketchy, since it was the outcome of the wounding (death, maiming, permanent disability) that determined the actions of the court against the assailant. This apparently distances the court rolls from earlier codes of medieval law that, whilst they too sought to keep the king's peace, were also often concerned with financial compensation for lengthy incapacitation and medical care for the victim. In Angevin England, such a settlement would presumably have been out of court (and some of the examples to be discussed seem to hint at this), as the judicial process was only concerned with the compensation payable to the king for breach of his peace. Yet some of the ideas contained within both sets of records are strikingly similar. The early medieval lawcodes have largely been dismissed as documents of practice in several parts of Europe, and most comprehensively in England, but their extremely detailed categories of head injury, and the measures taken to judge the severity of the wound in fact offer assistance in interpreting the later, more laconic court roll entries.

Another problem with the court roll evidence is its selectivity. The itinerant royal justices were dependent for their information on the accounts of the local juries with whom they interacted; for a case to reach the Eyre court at all it had to be classed as a felony or breach of the king's peace. This serves as a filter for the injuries encountered in the records, for only the most serious accusations were likely to progress this far up the justice system. Contemporaries were well aware of this fact: although the process of bringing cases was through the local jury, it is clear that in some cases the description given by the plaintiff of his serious injuries (women's claims relating to non-sexual violence are very much rarer) was designed to draw attention to a grievance, rather than describe his actual physical

state.[101] An example of the limits of the evidence is therefore appropriate before examining the information it provides.

At Coventry (Warwickshire) in 1221, the king's justices in Eyre heard an accusation against Robert, nephew of the chaplain at Ryton (Warwickshire), that he had wounded a certain Robert, son of Roger, and fled. The report continues:

> Robert still lies ill of these wounds and it is not known whether he can recover [*convalescere*] or not. This deed was done recently and therefore let it stand over until the coming of other Justices.[102]

It is not uncommon for reports of wounding in the Eyre rolls to be this unspecific, but here the justices were clearly not satisfied that the case warranted their attention as yet. The case was adjourned, therefore, to determine the outcome of the injuries: would Robert die or recover, and if he did, would he still be maimed? If he healed completely, the matter could be resolved without the formalities of a court hearing; wounding appeals were often withdrawn on payment of compensation, although the appellant might suffer a fine for wasting the court's time.

Many head and face wounds were written up equally briefly, particularly when they resulted in death. Thus, for example, three quarters of the cases dealing with head injury recorded in the crown pleas of the Shropshire Eyre of 1256 were concerned with fatalities.[103] The format of each entry is brief, but consistently includes the location of the injury, the weapon used to inflict it (ranging from sticks and staves to axes and a flail), and the length of time it took the victim to die, thus:

> 494. Philip son of Jordan of Rowton struck Nicholas Crawe of Acton on the head with a Danish axe [*hachia Danech*] so that he died the next day.
> 501. Edward of Brockton struck William son of Robert of Brockton on the head with a stake [*palo*] so that he died three weeks later.

In all of these cases the assailant fled, and the court was concerned with the amount of their chattels and the actions (or lack of action) taken by local communities to arrest him. Fines were exacted for this neglect, and for burial of the dead man without a coroner's view. Arguably, therefore, the record was less concerned with the actual fate of the victim: although the number of days survived (from none to 21, with most dying within five days) is recorded, its purpose was to ensure accuracy of the details linked to the legal process rather than any indication of care received before death. No reference is made to the latter at all.

Accidental deaths by head wounds were also noted, but still viewed as a breach of the king's peace if a perpetrator could be identified.[104] Thus when "William son of Robert Seys, a boy of 8 or 9 years, threw a javelin [*veru*] which by accident struck Thomas of Worthen below the eye, so that he died eight days later," the boy was still outlawed and his village fined for not apprehending him.[105] Whether the assailant was in fact of an *age* at which he could be held criminally responsible, however, is debatable: his action in throwing the javelin was apparently sufficient to condemn him. Another accident befell Thomas son of Richard the chaplain, whose brother William "struck [him] down to the brains [*usque ad cerebrum*]" trying to hit another William, son of Matilda. Thomas died immediately, and his brother promptly fled and was outlawed.[106]

The cases just discussed imply that a serious head wound in this period was viewed as unlikely to be survivable, and/or that death might be slow and lingering (as in the case of the two victims who took three weeks to die). This may have influenced the judges' attitudes when confronted with someone who did survive to tell his tale and bring a case. When this happened, however, the justices, like their colleagues in Coventry, were concerned to ensure that a genuine case could be established. A plea from Yorkshire, dating to 1218, was dismissed by the justices because the victim (whose case was brought by his son) had neither died nor lost his sight.[107] Another in Cornwall in 1201 was dismissed because the victim (whose brother brought the case) had recovered and not sued.[108] Back in Shropshire, William Tuppe's appeal, that John son of Reysent had robbed him and given him a wound "seven inches deep and three inches long" in his left shoulder with a Welsh knife and another "in the right shoulder three inches deep and one inch wide," was dismissed when another alleged assailant, Richard of Wottenhall (accused of a inflicting a sword wound in William's arm), pointed out that William had not mentioned the detail of his wounds or the robbery in the shire court. (Both John and Richard were, however, fined for using bladed weapons.) Similarly, Walter of Wottenhull's claim that Thomas of Willaston had hit him on the head with a stick was dismissed when the jurors stated that Thomas was only responding to an earlier assault by Walter. In both cases, fines were exacted.[109] A third plaintiff, Simon of Preen, who claimed he had been injured in the back and head with a sword and in the stomach with an arrow, had his appeal annulled when reference was made to the coroners' rolls.[110]

At the heart of these cases, there lurked the suspicion that the plaintiff was making a false or at the very least exaggerated appeal, hence the reference back to earlier written records; the specific details of William

Tuppe's claim were ultimately his undoing when earlier records showed he had not been so precise in his original claim. Why, then, had he cited the length and depth of his wounds in the Eyre court? One reason might well have been the fact that in order to secure a hearing at all, the non-fatal wounds he had suffered had to be (or sound) sufficiently serious to merit the attention of the royal justices. This suggestion is supported by a case heard in Berkshire in 1248, which is strikingly similar to William's in its language and outcome. Robert of Denmead claimed that Richard son of Gillian had given him a four-inch long wound in the head with a fork [*furca*], that Henry Redulf had given him a two-inch wound in the head with a hatchet, and that both had robbed him of a silver clasp and a dagger, whose exact value was stated. In their defense, the two accused pointed to the fact that Robert had not brought his case to the county court, and that previously he had accused Richard of using the hatchet, not Henry. The case was dismissed on these inconsistencies, but all three were again fined.[111]

The key to understanding the process of treating head wound cases seems to lie in the Yorkshire and Berkshire cases discussed above: if there was no permanent damage, then the plaintiff had little to complain about. It is noteworthy that Robert of Denmead offered to prove his claims "by his body as the court sees fit." This indicates that he was prepared to suffer the ordeal or a judicial duel with his opponents (as opposed to displaying his injuries) and thus was not permanently maimed by the alleged attack. Ironically, therefore, he undermined his claim by his physical fitness. In contrast, a certain Hereward's willingness to undertake a judicial duel with his assailant at the Lincolnshire Eyre of 1202, having previously shown his fresh wounds to the coroners and county court, does not appear to have damaged his credibility.[112] In these cases and others, the judicial ordeal or duel played an important part in providing proof of guilt, but it was not always the assailant who was put to the iron.

There are plenty of other cases from around England in the early thirteenth century that use similar language of "maiming" and/or record that the fresh injuries had been inspected by the local jury before the case came to before the justices of the Eyre. In Lincolnshire in 1202, for example, Astin of Wispington accused Simon of Edlington of putting out his eye (*et ei oculum eruit*) so that he was maimed of it (*ita quod maimatus est illo oculo*). (Simon was given the choice of who should undergo the ordeal, and not surprisingly elected that Astin should do so. The case was settled out of court and both parties fined).[113] The Cornish cases, however, seem to be unique in their detailed account of removal of pieces of skull, and

thus raise the question of where this particular element had originated. Although the detail of specific injuries had a long documentary history in English lawcodes, it appears that concern with the severity and effects of head wounds was of continental origin. The Frankish *Lex Salica* specifically refers to head injuries exposing the brain, and those causing the three bones of the skull to protrude, provisions that found their way into later Carolingian legislation. The *Lex Frisionum*, another Carolingian compilation from the early ninth century, went into even greater detail, with no less than 23 provisions relating to head injuries, including exposure and fracture of the skull and exposure of and damage to the brain membrane (the *dura mater*).[114]

Its appearance in the Eyre roll suggests that either the justices, or more likely the clerk recording the case, had some familiarity either with such legal traditions, and/or with medical procedures. The "legal revolution" of the twelfth century might not have converted English courts to an entirely Roman model of justice—although corporal mutilations and branding to the face were clearly replacing older, compensatory modes of settlement—but it had encouraged study of the law, and there is no reason to exclude a continued interest in excerpting and compiling early medieval materials as part of this process. The compiler of the *Leges Henrici Primi* had certainly trawled through early Frankish law to supplement his pre-Norman content.[115] But the twelfth century had also seen an upsurge in interest in medical texts as well, including surgical treatises. Whilst the latter would become ever more elaborated and "rational" in the thirteenth century, evidence for some form of medical knowledge is already visible in the early laws.

Whilst there is considerable similarity to be drawn between the types of injury recorded in these later court cases, and the personal injury punished in the early medieval law codes, one crucial difference is apparent. Although many of the facial wounds recorded were likely to be disfiguring, at no point does the plaintiff refer to the shame or humiliation of her/his physical appearance. Either the wounds were serious enough to merit claiming permanent impairment—the "maimed" man (but not woman)—or they were dismissed because they had not caused any sensory damage. The close concern for visibility and humiliation set out in the earlier, prescriptive material is entirely lacking here. Several comments are possible: firstly, none of the cases discussed seem to involve injuries to elite males—none of the complainants uses any title signaling high status. Perhaps the issue at stake, then, was not the damage to appearance/reputation that their wounds had caused, but their economic enfeeblement due to being

temporarily or permanently incapacitated. At any rate, we seem here to be dealing with a different constituency from the urban inhabitants studied by Demaitre, who were seeking cosmetic help with skin lesions in the same period.[116]

Conclusions

The content of the laws on facial injury, the parameters of acceptable mutilation visible in the narrative texts, and the continued control of violence by the courts surely debunk once and for all the idea that medieval violence was unstructured and uncontrolled. Far from it. Violence to the face and head was the most serious of injuries, and as such, although it populates all our texts, it appears in highly specific contexts. Wrongful use of disfigurement was commented upon and condemned, and the horror of a facial injury is often talked up rhetorically to underline the wickedness or excess of the perpetrator.[117] At the same time, the power of a facial injury to convey social disgrace is expressed clearly in both early medieval laws and in personal attacks; none of the cases dealt with in this chapter was accidental. If there is any trend visible at all, it is perhaps a product of the multiplication of available sources rather than an upsurge in actual cases of disfigurement. If disfigurement becomes more visible, it must partly be due to the shift from summary execution for some crimes to a more "merciful" regime. Executed criminals did not linger in the same way, and did not have to be dealt with. Yet there is a barely perceptible shift toward shutting away victims of mutilation, rather than exhibiting them openly, and perhaps also toward less bloody forms of punishment. Later medieval court cases from England also highlight the fact that social class, and the type of text examined, shape accounts of how facial injury was represented and understood.

Of course, what we'd really like to have is a series of *early* medieval court cases that dealt with the types of personal injury outlined in the early laws—even better, along the lines of boundary-walking and other practices used in resolving land disputes, would be to see the rituals of throwing bits of extracted bone across roads and into shields, with the assembled witnesses agreeing that they did, indeed, make the requisite sound to proceed with the case. Such a performative element encoded in so many of the early medieval laws (as well as Lombard, Frisian and Welsh, similar clauses are found in Alemannic and Ripuarian codes) tempts speculation on their actual use. But in the absence of evidence, we can only imagine. How were

people with acquired disfigurements, who mainly survived their ordeal, viewed by their peers? In the next chapter, the experience of disfigurement as stigma will be explored.

Notes

1. Epitomized by Valentin Groebner, *Defaced: the Visual Culture of Violence in the Later Middle Ages* (New York: Zone Books, 2004).
2. Michel Foucault, *Discipline and Punish: the Birth of the Prison*, tr. A. Sheridan (London: Allen Lane, 1977), 47–48 describes medieval punishment as a public, ritual display of the sovereign's "vengeance" on the criminal. Precursors: Johan Huizinga, *Waning of the Middle Ages* (Dutch first edition 1919, English translation published London: Edward Arnold, 1924), and Norbert Elias, *The Civilizing Process vol 1: The History of Manners, vol 2: State Formation and Civilization* (German first edition 1939, English translation Oxford: Blackwell, 1969 and 1982); Marc Bloch, *Feudal Society* (French first edition 1939, English translation London: Routledge, 1961). Piero Camporesi, *The Incorruptible Flesh: Body Mutation and Mortification in Religion and Folklore*, tr. T. Croft-Murray and H. Elsom (Cambridge: Cambridge University Press, 1988), 225, also characterizes the later middle ages as a "horrible, indescribable and sadistic age." On extreme bodily punishment in the later middle ages, Nathalie Gonthier, *Le châtiment du crime au moyen âge (xii-xiv siècles* (Rennes: Presses Universitaires de Rennes, 1998); Groebner, *Defaced*, 15–28.
3. E.g. Helen Carrel, "The ideology of punishment in late medieval English towns," *Social History*, 34 (2009): 301–320, at 307–8, disputes the supposed prevalence of mutilation. Foucault's depiction of imprisonment as a modern alternative to corporal punishment is also substantially undermined by the work of Guy Geltner, in particular *The Medieval Prison: a Social History* (Princeton: Princeton University Press, 2008), and earlier work such as "Medieval prisons: between myth and reality, hell and purgatory," *History Compass*, 4 (2006): 261–274.
4. William Ian Miller, *The Anatomy of Disgust* (Cambridge, MA: Harvard University Press, 1997), 151 and 170.
5. Sean McGlynn, *By Sword and Fire: Cruelty and Atrocity in Medieval Warfare* (London: Weidenfeld and Nicolson, 2008), 2. The essays

in *Violence in Medieval Society*, ed. R. W. Kaeuper (Woodbridge: Boydell, 2000) vary in their view of whether the period was any more violent than modern times. There also appears to be an associated taste for sensationalist titles for such volumes, e.g. Mitchell Merback, *The Thief, the Cross and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (London: Reaktion Books, 1999); *Noble Ideals and Bloody Realities: Warfare in the Middle Ages*, ed. N. Christie and M. Yazigi (Leiden: Brill, 2006).

6. *Violence and Society in the Early Medieval West*, ed. Guy Halsall (Woodbridge: Boydell, 2002), 16.
7. Lucy Grig, "Torture and truth in late antique martyrology," *Early Medieval Europe*, 11.4 (2002): 321–336.
8. Randall Collins, "Three faces of cruelty: towards a comparative sociology of violence," *Theory and Society*, 1 (1974): 415–440.
9. Of particular relevance to this theme are Gerd Althoff, "Ira Regis: prolegomena to a history of royal anger," G. Bührer-Thierry, "'Just anger' or 'vengeful anger'? The punishment of blinding in the early medieval west," and W. Davies, "Anger and the Celtic saint," all in *Anger's Past: The Social Uses of an Emotion in the Middle Ages*, ed. B. H. Rosenwein (Ithaca and London: Cornell University Press, 1998), 59–74, 75–91 and 191–202 respectively.
10. William Ian Miller, *Eye for an Eye* (Cambridge: Cambridge University Press, 2006), 31–36 does, however, raise the question of how one *valued* (and how we still value) each of the body parts for financial compensation.
11. *Lex Frisionum* and its additions, ed. K. de Richthofen, in *MGH LL*, III, ed. G. Pertz (Hannover: Hahn, 1863), 673–700. The laws were even further elaborated in the rather confusingly-titled Old Frisian tariffs, which date from the later middle ages: Han Nijdam, "Compensating body and honor: the Old Frisian compensation tariffs," in *Medicine and the Law in the Middle Ages*, ed. Wendy Turner and Sara M. Butler (Leiden: Brill, 2014), 25–57.
12. Miller, *Eye for an Eye*, 118, picks up on this issue using the specific example of King Aethelberht of Kent's early (c. 600CE) lawcode. A new edition by Oliver, with slightly different numbering of clauses, is used in the following discussion and can be found at Aethelberht of Kent, *Laws*, ed. L. Oliver http://www.earlyenglish-laws.ac.uk/laws/texts/abt/ [Accessed 1 July 2015].
13. Pulling: *Pactus Legis Salicae,* ed. K. Eckhardt, in *MGH Leges Nat. Germ.,* IV.1 (Hannover: Hahn, 1962), III.104; *Leges*

Burgundionum, V.4–5, ed. L. R. de Salis, *MGH LL nat. Germ.*, II.1 (Hannover: Hahn, 1892); Laws of Aethelbeht, ed. Oliver, c. 33; *Leges Langobardorum*, Rothari c. 383, ed. F. Bluhme in *MGH LL*, IV, ed. G. H. Pertz (Hannover: Hahn, 1868); *Lex Frisionum* XXII.65; *Lex Frisionum Additiones Sapientium* III, 39–40; *The Laws of Hywel Dda (The Book of Blegywryd)*, tr. M. Richards (Liverpool: Liverpool University Press, 1954), 64. Cutting: *Pactus Legis Salicae* XXIV.2–3; *Leges Burgundionum*, XXXIII.1–5; *Leges Alamannorum*, Pactus, XVIII.1, ed. K. A. Eckhardt, *MGH LL nat. Germ.*, V.1 (Hannover: Hahn, 1966); *Lex Salica*, D,XXXV.1–2, and *Lex Salica Karolina*, XXXIII.2–3, ed. K. Eckhardt, *MGH LL nat. Germ.*, IV.2 (Hannover: Hahn, 1959); *Laws of Hywel Dda*, tr. Richards, 64. Shaving, tonsuring or scalping: *Leges Visigothorum*, VI.4.3, in *MGH LL. Nat. Germ.* I, ed. K. Zeumer (Hannover and Leipzig: Hahn, 1902); *Leges Alamannorum*, *Lex*, ALVII.28–29/BLXV.1–2, ed. Eckhardt; *Leges Langobardorum*, Liutprand 80 (dated 726) and 141 (734) and Aistulf 4 (dated 750).

14. Mustache: *Lex Frisionum* XXII.17, *Add. Sap.* III.17; eyebrows: *Lex Frisionum*. XXII.14, *Add. Sap.* III.15. Eyelashes feature in Welsh law: *Laws of Hywel Dda*, tr. Jenkins, 198.
15. *Pactus Legis Salicae*, XXIX.1 and 5, ed. Eckhardt; *Leges Burgundionum*, XXVI.1–5, ed. de Salis; Aethelberht of Kent, *Laws*, ed. Oliver, cc. 48–48.3 (canine teeth, teeth next to canines, back teeth); *Leges Langobardorum*, Rothari, cc. 51–2, 85–6, 109; *Bretha Déin Chécht*, 34 (six classes of teeth) in Fergus Kelly, *A Guide to Early Irish Law* (Dublin: Institute for Advanced Studies, 1988), 132; *Leges Alamannorum*, *Lex*, A, LVII.20–25, B, LXIII.3–8, ed. Eckhardt; *Lex Salica*, D, XLVIII.13 and *Lex Salica Karolina*, XVI.17, ed. Eckhardt; *Lex Frisionum,* XXII.19 (front teeth) and 21 (back teeth). That the appearance of teeth mattered is anecdotally indicated by the much later chronicler Ibn al-Athir, who notes in passing that the corpse of the king of Benares (d. 1193/4) was only recognized by the gold bridgework securing his teeth in his mouth: *The Chronicle of Ibn al-Athir for the Crusading Period from al-Kamil fi'l-Ta'rikh* Part 3: The Years 589–629, tr. D. S. Richards (Aldershot: Ashgate, 2008), 13.
16. E.g. *Lex Visigothorum*, VI.4.3, ed. Zeumer (*turpibus maculis*); Irish law punished anyone who verbally publicized a physical blemish in another: Kelly, *Guide*, 137.

17. E.g. *Leges Langobardorum,* Rothari c.74 states that the preceding list of penalties relates to injuries to a freeman, and clauses following it then repeat the injuries if inflicted on a semi-free or unfree victim.
18. *The Digest of Justinian*, Book 47.10, tr. and ed. A. Watson, 2 vols (Pennsylvania: Philadelphia University Press, 1985), II. Note however the written medium as a means to dishonor – the closest that medieval laws get to this is perhaps the defamatory – but still oral – poetry visible in early Irish law.
19. The Theodosian code, however, does punish those who self-mutilate their hands to avoid military service: Antonio Landi, Maria C. Facchini, Antonio Saracino and Giuseppe Caserta, "Historical aspects," in *Reconstructive Surgery in Hand Mutilation*, ed. Guy Foucher (London: Martin Dunitz, 1997), 3–12, at 5.
20. *Lex Frisionum Additio Sapientium,* III.16; *Laws of Hywel Dda*, tr. Richards, 64; *Laws of Hywel Dda*, tr. Jenkins, 196–197.
21. *Pactus Legis Salicae*, XVII.4, XXIX.14 and 16; *Lex Frisionum*, XXII.5 and 19.
22. Wound that cannot be staunched: *Pactus Legis Salicae*, XVII.7, ed. Eckhardt; *Lex Baiwariorum*, IV.4, ed. E. Liber, *MGH LL. Nat. Germ.*, V.2 (Hannover: Hahn, 1926); *Lex Salica Karolina*, XV.6, ed. Eckhardt.
23. Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, vol 1 (Oxford: Blackwell, 1999), 476.
24. *Leges Alamannorum, Lex*, A LVII.13, B LXI.3, ed. K. A. Eckhardt, *MGH LL nat. Germ.*, V.1 (Hannover: Hahn, 1966), 119.
25. Aethelbehrt's laws, ed. Oliver, cc. 38 (deaf), 49 (speech damaged).
26. E. H. Freshfield, *A Manual of Later Roman Law: the Ecloga ad Procheiron Mutata* (Cambridge: Cambridge University Press, 1927), 1 and 138. On the difficulties of translating this particular clause, however, see above, Introduction, note 42.
27. *Gregorii Episcopi Turoniensis Libri Historiarum X*, VIII.29 (c.585 CE) and X.18 ("ad ridiculum laxaverunt"), ed. B. Krusch and W. Levison, *MGH SS Rer Merov.*, I (Hannover: Hahn, 1951), 393 and 509 [hereafter *GT*].
28. Above, Chap. 2.
29. *Leges Langobardorum*, Liutprand, 80.
30. E. H. Freshfield, *A Manual of Roman Law: The Ecloga published by the Emperors Leo III and Constantine V of Isauria at Constantinople*

in 726 A.D. (Cambridge: Cambridge University Press, 1926), cc. 17.2 (106, perjurer), 17.4 (106, thief) and 17.23–34 (109–111, sexual offences).

31. Freshfield, *Manual of Later Roman Law*, 1 and 33: chapter XXIII (XXXI), 139, reiterates the penalties of flogging, shaving and nose-slitting for sexual offences.
32. *II Cnut: Secular Laws*, 53 and 53.1, tr. D. Whitelock, *English Historical Documents I: 500–1042* (rev. ed., London, Routledge, 1979), 463.
33. The definition of "just" and "unjust" anger on the part of the ruler is discussed in Althoff, "Ira regis" and Bühler-Thierry, "'Just anger' or 'vengeful anger'?", both with numerous illustrative examples.
34. J. L. Nelson, "Peers in the early middle ages," in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, ed. P. Stafford, J. L. Nelson and J. Martindale (Manchester: Manchester University Press, 2001), 12–26 at 37; Paul Edward Dutton, "Keeping secrets in a dark age," in *Rhetoric and the Discourses of Power in Court Culture: China, Europe and Japan*, ed. D. R. Knechtges and E. Vance (Seattle: University of Washington Press, 2005), 169–198, at 175. The capitulary is edited as *MGH Capitularia Regum Francorum*, I, no. 44, ed. A. Boretius (Hannover: Hahn, 1883), 124.
35. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, tr. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998) [Italian publication Torino: Einaudi, 1995], esp. 15 and 28.
36. Agamben, *Homo*, 47. It is when the exceptional becomes the norm that tyranny and atrocity result: Agamben cites Stalinist Russia and Nazi Germany as examples.
37. *GT*, V.18.
38. *Ibid.*; translation in Gregory of Tours, *History of the Franks*, tr. Lewis Thorpe (London: Penguin, 1974), 282–3.
39. Paul Fouracre, "Attitudes towards violence in seventh- and eighth-century Francia," and Janet Nelson, "Violence in the Carolingian world and the ritualization of ninth-century warfare," both in *Violence and Society in the Early Medieval West*, ed. Halsall, 60–75 and 90–107 respectively. On the rhetoric of peacekeeping see Paul Kershaw, *Peaceful Kings: Peace, Power and the Early Medieval Imagination* (Oxford: Oxford University Press, 2011).
40. Above, Chap. 2. The memory of Cnut's cruelty lingered on to resurface in William of Malmesbury: William of Malmesbury, *Gesta Regum Anglorum/The History of the English Kings*, II.179, ed.