Logic of feud lies paradoxically at the heart of medieval legal systems

Differences then vs now:

- **Major difference** - formal legal inequality not equality in medieval law and justice
- Some people are worth more than others - everybody is assigned a life value depending on affluence and family
- Life value words - Wergeld (Old English), Cro (Old Irish, Scottish Gaelic) and Galanas (Old Welsh)
- These life values were inscribed in law
- These guidelines were formal; negotiations took place regarding the status of people
- The same crime does not have the same punishment because it depends on the offenders life value
- In England there were ‘lawmen’ but we don’t know if they had any specific legal role - all we know is that the law is given by the king
- Wales there were hereditary specialists - you inherited the role in the law
- England law was bound up with kingship
- In Wales and Scotland it was practices by hereditary legal specialists
- Attached people, not individuals - law doesn’t treat individuals as individuals - people are attached through friends, through family and through lords
- People have to have a lord to be responsible for your own protection
- If one does not have a lord, one is found for you through public meeting
- People also had to have family - family paid compensation on your behalf - legal responsibility if something goes wrong
- Person without kin was a social problem - your associates took responsibility
- Different understanding of punishable crimes e.g. Killing was seen as a wrong that has to be avenged - seen as an offence to kill someone as they are seen as weak
- Theft was the most common punishment
- In Anglo-Saxon law it started at 8 pence - which led to punishment by death
- Welsh law said it was 4 pence, and Scottish Law was 16 pence - which was the value of a sheep
- Completely inverse view of theft and murder than we see today
- All of our legal codes say that anyone who tries to avenge a thief gets punishment because a thief takes himself out of the world of honor in order to be secret
- Honor based society - things that are done in the open - e.g. killing because you want the other person’s family to know you killed him to gain status - it is the one thing that is in secret and therefore not worthy of a high honor, status or power
- Murder - killing that was not in public - secret killing - stealing a person's life - death as a punishment
- Massive focus on communal duty e.g. not pursuing a thief is also a crime
- All individuals are imbedded in local society by legal concepts, lordship, family and friends
- Meaning everybody must behave well - you have to be worthy of having a lord in order to get justice

Were these laws intended to be enforced?

- In all three society’s there is a focus on active communal duty because if you don’t your life is at stake - ensuring people within communities that people behaved in accordance with the law

Did kings across the British Isles gain an increasing stake in the definition and punishment of crime? Did they try to control feud?

- In Scotland and Wales kingship did not play a key role in the law and the function of the law
- Whereas in England laws were held to account by the king
- Debate over whether kings in the 10th century began to agree that killing was a crime not a normal part of feud or whether kings became more and more involved in the feud and changed circumstances of when it is appropriate to kill
- Both see kings gaining increasing control over homicide in the 10th and 11th centuries, but see this happening in different ways

Conclusions:

- Rather surprisingly, much similarity between Wales, Scotland and England?
- Importance of communal ways of maintaining order
- Huge social pressure to have a good reputation