EARL GODWIN OF WESSEX AND EDWARD THE CONFESSOR'S PROMISE OF THE THRONE TO WILLIAM OF NORMANDY

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Recent years have seen a renewed interest in the Norman Conquest, an interest elicited in part by the nine-hundredth anniversary of that momentous event. Among the specific aspects of England's relations with the duchy of Normandy that have attracted the attention of scholars has been that of King Edward's bequest of the Anglo-Saxon crown to Duke William.¹ These studies have touched lightly upon the role of Godwin, earl of the West Saxons, in the affair. A prominent, perhaps at times dominant figure at court during the first decade of Edward's reign, he has traditionally been portrayed as a staunch foe of Norman influence in England.² Indeed, Godwin's opposition to the Confessor's pro-Norman policy is generally held to have brought England to the brink of civil war in 1051 and to have led to the flight of him and his family from the kingdom shortly after.³ Consequently it is strange to hear of the earl having given, with other members of the witan, an oath recognizing the duke of Normandy as Edward's heir and, moreover, having surrendered a son and grandson to secure his pledge.⁴ If the earl did make

¹ D. C. Douglas, 'Edward the Confessor, Duke William of Normandy, and the English Succession,' English Historical Review 68 (1953) 526-545, and William the Conqueror (London 1964) 166-169; T. J. Oleson, 'Edward the Confessor's Promise of the Throne to Duke William of Normandy,' English Historical Review 72 (1957) 221-228; F. Barlow, 'Edward the Confessor's Early Life, Character and Attitudes,' ibid. 80 (1965) 225-251, esp. 240ff, and Edward the Confessor (London 1970) 106-109; S. Körner, The Battle of Hastings, England and Europe 1035-1066 (Lund 1965) 76-157; R. A. Brown, The Normans and the Norman Conquest (New York 1968) 113-140.

² E. A. Freeman, The History of the Norman Conquest of England (Oxford 1868) II 125-162; B. Wilkinson, 'Freeman and the Crisis of 1051,' Bulletin of John Rylands Library 22 (1938) 373-374; Sir F. M. Stenton, Anglo-Saxon England (2nd ed. Oxford 1957) 419, 555; Douglas, William the Conqueror 168; Brown, The Normans 119-126. See, however, Barlow, Edward the Confessor 109.

³ A critical study of the sources regarding the events of 1051 will be found in Wilkinson, 'Freeman and the Crisis of 1051' 368-378. See also: Stenton, Anglo-Saxon England 554-557; Douglas, William the Conqueror 168-171; Brown, The Normans 119-126.

⁴ Guillaume de Poitiers, Gesta Guillelmi ducis Normannorum et regis Anglorum, ed. R. Foreville (Paris 1952) 174, 176. Duke William, speaking of the Confessor's original bequest of the throne to him to Earl Harold on the occasion of the latter's visit to Normandy, notes: 'Sane neque id absque optimatum consensu, verum consilio Stigandi archiepiscopi, Godwini comitis, Leurici comitis, Sigardi comitis, qui etiam jurejurando suis manibus confirmauerunt, quod post Edwardi decessum me reciperent dominum, nec ullatenus peterent in vita illius

these concessions, and conceivably others,⁵ an explanation, in view of his alleged anti-Norman attitude, is desirable. There has been, however, no logical, cohesive account of his part in the succession crisis advanced. The tendency has been either simply to reject evidence that appears to be contrary to accepted theories⁶ or, if taken into consideration, to interpret it in

patriam hanc ullo impedimento contra me occupari. Obsides mihi dedit Godwini filium ac nepotem.'

⁵ The crisis of 1051 was ignited, according to the Anglo-Saxon Chronicles, as a result of Godwin's anger over the use of armed force by the military retinue of Count Eustace of Boulogne, the Confessor's brother-in-law, against the citizens of Dover when the latter, taking offense at the highhanded conduct of the Frenchmen, resisted them (MSS D, sub anno 1052 = 1051, E, sub anno 1048 = 1051). While the sources provide no explanation for Eustace's presence in England at this time, most historians have tended to dismiss the incident as having been, in itself, of little significance, important only in the response it elicited from the earl of Wessex: Stenton, Anglo-Saxon England 554; Douglas, William the Conqueror 168. Professor Brown, however, suggested that the count's visit, taking place as it did shortly after word of the Confessor's bequest of the throne had been transmitted to Duke William (infra, n. 6), may have been 'in the nature of an embassy bringing duke William's acceptance' of the English crown to Edward; The Normans 123. Barlow, while not rejecting completely this theory, was inclined to believe Eustace's visit was linked to his own family's claim to the English throne; Edward the Confessor 109. Brown, carrying his thesis further, noted that, in light of the subsequent interest shown by the Norman duke in Dover, 'It is even possible that at this date [1051] as well as in 1064 Dover was to be a pledge of Edward's good faith, and that it was Eustace's attempt to occupy it on the duke's behalf that began the trouble' (op. cit.). The reference to the year 1064 pertains to William of Poitiers' statement that Harold Godwineson, in the course of his well-known visit to Normandy, gave the duke an oath recognizing his claim to the English throne and pledging, among other things, to permit the duke to place a garrison of his troops in 'Dover castle.' This writer has sought to show that it is possible that there was, in fact, an attempt to establish a number of Norman garrisons in England in the years 1051-1052; 'A Pre-Conquest Norman Occupation of England,' Speculum 46 (1971) 21-31.

⁶ Professor David Douglas demonstrated convincingly that William of Poitiers' claim that Robert of Jumièges, Edward's Norman appointee to the office of archbishop of Canterbury, had carried word of the king's bequest to Duke William was in agreement with evidence provided by other sources; 'Edward the Confessor' 534-538. His thesis that Robert, in the course of his journey to Rome to obtain his pallium (mid-Lent to June 21, 1051), informed William of Edward's bequest has been well received by scholars; Oleson, 'Edward the Confessor's Promise' 223; Körner, The Battle of Hastings 107. Professor Barlow, while apparently accepting the theory, contended Edward's relations with the duke were purely diplomatically motivated and did not reflect a sincere desire to see the Norman mount the English throne: 'Edward the Confessor's Early Life' 244; Edward the Confessor 106-109. Douglas, having shown that 'the Norman chroniclers merit careful consideration' (op. cit. 536), simply dismissed as 'embroidery' and 'more disputable and less important' (ibid). William of Poitiers' statement that Godwin acquiesced in the king's succession plan and gave hostages to Duke William to secure his pledge. There is, however, ample evidence that the duke did, indeed, hold relatives of the earl as hostages, a point Douglas conce ded in

a manner that has resulted in a wholly inconsistent picture of Godwin's conduct.⁷

Beneath the seeming confusion and contradictions which have tended to obscure the nature of the earl's relations with the Confessor and Duke William are to be discerned pieces of evidence which, when fitted into the larger picture, suggest a solution to the problem. These are to be found in part in the evidence indicating that the earl's political prestige at the Anglo-Saxon court had declined markedly in the years prior to 1051. An even more significant element in the puzzle, one which has not received the attention it merits, is that of the role of Swein Godwinson, the earl of Wessex's eldest son. An

a later work; William the Conqueror 176 n. 1. On the hostages see Barlow, op. cit. 241 n. 3, and Edward the Confessor 301-306. Commenting upon the value of William of Poitiers and his countrymen as sources, Douglas observed that 'these men are Normans but... they were not necessarily for that reason liars'; 'Edward the Confessor' 543. To assert that an oath of such far-reaching significance was given by one of England's most powerful nobles, a man generally held to have been strongly opposed to the Normans, exceeds mere literary embellishment; it is clearly too important not to be given further consideration.

⁷ T. J. Oleson, accepting William of Poitiers' claim of an oath having been given by Godwin, argued that it, together with the hostages surrendered to Duke William, must have been extracted from the earl by Edward in 1052. It was his contention that the earl, returning to England following the exile imposed upon him the previous year, was compelled, in order to obtain the king's pardon, to make these concessions; 'Edward the Confessor's Promise' 222-224. This theory has not received the acceptance of historians: Barlow, 'Edward the Confessor's Early Life' 243 n. 3; Douglas, William the Conqueror 170; Brown, the Normans 82. It is, in fact, untenable, for the sources make it clear that it was Godwin, not the king, who was victorious in 1052. As Körner noted, 'It seems unrealistic, therefore, to imagine that, having returned so triumphantly, Godwine then accepted a Norman succession in England'; The Battle of Hastings 193.

Professor Barlow argued that there is no evidence that Godwin was, indeed, opposed to a Norman succession: op. cit. 250; Edward the Confessor, 109. This thesis, like that of Oleson, is in sharp conflict with the studied opinions of an overwhelming majority of historians (supra, n. 2). It would seem to be in conflict with his earlier view that the struggle between Archbishop Robert, the most prominent Norman in England in 1051, and the earl appeared to be 'more political than ecclesiastical and more one of persons and nations than of principle [italics mine]'; ed. Vita Edwardi regis qui apud Westmonasterium requiescit (London 1962) 17 n. 2. His view that the anti-Norman violence which swept the kingdom following Godwin's return in 1052 was merely the result of a personal vendetta on the part of the earl directed against a few enemies and that his restoration brought 'no signof an immediate change in England's foreign policy' ('Edward the Confessor's Early Life, 250) is not convincing. In 1052 '... the victory lay with the family of Godwine. The royal authority in England had been challenged and defeated, and the Norman policy of the king had been broken'; Douglas, William the Conqueror 170. As Brown has observed, 'That Edward's Norman sympathies and preferments lead to the crisis of 1051 . . . is as clear as anything can be in the haze which inadequate English sources draw over the politics of the reign'; op. cit. 119.

enigmatic personality, his infrequent appearances in the chronicles are customarily linked to acts of violence. One such incident, his murder of his cousin Beorn Estrithson, preceded by less than two years the Confessor's formal announcement of his bequest of the English crown to William. The possibility that a relationship existed between these two events has apparently escaped those historians who have previously studied the affair. Yet it is, in fact, very likely that Swein, through his criminal act, provided King Edward a lever with which he was able to extract from Godwin, if for but a brief period, grudging submission to his Norman policy.

Unquestionably the earl of Wessex's political influence was great during the early years of the Confessor's reign. Two of his sons, Swein and Harold, were recipients of important earldoms.⁸ Even more significant, his daughter Edith wed the king in 1045. The reason for this prominence was almost certainly the fact that Edward, returning to England a virtual stranger after an absence of more than a quarter of a century, required support among the Anglo-Saxon nobles.⁹ When, on the death of his half-brother King Harthacanute, Edward found his claim to the throne contested by Sweyn Estrithson, the earl's Danish nephew, the need for an accord with Godwin became all the more urgent.¹⁰ Yet, although drawn together by political expediency,

⁸ Swein, whose earldom included the shires of Oxford, Gloucester, Hereford, Somerset, and Berkshire, appears as dux in 1043. It is possible that Harold was named earl of East Anglia in 1044. See: Anglo-Saxon Writs, ed. F. E. Harmer (Manchester 1952) 435; Freeman, Norman Conquest II 555-568.

⁹ Douglas, William the Conqueror 166. According to Florence of Worcester Edward's election was due largely to the efforts of Godwin and Lyfing, bishop of Worcester; Chronicon ex Chronicis, ed. B. Thorpe (London 1948-49) I 196-197. Stenton discounted this assertion, pointing to the statement of the Anglo-Saxon Chronicles (MS E sub anno 1041=1042) that Edward was proclaimed by popular acclamation; Anglo-Saxon England 417 n. 2. He noted elsewhere (ibid. 419), however, that 'The formidable group of Anglo-Danish warriors and statesmen which accepted Edward as king by popular choice and right of birth had no affection for the dynasty to which he belonged.' Earlier, prior to his return to England from his exile in Normandy, Edward is alleged to have spoken of his lack of support among the nobles of England; Encomium Emmae Reginae, ed. A. Campbell (Roy. Hist. Soc., Camden 3rd ser. 72; London 1949) 48.

¹⁰ The Anglo-Saxon Chronicles are silent as to any opposition to Edward's claim to the throne. William of Malmesbury does, however, refer to such opposition although he does not indicate its source: De gestis regum Anglorum, ed. W. Stubbs (Rolls Ser. 90; London 1887-89) I 239. According to Adam of Bremen Edward's rival was Sweyn Estrithson who, as Canute's nephew, laid claim to the English kingdom; History of the Archbishops of Hamburg-Bremen, ed. F. J. Tschan (New York 1959) 108. In the face of this threat, Adam asserted, Edward named the Dane his heir. While a majority of historians have been inclined to dismiss the German prelate's story as unlikely, L. M. Larson saw no reason to do so; 'The Efforts of the Danish Kings to Recover the English Crown after the Death of Hartha-

the union between the two men must have been strained from the outset. The Confessor's biographer indicates the king's anger over Godwin's part in the murder of Alfred, his younger brother, continued to smolder in 1051 and was a significant factor in the crisis that endangered the internal peace of the country in that year. As Sir Frank M. Stenton correctly observed, 'the real character of their relations is shown by the energy with which he [Edward] set himself to overthrow the earl at the first moment when the opportunity came his way."

An early indication that Godwin's political star might be waning was seen in 1046. Swein Godwinson, taken with the charms of the abbess of Leominister, abducted and seduced her. Godwin was unable to prevent the banishment of his son. Driven from England, the unruly Swein went first to Flanders, remaining there through the winter of 1046-1047, and then proceeded to Denmark. Two years later he was to return to his native land at a time of crisis for both the kingdom and his father.

While Swein's scandalous behavior undoubtedly embarrassed his father, it would seem probable that a far greater and more persistent factor in undermining his position at court was the earl's pro-Danish foreign policy. Scholars have noted the strong ties which served to link Godwin with Denmark throughout his career. It has been noted that the favors bestowed upon the earl of Wessex by Edward early in his reign were very likely designed to win him away from Sweyn Estrithson. Professor Barlow, while contending

cnut,' Annual Report, American Historical Association (1910) 74-75. He suggested that Edward's marriage to Godwin's daughter was meant to win the earl away from possibly supporting Sweyn.

¹¹ Vita Edwardi 19-21. Robert of Jumièges, who is portrayed by Edward's biographer as the primary source of the conflict between Godwin and the king, is depicted as having sought to convince the Confessor that the West Saxon was preparing to attack him as he had his brother. Earl Godwin had been forced to stand trial for his part in the murder of Alfred shortly after Harthacanute's ascension of the throne in 1040. At that time Godwin pleaded that his role had been simply that of an agent carrying out the orders of his king; Florence of Worcester, I 194-95.

¹² Anglo-Saxon England 419.

¹³ Florence of Worcester states Swein sought to marry Edith; I 201. This, not his kidnapping and seduction of the abbess, appears to have been the act for which he was banished, for, as R. J. Adam discerned, a law of Canute called down punishment on those 'so presumptuous as to take to wife a professed nun or woman who has taken religious vows.' A Conquest of England (London 1965) 48. See F. Liebermann, Die Gesetze der Angelsachsen (Halle 1903-16) I 274 sec. 16, 17.

¹⁴ Stenton, Anglo-Saxon England 419; T. Hodgkin, The History of England from the Earliest Times to the Norman Conquest (London 1920) II 449; Barlow, 'Edward the Confessor's Early Life' 239.

¹⁵ Supra note 10.

that Godwin was not opposed to the Confessor's Norman policy, conceded 'It may be that in truth Godwin would have preferred a Danish to a Norman alliance and perhaps one of his Danish nephews recognized as Edward's heir.'16 Godwin's Danish orientation was demonstrated in 1047 and, seemingly, the following year as a consequence of a struggle being waged in the Scandinavian world. Sweyn Estrithson, involved in a bitter conflict with the king of Norway for control of the Danish crown, appealed to the Anglo-Saxon court for military assistance. Godwin supported his nephew's request only to be overruled by a majority of his fellow nobles, the idea of such involvement being deemed 'foolish.'17 It appears evident that the attitude of many of the English nobles, if not openly hostile toward Sweyn, strongly favored avoiding entanglement in the war raging in the north. The expulsion of several prominent Danes from the kingdom was perhaps a reflection of this desire.18 In 1047 Magnus of Norway, Sweyn's rival for the Danish kingdom, died; the English quickly reached an accord with Harald Hardrada, his successor and the Dane's new adversary.19 Sweyn, at the least, must have viewed these actions as affronts. In the light of his subsequent claim that Edward had earlier recognized him as heir to the English throne, it is possible that he saw them as a far greater threat - an actual rebellion on the part of his subjects.20 Under any circumstances it is clear that by 1049 relations between the two countries were severely strained; indeed, in that year a Danish fleet threatened the southern coast of England.21 The steadily widening breach

¹⁶ Barlow, 'Edward the Confessor's Early Life' 250.

¹⁷ Anglo-Saxon Chronicles MS D sub anno 1048=1047; Florence of Worcester I 201.

¹⁸ MS D of the Anglo-Saxon Chronicles, sub anno 1045=1044, records the expulsion of Gunnilde, a kinswoman of King Canute, and her sons. All chronicles note the banishment of Osgot Clapa, a famed companion of Canute, in 1046. Barlow saw these actions as evidence of Edward's desire to eliminate from his court the Danish influence which had become entrenched during the reigns of Canute and his sons; 'Edward the Confessor's Early Life' 239.

¹⁹ Anglo-Saxon Chronicles MS D sub anno 1049=1048; Florence of Worcester I 201.

²⁰ Supra note 10.

²¹ Anglo-Saxon Chronicles MSS D sub anno 1050=1049, C sub anno 1049. Osgot Clapa, banished from England in 1046 (supra note 18), put into the harbor of Wulpe, in Flanders, with a fleet of twenty-nine ships (thirty-nine according to MS D). Warned of the presence of the Danish vessels, Edward gathered all available ships to withstand the anticipated attack. The Dane, however, returned to his homeland with a portion of his fleet. A few of the ships reportedly sailed to England, striking Essex, and then perishing, either destroyed by storms or sunk by Anglo-Saxon ships.

The previous year Sandwich and the Isle of Wight were hit by vessels under the command of Lothen and Yrling; *ibid.* MS E *sub anno* 1046=1048. Larson, believing the leaders of this raid were Norwegians engaged in a private enterprise, suggested that it was unlikely that they could have sailed from Norway without permission of that land's king; 'Ef-

between England and Denmark could only have served to isolate Godwin further in the councils of Edward's court. The Confessor personally could have had little affection for the Danes, for it had been they who had driven his father from the English throne and forced him to dwell in exile for many years. It is, as Barlow observed, 'possible that some of the friction which developed between Edward and Earl Godwin was due to the king's distrust of the earl's Scandinavian connections.'22

The danger confronting England as a result of her worsening relations with Denmark and the general state of hostility in the Scandinavian area would have tended to push the Anglo-Saxon kingdom closer to Duke William, for 'a Norman alliance had for long been regarded as the real answer to the Viking menace. '23 Concurrent with the northern peril, and also acting to drive England toward closer ties with Normandy, was the increasingly ominous nature of Anglo-Flemish relations. While the reason behind their enmity is not known, the counts of Flanders had been hostile toward the English crown since the death of Canute.24 It was this 'Flemish problem,' Barlow argued, that was of primary importance in determining the direction of England's foreign policy.25 The year 1049 was for the Confessor and England, he believed, the 'climacteric.' Count Baldwin V of Flanders had, through his support of anti-imperial elements in Lotharingia, become involved in a conflict with Emperor Henry III. The English king gave naval assistance to the German emperor.26 In the face of his country's strained relations with both Denmark and Flanders, Edward could not have been pleased at the prospect of Baldwin moving toward the formation of a strong alliance system with his neighbors. In particular, the proposed marriage of Matilda, the count of Flanders' daughter, and Duke William would have been a cause of great concern to the Confessor.27 It was essentially the vision of this union, Barlow theorized, that led Edward to seek an entente with the Norman duke:

forts of the Danish Kings,' 74-75. It is also conceivable that the attack was launched to discourage any English attempt to provide aid to Sweyn of Denmark, a harsh reminder of the perils of involvement in the Scandinavian struggle.

^{22 &#}x27;Edward the Confessor's Early Life' 239.

²³ Ibid. 245.

²⁴ P. Grierson, 'The Relations between England and Flanders before the Norman Conquest,' Trans. Roy. Soc. 4th ser. 23 (1941) 95ff.

²⁵ 'Edward the Confessor's Early Life' 245ff.

²⁶ Anglo-Saxon Chronicles MSS C sub anno 1049, D sub anno 1050=1049.

²⁷ 'Edward the Confessor's Early Life' 246-247. While the date of William's marriage to Matilda has not been determined exactly, it would seem to have taken place in either 1051 or 1052. There is no doubt, however, that the proposed union was discussed as early as 1049; in that year Pope Leo IX placed a ban on the projected alliance at the council held at Rheims; Douglas, William the Conqueror 391-395.

thus 'the offer of the succession to the throne can be seen as an attempt either to detach William from Baldwin or to buy himself into the alliance.'28 While the importance of the king's personal bonds with Normandy as a factor in his desire to forge a union with that duchy cannot be lightly dismissed, as Barlow was inclined to do, the thesis he advanced has much to commend it.29 Neither the king nor his advisers could have failed to perceive the threat of isolation amid unfriendly neighbors which confronted England. Conditions in both the Scandinavian region and across the Channel had created a critical situation to which the logical response on the part of the Anglo-Saxon court was an alliance with Normandy. As late as 1048 Earl Godwin, in calling for the dispatch of military aid to Sweyn Estrithson, demonstrated he continued to believe England's interests were clearly bound to northern Europe; the rejection of his suggestion by the other magnates of the realm as 'foolish' clearly revealed that his views were no longer popular.

Godwin's political prestige was further weakened in 1049 as a consequence of the violent behavior of his son Swein. Three years after having been banished for his amorous exploit he returned to England, putting into the harbor of Bosham with a small fleet of ships. Nothing is known of his activities while in Denmark except for the tantalizing note that he had 'ruined himself with the Danes.'30 His arrival in England brought a series of events which have long puzzled historians. The difficulty is due, in part, to the vagueness, contradictions, or simple silence found in the sources regarding these incidents. Further clouding the matter has been the difficulty encountered in finding any rational explanation for Swein's final act of violence. This problem is greatly reduced, however, if one proceeds on the premise that Swein's return to England coincided with the emergence of an issue

^{28 &#}x27;Edward the Confessor's Early Life' 248-249.

The determined adherence of the Confessor to his original bequest bespeaks a commitment exceeding mere political expediency. In 1052, following the triumphant return of Earl Godwin from exile, Edward's plans for the succession were, it is clear, rejected by the nobles of England (supra note 7). In 1057 Edward the Atheling, the long-exiled son of Edmund Ironside, returned to England; there is no question that it was intended that he be named the Confessor's heir: Douglas, William the Conqueror 171-172; Brown, The Normans 126-127. Following his death, however, within a matter of days after his arrival in his native land, it would seem that the king was able, in the absence of an alternate candidate, to advance the candidacy of Duke William. The success of his campaign would seem to have been clearly demonstrated by the events of 1064 when Earl Harold Godwinson, in the course of his visit to Normandy, reaffirmed the Confessor's earlier bequest. It is not unlikely that Edward, as Oleson suggested, never personally forsook his original promise of the crown to the Norman; 'Edward the Confessor's Promise' 227.

³⁰ Anglo-Saxon Chronicles MS D sub anno 1050=1049.

of great magnitude, that of the succession, and that the nature of his reception and his own actions were intimately related to that crisis.

There is general agreement among the chroniclers that Swein returned to England in the hope that he could obtain a pardon from the king.31 According to MS C of the Anglo-Saxon Chronicles Edward refused everything that he requested.32 MS E, in sharp contrast, asserts the Confessor made peace with Swein and promised 'that he would be restored to every honor that he had previously held.'33 Although not without conflict, the sources are in greater accord in holding that Swein's petition met with opposition from members of his own family. MSS C and E both state his brother Harold and cousin Beorn, a brother of Sweyn Estrithson, refused to surrender lands they had acquired at his expense at the time of his banishment.34 Florence of Worcester, on the other hand, speaks of Earl Beorn having pledged to obtain Edward's approval of Swein's restoration,35 while MS D of the Anglo-Saxon Chronicles has the Danish nobleman merely promise to assist him in his appeal.36 There is no indication that Harold Godwinson's opposition to his brother weakened or that Earl Godwin at any time spoke in behalf of his son. Having failed in his bid for a pardon, Swein was ordered to leave the kingdom. At this point he sought out Beorn at Pevensey and requested that he go with him to the king to help 'improve his relations' with Edward. Agreeing to this, Beorn realized too late that he had been tricked; seized by Swein and his men, he was taken aboard a ship anchored at Bosham and

³¹ Ibid. MSS D and C (sub anno 1049) state that he came 'hypocritically,' saying that he wished to become the king's 'man.' Professor Oleson, in discussing the incident, made it clear that the power to punish and pardon in Anglo-Saxon England, as in Scandinavia, was vested in the hands of the king: speaking of the northern lands specifically he noted 'Only on special occasions are the matters of the gravest importance, such as war and peace, or the succession to the throne [italics mine], dealt with at the ping....How much the more would this be the case in a society such as the Anglo-Saxon which knew no national assemblies?'; The Witenagemot in the Reign of Edward the Confessor (Toronto 1955) 103 note 1. Thus, under this constitutional structure, both the Confessor's ability to pardon, on his own initiative, Swein subsequently, and, at the same time, his necessity to seek the approval of the witan — including Earl Godwin — for his plans regarding the succession is evident.

³² Sub anno 1049.

³³ Sub anno 1045=1049.

³⁴ MS C has the two nobles declare that they would give nothing to Swein that the king had given them, presumably referring to the lands forfeited by him at the time of his initial banishment. MS E states that they held Swein not entitled to any of the things Edward had given him.

³⁵ I 202-203.

³⁶ Sub anno 1050=1049. He did so, the chronicler notes, 'because of their kinship.'

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slain.³⁷ As a result of this treacherous act Swein, who had immediately fled to the sanctuary of Flanders, was outlawed.³⁸

If, as the sources indicate, Beorn actually consented to aid Swein in his appeal to the Confessor, why was he slain? Setting aside the idea that Swein's actions were completely irrational, the deed is more explicable if one accepts the view that Beorn in some way did constitute an obstacle to the banished earl.³⁹ While it is by no means certain that Edward was actually opposed to Swein's reinstatement, the resistance he encountered from his brother and cousin is clear; Beorn, while perhaps evidencing sympathy for Swein's plight, was a barrier in the path of Godwin's violent son, a fact to which his murder attested.

Less than a year after he had slain Beorn and had been declared 'nithing,' Swein was seen in England once again, his former possessions restored. The sources provide no explanation for the Confessor's decision to reverse the outlawing passed upon him the previous year. Edward A. Freeman's thesis that perhaps 'signs of remorse' had been seen in the murderer's eyes is obviously inadequate. Equally unsatisfactory is the theory that the king's pardon was the result of Godwin's domination of Edward. If the earl of Wessex's influence was indeed so great, why had he not simply intervened when Swein first returned to England? Rather, as has been seen, there is actually reason to believe the earl's power had been ebbing for several years. There is, however, a logical explanation for Edward's sudden and seemingly contradictory attitude toward Swein: the outlawed earl's pardon was granted in return for his promise — and that of his father — to recognize Duke William as the Confessor's heir. The evidence supporting this theory, while circumstantial, is not inconsequential.

Professor Oleson suggested Beorn's murder was related to Scandinavian affairs.⁴³ Adam of Bremen, an informant close to Sweyn Estrithson, gives an account of the Dane's death which linked it to both the problem of Anglo-Danish relations and, more specifically, to the question of the English suc-

³⁷ MSS C, D, E. Taking Beorn on board his ship, Swein sailed west to Dartmouth; there the imprisoned earl was slain and his body buried in a nearby church.

³⁸ Ibid. See infra note 68.

³⁹ This was the conclusion of C. Plummer, Two Saxon Chronicles Parallel (Oxford 1892-99)
II 231.

⁴⁰ Anglo-Saxon Chronicles MSS C sub anno 1050, D sub anno 1047=1050.

⁴¹ Norman Conquest II 109.

⁴² Stenton, Anglo-Saxon England 553; Brown, The Normans 81.

^{43 &#}x27;Edward the Confessor in History,' Trans. Roy. Soc. of Canada, 3rd ser. 2nd sec. 53 (1959) 33.

cession.44 The incident is pictured as part of a broader conspiracy, a rebellion by Godwin's sons against Sweyn's claim to the English throne. The German prelate is the sole source for the assertion that Edward had, prior to his coronation, designated the Dane his heir.45 Many, though not all scholars have been inclined to give little credence to his story.46 Perhaps Sweyn, as Canute's nephew, simply exaggerated his status in England. What is significant is that he believed his brother's murder was in some way connected to the contest for the Anglo-Saxon throne. Such an interpretation of the incident provides a framework within which numerous pieces of evidence, many apparently unrelated or irreconcilable, fall into place. Swein Godwinson returned to England at a time of stress for the kingdom. There existed the danger of open warfare with both Denmark and Flanders. The Flemish count was preparing to erect a formidable alliance structure. England, as a response to this menacing diplomatic situation — and in all likelihood the Confessor's personal feelings - was reorienting her foreign policy, seeking to break with the Scandinavian area and associate herself more firmly with the Continent. This redirection was to be climaxed by England's union with Normandy. In order to achieve this alliance, Edward required the approval of his witan. Even though Earl Godwin's prestige had been weakened in recent years, his consent to the Confessor's Norman plans would probably have been viewed by both the king and Duke William as essential: as Barlow noted, they 'must have realized that only the Earl of Wessex, who controlled

⁴⁴ Archbishops of Hamburg-Bremen 124-125: 'At the same time [1049] the English also seceded from the Danish kingdom. The rebellion was started by the sons of Godwin, who, we said, were the sons of the aunt of the Danish king whose sister King Edward had taken in marriage. Entering into the conspiracy, they forthwith slew Bjorn, one of King Swein's brothers, who were dukes in England, and drove the other, Osbern, with all his followers out of the fatherland. And Godwin's sons held England in their power, for Edward was contented with life alone and the empty title of king.' Harold's opposition to his brother Swein, noted by virtually every source, belies the charge --- or implication --- that he was involved in the murder of Beorn. Similarly, the banishment of Godwin and his family in 1051 clearly refutes the assertion that Edward was powerless after 1049. These errors, however, resulting in all likelihood from the fact that the events were seen dimly from a distance, do not render invalid Adam of Bremen's basic contention that Beorn's murder was, in some way, a consequence of a struggle over the fate of the English throne. While there is no mention in the sources of Osbern Estrithson's involvement in the events of 1049, it is known that he was in England prior to that date and that in 1070 he took part in King Sweyn's abortive invasion of northern England; Stenton, Anglo-Saxon England 421, 594. 45 Supra note 10.

⁴⁶ Barlow, 'Edward the Confessor's Early Life' 238-240; Körner, The Battle of Hastings 138-145, 154-157; Brown, The Normans 138 note 153. It is accepted, however, by Larson, 'Efforts of the Danish Kings' 74, and Sir J. H. Ramsay, Foundations of England (London 1898) I 436.

the southern ports, could guarantee his [William's] peaceful succession.'47 If Edward made Swein's restoration contingent upon his and his father's acceptance of the projected union, Swein might well have been amenable to such an agreement. It is difficult, in the first place, to see what alternative, other than continued exile, he had. Moreover, it is probable that he himself was hostile toward the Danes, for his departure from their country would appear to have been on less than cordial terms.⁴⁸ Beorn Estrithson, on the other hand, could only have viewed any agreement that endangered the Danish claim to the English crown, regardless of how tenuous that claim might be, with alarm. While he may have relented somewhat in his opposition to Swein, offering, as several sources indicate, to intercede on his cousin's behalf with Edward, it is highly unlikely that he would have willingly sacrificed Danish interests regarding the succession. It would seem, thus, that Beorn represented an obstacle to Swein's return and, as such, was removed violently.

There is no word in the sources of Earl Godwin's reaction to the plight of Swein. If however, as suggested here, the Confessor sought to utilize the situation to attain his own ends, it is difficult to see what choice the earl of Wessex would have had other than to bend to the king's demands. Aware that his political power was fading and, at the same time, concerned over the fate of his eldest son, Godwin must have concluded that he was left no course of action other than to give his oath recognizing Duke William of Normandy as Edward's heir. The earl of Wessex's oath was, in a sense, 'purchased' as Barlow thought; the bargaining power, however, was possessed by the Confessor, not Earl Godwin. The earl of Wessex, alone among those nobles William of Poitiers states gave their assent to Edward's succession plan, is noted as having been required to give hostages. Barlow, noting the evident concern of the Normans with Godwin, held that they, 'probably rightly, regarded him as a kingmaker.'49 Yet for the duke to be assured of an undisturbed transfer of power the cooperation of Earls Leofric of Mercia and Siward of Northumbria, powerful lords controlling virtually all of northern England, would have been extremely important. Why were they not compelled to surrender hostages? A plausible answer would seem to be that while their adherence to their oath was felt reasonably certain, Godwin's fidelity, purchased under duress, was questioned.

The identity of the hostages is noteworthy: one was Wulfnoth, the youngest son of the earl of Wessex; the second was Hakon, the offspring of Swein God-

^{47 &#}x27;Edward the Confessor's Early life' 249-50.

⁴⁸ Supra note 30.

^{49 &#}x27;Edward the Confessor's Early Life' 249.

winson.⁵⁰ Sten Körner, in belittling the story of the hostages, expressed the opinion that 'A son of Swegen [Swein] must be considered as an extremely bad surety for the Godwine family's loyalty.'⁵¹ This view does not take into consideration the possibility that Hakon, rather than having been a hostage solely to assure the earl of Wessex's observance to his oath, was meant primarily to bind Swein to an agreement which he, together with his father, had entered into.

In the months following Swein's restoration Godwin's behavior, far from being that of a 'kingmaker,' was that of a man who had suffered a defeat. This subservience was especially notable in his response, or lack of response, to the Confessor's elevation of several Normans to high ecclesiastical posts.

⁵⁰ Eadmer, Historia novorum in Anglia, ed. M. Rule (Rolls Ser. 81; London 1884) 4. On the hostages see: Barlow, 'Edward the Confessor's Early Life' 241 note 3; Brown, The Normans 124.

⁵¹ The Battle of Hastings 130 note 17. Brown observed of the surrender of the hostages that 'the most obvious implication is that earl Godwin was opposed to the nomination of duke William as heir and had to give them as surety for his adherence to it.' The Normans 124. In spite of the callous nature displayed by Swein, there is no reason to assume automatically that concern for the welfare of his son, presumably the offspring of his liaison with the Abbess Edith, would not have served, if only slightly, to insure his compliance to an oath given Edward. The fact that the king could at any time, if he desired, banish the pardoned earl again would, of course, have been an even greater guarantee of his obedience.

Barlow, it has been noted (supra note 16), suggested Godwin might have personally preferred that the English crown pass to one of his Danish nephews. Certainly, in view of the earl's close association with Denmark from an early date and, as has been underscored in this paper, his apparent continued pro-Danish orientation, this is a reasonable assumption. It is possible that support for such a thesis is actually to be found in the oath which, according to William of Poitiers, the earl of Wessex and others of the witan gave Edward (supra note 4). It is stated that they promised not to permit England to be occupied in any manner which might hinder William's succession (' . . . nec ullatenus peterent in vita illius patriam hanc ullo impedimento contra me occupari.'). It is difficult to see who other than Sweyn Estrithson the king or duke might have feared as a potential rival for the throne - certainly not King Harald of Norway - or who they could have viewed as a supporter of the Dane strong enough to constitute a threat other than Earl Godwin. In line with this theory, notices in the Anglo-Saxon Chronicles (MS C, sub annis 1049, 1050) provide information lending itself to interesting speculation. In 1049 Edward dismissed, with pay, nine ships and their lithsmen crews; the following year he discharged the remaining five ships and crews. Is it possible that the Confessor feared that these mercenary seamen might constitute a dangerous pro-Danish rallying point? Concerning the lithsmen and interpretations of the significance of their dismissal, see: Freeman, Norman Conquest II 114-115, 123-124; Stenton, Anglo-Saxon England 425-426; Oleson, Witenagemot 3-4; L. M. Larson, The King's Household in England before the Norman Conquest (Bull. Univ. of Wisc. 100; Madison 1904) 152-71; C. W. Hollister, Anglo-Saxon Military Institutions (Oxford 1962) 16-18.

Ulf, a chaplain of the king, was named bishop of Dorchester.52 An event of even greater portent was the nomination of Robert of Jumièges, another of Edward's Norman favorites, to fill the vacancy created by the death of Archbishop Eadsige of Canterbury in October of 1050. The monks of Canterbury elected one of their own brothers, Alfric, to fill the post. They appealed to Godwin, who was related to Alfric, for assistance in winning the king's acceptance of their candidate. The earl's efforts on their behalf proved fruitless for, in the words of Edward's anonymous biographer, 'In those days the good king lent his ear more to the rival party. '53 The same writer provides further evidence of Godwin's apparent resignation to a situation which, while personally distasteful, he was not in a position to alter. The earl is portrayed as having suffered numerous insults at the hands of the new archbishop, indignities he endured without retaliating or permitting his angered followers to do so.54 Indicating even more clearly the extent of Godwin's weakness is the fact, noted by Stenton, that 'he was unable to prevent Normans from settling within his group of family earldoms. '55

An event did occur during this period which, on the surface, would appear to belie the thesis of Godwin's political weakness. Tostig, his third son, married Judith, the half-sister of Count Baldwin of Flanders.⁵⁶ Professor Barlow observed that Tostig, 'for a landless man... had made a splendid marriage.'⁵⁷ The theory has been advanced that the marriage was an attempt on Godwin's part to counter the Confessor's Norman plans.⁵⁸ There is, however, another explanation, one which would appear more plausible. Barlow, in contending that a major factor influencing the formation of Edward's foreign policy was his concern over the growing Norman-Flemish entente, argued that the king's actions were perhaps motivated by a desire to 'buy himself into the

⁵² He was named to the post in 1049 to succeed Bishop Eadnoth. His actual confirmation did not take place until the following year when, in the company of Bishops Ealdred and Herman, he went to Rome. It was probably in the course of this journey that Ealdred informed Swein that Edward had granted him a pardon; Freeman, Norman Conquest II 109.

⁵³ Vita Edwardi, 19.

⁵⁴ Ibid.

⁵⁵ Anglo-Saxon England 554. MS E of the Anglo-Saxon Chronicles (sub anno 1048=1051) refers in particular to the anger of Godwin and his sons over those 'foreigners' who had 'built a castle in Hereford in Earl Swein's province, and had inflicted every possible injury and insult upon the king's men in those parts.' Concerning this and other castles in the same region, see: J. H. Round, Feudal England (London 1895) 317-331; J. Beeler, Warfare in England 1066-1189 (Ithaca [New York] 1966) 199; Brown, The Normans 115-117.

⁵⁶ Vita Edwardi 24.

⁵⁷ Ibid. note 5.

⁵⁸ Körner, The Battle of Hastings 188.

alliance.'59 The marriage of Tostig to Judith of Flanders, a cousin of both the Confessor and Duke William, may well have been designed to contribute to this end.60 The union would have, at the same time, served the king's end in another manner, that of binding the West Saxon family closer to the Anglo-Norman accord. If, indeed, the latter was an objective of the king, he would appear to have been at least partially successful, for there is reason to believe that in later years Tostig stood closer to Edward regarding the succession question than did his brother Harold.61

The earl of Wessex's patience, praised by the Confessor's biographer, proved not to be limitless. The spark that ignited the already smouldering situation came with the clash of the military retinue of Count Eustace of Boulogne, the king's brother-in-law, and the citizens of Dover.⁶² Ordered by the king to punish the town, which was within his earldom, Godwin refused, holding that the townspeople were not guilty. It is evident that the earl had determined that the 'time had come for a trial of strength with his enemies.' Summoning their supporters, Godwin and his sons Swein and Harold forced a confrontation with King Edward close by Beverstone, Gloucestershire. Protesting the actions of Eustace and his men at Dover, as well as those of certain 'Frenchmen' settled in Swein's earldom of Herefordshire, ⁶⁴

⁵⁹ Supra note 28.

⁶⁰ The daughter of Baldwin IV of Flanders, her mother was Eleanor of Normandy, the daughter of Duke Richard the Good and niece of Queen Emma, the Confessor's mother.

⁶¹ Oleson noted that 'There is some evidence that Tostig and Harold were not on friendly terms and that Edward may have been able to play the one against the other.' 'Edward the Confessor in History' 34. He suggested elsewhere that Harold's decision to go to Normandy in 1064 might have been based on the belief that if he did not, Tostig would be sent; 'Edward the Confessor's Promise' 226 note 3. In 1065 Tostig, then earl of Northumbria, was driven from his earldom and the kingdom as the result of an uprising against him. At that time he reportedly accused Harold of having instigated the rebellion; Vita Edwardi 53. Freeman, while not prepared to accept the idea of any enmity between the brothers prior to that event, devoted several pages to various legends which did speak of such hostility; Norman Conquest II 623-628.

In addition to the tensions which seem to have existed in the relations between Harold and Tostig, there is reason to believe that Harold's sister Edith, the Confessor's queen, supported her husband in the succession question; *ibid*. III 635-636. Moreover, Freeman also cited (*ibid*. II 102 note 5) a passage in William of Malmesbury (Gesta regum II 200) which he suggested implied Swein had intended to murder Harold as well as his cousin Beorn. Thus it would not seem inconceivable that, as early as the period 1049-1051, a sharp breach had developed among Earl Godwin's offspring over a question of paramount importance—that of the fate of the Anglo-Saxon crown.

⁶² Supra note 5.

⁶³ Stenton, Anglo-Saxon England 555.

⁶⁴ Supra note 55.

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the earl, through his martial stand, indicated that he was prepared to use force if necessary to 'avenge the insult to the king and all the people'65 that had been perpetrated. Godwin's opposition to Edward's pro-Norman policy, having been temporarily suppressed as a result of the political and personal difficulties with which he had been confronted, now emerged violently as a result of the conduct of Norman and other 'French' elements within the kingdom. While the significance of the incident at Dover and the presence of 'castallans' in the vicinity of Hereford has probably been overlooked,66 it seems certain that the basic cause of the West Saxon's anger was the proposed succession of Duke William of Normandy to the Anglo-Saxon throne. It was to prevent this taking place that Godwin resorted to a display of arms.

Godwin had misjudged the political climate in England. Edward, perhaps to his own surprise, found many of the powerful nobles of the kingdom hastening to his defense with their forces. Then, as the two hostile armies faced one another, prepared to give battle if so ordered, cooler heads prevailed. The king's defenders, although offended by the earl's militant actions, were equally alarmed at the prospect of the country's being engulfed in a civil war. At the same time Godwin, whether reluctant to attack the king or, as seems more likely, aware that the tide of opinion was against him, hesitated. Consequently, it was agreed at this juncture that the opposing armies would depart in peace and that on September 24th an assembly would be held in London to hear the charges against Godwin and his sons. Es

⁶⁵ Anglo-Saxon Chronicles MS E sub anno 1048=1051.

⁶⁶ Supra note 5.

⁶⁷ The most complete treatment of the crisis is to be found in Wilkinson, 'Freeman and the Crisis of 1051' 368-387. See also Stenton, Anglo-Saxon England 553-557; Oleson, The Witenagemot 105-108.

⁶⁸ Anglo-Saxon Chronicles MSS D sub anno 1052=1051, E sub anno 1048=1051. The wording found in MS D has provided scholars with certain minor difficulties. It refers to the assembly which was to be convened in London as a stefna rather than a witan or, as in the case of MS E, a gemot. The stefna was, however, reasonably identified by L. M. Larson as having been, in essence, the military tribunal of the housecarls, that body of semi-professional warriors which, introduced into England by either Sweyn Forkbeard or his son Canute, constituted the nucleus of the Anglo-Saxon army until the Conquest; The King's Household 152-169. He presented convincing arguments that this military body, organized as a gild with its own code of laws, possessed the right to try its members for crimes ranging from misdemeanors to murder and treason. In 1049 Swein Godwinson, having slain Beorn, was declared an 'outlaw,' not by the witan, but by the here (Anglo-Saxon Chronicles MS C sub anno 1049) — a term customarily applied to the standing army of the housecarls. The logical conclusion to be drawn is that Swein, in murdering Beorn — both being members of the housecarls — was subject to punishment at the hands of the stefna. See Larson, op. cit.; Oleson, The Witenagemot 103-105; and infra note 72.

In the days that followed, the earl of Wessex's position steadily weakened. While the Confessor strengthened his military power, the earl's dwindled.60 It was during this period, prior to the meeting of the assembly in London, that Swein was again outlawed.70 Oleson, observing 'it would seem strange that the witan would outlaw Swegen [Swein] before they outlawed his father and brothers,' held that it was 'quite understandable that the here would do so because the slaying of Beorn still rankled." If, as has been argued here, Swein's return to England had been made contingent upon his recognition of Duke William as Edward's heir, his outlawing prior to the holding of the assembly is more logically explained: his participation in the recent revolt - a revolt directed basically at the king's succession plan - would have been seen by the Confessor as a violation of his oath and, consequently, an act justifying his revocation of the pardon he had granted the earl. Deprived of that pardon, Swein again became an 'outlaw' and, as such, was once again forced to flee from the kingdom. Godwin, it has also been held here, took the same or a similar oath; yet, because he was not under an earlier 'indictment,' was to await his proposed audience before the assembly in London to have judgment passed upon him.72

Realizing his position was precarious, Godwin twice requested, and was refused, a guarantee of his safety while in London. Edward finally reacted to the earl's failure to appear before the assembly by banishing him and his family, giving them five days to depart the realm. Godwin, together with his wife Gytha and their sons Swein, Tostig, and Gyrth, found asylum

⁶⁹ Anglo-Saxon Chronicles MS D sub anno 1052=1051.

⁷⁰ Ibid.

⁷¹ The Witenagemot 107.

⁷² Apparently Godwin and Harold, like Swein, were to be judged by the stefna of the housecarls. MS E (sub anno 1048=1051) notes that the two men were ordered to appear before the king's council with twelve men. Larson observed that the Lex Castrensis, the body of law governing the housecarls of the Danish king, required that in controversies 'over lands and plunder the oaths of six house-carles were required, the six to be selected by lot from the division to which the accused belonged; but the power to decide still lay with the gemot'; The King's Household 160-161. While drawn from a law code for the housecarls of Denmark, it is probable that it was similar to that which governed the here of England. While the charges against Godwin and Harold were more serious than those referred to by Larson, it seems reasonable to assume that the twelve men demanded of the earl and his son were to be fellow housecarls, men to serve as 'witnesses.' The fact that, under the laws of the housecarls, the task of trial and judgment was, at least in certain cases, shared by the stefna and the gemot, may account for the use of both terms by the Anglo-Saxon Chronicles for the assembly at London. The circumstances surrounding Godwin's trial at this time are but one example of many to be discerned throughout his public career that strongly suggest that his rise to prominence at court was the consequence of his martial skills as a member of King Canute's housecarls.

at the court of Baldwin of Flanders. Harold and his younger brother Leofwine sailed to the court of King Dermot of Leinster and Dublin.⁷⁸ Queen Edith, while remaining in England, was sent to dwell in retirement at Wherwell.⁷⁴

Thus, in the fall of 1051, Edward the Confessor had triumphed over the earl of Wessex. His victory would, in fact, appear to have been two-fold: not only had the West Saxon family been driven into exile but, prior to the crisis of 1051, it seems probable that the king had been able to extract from Godwin and his son Swein oaths recognizing Duke William of Normandy as his successor. That Edward was able to do this was seemingly due, in part, to the harm done Godwin's political influence by his adherence to a pro-Danish policy no longer popular at court. Yet the possible role played by Swein Godwinson in the affair should not be ignored. His murder of Beorn Estrithson, a crime which was itself probably linked to the struggle for possession of the English crown, would seem to have supplied the Confessor an opportunity to impose a political bargain upon Godwin: a pardon for Swein in return for their oaths accepting Duke William's succession. The accord having been made, the earl of Wessex would seem to have attempted to honor his oath until, outraged by the incident at Dover and the conduct of 'Frenchmen' established in Swein's earldom of Herefordshire, he and his sons rebelled. Although defeated in 1051 by the Confessor and his supporters, the setback proved to be of short duration: the following summer Godwin and his son Harold launched a joint invasion of England which returned them to power. With their return, a new chapter in the succession question was inaugurated. One member of Earl Godwin's family did not, however, take part in restoration; Swein, driven from his homeland for the last time, undertook a pilgrimage to the Holy Land, a journey from which he never returned.

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⁷⁸ Anglo-Saxon Chronicles MS E sub anno 1048=1051; Vila Edwardi 25.

⁷⁴ MSS D and E state she was sent to Wherwell, while the Vita Edwardi (23) holds she was sent to live at Wilton.