

Social Exclusion from Early Medieval Wessex

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For my grandparents, Thomas and Mavis Henshall

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Abstract

Over the past twenty years Anglo-Saxonists have become increasingly interested in the mechanisms and processes through which West Saxon society was formed into a cohesive and coherent whole. They have focused on the ways in which kings and other figures of authority used their power in attempts to bring their subjects together by providing them with a sense of shared identity, purpose and ambitions. To date, however, academics have failed to recognise the important role that exclusion played in this process and this thesis serves to redress this balance. By examining the types of individuals that were excluded from full membership of early medieval West Saxon society and the reasons for their exclusion, it offers a new way of exploring the processes that made this society self-consciously more coherent. The thesis is structured thematically around five separate categories of people who each in their own way experienced some form of social exclusion from the kingdom of Wessex during the seventh to late-tenth centuries, but focusing most heavily on the ninth and tenth centuries. Chapter one explores the concept of social exclusion as voluntary exile, entailing an investigation into the motivations that prompted Anglo-Saxon missionaries and pilgrims to leave behind their homes and kin. Most importantly, this chapter surveys the networks of support that such travellers exploited in order to help them survive as aliens in foreign territories. The next two chapters investigate types of individuals who were excluded as a result of an action or behaviour that was deemed unacceptable by the rest of their society. Chapter two considers the evidence relating to outlawry and excommunication and chapter three takes a broader view of the idea of deviancy and looks at how Anglo-Saxon criminals were brought to justice and punished for their unlawful behaviour. The final two chapters explore the potential for understanding the concept of social exclusion as 'social disadvantage'. Chapter four examines slavery and, most importantly, draws attention to the privileges and rights from which Anglo-Saxon slaves were excluded on account of their status as the legally 'unfree'. The fifth and final chapter considers in detail Anglo-Saxon attitudes to the body in order fully to appreciate the disadvantages that could be caused by bodily ailments; it questions whether or not impaired and disabled individuals experienced any form of marginalisation because of their bodily dysfunctions.

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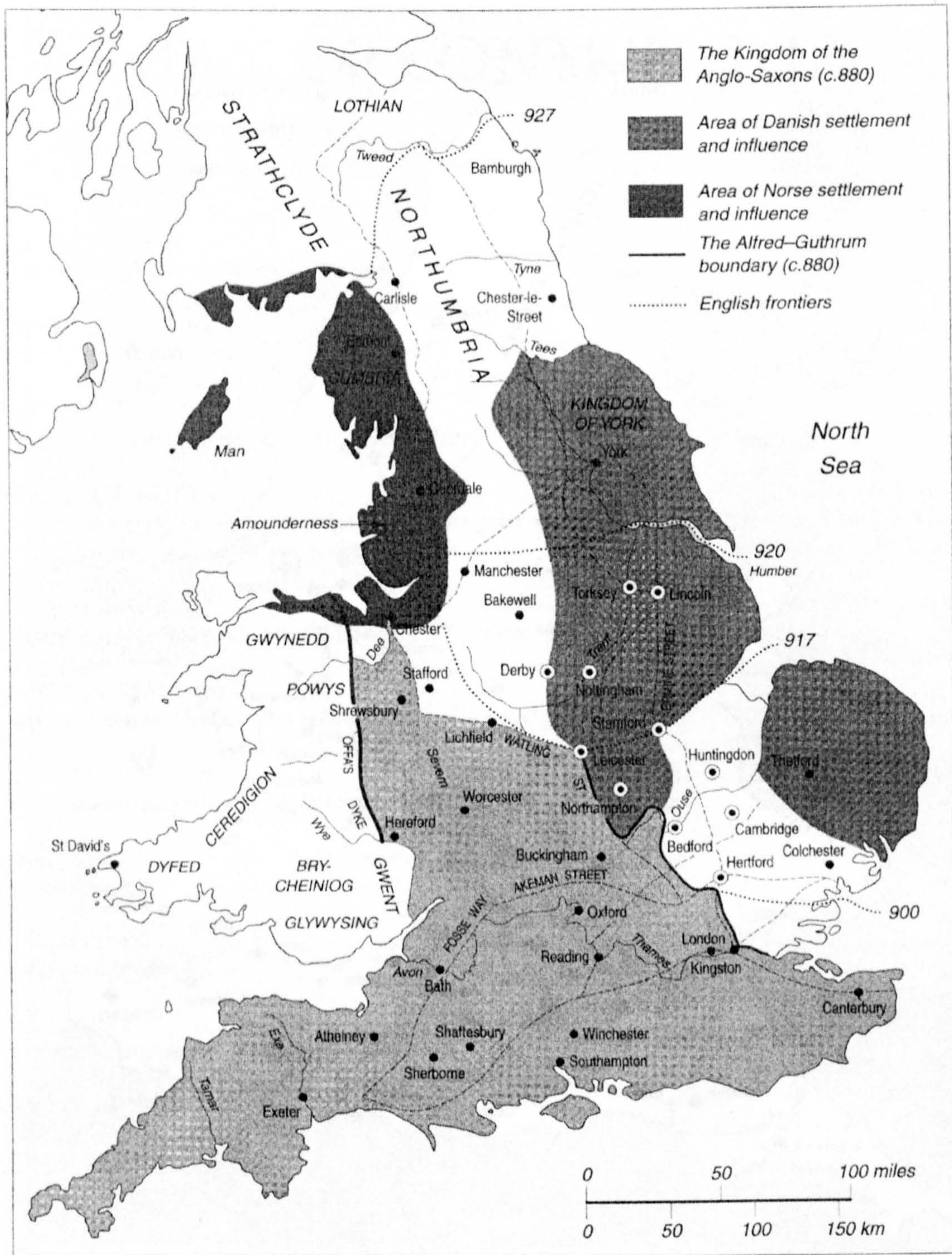
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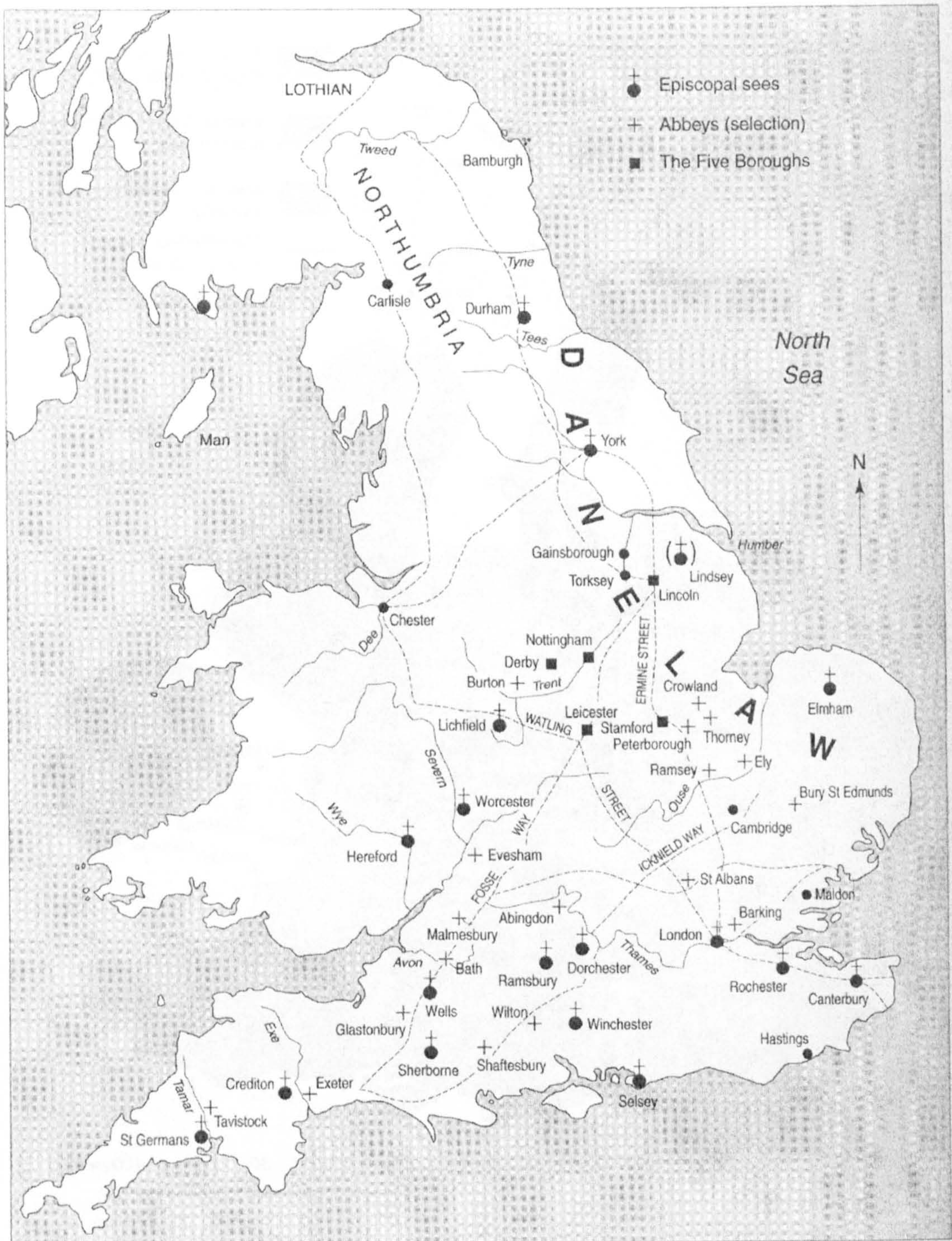
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Map 1: The kingdom of the Anglo-Saxons (c. 900).

From: *The Blackwell Encyclopaedia of Anglo-Saxon England*, ed. M. Lapidge *et al.* (Oxford, 1999), p. 519.



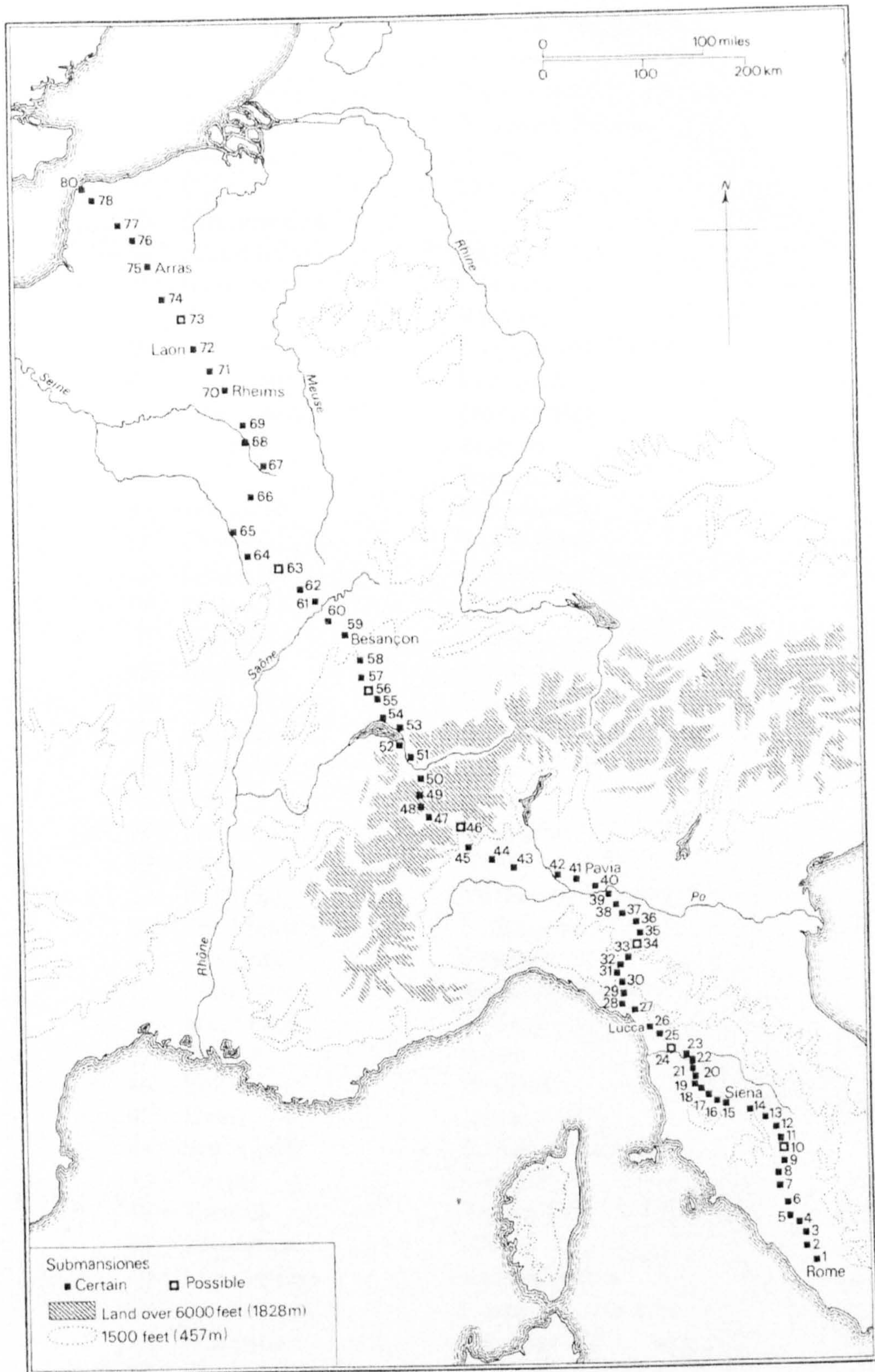
Map 2: The kingdom of the English (c. 1000).

From: *The Blackwell Encyclopaedia of Anglo-Saxon England*, ed. M. Lapidge *et al.* (Oxford, 1999), p. 520.



Map 3: Continental Europe.

From: J. M. H. Smith, *Europe After Rome. A New Cultural History 500-1000* (Oxford, 2005), p. 185.



Map 4: Archbishop Sigeric's journey from Rome, 990.

From: V. Ortenberg, 'Archbishop Sigeric's journey to Rome in 990', *Anglo-Saxon England* 19 (1989), 197-246 at 230-2.

	NAME	IDENTIFICATION
80	Sumeran	Sombre, near Wissant
78	Gisne	Guisnes
77	Teranburh	Thérouanne
76	Bruwaei	Bruay-en-Artois
75	Atherats	Arras
74	Duin	Doingt
73	Martinwaeth	
72	Mundlothuin	Laon
71	Corbunei	Corbény
70	Rems	Rheims
69	Catheluns	Châlons sur Marne
68	Funtaine	Fontaine
67	Domaniant	Donnement
66	Breone	Brienne
65	Bar	Bar-sur-Aube
64	Blaecuile	Blessonville
63	Oisma	St Geosmes
62	Grenant	Grenant
61	Sefui	Seveux
60	Cuscei	Cussey
59	Bysiceon	Besançon
58	Nos	Nods
57	Punterlin	Pontarlier
56	Antifern	
55	Urba	Orbe
54	Losanna	Lausanne
53	Vivæc	Vevey
52	Burbulei	Vervev or Vouvry
51	Scæ Maurici	S. Maurice
50	Ursiores	Orsières
49	Petrecastel	Bourg St Pierre
48	Scæ Remei	S. Rémi
47	Agusta	Aosta
46	Publei	?Pollein
45	Everi	Ivrea
44	Scæ Agath	S. Agata, Santhia
43	Vercel	Vercelli
42	Tremel	Tromello
41	Pamphica	?Pavia
40	Scæ Cristine	Santa Cristina
39	Scæ Andrea	Corte di S. Andrea
38	Placentia	Piacenza
37	Floricum	Fiorenzuola d'Arda
36	Scæ Domnine	Borgo S. Donnino
35	Mezane	Medesano
34	Philemangenur	Fornovo or Felegara
33	Scæ Modesanne	S. Moderannus', Berceto
32	Scæ Benedicte	S. Benedetto, Montelungo
31	Puntremel	Potremoli

30	Aguilla	Aulla
29	Sce Stephane	Borgo S. Stefano di Magra
28	Luna	Luni
27	Campmajor	Camaione in Versilia
26	Luca	Lucca
25	Foreri	Porcari
24	Aqua Nigra	
23	Arneblanca	River Arno, nr Fucecchio
22	Sce Dionysii	S. Genesio, Sanminiato
21	Sce Petre currant	S. Pietro, Corazzano
20	Sce Maria glan	S. Maria, Chianni
19	Sce Gemiane	S. Gimignano
18	Sce Martin in Fosse	S. Martino, Fosci
17	Ælse	River Elsa
16	Burgenove	Borgo Nuovo d'Isola
15	Seocine	Siena
14	Arbia	River Arbia (crossing of Ponte or Taverne)
13	Turreiner	Torrenieri
12	Sce Quiric	S. Quirico
11	Abricula	Bricola
10	Sce Petir-in-Pail	'St Peter's on the river Paglia'
9	Aqua Pendente	Acquapendente
8	Sca Cristina	Bolsena
7	Sce Flaviane	Montefiascone
6	Sce Valentine	Viterbo
5	Furcari	Forum Cassii
4	Suteria	Sutri
3	Bacane	Baccano
2	Johannis VIII	S. Giovanni in Nono, La Storta
1	Urbs Roma	Rome

Abbreviations

- ASC *Anglo-Saxon Chronicle*; trans. D. Whitelock, *English Historical Documents. Volume I: c. 500-1042* (London and New York, 1979, 2nd edition), no. 1
- Asser Asser, *De rebus gestis Ælfredi*, ed. W. H. Stevenson, *Asser's Life of King Alfred Together with the Annals of Saint Neots* (Oxford, 1959, 2nd edition), pp. 1-96; trans. S. Keynes and M. Lapidge, *Alfred the Great. Asser's Life of King Alfred and Other Contemporary Sources* (London, 1983), pp. 67-110
- Bede, *HE* Bede, *Historia ecclesiastica gentis anglorum*, ed. and trans. B. Colgrave and R. A. B. Mynors, *Bede's Ecclesiastical History of the English* (Oxford, 1969)
- EHD* *English Historical Documents. Volume I: c. 500-1042*, trans. D. Whitelock (London and New York, 1979, 2nd edition)
- Emerton, *Letters of Saint Boniface* *The Letters of Saint Boniface*, trans. E. Emerton (New York, 1940)
- K *Codex Diplomaticus Ævi Saxoni*, ed. J. M. Kemble (London, 1839-1848, 6 vols.)
- MGH* *Monumenta Germaniae Historica*

- S P. H. Sawyer, *Anglo-Saxon Charters. An Annotated List and Bibliography* (London, 1968). Now superseded by the Electronic Sawyer: <http://www.trin.cam.ac.uk/chartwww/eSawyer.99/eSawyer2.html>
- Tangl *Die Briefe des heiligen Bonifatius und Lullus, MGH Epp. selectae in usum scholarum* 1, ed. M. Tangl (Berlin, 1916)
- VCA *Vita Sancti Cuthberti Auctore Anonymo*, ed. and trans. B. Colgrave, *Two Lives of St Cuthbert: A Life by an Anonymous Monk of Lindisfarne and Bede's Prose Life* (Cambridge, 1940), pp. 61-139
- VCP Bede, *Vita sancti Cuthberti prosaica*, ed. and trans. B. Colgrave, *Two Lives of St Cuthbert: A Life by an Anonymous Monk of Lindisfarne and Bede's Prose Life* (Cambridge, 1940), pp. 141-307

Introduction

And if anyone is so rich or belongs to so powerful a kindred, that he cannot be restrained from crime or from protecting and harbouring criminals, he shall be led out of his native district with his wife and children, and all his goods, to any part of the kingdom which the king chooses, be he noble or commoner, whoever he may be – with the provision that he shall never return to his native district.

And henceforth, let him never be encountered by anyone in that district; otherwise he shall be treated as a thief caught in the act. And if anyone harbours him, or sends to him any of his men, he shall be liable to the confiscation of all of his property.¹

This passage from the fourth law-code of King Æthelstan (924-39) makes a stark statement of what it could mean no longer to belong to West Saxon society. The king commanded that any of his subjects who became so rich or powerful as to render him beyond the power of the law should be removed from his native district and banished to a remote part of the kingdom, condemning him and his wife and children to a life in exile. By such actions the exile and his whole family unit would permanently be cut off from their previous lives; the man himself lost access to the networks which had allowed him to grow so powerful in the first place and if he attempted to return he could

¹ IV Æthelstan, 3. Throughout this thesis, law-codes will be referred to as I have done here – the name of the king who issued the law-code followed by the chapter number of the relevant clause.

be executed as a thief. We would call the fate of any of those ‘powerful men’ who were subjected to such a punishment during Æthelstan’s reign a form of social exclusion.

Some groups of individuals are excluded from all societies, a process which occurs so that the remainder – those who were included – can better define itself as a cohesive whole: Anglo-Saxon society was no exception. Exclusion could occur for many different reasons; some left the confines of Anglo-Saxon England through their own volition, seeking satisfaction from a life abroad that they could not find at home. Others were excluded as a result of an action or behaviour that was deemed unacceptable by the rest of their society and so, in order to preserve social stability, they were forcibly ejected. Yet more individuals experienced exclusion on account of an unusual aspect of their personal identity that marked them out as somehow different from the mainstream. This thesis will explore five separate categories of people who each in their own way experienced some form of social exclusion from Anglo-Saxon society. By exploring the reasons why the English chose to exclude some individuals from their society this thesis aims to contribute to recent historiographical debates about identity by highlighting the significance that was attached to belonging in this culture.

Locating this thesis: historical and contemporary contexts

During the 1970s social anthropologists began to address just what was meant by the concept of ‘society’; this in turn prompted greater exploration of the role of identity,

ethnicity and belonging in the creation and maintenance of social groups. Fredrik Barth, in his introduction to *Ethnic Groups and Boundaries: the Social Organisation of Culture Difference* (1969), was amongst the first academics to contest the traditional, functionalist understanding of the world as a system of unproblematic, strongly-bonded social groups. Here he claimed that ethnic groups should not be should be defined by the 'cultural stuff' they contain (by which he meant language, religion, customs and traditions, law and material culture) but should be discussed in relation to processes of exclusion and incorporation. According to Barth, it is the recognition, comparison and maintenance of 'difference' and 'likeness' that gives an ethnic group its sense of cohesion:

If a group maintains its identity when members interact with others, this entails criteria for determining membership and ways of signalling membership and exclusion...it entails a frequently quite complex organization of behaviour and social relations. The identification of another person as a fellow member of an ethnic group implies a sharing of criteria for evaluation and judgment. It thus entails the assumption that the two are fundamentally 'playing the same game'.²

² F. Barth, 'Introduction', in *Ethnic Groups and Boundaries. The Social Organization of Culture Difference*, ed. F. Barth (Oslo, 1969), pp. 9-38 at p. 15. Although Barth was the foremost protagonist in the movement which sought to redefine the definitions of both ethnic and social groups, there were many other social scientists working in the same vein during the 1960s and 1970s. As Hans Vermeulen and Cora Govers have commented: 'Though many other social scientists played a role in the changes, there is little doubt that Barth's introduction to *Ethnic Groups and Boundaries* holds a special place. More than any other text, it has become the symbolic marker of the changes to which it contributed substantially, and soon was regarded as a classic'. H. Vermeulen and C. Govers, 'Introduction', in *The Anthropology of Ethnicity. Beyond 'Ethnic Groups and Boundaries'*, ed. H. Vermeulen and C. Govers (Amsterdam, 1994), pp. 1-9 at p. 2. Here they also provide an overview of similar works which emerged at the same time as Barth's *Ethnic Groups and Boundaries*.

During the following two decades academics continued to explore more subjective approaches to ethnicity and social belonging and began to question how individuals and collectives categorised themselves and others within social settings. Benedict Anderson, for example, made a powerful and influential argument that nations as communities of people exist only in so far as they are *imagined* to exist.³ 'Identity' became a buzzword and historians followed the precedent set by their colleagues from related disciplines, especially sociology and anthropology. The field of early medieval history was no exception; Patrick Geary's seminal paper of the early 1980s suggested that group identity in the early medieval period should be viewed as a 'situational construct' by which he meant that groups identified themselves and others within specific situations and for specific purposes.⁴ Geary argued in much the same vein as Barth that the recognition of 'difference' and 'likeness' established boundaries between different groups.⁵ And in the field of Anglo-Saxon studies, Susan Reynolds asked just what historians mean by the term 'Anglo-Saxon' and 'Anglo-Saxons', questioning the extent to which the German-speaking settlers of the fifth and sixth centuries – the Angles, Saxons and Jutes – considered themselves to be separate peoples.⁶

Possible reasons for the emergence and development of scholarly interest into concepts such as 'identity' and 'ethnicity' in the last decades of the twentieth century are numerous and complex, but many must have their origins in the changed face of

³ B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, 1991, 2nd edition. First edition 1983).

⁴ P. Geary, 'Ethnic identity as a situational construct in the early middle ages', *Mitteilungen der Anthropologischen Gesellschaft in Wien* 113 (1983), 15-26.

⁵ *Ibid.*, 16 and 25.

⁶ S. Reynolds, 'What do we mean by "Anglo-Saxon" and "Anglo-Saxons"?', *Journal of British Studies* 24 (1985), 395-414.

Europe after the Second World War. Most obvious, of course, are the effects which resulted from the discovery of the events of the Holocaust. It was not until the world uncovered the horrific implications of Nazi aspirations for 'racial hygiene' that academics first began to question traditional, hierarchical definitions of race. Even the very word 'race' fell from favour and scholars searched for new terminology and concepts to help them understand the atrocities of Hitler's regime. During this period of the late 1940s and 1950s, world dynamics shifted dramatically. The age of Empire drew to a close as former colonial states began to obtain independence and North America emerged as the world's new great superpower, while internally engaged in a conflict over Civil Rights which would also affect the language of racial identity. At the same time, attempts to reconstruct Europe encouraged the growth of a united European Community which involved dramatic reassessments of relationships and contacts with other nations, not least with the Eastern Bloc which was separated from the rest of mainland Europe by both physical and political barriers. In Britain, the government opened her doors to significant numbers of immigrants in order to help rebuild the country's post-war infrastructure and economy. This influx of individuals from a number of different ethnic and cultural backgrounds forced successive governments to recognise the multicultural makeup of a new Britain and in 1976 the Race Relations Act established the Commission for Racial Equality (CRE) which was designed to tackle racial discrimination and promote racial equality.⁷ As noted above, it was during these

⁷ On 1 October 2007, the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC) merged to form the Equality and Human Rights Commission (CEHR). This conglomerate was established by the Equality Act (2006). For more details, see the CEHR website: <http://www.equalityhumanrights.com/en/Pages/default.aspx> (accessed 26/11/07).

years of rapid change that substantial numbers of academics first became interested in questions of identity, ethnicity and social belonging. It can be no coincidence that consideration of such issues occurred at a time of heightened cultural contact when globalisation, immigration and increased levels of foreign travel introduced people to individuals and collectives whose identity and nature was unclear. It is at these moments of uncertainty that ethnicity and identity come into sharp focus; when encountering 'difference' it is human nature to reflect on the nature of our own sense of belonging.

During the late 1980s and 1990s scholarly interest into the concepts of identity and ethnicity intensified and included amongst the plethora of works devoted to these themes were many that examined the early medieval period.⁸ Once again, it is possible to suggest a number of external factors which may have contributed to this trend. The fall of the Berlin Wall in 1989 and the thawing of East-West relations demanded another reassessment of the political, social and economic composition of Europe. As the European Union continued to attract new members, markets and financial networks

⁸ See, for example, P. Amory, 'Names, ethnic identity and community in fifth and sixth century Burgundy', *Viator* 25 (1994), 1-30; R. R. Davies, 'The people of Britain and Ireland, 1100-1400. I: identities', *Transactions of the Royal Historical Society* 6th series, 4 (1994), 1-20; S. Foot, 'The making of *Anglecynn*: English identity before the Norman Conquest', *Transactions of the Royal Historical Society* 6th series, 6 (1996), 25-49; M. Garrison, 'The Franks as the new Israel? Education for an identity from Pippin to Charlemagne', in *The Uses of the Past in the Early Middle Ages*, ed. Y. Hen and M. Innes (Cambridge, 2000), pp. 114-161; P. Geary, *The Myth of Nations: the Medieval Origins of Europe* (Oxford, 2002); D. Hadley, 'And they proceeded to plough and support themselves': The Scandinavian settlement of England', *Anglo-Norman Studies* 19 (1996), 69-99; Y. Hen, 'The Annals of Metz and the Merovingian past', in *The Uses of the Past in the Early Middle Ages*, ed. Y. Hen and M. Innes (Cambridge, 2000), pp. 175-190; R. McKitterick, 'Constructing the past in the early middle ages: the case of the Royal Frankish Annals', *Transactions of the Royal historical Society* 6th series, 7 (1997), 101-129; J. Moreland, 'Ethnicity, power and the English', in *Social Identity in Early Medieval Britain*, ed. W. O. Frazer and A. Tyrell (Leicester, 2000), pp. 23-51; W. Pohl, 'Conceptions of ethnicity in early medieval studies', *Archaeologia Polona* 29 (1991), 39-49; W. Pohl, 'Telling the difference: signs of ethnic identity', in *Strategies of Distinction: The Construction of Ethnic Communities, 300-800*, ed. W. Pohl and H. Reimitz (Leiden, 1998), pp. 17-69.

became increasingly independent of state boundaries. As a result, politicians of the mid-1990s took pains to assert the importance of nation and nationhood, in part to encourage sustained national investment, but also in attempts to reassure the public that the expanding European Union did not signify the end of the independent national identity of its member states. In Britain, Tony Blair capitalised on rising feelings of national pride and helped sell 'Cool Britannia' to the British public as well as to foreign investors and visitors. The Labour Party which swept to power in 1997 was a very different organisation from that of the days of Keir Hardie; during the late 1980s and 1990s, the party underwent a radical overhaul and endeavoured to widen its appeal to traditionally marginalised peoples, particularly to those from ethnic minority backgrounds. The arrival of the New Labour government gave new impetus to the identity and ethnicity debates and encouraged politicians, academics and the public alike to consider more closely the roles of minorities and the marginalised within social settings. Indeed, soon after it came to power, the government established the Social Exclusion Unit which was charged with the specific aim of directing research into the causes and explanations for social exclusion and advising the government on possible solutions to social problems. The Unit focused on certain groups of people and geographical areas of England and tried to understand why they experienced periods of exclusion from access to mainstream services. In doing so, it attempted to identify the links between underlying factors such as unemployment, poor skills, criminal activity, poor health and family breakdown. It produced documents on a wide-range of issues including: homelessness (1998); truancy and school exclusion (1998); re-offending by

ex-prisoners (2002) and mental health and social exclusion (2004).⁹ However, as the government sought to formulate mechanisms for including these socially marginalised peoples, new groups rose up to take their place. The attacks on the World Trade Centre in North America in 2001 and on the London Underground in 2005 by religious extremists have led to heightened tensions in the Middle East and, here in Britain, to increased levels of uncertainty about the extent to which Muslim communities are integrated into society.¹⁰

There is, then, a discourse in modern British society about social exclusion and it is this contemporary concern for understanding the reasons why some individuals are cut off from mainstream society which has provided the impetus and language for this thesis. Intellectually, my enquiry into exclusion from Anglo-Saxon society was first stimulated by my reading of Fredrik Barth, but it is obvious that I was equally influenced (albeit subliminally) by the contemporary social context in which I read his work. As we have seen above, trends in historiography often reflect wider contemporary concerns and this study of social exclusion from Anglo-Saxon Wessex is no exception: it is very much a product of its time. Much of the recent historiography of the early medieval Europe has addressed issues of social identity and explored those mechanisms that helped give shape and coherence to the groups that existed in this period.

Academics have been keen to stress how authority figures tried to bring their subjects

⁹ The Social Exclusion Unit has since been renamed the Social Exclusion Task Force. Details can be found on the governmental website: http://www.cabinetoffice.gov.uk/social_exclusion_task_force/ (accessed 20/11/07).

¹⁰ On 22 September 2005 in the aftermath of the July bombings, Trevor Phillips (the then head of the CRE) gave a speech in which he warned that Britain was 'sleepwalking' its way into segregation. See 'Analysis: Segregated Britain?', *bbc.co.uk* [<http://news.bbc.co.uk/1/hi/uk/4270010.stm>, published 22/11/05, accessed 26/11/07]

together by providing them with a sense of common purpose and unity, stressing their shared heritage and aims. For example, in her examination of King Alfred's educational reform programme, Sarah Foot has argued that it was purposely designed to promote a 'nascent conception of one people' and, furthermore, that he used his law-code to link himself and his subjects to the law-makers of Ancient Israel, re-inventing the Anglo-Saxons as God's new Chosen People.¹¹ Rosamond McKitterick has made similar claims about the Royal Frankish Annals and their later Revisions (741-829) and has demonstrated how events in the past were misconstrued in order to create a sense of the Franks as one people.¹² As far as I am aware, however, there has been no specific study on the role of exclusion in the formation of social identity in Anglo-Saxon England. Examining the reasons why some Anglo-Saxon individuals were excluded offers a new way of exploring the social processes that made Anglo-Saxon society self-consciously more coherent.

Scope and structure of this thesis

Exclusion from Anglo-Saxon society took many forms and it is the different ways in which individuals experienced the process of exclusion that I have used to structure this thesis. By examining different categories of the socially excluded I aim to demonstrate

¹¹ Foot, 'Making of *Angelcynn*'.

¹² McKitterick, 'Constructing the past in the early middle ages'; 'The illusion of royal power in the Carolingian annals', *English Historical Review* 115 (2000), 1-20; 'Political ideology in Carolingian historiography', in *The Uses of the Past in the Early Middle Ages*, ed. Y. Hen and M. Innes (Cambridge, 2000), 162-74.

the multiple understandings of the concept of social exclusion and how each can help shed light on the mechanisms and processes that helped shape Anglo-Saxon society into a coherent and functioning whole. Like all theses, this extent of this study is restricted by temporal and geographical boundaries. Chronologically, it covers a broad time period – from the early seventh century to the late tenth – but it focuses most heavily on the ninth and tenth centuries and exploits the relative wealth of material that emulated from southern England at a time when the West Saxon royal dynasty was consolidating its power and extending its territory in order to form a sense of Anglo-Saxon England.¹³

Although it concentrates on evidence from ninth and tenth-century Wessex, it also makes use of especially helpful or revealing examples from elsewhere when appropriate. The works of Bede, for example, are exploited throughout as are the surviving Kentish law-codes, particularly that of King Æthelberht (d. 616).

Chapters one and two form a thematic pair as both address in their different ways the crudest understanding of the concept of social exclusion. Chapter one examines types of voluntary exile from Anglo-Saxon England and it focuses first on Anglo-Saxon missionaries who left England to travel to the continent in the seventh and eighth centuries to carry out work amongst the heathen before moving on to address issues connected to pilgrimage. Common to both missionary activity and pilgrimage was that those who undertook such journeys did so through their love of God; they were inspired to leave the comforts and security of their homes in order to demonstrate their

¹³ Narratives of this process are too numerous to list; particularly useful for covering the whole period before 1066 are *After Rome*, ed. T. Charles-Edwards (Oxford, 2003) and *From the Vikings to the Normans*, ed. W. Davies (Oxford, 2003). For discussion of English unification, P. Stafford, *Unification and Conquest: A Political and Social History of England in the Tenth and Eleventh Centuries* (London, 1989) remains the best one-volume study. The process is illustrated by maps 1 and 2, pp. iii and iv.

piety and dedication to the Lord. Most importantly, we will survey here the methods that missionaries and pilgrims used to help them survive in and adapt to their new surroundings and will observe that both fostered and exploited networks of support that served to replace those that they had left behind. Chapter two acts as a counterpart to chapter one. It again examines extreme forms of social exclusion but concentrates on types of exclusion that were imposed within Anglo-Saxon society against those who had forfeited their right to be included amongst its membership. Specifically, we shall focus in this chapter on the use of outlawry and excommunication in Anglo-Saxon England and shall explore the ways in which both secular and ecclesiastical authorities used these weapons against Anglo-Saxons who had come to their attention as appropriate candidates for such judgements. Sentences of outlawry and excommunication were passed only in very specific circumstances; they were employed as punishments against those who demonstrated flagrant disregard for the law of the land or the tenets of the Christian Church, their repeated disobedience meaning that their presence within the confines of Anglo-Saxon society could not be tolerated. For those Anglo-Saxons who were outlawed or excommunicated, the consequences could be devastating. Law-makers demanded that an outlaw should 'forfeit the friendship of us all' as well as all of his land and other possessions, actions which severed him from his current existence, community and kin and consigned him to a new life of separation and concealment. Many of the aspects of outlawry are reflected in its religious equivalent, excommunication; Anglo-Saxon excommunicates were expelled from the community of the faithful and were forbidden access to the sacrament of the Eucharist

but, as we shall see, when implemented to its full extent, excommunication could also entail wider social ostracism which again entailed segregation from community and kin.

This examination in chapter two of the legislation relating to outlawry and the ways in which law-makers used it to punish those who repeatedly broke their laws will serve as a link to the subject matter of chapter three. Here we shall investigate more broadly the concept of Anglo-Saxon criminality, locating our discussion within a thorough exploration of the extant legal material in order to establish the types of behaviours and activities that Anglo-Saxon legislators identified as 'deviant'. Through their law-making, kings have left us with a means of assessing their vision for an ordered and peaceful society and by labelling some activities as unlawful they allow us to determine the types of behaviours that they regarded as incompatible with this vision. As we shall see, theft was the crime which law-makers found most abhorrent; Anglo-Saxon kings became evermore agitated about the social disruption caused by this offence and, by the mid-tenth century, concern for its eradication permeated their legislation. The core of chapter three will be devoted to a discussion of the workings of Anglo-Saxon justice. Most importantly, we shall trace changes in the systems of social control that were applied to those who had broken the law in attempts to bring them to account for their actions. Early Anglo-Saxon law relied on the remedial qualities of compensation (*bót*) and fine (*wíte*) payments which, respectively, forced offenders to assuage some of the damage caused by their crime by offering their victims financial reparation as well as serving to punish them through payment of a fine to the king. However, we shall observe that this system became progressively more intricate and

sophisticated in the late-ninth and tenth centuries as the West Saxon royal line consolidated its power within the burgeoning concept of Anglo-Saxon England and kings were obliged to issue laws for a wider geographical area and a more culturally diverse realm. Punishment replaced compensation as the mainstay of Anglo-Saxon justice and social deviants of the tenth century would have found themselves more likely than ever before to be sentenced to physical chastisements or the ultimate weapon in a law-maker's arsenal of punishments – execution.

In the final two chapters of this thesis we shall explore the potential for understanding the concept of social exclusion as 'social disadvantage'. The preceding three chapters will have focussed on types of people who crossed the boundaries between social inclusion and exclusion whether by their own volition or through the intervention of a figure of authority. In contrast, chapters four and five will examine those who experienced long-term or permanent disadvantage yet still retained a sense of inclusion within the structure of Anglo-Saxon society. In chapter four we shall survey the literature relating to Anglo-Saxon slavery in order to establish what this can tell us about the nature of the condition and the slave-experience. We shall identify the characteristics that defined an Anglo-Saxon slave and, most importantly, shall investigate the consequences for him of his status as legally 'unfree'. Anglo-Saxon law-makers treated slaves purely as the property of their masters; slaves had no independent access to the protection of the law and were excluded from the wergeld system which sought to protect the lives of all freemen by demanding that homicides pay compensation to the families of their victims as reparation for their crimes. Slaves did,

however, have a monetary value that their masters could claim from anyone who inflicted injury upon them or caused their deaths. We shall also examine the wider ramifications of their legal status for Anglo-Saxon slaves themselves. Most significantly, because their rights of ownership over goods and property were restricted, slaves were incapable of paying for their offences through the channels of *bót* and *wíte* which were available to all freemen. Instead they were physically chastised and their bodies bore the punishment for their crimes. In the fifth and final chapter of this thesis we shall maintain the theme of disadvantage introduced in chapter four, and shall explore Anglo-Saxon attitudes to physical impairment in order to ascertain whether or not damaged and dysfunctional bodies could affect an individual's ability to belong. In particular, we shall use the injury tariffs included within the laws of King Æthelberht of Kent (d. 616) and King Alfred of Wessex (871-99) as a way of establishing the importance that was attached to different corporal functions. The concepts of stigmatisation and discrimination will play an important role in this chapter; we shall explore how the impaired were perceived by the Anglo-Saxons, and attempt to establish whether or not they experienced any unfavourable treatment on account of their bodily infirmities.

One aspect that readers may note is absent from the discussion of social disadvantage is any consideration of poverty. In modern British society, the financially destitute appear on the list of socially excluded on account of the associated disadvantages that extreme poverty encompasses. When I first began to formulate my ideas for this thesis I intended to include an examination of the Anglo-Saxon poor

amongst my categories of the socially excluded. However, having worked through the sources and, indeed, having written a short piece of work in which I explored the significance of what I had read there, I concluded that to include discussion of the poor would make this thesis incoherent. Like slaves and the impaired, the Anglo-Saxon poor were manifestly disadvantaged but, unlike the two groups discussed in chapters four and five, I was unable to identify any way in which their disadvantage could be usefully explored as a type of exclusion. Evidence relating to the poor is located almost exclusively within the context of Christian notions about charity and duty. It thus offers insights into the related but strictly quite separate issues of how Anglo-Saxons perceived and cared for those who were especially needy or vulnerable.

During the course of my research for this thesis I have received generous comments of encouragement from those with whom I have had an opportunity to discuss my ideas and the ways in which I have applied the modern concept of social exclusion to Anglo-Saxon England. These remarks have described this study variously as ‘exciting’, ‘innovative’ and, on one occasion, even as ‘funky’. However, whilst it is true that many of the elements of this thesis have attracted little or no academic attention to date and, indeed, have never before been presented together within the theoretical framework of social exclusion, my research has at its heart rather traditional ambitions. It is fundamentally a study of how Anglo-Saxon society worked and it aims to demonstrate the important role that exclusion played in the process of ensuring social stability in early medieval Wessex. By examining the reasons why some individuals

were excluded and the different forms that this exclusion took, I hope to reveal how the West Saxons attempted to maintain a sense of social identity and cohesion.

A note on sources

Social exclusion from Anglo-Saxon England is most easily defined in legal terms. It is, therefore, the existing body of Anglo-Saxon legal material that will form the source-base for this thesis.¹⁴ This type of evidence will be especially important for chapters two and three since these will examine categories of individuals who engaged in activities or behaviours that law-makers considered to be incompatible with membership of Anglo-Saxon society. To a lesser extent, law-codes will also play a role in chapters four and five; in chapter four we shall use them to explore the legal restrictions that helped to define the social category of the slave and in chapter five to assess their usefulness for understanding attitudes to the impaired body. However, whilst Anglo-Saxon law-codes offer us powerful ideological statements about law-makers' visions for ordered and functioning kingdoms, they are limited as to what they can reveal about how law worked in practice. We will, therefore, make full use of relevant Anglo-Saxon charters

¹⁴ Unless otherwise stated, throughout this thesis I have given the modern English translations of the Anglo-Saxon law-codes from *The Laws of the Earliest English Kings*, ed. and trans. F. L. Attenborough (Cambridge, 1922) and *The Laws of the Kings of England from Edmund to Henry I*, ed. and trans. A. J. Robertson (Cambridge, 1925). I have amended their translations and interpretations of the laws where necessary and have highlighted the fact that I have done so. The standard edition of Anglo-Saxon laws are contained in *Die Gesetze der Angelsachen*, ed. F. Liebermann (Halle, 1903-16, 3 vols.). For a thorough examination of the history of law-making in Anglo-Saxon England and the manuscripts in which they are preserved, see P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century. Volume I: Legislation and its Limits* (Oxford, 1999).

as a way of exploring how (or, indeed, if) the promulgations of law-makers were put into action. Charters that record the settlements of disputes and of land forfeitures are particularly significant for the subject matter of this thesis because these give details of the fates of individuals who had transgressed the boundaries of acceptable social behaviour. Their usefulness will first become apparent in chapter two where we shall use them as anecdotal evidence for outlawry since outlaws were stripped of possession of their lands, but they will also play an important role in chapter three in our examination of Anglo-Saxon systems of justice and punishment. Our range of textual sources will, however, extend much further than the legal material. We will exploit a wealth of literary sources including poetry, saints' lives, letter collections and homilies written throughout the Anglo-Saxon period, but focussing most intensely on those from the ninth and tenth centuries. These will offer a means of departure from the rigid definitions of social statuses and identities contained within the legal documents and will help us to form a wider view of the experiences of the Anglo-Saxon socially excluded. Formal source-critical discussion is incorporated within the main body of the thesis at the points where the interpretative problems of the particular source type are first encountered.

Chapter One

Voyagers

Forth I go: may I meet with friends, with all the inspiration of the angels and the counsel of the blessed. Now I invoke the God of overcoming, the grace of God, for a good journey and mild and light winds upon the coasts. I have heard of the winds rolling back the water, of men constantly preserved from all their foes. May I meet with friends, so that I may dwell in the safe-keeping of the Almighty, protected from the loathsome enemy who harasses my life – firm-founded in the inspiration of the angels and within the holy hand of the puissant Lord of the heavens, the while that I am allowed to dwell in this life. Amen.¹

This extract from the Old English text known as ‘A Journey Charm’, preserved within an early eleventh-century manuscript, offers us an evocative image of the hopes and fears that Anglo-Saxons could experience when embarking on a journey that took them away from the security and comforts of their homes. We can observe, for example, the anxieties over the physical dangers they might encounter – treacherous seas that could send them to their deaths – and a sense of isolation that travellers hoped to relieve by meeting with friends who would help them on their journeys and provide a defence

¹ ‘A Journey Charm’, ed. E. V. K. Dobbie, *The Anglo-Saxon Minor Poems*, The Anglo-Saxon Poetic Records, VI (New York, 1942), charm 11; trans. S. A. J. Bradley, *Anglo-Saxon Poetry* (London, 1982), pp. 548-9, with this translation at p. 549. This charm is preserved in the early eleventh-century manuscript Cambridge, Corpus Christi College, MS 41.

against any potential harm from ‘the loathsome enemy who harasses my life’, clearly a reference to the evil intentions of the Devil. The passage also demonstrates how their faith in God could offer comfort to travellers and by entrusting their lives to Him they placed themselves under His protection and guardianship. Anglo-Saxons travelled for many different reasons; some out of necessity, such as traders who made journeys for economic reasons in order to provide an income for themselves and their families. Others did so out of obligation, perhaps leaving their homes and families in order to fulfil military duties on campaigns with their kings. In this chapter, however, we shall restrict our discussion to two types of Anglo-Saxon journeys that were the most voluntary in nature; we shall first explore Anglo-Saxon missionary activity on the continent before moving on to address issues connected to pilgrimage.

Missionaries and pilgrims were motivated to leave behind their homes (although not necessarily their homeland), their communities and their kin through their love and devotion to God and in the hope that their journeys would provide them with spiritual rewards. The religious nature of their journeys meant that both fell into the broader early medieval concept of *peregrinatio* and, indeed, those who embarked on either missionary activities or pilgrimages were labelled as *peregrini*. The exact meaning of the term *peregrinatio* is difficult to determine which makes it hard to define the nature of the concept itself, as historians have found since the mid-twentieth century.²

Etymologically the word *peregrinatio* is connected to travelling or living abroad but in

² The seminal work on *peregrinatio* is by A. Angenendt: *Monachi Peregrini. Studien zu Pirmin und den monastischen Vorstellungen des frühen Mittelalters* (Munich, 1972); ‘Irische peregrinatio und ihre Auswirkungen auf dem Kontinent vor dem Jahre 800’, in *Die Iren und Europa im früheren Mittelalter*, ed. H. Löwe (Stuttgart, 1982), pp. 52-79. See also T. M. Charles-Edwards, ‘The social background to Irish *peregrinatio*’, *Celtica* 11 (1976), 43-59; K. Hughes, ‘The changing theory and practice of Irish pilgrimage’, *Journal of Ecclesiastical History* 11 (1960), 143-151; F. Prinz, ‘Peregrinatio, Mönchtum und Mission’, in *Die Kirche des frühen Mittelalters* 1 (Munich, 1978), 445-465.

the early medieval period its meaning was much more diverse and opaque.³ In the Roman period, Latin authors such as Cicero used '*peregrinatio*' to mean a period of exile in a foreign country and, accordingly, the term '*peregrinus*' denoted a foreigner.⁴ During the Christian period, however, *peregrinatio* took on new, spiritual meanings. In a study of the works of Augustine of Hippo (354-430), for example, Manuela Brito-Martins charted the bishop's understanding of *peregrinatio* as a pilgrimage of the soul towards God and the heavenly homeland.⁵ In its widest sense, *peregrinatio* referred simply to journeys that were undertaken in God's name and under His protection but in Anglo-Saxon England it was also used to describe the more specific occupations of missionary activity and journeys to holy sites and shrines that we would today term as pilgrimages. In order to avoid confusion between its dual applications, we shall be careful in our labelling of the two main sections of this chapter. In the first section we shall explore the Anglo-Saxon missions that took place in the seventh and eighth centuries under the heading of '*peregrinatio pro Christo*' ('exile for the love of Christ'). The second section we shall entitle simply as 'pilgrimage', employing a modern understanding of the word to mean a journey to a shrine or other sacred place.

Although distinct in their aspirations and objectives, in this chapter we shall aim to identify a number of points of similarity between the missionary activities and pilgrimages undertaken by Anglo-Saxons. Both were, of course, a means of

³ A. Ernout and A. Meillet, *Dictionnaire etymologique de la langue latine: Histoire des mots* (Paris, 1967), p. 498; D. Webb, *Medieval European Pilgrimage* (Basingstoke, 2002), p. 2; P. Maraval, 'The earliest phase of Christian pilgrimage in the Near East (before the 7th century)', *Dumbarton Oaks Papers*, 56 (2003), 63-74 at 63.

⁴ M. Brito-Martins, 'The concept of *peregrinatio* in Saint Augustine and its influences', in *Exile in the Middle Ages*, ed. L. Napran and E. van Houts (Turnhout, 2004), pp. 83-94 at pp. 83-84 and 86-87. See also G. Clark, 'Pilgrims and foreigners: Augustine on travelling home', in *Travel, Communication and Geography in Late Antiquity*, ed. L. Ellis and F. L. Kidner (Aldershot, 2004), pp. 149-58.

⁵ Brito-Martins, 'Concept of *peregrinatio*', especially pp. 87-94.

demonstrating the piety and religious devotion of their participants and can be located within the context of Anglo-Saxon spirituality. But of more immediate relevance to this thesis are the connections that can be made between the methods which missionaries and pilgrims used to help them adapt to their new surroundings and circumstances. As we shall see, while travelling on their voluntary exiles, both created new networks of support and security that served to replace those that they had left behind.

In order to achieve our ambitions for this chapter we shall rely most heavily on the wealth of information contained within saints' lives and the correspondence of Anglo-Saxon missionaries working on the continent. Both of these source types do, however, present problems to the historian; they are not transparent texts that tell us how it really 'was', but are both, in their different ways, literary constructions that need treating with care. Saints' lives were, of course, written to demonstrate the holiness of their subjects and their belonging to the community of saints in heaven. In order to achieve such ends, authors often shaped the past they were recording so that their subjects conformed to contemporary notions of ideal sanctity and were less concerned to provide verifiable details.⁶ We need to remember that there is a difference between

⁶ For a succinct but valuable exploration of the problems presented by hagiographical works and how modern historians have attempted to deal with them, see J. M. H. Smith, 'Review article: early medieval hagiography in the late twentieth century', *Early Medieval Europe* 1 (1992), 69-76. See also F. Lifshitz, 'Beyond positivism and genre: "hagiographical" texts as historical narrative', *Viator* 25 (1995), 95-113; I. Wood, 'The use and abuse of Latin hagiography in the early medieval west', in *East and West: Modes of Communication. Proceedings of the First Plenary Conference of Merida*, ed. E. Chrysos and I. Wood (Leiden, 1999), pp. 93-109. For examples of works that focus more specifically on problems of particular hagiographical texts, see first P. Fouracre, 'Merovingian history and Merovingian hagiography', *Past and Present* 127 (1990), 3-38 where he attempts to demonstrate how the 'historical reality' underlying hagiographical works from later seventh-century Francia can be revealed. D. Rollason, *Saints and Relics in Anglo-Saxon England* (Oxford, 1989), especially pp. 3-20 explores the importance of saints' lives in the creation of saints' cults as does C. Cubitt, 'Universal and local saints in Anglo-Saxon England', in *Local Saints and Local Churches in the Early Medieval West*, ed. A. Thacker and R. Sharpe (Oxford, 2002), pp. 423-53. See especially pp. 428-9 where she discusses models and purposes of hagiography and suggests that all *vitae* were constrained by the need to 'establish a certain sort of sanctity'.

information given by hagiographers about the miracles, asceticism and devotional practices of saints (which may not be strictly 'true') and incidental details contained within saints' lives, especially those that carry the narrative forward which have little to do with subjects' claim to sainthood but which can be critical for the historian. Details which fall into the latter category are probably less susceptible to improvement and it is on these that we shall be most frequently dependent here; we shall use the elements contained within saints' lives that tell us about when, how and to where missionaries and pilgrims travelled and so shall largely (although not completely) avoid the wider difficulties connected to hagiography as a source type. Letter collections perhaps involve more basic problems as we are unable to ascertain the extent to which letters of missionaries (particularly those of Boniface) were altered, rewritten or improved with publication and circulation in mind. Lull or someone under Lull's direction compiled the first collection of Bonifatian letters soon after the missionary's martyrdom in 754 and we can assume that letters were chosen in order to fit with Lull's desires to promote the cult of his predecessor.⁷ Indeed, there does seem to be a disproportionate preservation of Bonifatian letters that have a connection with Rome and the papacy and this must have occurred at the expense of potentially more revealing letters to and from minor characters in the grand narrative of missions to the continental heathen.⁸ Readers

⁷ J. Palmer, 'The "vigorous rule" of Bishop Lull: between Bonifatian mission and Carolingian church control', *Early Medieval Europe* 13 (2005), 249-76 at 255. See also C. Fell, 'Some implications of the Boniface correspondence', in *New Readings on Women in Old English Literature*, ed. H. Damico and A. H. Olsen (Bloomington, Indiana, 1990), pp. 29-43 where she surveys in particular the letters by women contained within Bonifatian correspondence and remarks on p. 31 that 'a single surviving letter implies the loss of others' indicating that the original collection of Boniface's letters must have included more letters by women. For a wider discussion about the problems of transmission and preservation of letters, see M. Garrison, "'Send more socks": on mentality and the preservation context of medieval letters', in *New Approaches to Medieval Communication*, ed. M. Mostert (Turnhout, 1999), pp. 69-99.

⁸ G. Greenaway, 'Saint Boniface as a man of letters', in *The Greatest Englishman: Essays on Saint Boniface and the Church at Crediton*, ed. T. Reuter (Exeter, 1980), pp. 31-46 at 39.

must, then, bear in mind these unfortunate – if entirely unavoidable – problems with the sources when reading this chapter.

Peregrinatio pro Christo

It was within sixth-century Irish monasticism that *peregrinatio pro Christo* first began to take root as an ideal for those who wanted an ascetic and challenging lifestyle that was not satisfied by existing monastic practices.⁹ Central to the Irish understanding of the phenomenon was the need to cut ties voluntarily with existing lifestyle patterns (although not necessarily to leave Ireland), spending time in alienation from the familiar in a way that was reminiscent of the Desert Fathers such as Antony of Egypt (d. 356) who had wandered the deserts of Egypt and Syria in the early Christian period.¹⁰ As Kathleen Hughes argued, also key was trust in God's protection during the time spent in exile.¹¹ In one of his sermons, St Columbanus, who left Ireland for the continent in c. 590, reiterated St Paul's message to the Corinthians about the importance of trust in divine protection and viewed the perils encountered during earthly life as a fleeing

⁹ For a more detailed discussion of the Irish development and spread of medieval *peregrinatio* than that which is offered here, see Angenendt, 'Die irische Peregrinatio'; Charles-Edwards, 'The social background to Irish *peregrinatio*'; J. Palmer, 'Constructions of sanctity and the Anglo-Saxon missions to the continent (690-900)', (University of Sheffield, PhD, 2004), pp. 46-55.

¹⁰ Webb, *Medieval European Pilgrimage*, p. 7. For the early Christian phenomenon of desert wandering, see D. Caner, *Wandering, Begging Monks. Spiritual Authority and the Promotion of Monasticism in Late Antiquity* (Berkeley and Los Angeles, 2002), especially pp. 19-82. There is a biography of Antony written by Athanasius of Alexandria in c. 357: Athanasius, *Vita Antonii*, ed. and trans. G. J. Bartelink, *Vie d'Antoine* (Paris, 1994). Charles-Edwards, 'Social background to Irish *peregrinatio*', 42-46 highlights the common yet incorrect assumption that Irish *peregrinatio* entailed a journey across the sea.

¹¹ Hughes, 'The changing theory and practice of Irish pilgrimage', 143.

moment compared to the enduring security offered in heaven.¹² Some three hundred years later Irish *peregrini pro Christo* still embraced a life that required absolute faith in God's protecting hand; the entry in the *Anglo-Saxon Chronicle* for 891 records that three Irishmen ran aground on the shores of Cornwall in a boat with no oars and food for only seven days. According to the *Chronicle*, the men had made their perilous journey across the sea 'because they wished for the love of God to be in foreign lands, they cared not where.'¹³

Contact between Irish and Anglo-Saxon ecclesiastics, notably at Iona in the seventh century, led to the spread of *peregrinatio pro Christo* as a monastic ideal.¹⁴ Ecgberht, a Northumbrian monk who travelled to Ireland in the mid-seventh century, expanded the concept of Irish *peregrinatio pro Christo* still further. As Bede tells us, while in Ireland Ecgberht developed the wish to journey abroad on a mission to convert the 'Frisians, Rugians, Danes, Huns, Old Saxon and Boructuars' amongst others.¹⁵ What is more significant, however, is that Ecgberht also decided that if mission proved impossible he would 'travel to Rome, to visit and venerate the shrines of the blessed Apostles and martyrs of Christ'.¹⁶ In doing so, Ecgberht united mission and pilgrimage as holy journeys in a way that, as we shall see below, was central to Anglo-Saxon

¹² Columbanus, *Instructiones* VIII:1, ed. G. S. M. Walker, *Sancti Columbani Opera, Scriptores Latini Hiberniae* 2 (Dublin, 1957), 60-121 at 94-96. The relevant passage of St. Paul is: II Cor. v. 1-9.

¹³ ASC 891 C (A, B, D, F). Charles-Edwards, 'Social background to Irish *peregrinatio*', 48-9 discusses evidence for the practice in Ireland of setting criminals adrift on the sea, leaving them to the judgement and mercy of God, and considers the possibility that this could shed light on the incident recorded in the 891 entry in the *Anglo-Saxon Chronicle*.

¹⁴ For the history of St. Columba's foundation at Iona, see M. Herbert, *Iona, Kells and Derry. The History and Hagiography of the Monastic Family of Columba* (Oxford, 1988); A. Ritchie, *Iona* (London, 1997).

¹⁵ Bede, *HE*, v.9, pp. 476-7.

¹⁶ *Ibid.*

understandings of *peregrinatio pro Christo*.¹⁷ From the end of the seventh and throughout the eighth century, *peregrinatio pro Christo* took hold in England but it evolved from its Irish roots into something distinctly Anglo-Saxon; unlike its Irish counterpart, Anglo-Saxon *peregrinatio pro Christo* required a journey overseas and life in an alien land devoted to the work of God.¹⁸

Anglo-Saxons on the continent: peregrinatio pro Christo and 'mission'

Missionary activity was not an essential component of the early medieval *peregrinatio pro Christo* but it was how Anglo-Saxons chose to embrace the ideal most enthusiastically during the late-seventh and eighth centuries. Their missionary work on the continent should be regarded as a particular type of *peregrinatio pro Christo* and addressing questions surrounding Anglo-Saxon missions is essential if we are to fully appreciate the development of this mode of *peregrinatio* within early medieval England. Bishop Wilfrid from Northumbria (d. 709) was amongst the first Anglo-Saxons to preach the gospel on the continent.¹⁹ As a young man Wilfrid had made a pilgrimage to Rome (653), accompanied partway by Benedict Biscop, and he supplemented this religious journey with a mission to Frisia in 678. Wilfrid's missionary attempts were

¹⁷ Ecgberht's understanding of *peregrinatio* as equivalent to mission was argued by Wilhelm Levison in his *England and the Continent in the Eighth Century* (Oxford, 1946), p. 44 and discussed in Palmer, 'Constructions of sanctity', pp. 50-51.

¹⁸ Charles-Edwards, 'Social background to Irish *peregrinatio*', 42-45.

¹⁹ For a short, simple introduction to Wilfrid's life and times, see J. Nankivell, *Saint Wilfrid* (London, 2002). For more substantial works on the bishop, see *St. Wilfrid at Hexham*, ed. D. P. Kirby (Newcastle, 1974); D. P. Kirby, 'Bede, Eddius Stephanus and the Life of Wilfrid', *English Historical Review* 97 (1983), 101-114 and for Wilfrid's trip to Rome see V. Ortenberg, 'Archbishop Sigeric's journey to Rome in 990', *Anglo-Saxon England* 19 (1989), 197-246 at 203. There is a life of St. Wilfrid by a monk called Stephen, written c. 710 and ed. and trans. B. Colgrave, *The Life of Wilfrid by Eddius Stephanus* (Cambridge, 1927), pp. 2-149. Bede also described aspects of the life of the bishop in his *HE*, v.19.

short-lived, however, and he soon returned to his pressing duties and ambitions at home. Anglo-Saxon attempts to convert the continental heathen first began in earnest with the efforts of the Northumbrian Willibrord (658-739) who was sent to Frisia from Ireland by Ecgberht during the last decade of the seventh century.²⁰ Willibrord's biographer and relative, Alcuin (735-804), attempted to give some sense of the missionary's motivations and was keen to stress his fervour to devote his life to something greater than his own sanctification by travelling to preach in parts of the known world which had not yet received the Gospel message.²¹ Surviving contemporary literature about or by Willibrord is limited, however, and we possess little more than the prose and metrical lives by Alcuin and a calendar that was possibly owned by Willibrord and could contain his own notes in the margin.²²

It was the missionary activity of Boniface and, to a lesser extent, Lull that produced the most enduring written legacy. In comparison to the restricted material that survives relating to Willibrord's mission, we know a good deal about the work of these two men because of the wealth of their surviving correspondence. Boniface, who was born near Exeter in c. 675 and educated in Nursling in Hampshire, was the first of the two men to leave for the continent in an abortive attempt at mission in 716 that was

²⁰ Bede, *HE*, v.10, pp. 480-1. On Willibrord, see *Willibrord, Apostel der Niederlande, Gründer der Abtei Echternach*, ed. G. Kiesel and J. Schröder (Luxembourg, 1989); Levison, *England and the Continent*, pp. 53-69; C. Wampach, *Willibrord. Sein Leben und Lebenswerk* (Luxembourg, 1953); A. G. Weiler, *Willibrords Missie: Christendom en Cultuur in de Zevende en Achste Eeuw* (Hilversum, 1989); I. Wood, *The Missionary Life. Saints and the Evangelisation of Europe 400-1050* (Harlow, 2001), pp. 79-90.

²¹ Alcuin, *Vita Willibrordi*, ed. W. Levison, *MGH Scriptores rerum Merovingicarum saec. VI-LX 7* (Hanover, 1920), 113-41; trans. C. H. Talbot, *The Anglo-Saxon Missionaries in Germany* (London and New York, 1954), pp. 3-22.

²² *Calendar of St Willibrord*, ed. H. W. Wilson, Henry Bradshaw Society 55 (London, 1918). Wood, *Missionary Life*, p. 79. For more on the calendar, see M. Richter, 'The young Willibrord', in *Willibrord, Apostel der Niederlande, Gründer der Abtei Echternach. Gedenkgabe zum 1250. Todestag des angelsächsischen Missionars*, ed. G. Kiesel and J. Schroeder (Luxembourg, 1989), pp. 25-30 at pp. 28-9.

thwarted by an unfavourable political situation in Frisia.²³ He returned in 719 having been granted official permission to preach by Pope Gregory II.²⁴ He set about his task with vigour and by his death in 754 he had transformed the monastic structure in Germany.²⁵ Lull was Boniface's companion in Germany and successor as archbishop of Mainz. Like Boniface, he was a native of Wessex (born c. 710) and was educated at Malmesbury on the Wessex/Mercia border. Lull died in 786 having compounded the work of his predecessor.²⁶ Although Boniface and Lull are the Anglo-Saxons who most readily spring to mind when addressing the missions to the Germans, we must remember that they were not solely responsible for efforts on the continent. Indeed, Rosamond McKitterick has warned strongly against the inadvertent assumption that all Anglo-Saxon missionary efforts on the continent were due to these two men alone.²⁷ In his *Vita Bonifacii* (c. 760), Willibald of Mainz mentioned specifically that when Boniface left Wessex on his first attempted journey he was accompanied by 'two or three of his brethren' and that an 'exceedingly large number of holy men' came from Britain to join his second, successful mission.²⁸ Most of these 'holy men' are nameless

²³ The authoritative study on Boniface is T. Schieffer, *Winfriid-Bonifatius und die christliche Grundlegung Europas* (Freiburg, 1954). But see also *The Greatest Englishman: Essays on Saint Boniface and the Church at Crediton*, ed. T. Reuter (Exeter, 1980) and L. E. von Padberg, *Wynfreth-Bonifatius* (Zurich, 1989).

²⁴ Tangl, 12; trans. Emerton, *Letters of Saint Boniface*, pp. 32-3.

²⁵ On the martyrdom of Boniface and the cult which grew up thereafter, see J. Palmer, 'The Frankish cult of martyrs and the case of the two Saints Boniface', *Revue Benedictine* 114 (2004), 326-348.

²⁶ The specific secondary literature on Lull is more limited than that on Boniface, but see Levison, *England and the Continent*, pp. 144-145 and 233-240; Palmer, "'Vigorous rule" of Bishop Lull'; Wood, *Missionary Life*, pp. 60-64 and 68-73.

²⁷ R. McKitterick, 'Anglo-Saxon missionaries in Germany: personal connections and local influences', *Vaughan Papers* 36 (1991), 1-40 at 1-2; reprinted in her *The Frankish Kings and Culture in the Early Middle Ages* (Aldershot, 1995), no. 1.

²⁸ Willibald, *Vita Bonifacii*, chs. 4 and 6, ed. W. Levison, *MGH Scriptores rerum Germanicarum in usum scholarum separatim editi* 57 (Hanover, 1905), 1-57 at 15 and 34; trans. C. H. Talbot, *The Anglo-Saxon Missionaries in Germany* (London and New York, 1954), pp. 25-62 at pp. 35 and 47. See Greenaway, 'Boniface as a man of letters', particularly p. 37 where he comments: 'A trickle of helpers had begun to flow from Wessex soon after his [Boniface's] early success in Hesse. By 732 the trickle had become a flowing stream, by 746 it had assumed to proportions of a flood.'

shadows whose specific activities cannot be recognised, but we do know details of other Anglo-Saxons who went to help Boniface and Lull such as the priests Denehard and Burchard (possibly kin to Lull)²⁹ and Eoban³⁰ who was Boniface's assistant and messenger. The brothers Willibald and Wunibald from Bishops Waltham also deserve recognition for their missionary activities; Willibald was the first bishop of Eichstätt in Bavaria and, like Boniface, many flocked to him to receive training.³¹ Natives also aided Anglo-Saxons in their missions. The Frisian, Liudger (d. 809), for example, received training under Gregory who was himself a Frankish pupil of Boniface and was responsible for the establishment of a school at Utrecht.³²

Although dominated by men, there was also a female presence in the missionary activity on the continent. Women such as Leoba, Cynehild, Beorhtgyth and Walburga joined existing missions and rose to positions of authority within the German ecclesiastical structure.³³ The right of women to leave their homeland and travel on pilgrimage or mission was a contentious issue in the early middle ages. It was often frowned upon or seen as inappropriate by both men and women themselves. A tale in

²⁹ Tangl 49, 51, 54, 59, 99; trans. Emerton, *Letters of Saint Boniface*, pp. 77-78, 83-88, 90-91, 98-106, 173-174 respectively. See B. Yorke, 'The Bonifacian mission and female religious in Wessex', *Early Medieval Europe* 7 (1998), 145-172 at 155.

³⁰ Tangl, 34, 36, 41; trans. Emerton, *Letters of Saint Boniface*, pp. 63-64, 64-65, 68 respectively. Levison, *England and the Continent*, p. 67 argued that the name Eoban was Anglo-Saxon and so testified to Eoban's Anglo-Saxon origins.

³¹ There is a *Life of Willibald* by Hygeburg of Heidenheim (before 786). Hygeburg, *Vita Willibaldi episcopi Eichstetensis*, ed. O. Holder-Egger, *MGH Scriptores (in folio)*, 15:1 (Hanover, 1887), 86-106; trans. C. H. Talbot, *The Anglo-Saxon Missionaries in Germany* (London and New York, 1954), pp. 153-77. Discussion of Willibald can be found in Levison, *England and the Continent*, pp. 43-44, 80-81, 102-103 and J. Wilkinson, *Jerusalem Pilgrims before the Crusades* (Warminster, 1977), pp. 124-35, 206-208.

³² Palmer, "'Vigorous" rule of Bishop Lull', 273. There is a life of Liudger by his relative Alfrid: Alfrid, *Vita Liudgeri*, ed. W. Diekamp, *Die Vitae Sancti Liudgeri*, Die Geschichtsquellen des Bistums Münster IV (Munster, 1881), 1-53.

³³ See S. Crawford, *Anglo-Saxon Influence on Western Christendom 600-800* (Oxford, 1933), pp. 66-67; P. Dronke, *Women Writers of the Middle Ages* (Cambridge, 1984), pp. 30-33; Levison, *England and the Continent*, pp. 70, 76-77, 81; Palmer, 'Constructions of sanctity', p. 79, 78-83; Webb, *Medieval European Pilgrimage*, pp. 48, 89-98.

Jonas's *Vita Columbani* (c. 641), for example, records the regret of a nun who remarked that she would have sought a life abroad if she were not a woman.³⁴ The nun's sentiments are echoed in a letter from Abbess Eangyth and her daughter Heaburg (Bugga) to Boniface (719 x 722) in the early years of his mission in which they commented that they longed to go to Rome 'once mistress of the world, as many of our friends, both relatives and strangers have done' in order to seek pardon for their sins and declare their devotion to the Lord. They also noted, however, that there would be many who would disapprove of their ambitions and 'disparage this form of devotion' as, if mother and daughter did set out for Rome, they would regard their actions as a breach of certain 'canons of councils'.³⁵ Boniface himself, who counted women amongst his missionaries, expressed concerns about the safety of women travellers as well as worrying about a decline in female morality if they were allowed to journey abroad. In a letter of 747 to Cuthbert, the then Archbishop of Canterbury, he reported on the progress of his mission and outlined some of the difficulties which he was experiencing. One of his complaints was directed at the archbishop himself and the over-readiness of the Anglo-Saxon church to permit women to travel to the continent:

Finally, I will not conceal from Your Grace that all the servants of God here who are especially versed in Scripture and strong in the fear of God are agreed that it would be well and favourable for the honour and purity of your church, and provide a certain shield against vice, if your synod and your princes would

³⁴ Jonas, *Vita S. Columbani*, bk 1 ch. 3, ed. B. Krusch, *Scriptores rerum Germanicarum in usum scholarum separatim editi* 37 (Hanover, 1905), 1-294 at 156. See Charles-Edwards, 'Social background to Irish *peregrinatio*', 43.

³⁵ Tangl, 14; trans. Emerton, *Letters of Saint Boniface*, pp. 36-40. Eangyth was an abbess of a double monastery of unknown location, probably in Kent.

forbid matrons (*mulierae*) and veiled women (*velatae feminae*) to make these frequent journeys back and forth to Rome. A great part of them perish and few keep their virtue. There are very few towns in Lombardy or Frankland (Francia) or Gaul where there is not a courtesan or harlot of English stock. It is a scandal and a disgrace to your whole church.³⁶

Boniface was clearly anxious about the fate of female travellers, sufficiently so that he felt compelled to send such a harsh rebuke to the Archbishop of Canterbury: ‘...it is a scandal and a disgrace to your whole church.’ Yet we know that women *did* travel to the continent and that some even took on positions of responsibility such as Leoba who became abbess of a double monastery at Tauberbischofsheim and Walburga at a similar foundation at Heidenheim.³⁷ This seems to be at odds with the general contemporary hostility to the idea of women travelling abroad and, however we attempt to explain it, elements of inconsistency between theory and practice still remain. But a recent reassessment of the role of women in Anglo-Saxon missions by James Palmer goes some way in justifying why such women travelled despite the misgivings of male clergy. He makes the important point that many of the women who travelled to the continent were closely connected to Boniface and his circle and, moreover, that some were bound to the missionary by ties of kinship. Leoba was related to Boniface through her mother, Æbbe; Cynehild was Lull’s maternal aunt and Beorhtgyth was her

³⁶ Tangl, 78; trans. Emerton, *Letters of Saint Boniface*, pp. 136-41, with the translation of this passage at 140. See also an earlier Bonifacian letter (before 738) in which he replied to Abbess Bugga with advice about her proposed pilgrimage to Rome. Here his opinion seems more neutral than in his later letter to Archbishop Cuthbert and he stated that ‘I dare neither forbid your pilgrimage on my own responsibility nor rashly persuade you to it.’ He did, however, advise her to go on pilgrimage only if she could not find ‘a quiet mind at home’ and to ensure that she made detailed arrangements for her safe passage. Tangl, 27; trans. Emerton, *Letters of Saint Boniface*, pp. 56-7. For more discussion of this letter, see Greenaway, ‘Saint Boniface as a man of letters’, p. 43.

³⁷ Greenaway, ‘Saint Boniface as a man of letters’, p. 38.

daughter and therefore Lull's cousin; and Walburga was the sister of Willibald and Wunibald, who also seem to have had kinship ties with Boniface.³⁸ Their status as members of the extended family of male missionaries appears to have given these women sufficient credibility to sanction their departures from Anglo-Saxon England and, of course, their travels took them into an environment of established missionary-activity where they would have joined their male counterparts to whom they were already linked by ties of kinship in collective efforts. These were not the type of women who would travel 'back and forth to Rome' and fall into disrepute, but rather those who could be trusted with important roles in the burgeoning ecclesiastical structure that the missions created.

We are already beginning to observe the important role that kinship ties played in Anglo-Saxon missionary efforts on the continent. This aspect of Anglo-Saxon missionary activity reveals that there was something of a contradiction between idealised models of *peregrinatio pro Christo* and the practical experiences of those who were involved.³⁹ As we saw above, contemporary conceptions of the *peregrinatio pro*

³⁸ Palmer, 'Constructions of sanctity', p. 79. These kinship ties are also noted in Greenaway, 'Saint Boniface as a man of letters', p. 38.

³⁹ There has been much debate about the importance that kinship ties held in the Anglo-Saxon missions and some have used this to draw distinctions between Irish and Anglo-Saxon models of *peregrinatio pro Christo*. The argument runs that, whereas Irish *peregrini* cut ties with their family and friends, Anglo-Saxons who travelled on missions abroad were less concerned to sever their kinship associations. Whilst this is an attractive argument and has sparked useful discussion about early medieval models of *peregrinatio pro Christo*, it cannot be applied to every example of Irish and Anglo-Saxon *peregrinatio pro Christo*. Most importantly, it fails to account for the fact that there are examples of Irish *peregrini* who travelled with family members. The *peregrinus* and missionary Columba, for example, was accompanied on his journey from Ireland by twelve companions, among them an uncle, Ernán, and two first cousins, Baithéne and Cobthach, and the succession to the abbacy at Columba's foundation at Iona was mostly confined to Columba's kinsmen for a century and a half at least. Thus, it is perhaps more appropriate to talk of an idealised model of *peregrinatio pro Christo* that involved the severance of kinship ties which both Anglo-Saxon and Irish *peregrini* did not follow in practice. For examples of works which use the role of kin to draw distinctions between the 'Irish' model of *peregrinatio pro Christo* and that practiced by the Anglo-Saxons, see Angenendt, 'Die irische Peregrinatio'; Palmer, 'Constructions of sanctity', pp. 55-65; J. Palmer, 'Saxon or European? Interpreting and reinterpreting St Boniface', *History Compass* 4 (2006), 852-69 at 855. See also McKitterick, 'Anglo-Saxon missionaries in Germany: personal connections and local influences'; L. E. von Padberg, *Heilige und Familie: Studien*

Christo ideal held that *peregrini* should sever their ties with their existing lifestyles including, it seems, contact with family, friends and acquaintances. Boniface's earliest biographer, Willibald, slotted Boniface within this genre and wrote that, in preparation for his first mission to Frisia, he began to 'shun the company of his relatives and acquaintances and to set his heart not on remaining in his native land but on travelling abroad.'⁴⁰ But we have just seen that many missionaries were related, particularly to Boniface and Lull, and that these kin played important roles in Anglo-Saxon activity on the continent. These links were, perhaps, more important for female missionaries; their familiarity with existing male missionaries and the security which this would have offered must have provided extra encouragement for them to leave in the first place. But male Anglo-Saxons too left England to join family members abroad, drawing on their blood ties in order to create protective circles of enthusiastic and reliable fellow missionaries. It seems, then, that Willibald's depiction of Boniface's preparations for his mission to Frisia owes more to the attempts of the biographer to locate it within the rhetoric of an idealised model of *peregrinatio pro Christo* than to any desire to provide an accurate account of Boniface's behaviour.⁴¹

Whilst the practical experiences of Anglo-Saxon missionaries may not have meshed absolutely with grander models of *peregrinatio pro Christo*, the missionaries themselves still referred to their self-imposed exile as *peregrinatio* and regarded their

zur Bedeutung familiengebundener Aspekte in den Viten des Verwandten- und Schülerkreises um Willibrord, Bonifatius, und Liudger (Mainz, 1997, 2nd edition). For Columba and the abbots of Iona, see M. Herbert, 'Columba (c.521–597)', *Oxford Dictionary of National Biography* (Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/6001>, accessed 21 June 2008] and T. M. Charles-Edwards, 'Iona, abbots of (act. 563–927)', *Oxford Dictionary of National Biography* (Oxford University Press, 2004) [<http://www.oxforddnb.com/view/article/51141>, accessed 21 June 2008].

⁴⁰ Willibald, *Vita Bonifacii*, ch. 4, ed. Levison, 15; trans. Talbot, *Anglo-Saxon Missionaries*, p. 34.

⁴¹ See Palmer, 'Constructions of sanctity', pp. 58-9.

work amongst the continental heathen as a journey that they had undertaken in God's name and under His protection. In a letter of Boniface to Abbot Aldherius (732 x 754), the missionary explained to the abbot that he had been divinely inspired to embark on his journey and that he trusted in God to protect him during his difficult work abroad:

From the depths of my heart I beg your gracious love to bear me in mind in your holy prayers and I urge you to implore for me our merciful God, *who is the author of our wanderings [causa est peregrinationis nostrae]*, that He will hold our frail vessel in His guiding and protecting hand, preserve it from the waves of the German tempests, and bring it safely to the peaceful shore of Jerusalem... We commend ourselves to your prayers, so that, living or dying, we may be one with you in loving communion.⁴²

Like Boniface, Lull reckoned that God had sparked his desire to leave Wessex, but he also regarded this as a divine warning that he should make amends for his sins:

'...touched as I think by the beneficent warning of the divine goodness, I departed from the famous kingdoms of Britain...conscious of my weakness and mindful in some measure of my sins.'⁴³ As we shall see in a moment, missionaries aimed to convert the heathen and save their souls, but here Lull expanded on the reasons Boniface gave for his own voluntary exile and suggested that in making his journey in God's name he himself hoped to gain spiritual benefit. Lull's attitude towards his continental travels is echoed in the letters of women connected to the Anglo-Saxon missions. It is in the

⁴² Tangl, 38; trans. Emerton, *Letters of Saint Boniface*, pp. 66-67. See also Tangl, 9; trans. Emerton, *Letters of Saint Boniface*, pp. 23-25 in which Boniface writes to a young Nithard (716-717) that he wished to return to Germany 'if it shall be God's will'.

⁴³ Tangl, 98; trans. E. Kylie, *The English Correspondence of Saint Boniface* (London, 1911), pp. 98-102. This letter records Lull's travels to Rome before joining Boniface's missionary work. See also Lull's letter to Dealwin (Tangl, 71; Kylie, *English Correspondence*, p. 103) in which he explained that he hoped his missionary activity would help him 'to win pardon for my sins in this earthly prison.'

letters of women which refer directly to the work on the continent, that the spiritual advantages of such activities to the missionaries themselves shines most vividly, perhaps a reflection of the fact that women more so than men were obliged to weigh up carefully the pros and cons of travelling abroad. For example, in the rather touching letter from Eangyth and Bugga which we discussed above, the two women suggested that they might join Boniface's mission as an alternative to their proposed pilgrimage to Rome. They lament that they are weighed down by worldly affairs and distractions and that the 'frail vessels of our souls' have been thrown into turmoil by 'the chain of innumerable sins, and the lack of full and perfect confidence that whatever we may do is good.'⁴⁴ As a remedy for their distress, they hoped that God would inspire them 'to journey into those lands and upon that pilgrimage in which you [Boniface] are now engaged and, if we are permitted, to hear the living words from your lips: "How sweet are thy words unto my taste! Yea, sweeter than honey to our mouth"'⁴⁵

Anglo-Saxon missionaries perceived a divine force as cause of their departure from their homeland and it was, therefore, to God's work that they had to devote their exile. Although *peregrinatio pro Christo* as 'mission' could be undertaken as a personal, spiritual journey in order to lessen sins, it also required the assumption of an altruistic lifestyle that was devoted to the furtherance of God's Word. Pope Gregory II charged Boniface to dedicate himself 'ceaselessly to missionary work' which entailed the 'teaching of the mystery of the faith among the heathen, carrying to them the saving

⁴⁴ Tangl, 14; trans. Emerton, *Letters of Saint Boniface*, pp. 36-40, with his translation of this passage at 36-7.

⁴⁵ Tangl, 14; trans. Emerton, *Letters of Saint Boniface*, p. 38. See also Tangl, 27; trans. Emerton, *Letters of Saint Boniface*, pp. 56-7 for another letter which touches on the spiritual benefits that women could hope to gain by travelling on religious journeys.

knowledge of the divine oracle'.⁴⁶ As might be expected, conversion of the heathen and imperfectly Christianised was to be the backbone of Boniface's missionary work on the continent and it was an occupation that Boniface, his fellow missionaries and successors embraced with enthusiasm, particularly as Anglo-Saxon missionaries remembered their shared ancestry and blood ties with the inhabitants of Germany.⁴⁷ It was not, however, the only task that Gregory assigned to Boniface; almost as an afterthought, the Pope's letter to Boniface which outlined his duties indicated that Boniface should 'insist upon using the sacramental discipline prescribed by the official ritual formulary of our Holy Apostolic See. Whatever you may find lacking in your work, you are to report to us as you have opportunity'.⁴⁸ Boniface's obligation to update and report to the Pope was reinforced in the oath of allegiance that he made some three years after Gregory had first entrusted him with leading the mission to convert the heathens. Boniface pledged to inform the Pope of any irregularities or abuses he uncovered within the existing German church:

But, if I shall discover any bishops who are opponents of the ancient institutions of the holy Fathers, I will have no part nor lot with them, but so far as I can will

⁴⁶ Tangl, 12; trans. Emerton, *Letters of Saint Boniface*, pp. 32-33.

⁴⁷ The ancestral links between the Anglo-Saxons and inhabitants of Northern Germany were remembered by Boniface himself in his famous letter in which he remarked that the Anglo-Saxons and continental Saxons were '...of one blood and one bone', a sentiment echoed in a letter from Bishop Torhthelm of Leicester to Boniface. Tangl, 46 and 47; trans. Emerton, *Letters of Saint Boniface*, pp. 74-75 and 75-76 respectively. The importance of kinship ties in informing the Anglo-Saxon missions to Germany is addressed in Levison, *England and the Continent*, p. 77; Palmer, 'Constructions of sanctity', pp. 65-78; L. E. von Padberg, *Mission und Christianisierung. Formen und Folgen bei Angelsachsen und Franken im 7. und 8. Jahrhundert* (Stuttgart, 1995), p. 67; J. M. Wallace-Hadrill, 'A background to Boniface's mission', in *England before the Conquest. Studies in Primary Sources Presented to Dorothy Whitelock*, ed. P. Clemoes and K. Hughes (Cambridge, 1971), pp. 35-48 at p. 35.

⁴⁸ Tangl, 12; trans. Emerton, *Letters of Saint Boniface*, pp. 32-3 with his translation of this quotation at p. 33.

restrain them or, if that is impossible, will make a true report to my apostolic master.⁴⁹

Boniface's mission, then, was more than a simple effort to preach the Word to the heathen; it also involved an investigation and transformation of standards within the existing church structure.⁵⁰ This, of course, required constant interaction and contact with ecclesiastics throughout Christendom who could offer advice as well as material support for Boniface's efforts and it is to the examination of this network that we now turn.

Wider networks of support and links to the homeland

We have already seen above the significant role that kinship ties played in Anglo-Saxon missionary efforts to convert the continental heathen. However, it was not just familial networks that were important to the success of the missions. More than one hundred letters between Boniface, Lull and other Anglo-Saxon ecclesiastics who were on the continent have survived and, by fostering external links through such correspondence, missionaries remained fully embedded within formal and informal ecclesiastical structures. Boniface, it seems, stayed true to his pledge to Pope Gregory and his successors; the numerous letters amongst his correspondence that were sent to or received from Rome indicate that Boniface kept in close contact with the Apostolic

⁴⁹ Tangl, 16; trans. Emerton, *Letters of Saint Boniface*, p. 41.

⁵⁰ McKitterick, 'Anglo-Saxon missionaries in Germany: personal connections and local influences', 7.

See.⁵¹ He also discharged his duty to expose any troublemakers within the German church. An account of events at a Roman synod held in October 745 records that Boniface sent his messenger Denehard to the meeting with details of the disobedience of two priests, Aldebert and Clemens. Denehard reported:

‘My Lord, when in obedience to the apostolic orders, my master Bishop Boniface servant of Your Holiness, had called a synod in the province of the Franks and had discovered there false priests, heretics, and schismatics, namely Aldebert and Clemens, he deprived them of their priestly functions...They, however, are not doing penance according to their sentence but, on the contrary, are still leading people astray. Wherefore I am sent to present to Your Apostolic Holiness this letter of my master which I hold in my hand, that you may cause it to be read before this sacred council.’⁵²

In his oath, Boniface had pledged to attempt first to deal with wrongdoers himself which, as we can observe, he did in this incident involving Aldebert and Clemens. He also, however, had promised to bring difficult cases to the notice of the Pope, a duty which in this instance he again performed. In order to fulfil this second requirement Boniface sent a messenger and fellow missionary Denehard who was himself aware of

⁵¹ Examples of the correspondence between Boniface and Rome can be found in: Tangl, 24; trans. Emerton, *Letters of Saint Boniface*, pp. 50-3; Tangl, 26; trans. Emerton, *Letter of Saint Boniface*, pp. 53-6; Tangl, 28; trans. Emerton, *Letter of Saint Boniface*, pp. 57-9; Tangl, 45; trans. Emerton, *Letters of Saint Boniface*, pp. 72-4; Tangl, 50; trans. Emerton, *Letters of Saint Boniface*, pp. 78-83; Tangl, 51; trans. Emerton, *Letters of Saint Boniface*, pp. 83-8; Tangl, 57; trans. Emerton, *Letters of Saint Boniface*, pp. 94-6; Tangl, 58; trans. Emerton, *Letters of Saint Boniface*, pp. 96-8; Tangl, 60; trans. Emerton, *Letters of Saint Boniface*, pp. 107-11; Tangl, 68; trans. Emerton, *Letters of Saint Boniface*, pp. 122-3; Tangl, 77; trans. Emerton, *Letters of Saint Boniface*, pp. 134-5; Tangl, 80; trans. Emerton, *Letters of Saint Boniface*, pp. 142-9; Tangl, 86; trans. Emerton, *Letters of Saint Boniface*, pp. 157-9; Tangl, 87; trans. Emerton, *Letters of Saint Boniface*, pp. 159-64; Tangl, 108; trans. Emerton, *Letters of Saint Boniface*, pp. 181; Tangl, 109; trans. Emerton, *Letters of Saint Boniface*, pp. 181-3.

⁵² Tangl, 59; trans. Emerton, *Letters of Saint Boniface*, pp. 98-107 with his translation of this quotation at p. 99.

the intricacies of the complaints against the two priests as well as a letter as testimony to his own efforts to resolve the situation back in Frisia.

Many of the letters which form the body of missionaries' correspondence were sent to and from those who remained in Anglo-Saxon England. It is these letters that are of more significance for our purposes here as, by their very existence, they highlight that the self-imposed exile that Boniface and others had chosen to undertake was defined only by their physical separation from their native land. Members of this intricate network of correspondents included relatives and old acquaintances, ranging from humble priests to kings who all provided advice, words of support as well as gifts of books and other paraphernalia to help with the progress of the missions on the continent.⁵³ In 735, for example, Boniface wrote to Bishop Pethelm of Whithorn about the validity of marriage between a godfather and the mother of his godchild and again in the same year to Archbishop Nothelm of Canterbury asking him to send him a copy of the questions and answers between the missionary to the Anglo-Saxons, Augustine, and Pope Gregory I as he needed particularly to consult what they had to say about consanguinity in marriage.⁵⁴ Other letters also included requests for theological reading material that could be used to help missionaries solve their queries about matters of clerical discipline, church organisation and doctrine.⁵⁵ As well as books and

⁵³ The different types of people who formed this network and the different ways in which they could help Boniface and his fellow missionaries is discussed in McKitterick, 'Anglo-Saxon missionaries in Germany: personal connections and local influences'; N. Ohler, *The Medieval Traveller*, trans. C. Hillier (Woodbridge, Suffolk, 1989), pp. 148-50.

⁵⁴ Tangl, 32; trans. Emerton, *Letters of Saint Boniface*, pp. 61-2 and Tangl, 33; trans. Emerton, *Letters of Saint Boniface*, pp. 62-3. Why Boniface should be so concerned about consanguinity in marriage is revealed later in his letter to Archbishop Nothelm where he expressed his concerns that he may have unwittingly committed a sin by granting a man permission to marry the widowed mother of his godson.

⁵⁵ See, for example, Tangl, 30; trans. Emerton, *Letters of Saint Boniface*, pp. 60-1; Tangl, 34; trans. Emerton, *Letters of Saint Boniface*, pp. 63-4; Tangl, 35; trans. Emerton, *Letters of Saint Boniface*, pp. 64-

manuscripts, missionaries both sent and received gifts with more practicable usages, the reciprocal exchange of such items binding the correspondents ever more tightly together. Early in Boniface's mission, for example, Bugga sent with a letter fifty *solidi* and an altar cloth, remarking rather touchingly that the altar coverlet was 'the best I can possibly do. Little as it is, it is sent with great affection'.⁵⁶ Missionaries also received *cozumber* (incense), knives, reed pens and spices from their many correspondents to help them in their endeavours and sent back to England similar small tokens as signs of their enduring regard for those they had left behind.⁵⁷ Boniface sent a decorated garment and a towel to Bishop Pethelm of Whithorn in 735,⁵⁸ a hawk, two falcons, two shields and two lances to King Æthelbald of Mercia in 745 or 746⁵⁹ and Denehard, Lull and Burchard sent frankincense, pepper and cinnamon to Abbess Cuniberg as accompaniments to their letter of 739 x 741.⁶⁰ Prayers, too, played a part in this complex exchange and can be viewed as highly-valued spiritual gifts. We should note, for example, the eagerness of Leoba to elicit prayers from Boniface in a letter of c. 732 in which she also asked for his prayers for the soul of her father, Dynne, and her mother to whom Boniface was related.⁶¹ Denehard, Lull and Burchard echoed Leoba's earnest pleas for prayers in their correspondence with Cuniberg, writing:

5; Tangl, 63; trans. Emerton, *Letters of Saint Boniface*, pp. 144-7; Tangl, 76; trans. Emerton, *Letters of Saint Boniface*, pp. 133-4; Tangl, 91; trans. Emerton, *Letters of Saint Boniface*, pp. 167-9.

⁵⁶ Tangl, 15; trans. Emerton, *Letters of Saint Boniface*, pp. 40-1.

⁵⁷ Tangl, 54; trans. Emerton, *Letters of Saint Boniface*, pp. 90-1; Tangl, 72; trans. Emerton, *Letters of Saint Boniface*, pp. 124; Tangl, 84; trans. Emerton, *Letters of Saint Boniface*, pp. 155-6; Tangl, 85; trans. Emerton, *Letters of Saint Boniface*, pp. 156-7; Tangl, 105; trans. Emerton, *Letters of Saint Boniface*, pp. 177-8.

⁵⁸ Tangl, 32; trans. Emerton, *Letters of Saint Boniface*, pp. 61-62.

⁵⁹ Tangl, 69; trans. Emerton, *Letters of Saint Boniface*, p. 123. Ohler, *Medieval Traveller*, p. 149 discusses this letter further and remarks on the appropriateness of Boniface's choice of gifts: 'Boniface knew how to win favour with rulers by giving suitable presents'.

⁶⁰ Tangl, 46; trans. Emerton, *Letters of Saint Boniface*, pp. 77-78. For discussion of this letter and that it should be regarded as evidence of possible kinship relations between the Denehard, Lull and Burchard, see Yorke, 'Bonifacian mission and female religious', 155.

⁶¹ Tangl, 29; trans. Emerton, *Letters of Saint Boniface*, pp. 59-60.

And now, we beseech you from the depths of our hearts that you will be pleased to keep us in communion with your holy congregation, and with the support of your prayers guide our little bark, worn out by the tempests of this world, into safe harbour, and that you will not refuse to shelter us against the cruel darts of sin with the shield of your prayer, as we also pray the divine aid every moment for the welfare of Your Eminence.⁶²

Here we can observe the significance that was attached to requests for prayers; the three men clearly hoped that the pious actions of Cuniberg and her community would elicit from God greater favour for their mission and serve to reinforce the strength of His shield that they believed protected them from harm while they undertook their work in alien territories.⁶³

The network of support that Anglo-Saxon missionaries wove around themselves did not emerge accidentally, nor was it incidental to the work on the continent; it was, rather, deliberately constructed and referred to by members who all benefited from its existence and encouraged its growth. Clerics were connected by their mutual belief in God and the work which they undertook for Him. They could support each other by sharing the joy of successes, offering solace in times of loneliness or acknowledging similar struggles in times of doubt.⁶⁴ In an affectionate letter to Boniface, for example,

⁶² Tangl, 46; trans. Emerton, *Letters of Saint Boniface*, pp. 77-8, with his translation of this extract at p. 77.

⁶³ Other letters that include requests for prayers of support are: Tangl, 34; trans. Emerton, *Letters of Saint Boniface*, pp. 63-4; Tangl, 38; trans. Emerton, *Letters of Saint Boniface*, pp. 66-7; Tangl, 46; trans. Emerton, *Letters of Saint Boniface*, pp. 74-5.

⁶⁴ Three surviving letters of Beorhtgyth highlight how lonely life could be for an Anglo-Saxon abroad. Her letters are addressed to her brother begging him to visit her to 'assuage her tears' and 'take away the sorrow from my soul, for it hurts me deeply'. Tangl, 147, 148; partly transl. Dronke, *Women Writers of the Middle Ages*, pp. 30-33. The letters are discussed by Dronke and also by McKitterick, 'Anglo-Saxon missionaries in Germany: personal connections and local influences', 23.

Daniel of Winchester ensured him 'that although we are separated by the vast extent of land and sea and the wide diversity of climate we are afflicted by the same scourge of sorrows'.⁶⁵ Central to the network was the notion that no matter the distance of separation, all members were joined in spirit. Boniface and his fellow missionaries may have voluntarily left the geographical expanse of their homeland to do God's work but they never left the security and comfort which was provided by the spiritual brotherhood. As the priest Wiehtberht wrote to the monks of Glastonbury after his safe arrival into Boniface's company: 'Be assured my brothers that no earthly distances divide us whom the love of God binds together.'⁶⁶

Pilgrimage

We have seen above how Anglo-Saxon missionaries chose to leave their homelands in order to devote themselves to God's work amongst the heathen in alien lands. For many of these men and women this move entailed a permanent severance of ties with their previous lives and they ended their days in exile from their homeland.⁶⁷ There were, however, other Anglo-Saxons who left the confines of their kingdoms for religious

⁶⁵ Tangl, 64; trans. Emerton, *Letters of Saint Boniface*, pp. 117-121. See also Tangl, 78; trans. Emerton, *Letters of Saint Boniface*, pp. 136-141 in which Boniface remarked to Archbishop Cuthbert of Canterbury that their ministry was 'one and the same cause'. For discussion Boniface's various letters to the Archbishops of Canterbury, see McKitterick, 'Anglo-Saxon missionaries in Germany: personal connections and local influences', 16.

⁶⁶ Tangl, 101; trans. Emerton, *Letters of Saint Boniface*, p. 174.

⁶⁷ The massacre of Boniface and his missionary party in Frisia in 754 is perhaps the most striking example of Anglo-Saxon missionaries who died abroad. See T. Reuter, 'Saint Boniface and Europe' in *The Greatest Englishman. Essays on St Boniface and the Church at Crediton*, ed. T. Reuter (Exeter, 1980), pp. 69-94 at p. 79.

reasons but these individuals were inspired by different motivations and participated in different activities from those who undertook missionary work. By the Anglo-Saxon period, pilgrimage – a ritual journey to a sacred place – already had a long history.⁶⁸ Indeed, in a reinterpretation of Neolithic monuments, Richard Bradley has suggested that gatherings at certain British prehistoric sacred sites could be interpreted as a form of pilgrimage journey.⁶⁹ Whilst Bradley admits that there are difficulties in proving his case for prehistoric pilgrimage, he does argue that there are elements that emerged in the Late Neolithic period – such as enclosed areas for gatherings and deposits of artefacts of distant origins at such sites – which could be interpreted as evidence for pilgrimage by Neolithic peoples.⁷⁰ In the same vein, Diana Webb has made the simple but important point that sacred journeying is not exclusively a Christian phenomenon; she has emphasised in particular that holy sites are known from pre-Christian religions, such as that of Osiris at Abydos from the Egyptian New Kingdom and the innumerable shrines that were dispersed throughout the ancient Greek landscape.⁷¹ However, we will concern ourselves here with Christian pilgrimages and, specifically, journeys that were undertaken by Anglo-Saxon Christians through their love of God and a desire to demonstrate piety and devotion to Him. It is difficult to establish the date of the first Christian pilgrimages; Melito of Sardis, who undertook his pilgrimage in the mid-second century, is the earliest recorded pilgrim to the Holy Land and pilgrimage to

⁶⁸ For pre-Christian religious journeys that could be termed ‘pilgrimages’, see Webb, *Medieval European Pilgrimages*, pp. viii-xvii.

⁶⁹ R. Bradley, ‘Pilgrimage in prehistoric Britain?’, in *Pilgrimage Explored*, ed. J. Stopford (York, 1999), pp. 1-23. As pointed out by Bradley, academic discussion of the appropriateness of applying the concept of pilgrimage to the prehistoric period is limited. However, C. Renfrew, ‘Trade beyond the material’, in *Trade and Exchange in Prehistoric Europe*, ed. C. Scarre and F. Healy (Oxford, 1993), pp. 5-16 does address some of the problems.

⁷⁰ Bradley, ‘Pilgrimage in prehistoric Britain?’, pp. 22-23.

⁷¹ Webb, *Medieval European Pilgrimage*, p. viii.

Jerusalem was certainly flourishing by the fourth century.⁷² Rome too, with its shrines of SS Peter and Paul, was a centre for Christian pilgrimage as was Santiago, although the earliest known English pilgrims to the tomb of St James date to c. 1100.⁷³ These three holy places – Rome, the Holy Land and Santiago – were the most important of the medieval pilgrimage sites, but here we will not allow their grandeur to overshadow the significance of journeys to smaller, more humble sites which were located throughout Christendom.⁷⁴

⁷² Webb, *Medieval European Pilgrimage*, pp. xii and 3-4. Early Christian pilgrimage to the Holy Land is examined in R. Barber, *Pilgrimages* (Woodbridge, 1991), pp. 14-19; E. D. Hunt, *Holy Land Pilgrimage in the Later Roman Empire AD 312-460* (Oxford, 1982); Maraval, 'Earliest phase of Christian pilgrimage'; J. A. Smith 'Sacred journeying: women's correspondence and pilgrimage in the fourth and eighth centuries', in *Pilgrimage Explored*, ed. J. Stopford (York, 1999), pp. 41-56. Wilkinson, *Jerusalem Pilgrims before the Crusades* contains a number of relevant sources. Recently there have been moves to deny Melito and other early visitors to the Holy Land the title of pilgrims and re-class them as curious tourists who were not inspired to travel by religious feelings. See P. Maraval, *Lieux saints et pèlerinages d'Orient* (Paris, 1985), pp. 25-27. For a reappraisal of pilgrimage in the early Christian period see E. D. Hunt, 'Were there Christian pilgrims before Constantine?', in *Pilgrimage Explored*, ed. J. Stopford (York, 1999), pp. 25-40 in which he argues that, although second and third century travellers to the Holy Land had different motivations to later medieval pilgrims, their journeys still contained elements of religious devotion and that they should continue to be classified as 'pilgrims'.

⁷³ R. Fletcher, 'The early middle ages, 700-1250', in *Spain: a History*, ed. R. Carr (Oxford, 2000), pp. 63-89 at p. 75.

⁷⁴ Relevant secondary literature on the rise of saints' cults and sacred sites in early medieval Europe is vast. Reading on the subject should, however, include: P. Brown, *The Cult of Saints. Its Rise and Function in Latin Christianity* (Chicago, Illinois, 1981); P. Geary, *Living with the Dead in the Middle Ages* (London and Ithaca, New York, 1994); M. Lapidge, 'The saintly life in Anglo-Saxon England', in *The Cambridge Companion to Old English Literature*, ed. M. Godden and M. Lapidge (Cambridge, 1991), pp. 243-263; D. Rollason, 'Lists of saints' resting-places in Anglo-Saxon England', *Anglo-Saxon England* 7 (1978), 61-93; D. Rollason, 'The shrines of saints in later Anglo-Saxon England: distribution and significance', *Council for British Archaeology. Research Reports* 60 (1986), 32-43; Rollason, *Saints and Relics*; J. M. H. Smith, 'Old saints, new cults: Roman relics in Carolingian Francia', in *Early Medieval Rome and the Christian West: Essays in Honour of Donald A. Bullough*, ed. J. M. H. Smith (Leiden, 2000), pp. 317-339; *Local Saints and Local Churches in the Early Medieval West*, ed. A. Thacker and R. Sharpe (Oxford, 2002). For medieval pilgrimage to Rome, see Barber, *Pilgrimages*, pp. 48-74; D. J. Birch, *Pilgrimage to Rome in the Middle Ages* (Woodbridge, 1998); B. Colgrave, 'Pilgrims to Rome in the seventh and eighth centuries', in *Studies in Language, Literature and Culture in the Middle Ages and Later*, ed. E. B. Atwood and A. A. Hill (Austin, Texas, 1969), pp. 156-172; W. J. Moore, *The Saxon Pilgrims to Rome and the Schola Saxonum* (Friburg, 1937); A. Thacker, 'Loca sanctorum: the significance of place in the study of the saints', in *Local Saints and Local Churches in the Early Medieval West*, ed. A. Thacker and R. Sharpe (Oxford, 2002), pp. 1-43 especially pp. 3-20. For medieval pilgrimage to Santiago, see T. A. Layton, *The Way of St. James or the Pilgrims' Road to Santiago* (London, 1976); W. Starkie, *The Road to Santiago* (London, 1957), especially pp. 13-77; M. Costen, 'The pilgrimage to Santiago de Compostela in medieval Europe', in *Pilgrimage in Popular Culture*, ed. I. Reader and T. Walter (Basingstoke, Hampshire, 1993), pp. 137-154; Fletcher, 'Early middle ages', pp. 75-76.

Towards a definition of pilgrimage

Before we begin our discussion of Anglo-Saxon pilgrimage, we must first establish a working definition of the concept and it is helpful here to contrast journeys that could be classed as 'pilgrimages' with those that fall more firmly into the category of *peregrinatio pro Christo* which we have examined above. There is an important distinction; although both involved journeys, pilgrimage was characterised by temporal and geographical parameters which were lacking in the ideal of *peregrinatio pro Christo*. Pilgrims were driven by a desire to reach a specific destination, often for a specific purpose such as a divinely ordained cure for an illness or infirmity although, as we shall see, the origins of this desire were not always entirely elective nor was it always satisfied by the arrival at a sacred site. Such expeditions also entailed an internal, spiritual journey which could improve and enrich the spiritual wellbeing of the pilgrim and help him or her understand better his or her place within God's creation. In order to give structure and shape to what follows, we will locate our discussion within a framework provided by Victor Turner whose work on pilgrimage is important for understanding the underlying processes that characterise the phenomenon. Building on Arnold van Gennep's work on rites of passage, Turner proposed a model of pilgrimage that identified three stages which he claimed were common to all such religious journeys: separation, margin and reaggregation.⁷⁵ What Turner meant by 'separation' is

⁷⁵ V. Turner, *The Ritual Process: Structure and Anti-Structure* (London, 1969); V. Turner, *Dramas, Fields and Metaphors: Symbolic Action in Human Society* (Ithaca, New York, 1974), pp. 166-230; V. Turner and E. Turner, *Image and Pilgrimage in Christian Culture: Anthropological Perspectives*, (Oxford, 1978), especially pp. 1-39; V. Turner, 'The center out there: pilgrim's goal', *History of Religions* 12:3 (1973), 191-230. For the theories of Arnold van Gennep on which Turner based his thesis, see A. van Gennep, *The Rites of Passage*, trans. M. B. Vizedom and G. L. Caffee (London, 1960).

quite straightforward to explain and will form the first section of the following discussion in which we will explore motivations for pilgrimage – the reasons that prompted pilgrims to leave their homes and communities. At its heart pilgrimage was a channel for expressing personal religious devotion, but lying within this were more immediate forces that informed each particular pilgrimage. Many of these impulses were personal and private in nature and so the intricacies of individual pilgrimages are now lost to us, but there are, however, trends that can be identified in the literature of pilgrimage that allow us to say something about common motivations. As we shall see, it could be prompted by the desire to atone for sins or in the hope that, by making what was often an arduous journey, God would grant a cure for a sickness or infirmity. For Turner, it was the second phase – ‘margin’ – that was the most significant and interesting in the pilgrimage process. He proposed that, while on pilgrimage, pilgrims exist in a ‘liminal sphere’, placing themselves outside normal social hierarchies and power structures; their status is ambiguous and they are ‘betwixt and between all familiar lines of classification.’⁷⁶ This is an important point; Turner’s thesis maintains that all pilgrims, whether their pilgrimage is to a local or distant sacred site, experience some sense of dislocation while they are removed from their familiar surroundings. In order to survive in such a situation, pilgrims are thus obliged to re-evaluate their position and form a new *communitas* with fellow pilgrims which serves as a replacement for the security and companionship provided by their home communities.⁷⁷ Here we will take Turner’s idea of *communitas* in order to explore the systems of

⁷⁶ Turner and Turner, *Image and Pilgrimage*, p. 2.

⁷⁷ Turner, ‘The center out there’, 191-194; V. Turner, ‘Pilgrimage and communitas’, *Studia Missionalia* 23 (1974), 305-327.

support that Anglo-Saxon pilgrims could exploit while they made their journeys and try to establish whether or not Anglo-Saxon pilgrims did, indeed, form their own protective communities. We will encounter difficulties, however, when we attempt to apply the third and final phase of Turner's model to all Anglo-Saxon pilgrimages. In order to complete the pilgrimage process, he stated that pilgrims have to make a return journey, rejoin their original social group and share their experiences – a process which alters their home communities.⁷⁸ Many Anglo-Saxon pilgrims did indeed satisfy this last criterion and returned home to their families and communities. However, as we shall see, there were some Anglo-Saxons who left the confines of Anglo-Saxon England, particularly in order to go to Rome, with no intention of returning to their homeland. Those who made such journeys maintained essential aspects of pilgrimage – journeys of spiritual devotion to sites of religious significance – but the permanence of their self-imposed exile from their *patria* demonstrates that there was another interpretation of pilgrimage in Anglo-Saxon England that Turner's model fails to appreciate.

Motives for pilgrimage

Pilgrimage was a journey of religious devotion and all those travellers who can be classed as pilgrims were, to differing extents, motivated by their love for God. Some made comparatively short journeys to local shrines whilst others spent many years travelling on penitential pilgrimages or were spurred on by their unquenchable curiosity

⁷⁸ This aspect of Turner's thesis is explored in more detail in Smith, 'Women's correspondence and pilgrimage', p. 46.

to visit holy sites.⁷⁹ All, however, hoped to gain some spiritual satisfaction from their pilgrimage with the journey serving as a cathartic exercise. A description in Bede's *Life of St Cuthbert* of the many people who came to visit the saint at his hermitage on Lindisfarne offers us some insight into the benefits that they hoped to gain from their journeys:

Now many came to the man of God, not only from the neighbourhood of Lindisfarne but also from the remoter parts of Britain, having been attracted by the reports of his miracles; such people declared to him either the sins they had committed or the temptations of the devils to which they were exposed, or else revealed the common troubles of mankind by which they were afflicted, hoping that they would get consolation from man of such sanctity.⁸⁰

Whilst Bede did not identify Cuthbert's visitors as pilgrims, it is not inappropriate to make connections with the pilgrimage experience if we examine more closely what this passage reveals about the reasons that prompted so many people to travel to Lindisfarne. Bede tells us that they had been attracted by Cuthbert's reputation for miracle working and it is clear that they hoped he would be able to alleviate their suffering through his mediations with God. In this instance, the 'pilgrims' goal was to converse with Cuthbert and to receive his blessing, with the hermit himself serving as a holy destination. For most early medieval pilgrims, however, pilgrimage involved a journey to a sacred site which housed the relics of a saint. As stressed by Peter Brown in his seminal work *The Cult of Saints*, these pilgrims were attracted by the reputation of

⁷⁹ For an example of holy curiosity, see the letter of Cuthbert, abbot of Wearmouth and Jarrow, to Lull (764) in which he refers to his priest Hunwine who was 'anxious to see Rome'. Tangl, 116; trans. *EHD*, no. 185.

⁸⁰ VCP, ch. 22, pp. 228-9.

the saints for their ability to intervene with God on behalf of those still earth-bound.⁸¹ Throughout early medieval Europe, the cult of saints and, in particular, the possession of holy relics was a 'big business'; control over a successful saint's cult could result in great power and wealth and so it was in the interest of those responsible for maintaining the cult to promote the saint's reputation.⁸² It is within the literature that aimed to confirm and enhance these saints' cults that much of our evidence for pilgrimage is located and this causes problems when attempting to identify motivations that caused early medieval people to seek out the shrines of saints. In particular, authors of saints' lives wrote to exalt their subjects and to promote knowledge of the miracles that they performed; the many reasons why the faithful recipients of grace had made their journeys in the first place were not of immediate concern to them. Relevant narratives tend to emphasise the most wondrous and impressive aspects of saints' lives and cults and so, accordingly, references to pilgrims in saints' lives and accounts of miracles are heavily weighted in favour of those pilgrims who received a miraculous cure for physical (or sometimes mental) ailments.

Although our sources hinder attempts to formulate a comprehensive picture of why pilgrims embarked on their journeys, they do, at least, allow us to explore this idea of pilgrimages that were undertaken in search of a cure for a sickness or impairment. For those seeking alleviation from what were likely to be prolonged illnesses, an extended journey overseas was impractical; a pilgrimage to a local or regional shrine

⁸¹ Brown, *Cult of Saints*, especially pp. 50-68.

⁸² Geary, *Living with the Saints*, pp. 167-171 discusses the importance of relics and miracles in creating medieval saints' cults. See also R. C. Finucane, *Miracles and Pilgrims. Popular Beliefs in Medieval England* (London, Melbourne and Toronto, 1977), pp. 25-38; Rollason, *Saints and Relics in Anglo-Saxon England*, pp. 23-59; Rollason, 'Shrines of saints in later Anglo-Saxon England', 32 and 34; J. Sumption, *Pilgrimage. An Image of Mediaeval Religion* (Totowa, New Jersey, 1975), pp. 22-53.

offered a possible alternative, although some sick or infirm pilgrims were still prepared to travel long distances over land. For early medieval pilgrims, a visit to a local sacred site would have lacked the prestige of a visit to Rome or the Holy Land, but such excursions were more practical and affordable and, importantly, still encompassed the devotional element of sacred journeying which was central to the pilgrimage concept. Some of the earliest medieval accounts of miraculous cures of pilgrims can be found in the hagiographical work of Gregory of Tours. As bishop of Tours, Gregory was keen to promote the power of St Martin whose cult he had under his jurisdiction in order to encourage a steady flow of pilgrims to the site, whose grateful gifts would fill the church's coffers.⁸³ Nevertheless, his account of the miracles performed at St Martin's shrine demonstrates how reputation for healing could cause pilgrims to travel many miles in order to seek a cure; indeed, Gregory himself remarked that 'innumerable people' travelled from 'remote regions to seek the assistance of the blessed confessor'.⁸⁴ One such example involved a man from Brittany – a journey of over one hundred and fifty kilometres:⁸⁵

A man called Paternianus came from Brittany. He was blind, mute and deaf and his hands had been crippled because of some infection; because all his limbs had been weakened by his illness only his feet offered support for the man. After he came here to the church of the powerful patron and offered a prayer, he regained

⁸³ Gregory gave an account of three hundred or so pilgrimages to Tours. An edition can be found in: *Libri de virtutibus sancti Martini episcopi*, ed. B. Krusch, *Monumenta Germaniae Historica. Scriptores rerum Merovingicarum I* (Hannover, 1885), 584-661 [hereafter VM]; trans. R. Van Dam, *Saints and their Miracles in Late Antique Gaul* (Princeton, New Jersey, 1993), pp. 200-303. Chapter 2 of Van Dam's *Saints and their Miracles* examines the life and career of Gregory and discusses the relationship between the bishop and the cult of St Martin.

⁸⁴ VM, 2.53; trans. Van Dam, *Saints and their Miracles*, p. 254.

⁸⁵ See map 3, p. v.

the sight he had lost once his eyes were open and he recovered the earlier use of his hands. He marvelled that he had been cured by the power of the blessed bishop and proclaimed to the people his thanks for his good health.⁸⁶

Paternianus was in poor physical condition, yet he was still prepared to make a pilgrimage to a distant shrine. Even if we take into account possible elaboration and exaggeration of the severity of Paternianus's infirmities, his determination to undertake such an arduous journey is impressive. In fact, Paternianus's willingness to endure additional physical hardship increased his worthiness to receive a cure. Demonstrating appropriate levels of worthiness and humility is a repeated motif in Gregory's descriptions of cures of pilgrims. A woman from Poitiers, for example, feared that, although she had travelled to Tours with a 'pure heart', her sins would prevent her from receiving a cure. Her passive acceptance of her apparent rejection by St Martin, however, was ultimately rewarded when she was cured on her return journey.⁸⁷ As this miracle story illustrates, pilgrimage was as much a spiritual journey as it was a physical one; the woman's claim that she was 'pure of heart' was reinforced by her prayerful piety at St Martin's shrine and her joyful thanks following her cure.

Like their continental counterparts, Anglo-Saxons also undertook pilgrimage in search of cures. Some of our earliest descriptions of pilgrimages by sick or impaired Anglo-Saxons come from the body of work left by Bede (673-735). His *Life of St Cuthbert* contains detailed descriptions of many miracle cures wrought by the saint before and, more importantly for our purposes, after his death. One such case involved a young boy from Lindisfarne who was 'vexed by a most cruel demon, so that he had

⁸⁶ VM, 4.46; trans. Van Dam, *Saints and their Miracles*, p. 303.

⁸⁷ VM 2.56; trans. Van Dam, *Saints and their Miracles*, p. 256.

completely lost his reason, and cried out, howled and tried to tear in pieces with his teeth both his limbs and whatever he could reach'.⁸⁸ The boy was finally cured by an infusion of soil on which the water used to wash Cuthbert's body had been poured. In order to receive this cure, the boy and his father had travelled a short distance to Lindisfarne monastery. Bede did not describe this journey as a pilgrimage, but it did embrace defining aspects of pilgrimage - a journey to a sacred place, prayer and entreaty at this sacred place, appropriate gratitude to God for any cures received and, finally, a return journey to the supplicant's home community.⁸⁹ In this instance, the distance travelled by the boy and his father was short – they lived in close proximity to the monastery at Lindisfarne – but other sources indicate that Anglo-Saxons were prepared to travel long distances in search of a cure. Lantfred's discussion of the cult of St Swithun in Winchester (970s) records pilgrim visitors from Essex, Bedford and the Isle of Wight.⁹⁰ Ælfric of Eynsham's reworking of Lantfred's *Translatio et miracula S. Swithuni* in c. 1000 gives an evocative impression of the environment and atmosphere surrounding St Swithun's shrine. Even allowing for artistic exaggeration on Ælfric's part, the image created suggests that large numbers of sick people visited Winchester:

Through the saint's intercession four sick men were healed there within three days; and during the course of five months there were few days that there were not at least three sick people healed – sometimes five or six, seven or eight, ten or twelve, sixteen or eighteen. Within ten days two hundred men were healed:

⁸⁸ VCP, ch. 41, pp. 288-9.

⁸⁹ *Ibid.* pp. 290-1.

⁹⁰ Lantfred of Winchester, *Translatio et miracula S. Swithuni*, chs. 5, 8, 19, ed. and trans. M. Lapidge, *The Cult of St Swithun*, Winchester Studies 4.ii: The Anglo-Saxon Minsters of Winchester (Oxford, 2003), pp. 249-333 at pp. 288-9, 290-1, 300-1 respectively. For further discussion of this passage, see G. Rosser, 'The cure of souls in English towns before 1000' in *Pastoral Care Before the Parish*, ed. J. Blair and R. Sharpe (Leicester, 1992), pp. 267-284 at p. 276.

and within twelve months so many that one couldn't count them. The cathedral precinct would be filled with disabled persons [*alefedum mannum*], such that one could not easily get into the minster...⁹¹

Ælfric's vivid depiction of the precinct at Winchester cathedral indicates that the desire for cures for sickness must have been the primary motivating factor in many Anglo-Saxon pilgrimages. Some infirm pilgrims were willing to travel long distances in search of alleviation of their symptoms and it is these individuals who most clearly demonstrated their devotion, dedication and, perhaps, desperation to undertake a pilgrimage. Many displayed signs of severe illness or disfigurement, yet they still embarked on such journeys in the hope that they would be judged worthy of a cure.

Thus far we have focused our attention on elective pilgrimages which were undertaken by individuals who had themselves chosen to embark on such journeys in search of divine cures. Such pilgrimages could, of course, have involved the advice and encouragement of family, friends and other associates but, essentially, the decision making process was free from the overt interference of others. However, in direct contrast, some pilgrimages were undertaken as a result of coercion by outside parties, perhaps carried out as part of the penitential process or on behalf of a deceased family member who had left directions in a will. Like their voluntary counterparts, those who undertook such pilgrimages did so in order to gain some form of spiritual gratification for themselves and/or others, but the initial impetus for such a journey was at the very

⁹¹ Ælfric, 'Life of St Swithun', ch. 10, ed. and trans. M. Lapidge, *The Cult of St Swithun*, Winchester Studies 4.ii: The Anglo-Saxon Minsters of Winchester (Oxford, 2003), pp. 590-609 at p. 596-7. Lantfred's and Ælfric's descriptions of the numbers of cures at St Swithun's shrine must be used with care; Lantfred in particular was keen to stress Winchester's superiority as a town for healing. See Rosser, 'The cure of souls in English towns', p. 276.

least subject to the involvement of other agents. Penitential pilgrims made their journeys on the recommendation of a church representative in order to atone for an officially recognised sin, but it was important that penitents undertook the pilgrimage of their own free will and demonstrated appropriate levels of repentance.⁹² The early Church did not impose penitential pilgrimages but instead favoured forms of excommunication; it was sixth century Irish ascetics that first promoted the idea of pilgrimage as a means to atone for sin.⁹³ Priests (or sometimes bishops) administered penance to their flock from penitential handbooks which contained regulations for its implementation and indicated the required reparations for a list of sins.⁹⁴ Examination of these handbooks can help us to understand the workings of penitential pilgrimage, although they cannot, of course, provide examples of penitential pilgrimage working in practice. Irish penitentials, which enjoyed a popular revival in Europe in the tenth and eleventh centuries, prescribed penitential pilgrimage for severe sins such as murder or serious sexual transgressions.⁹⁵ For example, the *Penitential of Columban* (c. 600) states: ‘If anyone falls most miserably and begets a child, he shall do penance as a pilgrim for seven years on bread and water; then for the first time, at the judgement of the priest, he shall be joined to the altar’.⁹⁶

⁹² Penitential pilgrimage is discussed in R. A. Aronstam, ‘Penitential pilgrimages to Rome in the early middle ages’, *Archivum Historiae Pontificiae* 13 (1975), 65-83; Sumption, *Pilgrimage*, pp. 98-112; Webb, *Medieval European Pilgrimage*, pp. 49-52.

⁹³ Aronstam, ‘Penitential pilgrimages to Rome’, 65-66; Sumption, *Pilgrimage*, p. 98.

⁹⁴ A. Thacker, ‘Monks, preaching and pastoral care in early Anglo-Saxon England’, in *Pastoral Care before the Parish*, ed. J. Blair and R. Sharpe (Leicester, 1992), pp. 137-170 at pp. 157-158. The history and development of penitential handbooks are explored in A. J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Jersey, 1983).

⁹⁵ Aronstam, ‘Pilgrimages to Rome’, 66. R. Meens, ‘Penitentials and the practice of penance in the tenth and eleventh centuries’, *Early Medieval Europe* 14 (2006), 7-21 charts the revival in the tenth and eleventh centuries of older penitentials.

⁹⁶ *Poenitentiale Columbani*, B, ch. 2. The *Poenitentiale Columbani* is ed. F. W. H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche nebst einer rechtsgeschichtlichen Einleitung* (Halle, 1851), pp. 353-60; trans. J. T. McNeill and H. M. Gamer, *Medieval Handbooks of Penance* (New York, 1938), pp. 249-257 with the translation of this extract at p. 252.

Whilst Anglo-Saxon penitential literature does make reference to the use of pilgrimage as expiation for sins, instances are markedly fewer than in the surviving Irish literature. One text of Anglo-Saxon provenance that does discuss penitential pilgrimage, however, is a collection of Irish canons made in Worcester in the early to mid-eleventh century.⁹⁷ These canons are concerned with the protection of ecclesiastical buildings and property and demand the imposition of pilgrimage of varying length on anyone who damaged church property. In one of the canons, instructions are given for the penance that was to be imposed on those who injured members of the clergy in the process of breaking and entering into church premises. For example, binding of 'anyone attached to a bishop' necessitated a solitary pilgrimage of ten years; if the victim was wounded, twenty years; however, if the victim was killed then only a 'perpetual pilgrimage, or, more mildly...a pilgrimage of thirty years' could compensate for the sin.⁹⁸ Also contained within these canons are specific instructions to the penitent about his conduct while on pilgrimage: 'he shall live without flesh and wife and horse, on dry bread, and with meagre clothing and not stay for two nights in one house save only in the principal festivals or if sickness lays hold of him'.⁹⁹ An extract from the so-called 'Canons of Edgar' which, as Dorothy Whitelock demonstrated should be associated with

⁹⁷ Cambridge, Corpus Christi College, MS 265. The text is printed in M. Bateson, 'A Worcester Cathedral book of ecclesiastical collections, made c. 1000 AD', *The English Historical Review* 10 (1895), 712-731 at 721-2; trans. McNeill and Gamer, *Medieval Handbooks of Penance*, pp. 425-6. Bateson dated the manuscript as c. 1000, but Frantzen, *Literature of Penance*, p. 132 gives a date of mid-eleventh century.

⁹⁸ Canon 3, ed. Bateson, 'Worcester Cathedral book', 722; trans. McNeill and Gamer, *Medieval Handbooks of Penance*, pp. 425-6. In these instances, penitential pilgrimage was coupled with loss of possessions and property.

⁹⁹ Canon 3, ed. Bateson, 'Worcester Cathedral book', 722; trans. McNeill and Gamer, *Medieval Handbooks of Penance*, p. 426.

archepiscopacy of Wulfstan of York (d. 1023), supports and enhances this image of indigent and humble penitential pilgrims:

It is a deep penitence that a layman lay aside his weapons and travel far barefoot and nowhere pass a second night and fast and watch much and pray fervently, by day and by night and willingly undergo fatigue and be so squalid that iron come not on hair or on nail.¹⁰⁰

Ascetic ideals would allow a penitent to demonstrate true repentance and his trust in God to sustain him during his pilgrimage, in much the same way as did the three Irishmen who were washed up on the shores of Cornwall in 891.¹⁰¹

Anecdotal evidence for penitential pilgrimage in action is not plentiful, but is sufficient to demonstrate that theory was indeed put into practice in the early medieval period. Incidental references in saints' lives reveal that penitential pilgrims sought advice from holy men about the form of their pilgrimages. Adamnan's *Life of St Columba* (c. 700), for example, contains a description of a visit by a pilgrim from Connaught to Columba while he was living on the island of Iona. The pilgrim had undertaken 'the long and laborious journey on purpose to expiate his sins in pilgrimage' and, on the advice of the saint, travelled to the neighbouring island of Tiree in order to complete seven years of penance.¹⁰² For the imposition of penitential pilgrimages in

¹⁰⁰ 'Canons of Edgar. Of Penitents', ch. 10, ed. and trans. B. Thorpe, *Ancient Laws and Institutes of England* (London, 1840, 2 vols.), II:395-415 at 411-2. The 'Canons of Edgar' is one of two texts that Dorothy Whitelock demonstrated should be associated with Wulfstan despite their claim to be the work of earlier kings. The other is the so-called 'Edward-Guthrum Treaty'. See D. Whitelock, 'Wulfstan and the so-called laws of Edward and Guthrum', *English Historical Review* 56 (1941), 1-21; D. Whitelock, 'Archbishop Wulfstan, homilist and statesman', *Transactions of the Royal Historical Society* 4th series, 24 (1942), 25-45 at 29-30; See also, P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century. Volume 1: Legislation and its Limits* (Oxford, 1999), I:204-5, 208, 340.

¹⁰¹ ASC 891 C (A, B, D, F).

¹⁰² Adamnan, *Vita Columbae*, bk 2, ch. 39, ed. and trans. A. O. Anderson and M. O. Anderson, *Adomnán's Life of Columba*, revised edition by M. O. Anderson (Oxford, 1991), pp. 2-235 at pp. 154-5.

Anglo-Saxon England we must once again turn the tenth and early eleventh centuries and evidence connected to Archbishop Wulfstan. In a survey of penitential pilgrimages to Rome in the tenth and eleventh centuries, Robin Ann Aronstam highlights three letters composed by the Archbishop that were designed to be taken by sinners on their journey.¹⁰³ These letters of introduction (one of which was addressed to the Pope) give details of the sins of the penitent and beg prayers from the recipient for the benefit of the sinner's soul. What is still more significant about these letters, however, is the nature of sin for which they were issued. In all three cases they state that the penitent had been sent on pilgrimage for killing a close relative and thus they help to substantiate the evidence of the penitential literature which stipulates that pilgrimages should be imposed on those who committed the most serious of sins.

Penitential pilgrims were not the only type of pilgrims to be subject to the influence or coercion of outside agents; others could be prompted to travel to a holy site on behalf of another individual who had charged them with the responsibility of making a journey in their name. Although the prime motivating factor in such cases was to deliver bequests left by testators in their wills for the benefit of their souls, those who travelled with this purpose were intimately connected to the pilgrimage experience and must have hoped that their pious actions would have profited their own souls too. We have evidence of three such requests from eighth and ninth-century England and in each case the testator appealed to a named individual to deliver a contribution to Rome, the

¹⁰³ Aronstam, 'Pilgrimages to Rome' in which she also includes an edition of the letters from Copenhagen, Kongelige Bibliothek, MS Gl. Kgl. Sam. 1595. The letters are also printed from Cambridge, Corpus Christi College, MS 265 in Bateson, 'A Worcester Cathedral book of ecclesiastical collections'. See also K. O'Brien O'Keefe, 'Body and law in late Anglo-Saxon England', *Anglo-Saxon England* 27 (1998), 209-32 at 221 where she offers a brief discussion of the letters.

centre of ecclesiastical authority and the home of the shrines of SS Peter and Paul.¹⁰⁴ A charter of 762 contains the details of the earliest of our examples. Here we learn that King Æthelberht of Kent (725-62) had charged his thegn Dunwald with the great responsibility of travelling to Rome, taking with him a contribution for the soul of his king.¹⁰⁵ It is almost certain that Dunwald intended to fulfil his duty and that he did indeed set off for Rome as the charter proceeds to outline his arrangements for the grant of land to the church of SS Peter and Paul, Canterbury, before his departure. We can be less confident, however, about whether or not those involved in our other examples made the journey to Rome; nevertheless, the two cases do at least suggest that this sort of activity was an appropriate expectation of testators. Both wills date to the ninth century and both involve requests of husbands that their wives should take the value of their wergelds to Rome after their deaths. The later of the two is the more straightforward; in his will of 871 x 899, ealdorman Alfred of Wessex stated simply that his wife Wærburg should take his wergeld to St Peter's in Rome 'if it be God's will that she make that journey'.¹⁰⁶ Our earlier ninth-century example, however, requires more detailed exploration. Once again we are dealing with a request from a husband to a wife this time by a Kentish reeve, Abba, who included in his will (833 x 839) the instruction

¹⁰⁴ See S. Keynes, 'Anglo-Saxon entries in the *Liber Vitae* of Brescia', in *Alfred the Wise. Studies in Honour of Janet Bately on the Occasion of her Sixty-Fifth Birthday*, ed. J. Roberts and J. L. Nelson (Cambridge, 1997), pp. 99-119 at p. 100.

¹⁰⁵ S 1182. The text is printed in K as no. 109 and B. Thorpe, *Diplomatarium Anglicum Ævi Saxonici: a Collection of English Charters from the Reign of King Æthelberht of Kent, A.D. DC.V. to that of William the Conqueror* (London, 1865), 36-7; trans. *EHD*, no. 72 where Dorothy Whitelock hypothesised that Dunwald could be King Æthelwold's cup-bearer who attested a charter as 'Dunwalk'. This charter is S 24, ed. W. de G. Birch, *Cartularium Saxonicum: a Collection of Charters Relating to Anglo-Saxon History* (London, 1885-1893), no. 160 and trans. R.C. Jenkins, *The Chartulary of the Monastery of Lyminge* (Folkestone, ?1867), pp. 24-5.

¹⁰⁶ S 1058, ed. and trans. F. E. Harmer, *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge, 1914), no. 10; also trans. *EHD*, no. 97. Alfred and Wærburg are known from an additional charter which records another pious act, namely the donation of books ransomed from the 'heathen army' to Canterbury, Christ's Church: S 1204a, ed. and trans. Harmer, *Select English Historical Documents*, no. 9; also trans. *EHD*, no. 98.

that should his wife Heregyth wish to 'journey south' then his kinsmen Alchhere and Æthelwold should give her two thousand pence.¹⁰⁷ This reference to a 'journey south' is somewhat ambiguous, but later in the will Abba stipulated that the successors to his property were to ensure that his wergeld of two thousand pence was delivered to St Peter's in Rome.¹⁰⁸ It seems probable, then, that Abba envisaged a time after his death when Heregyth would wish to make a pilgrimage to Rome and, like Alfred, he wanted his wife to take the value of his wergeld as a donation in his memory that he hoped would serve the needs of his soul. Abba's exhortations to his wife did not end there, however. As an alternative to pilgrimage, he encouraged her to join the religious community at Folkestone and made arrangements for ten oxen, ten cows, one hundred ewes, one hundred swine and five hundred pence to be donated 'in order that my wife may have the privilege of entering there'.¹⁰⁹ Abba thus promoted to his wife two courses of action after his death both of which were religious in nature. If she decided not to 'journey south', he offered her the opportunity to embark on a contemplative life of prayer and, he must have hoped, that some of her prayers would have been made in memory of him.

¹⁰⁷ The will of Abba is S 1482 and is ed. and trans. Harmer, *Select English Historical Documents*, no. 2.

¹⁰⁸ Abba's arrangements for the inheritance of his property suggest that he drew up his will some time before his death. His first desire was that his wife and their as of yet unborn child should succeed to his property. However, he also stated that 'if it is not my lot to have a child' his wife should inherit his property alone so long as she remained unmarried. If she remarried, his brothers Alchhere and Æthelwold or their children were to be his principal successors.

¹⁰⁹ Harmer, *Select English Historical Documents*, no. 2.

Practicalities of pilgrimage

Pilgrims often experienced feelings of isolation and alienation when travelling far from home and this phase is the second identified by Turner in his model of pilgrimage. It could also be a dangerous occupation that was beset with logistical difficulties and so it was sensible for those wanting to travel to do so in groups of other like-minded individuals. Wilfrid, for example, was obliged to delay his first journey to Rome for a year and remain at the court of King Erconberht of Kent (d. 664) 'until trustworthy fellow-travellers might be found for him'.¹¹⁰ Other noteworthy pilgrims such as Willibald (700-87) also travelled in groups rather than attempting the journey alone.¹¹¹ The arrest of Willibald and his party in the Holy Land by 'pagan Saracens' because 'they were strangers and came without credentials' aptly demonstrates the physical dangers that travellers could face while in foreign territory.¹¹² Whilst most pilgrims did not encounter the extreme hostilities that Willibald's ventures into the Holy Land entailed, they did have to address more mundane issues associated with all forms of travel in the early medieval period. Travelling in groups could provide pilgrims with protection and companionship. Pilgrimage as a joint enterprise forms a central part of Turner's thesis and his suggestion that pilgrims form a new *communitas* in order to survive while away from the security of home can be demonstrated in a letter from Charlemagne to King Offa of Mercia (796) in which the Frankish king complained

¹¹⁰ Stephen, *Vita Sancti Wilfridi*, ch. 3, ed. and trans. B. Colgrave, *Life of Wilfrid*, pp. 8-9.

¹¹¹ Hygeburg, *Vita Willibaldi*, ch. 4, ed. Holder-Egger, 94; trans. Talbot, *Anglo-Saxon Missionaries*, p. 162.

¹¹² *Ibid.*

about merchants disguising themselves within groups of pilgrims in order to avoid toll payments:

Concerning pilgrims, who for the love of God and the salvation of their souls desire to reach the thresholds of the blessed Apostles, as we granted them formerly, they may go in peace free from all molestation, bearing with them the necessities for their journey. But we have discovered that certain persons fraudulently mingle with them for the sake of commerce, seeking gain, not serving religion. If any are found among them, they are to pay the established toll at the proper places; others may go in peace, immune from toll.¹¹³

Charlemagne's description here suggests that Anglo-Saxon pilgrims to Rome moved through Francia in groups that were large enough to allow merchants to conceal themselves amongst their numbers. But his letter also revealed that the king welcomed *bona fide* pilgrims 'who for the love of God and the salvation of their souls desire to reach the thresholds of the blessed Apostles' and networks of support developed in Francia that pilgrims could exploit during the period of their journeys. Indeed, a capitulary of Charlemagne from 802 stipulated that all bishops, abbots and abbesses, and counts should provide protection for pilgrims in a list that included other vulnerable peoples such as widows, orphans and the poor.¹¹⁴

¹¹³ 'Letter of Charles the Great to Offa, King of Mercia (796)', ed. E. Dümmler, *MGH Epistolae Karolini Aevi*, 4.2 (Berlin, 1895), no. 100 and A. W. Haddan and W. Stubbs, *Councils and Ecclesiastical Documents Councils Relating to Britain and Ireland* (Oxford, 1869-78, 3 vols.), III:495-8; trans. *EHD*, no. 197. See Keynes, 'Anglo-Saxon entries', p. 99; Webb, *Medieval European Pilgrimage*, p. 12. For more on Frankish royal toll stations, see M. McCormick, *Origins of the European Economy: Communications and Commerce, A.D. 300-900* (Cambridge, 2001), pp. 640-44.

¹¹⁴ *Capitulare missorum generale*, ch. 14, ed. A. Boretius, *MGH Capitularia Regum Francorum IV* (Hanover, 1883), 91-99 at 94.

Charlemagne's capitulary alludes to a much wider infrastructure that emerged in mainland Europe to support pilgrims on their journeys.¹¹⁵ At the many hostels that littered the landscape, pilgrims found places that catered specifically to their needs. Here they could rest, recuperate and convene with other pilgrims who were travelling along the same routes. Rudolf of Fulda's *Life of Leoba* (c. 836), for example, makes reference to a pilgrim's hospice in Fulda where a crippled man from Spain rested for three days. Rudolf tells us that he had travelled 'the length of France and Italy', staying at many different hospices before finally arriving at Fulda where he received a cure at the shrine of the 'holy martyr Boniface'.¹¹⁶ From the location of these hostels we are able to formulate something of a map of the routes that pilgrims took to reach their destinations. We are fortunate in the survival of a document known as the *Itinerary of Sigeric* which records the journey of Archbishop Sigeric of Canterbury (990-4) who travelled to Rome in 990 in order to collect his *pallium*. Unfortunately, however, there are no known comparative texts for the routes to and from Jerusalem or any other important pilgrimage site.¹¹⁷ Sigeric's *Itinerary* outlines a well-established system of seventy nine *submansiones* or 'stopping places' between the Channel and Rome at which the archbishop and, of course, other travellers to Rome were able to receive hospitality (see map 4, pp. vi-viii). Francis P. Magoun identified most of these sites and

¹¹⁵ Two recent, invaluable studies that address medieval travel and the associated infrastructure that supported travellers of all kinds (including pilgrims) are: O. R. Constable, *Housing the Stranger in the Mediterranean World. Lodging, Trade, and Travel in Late Antiquity and the Middle Ages* (Cambridge, 2003) and McCormick, *Origins of the European Economy*.

¹¹⁶ Rudolf of Fulda, *Vita Leobae*, ch. 23, ed. G. Waitz, *MGH Scriptores (in folio)*, 15:1 (Hanover, 1887), 118-31 at 130-1; trans. C. H. Talbot, *Anglo-Saxon Missionaries in Germany* (London and New York, 1954), pp. 205-36 at 225.

¹¹⁷ F. P. Magoun, 'An English pilgrim-diary of the year 990', *Mediaeval Studies* 2 (1940), 231-54 at 231; N. Howe, 'Rome: capital of Anglo-Saxon England', *Journal of Medieval and Early Modern Studies* 34 (2004), 147-74 at 159.

some are familiar to this day, such as: Thérouanne-sur-Lys near Calais, Rheims, Besançon, Orbe (Orbach), San Remigio, Vercelli and Lucca.¹¹⁸ What is still more significant about Sigeric's list of *submansiones* is the average distance that separated them; most were ten miles apart which would have allowed pilgrims to Rome to cover a reasonable amount of ground every day before retiring. Once they reached the city, pilgrims were able to stay at similar establishments to the ones that they frequented during their journey. The collection of papal statements known as the *Liber Diurnus Romanorum Pontificum*, the earliest copy of which dates to late-eighth or early-ninth century, refers to hostels known as *xenodochia* or 'homes for foreigners'. Wardens of these hospices were directed to take good care of their guests and were ordered to provide food, beds, bedclothes and medical attention: '...zealously prepare their beds, with bedclothes, to receive the sick and needy, and provide them with care and all necessities...'.¹¹⁹ Anglo-Saxon pilgrims to Rome also had use of their own establishment known as the *Schola Saxonum* (later the *Schola Anglorum*) which was not a papal-run *xenodochia*, but rather an independent community – a home away from home – managed by Anglo-Saxons living in the city who could offer welcome and support to visitors from their native land.¹²⁰ Popes did, however, recognise and respect the presence of the *Schola Saxonum* in the city; indeed, when the *schola* was destroyed

¹¹⁸ Magoun, 'An English pilgrim diary'. See also, Howe, 'Rome: capital of Anglo-Saxon England', 158-9. Ortenberg, 'Archbishop Sigeric's journey to Rome in 990', uses the archbishop's description of the places at which he stopped in order to give some sense of their environment and atmosphere.

¹¹⁹ *Liber Diurnus Romanorum Pontificum*, ed. H. Foster, (Bern 1958), p. 124. This quotation is trans. Llewellyn, *Rome in the Dark Ages*, p. 116. Constable, *Housing the Stranger*, pp. 17-18 and 35-8 discusses the development of Christian *xenodochia* which provided food and shelter free of charge to religious travellers (and often the sick and the poor) and compares them to other types of hostel, notably *pandocheia* which offered paid lodgings to a wider variety of people.

¹²⁰ See Moore, *Saxon Pilgrims to Rome*; Colgrave, 'Pilgrimages to Rome', p. 170. The *Schola Saxonum* was established by the eighth century, probably in response to the influx of Anglo-Saxon kings who retired to the city in that century. See Llewellyn, *Rome in the Dark Ages*, p. 178-9.

by a fire that broke out in the ninth century ‘through the carelessness of some men of the English race’, Pope Paschal I (817-24) provided the residents with the wood that they required to rebuild.¹²¹

The early tenth-century set of colloquies known as the *De raris fabulis* give us additional insight into the hospitality that could be offered to pilgrims at the many hostels that lined the established pilgrim routes to Rome.¹²² The colloquies were designed for use in a monastic setting as a teaching aid for young oblates to instruct them in the rudiments of Latin and a number of the colloquies examine the tale of a pilgrim who was journeying to St Peter’s shrine. Along the way he sought shelter at various religious houses and hostels, requesting food and lodgings for a night before setting off the next day to travel nearer to his destination. In one colloquy the man requests a dizzying array of foodstuffs (particularly breads), the length of this accountable to the colloquy’s aim of enhancing the vocabulary of the oblates:

Give us wheat-bread and barley-bread, darnel-bread, rye-bread, spelt-bread, millet-bread, butter, lard or fat, and milk and cabbage, and – again – leek, curds, sausage, black pudding, boiled greens, gruel, thin milk, cheese, whipped cream,

¹²¹ ‘Life of Paschal I’, ed. L. Duchesne, *Le Liber Pontificalis. Texte, introduction et commentaire* (Paris, 1886-1892. 2 vols.); reissued by C. Vogel (Paris, 1955-7), no. 100; trans. R. Davis, *The Lives of the Ninth-Century Popes (Liber Pontificalis)* Translated Texts for Historians 20 (Liverpool, 1995), 5-30 with the details of this incident and the quotation at 8-9. See Colgrave, ‘Pilgrims to Rome’, p. 170 and Llewellyn, *Rome in the Dark Ages*, p. 179.

¹²² *De raris fabulis* is preserved within a single manuscript: Oxford, Bodleian Library, MS Bodley 572 (S.C. 2026), fols. 1-50; ed. and trans. S. Gwara, *De raris fabulis, ‘On Uncommon Tales’: a Glossed Latin Colloquy-text from a Tenth-Century Cornish Manuscript* (Cambridge, 2005). Gwara includes a brief discussion of the manuscript on pp. v-viii. He explores such issues in more detail in his *Education in Wales and Cornwall in the Ninth and Tenth Centuries: Understanding De raris fabulis* (Cambridge, 2004). For a wider view of the history of colloquies in Anglo-Saxon England, see S. Gwara, *Anglo-Saxon Conversations. The Colloquies of Ælfric Bata* (Woodbridge, Suffolk, 1997), with discussion of *De raris fabulis* at pp. 19-21.

colostrums, broth. Listen, butler! Give us a drink of beer, wine, ale, mead,
honey-water or honey-spirits.¹²³

In other of the colloquies he requested additional materials to help sustain him on his journey (food, drink, clothing and shoes), in another he ordered a boy to 'make up my bed and put on it a blanket [and] pillow', and in yet another he asked for a bath to be prepared 'because I am tired or exhausted from the labour of my journey or walk, from the very long and filthy route...'.¹²⁴ After his arduous journey, our pilgrim did finally reach St Peter's in Rome. He found himself a guide who informed him that 'I am knowledgeable. Come after me, because I know a short cut. It's not necessary to ask anyone. This is your path.'¹²⁵ Together the pilgrim and amenable 'knowledgeable fellow' made their way into to the city and, after expressing fears that they might be accosted by felons or thieves, 'they arrived at the church in peace.'¹²⁶

Pilgrims who 'opted out'

According to the definition of pilgrimage proposed by Turner, in order to complete the process all pilgrims have to make a return journey back to their home communities where they share their experiences with those whom they had left behind. We can assume that most Anglo-Saxon pilgrims did complete this final phase, particularly those who travelled to one of the small, localised shrines that dotted the landscape, but also

¹²³ *De raris fabulis*, 6, ed. and trans. Gwara, *De raris fabulis*, pp. 6-7.

¹²⁴ *De raris fabulis*, 17, 18, 20, ed. and trans. Gwara, *De raris fabulis*, pp. 18-9, 20-21, 22-3 respectively.

¹²⁵ *De raris fabulis*, 21, ed. and trans. Gwara, *De raris fabulis*, pp. 26-7.

¹²⁶ *Ibid.*

those who made longer journeys to more distant locations. Indeed, as Nicholas Howe has astutely observed, Archbishop Sigeric's *Itinerary* lists his *submansiones* along the path that took him on his homeward journey from Rome to England thereby indicating that for Sigeric at least it was returning home that mattered.¹²⁷ Turner's model has served us well until this point; we have used his thesis to explore the reasons why some pilgrims embarked on their journeys and in an attempt to say something about how pilgrims lived and survived while away from home. However, it fails in one respect to encapsulate the full range of the Anglo-Saxon pilgrimage experience, as some pilgrims made a conscious decision not to return home. Their pilgrimages were no less authentic in medieval terms, but they indicate that there was an alternative understanding of the concept of pilgrimage that can be contrasted with the more traditional journeys made by those who returned home.¹²⁸ Within this genre of pilgrimage is the phenomenon of Anglo-Saxon kingly pilgrims – a number of kings abdicated in the seventh and eighth centuries and travelled to Rome without intending to return to their royal duties. According to Clare Stancliffe, Anglo-Saxon kings who 'opted out' did so due to influence from the Irish church which at this time was embracing the concept of *peregrinatio* and had a history of kings who took the *bachall* (holy orders or 'pilgrim's staff').¹²⁹ There were a limited number of continental royal abdications in favour of pilgrimage, but it was amongst Anglo-Saxon kings that 'opting out' took hold.¹³⁰ Sigebert, king of the East Angles from c. 631, is the earliest recorded example of an

¹²⁷ Howe, 'Rome: capital of Anglo-Saxon England', 159.

¹²⁸ Smith, 'Women's correspondence and journeying', p. 55.

¹²⁹ C. Stancliffe, 'Kings who opted out', in *Ideal and Reality in Frankish and Anglo-Saxon Society*, ed. P. Wormald (Oxford, 1983), pp. 154-176 at pp. 160-161.

¹³⁰ Stancliffe, 'Kings who opted out', pp. 159-160 gives two continental examples: Carloman, son of Charles Martel who went to Rome in 747 before withdrawing to a monastic life in Monte Cassino and the Lombard King Ratchis who travelled to Rome with his family in 749.

Anglo-Saxon king who abdicated in order to follow a religious life. Bede reported how Sigebert ‘resigned his kingly office’, entered a monastery and ‘made it his business to fight instead for the heavenly kingdom’.¹³¹ Other kings, however, extended this idea and embraced permanent self-imposed exiles in foreign lands. Cædwalla of the Gewisse (c. 659-689) was the first of a number of Anglo-Saxon kings to resign as a pilgrim to Rome. Bede records that Cædwalla travelled to Rome as a ‘pilgrim king’, ‘gave up his throne for the sake of the Lord and to win an everlasting kingdom’ and was eager to be baptised – a ceremony that was performed by Pope Sergius on 10 April 689.¹³² Within ten days Cædwalla was dead, perhaps as a result of ongoing problems associated with the wounds he had received during his attack on the Isle of Wight.¹³³ Whatever the reason for Cædwalla’s death, it is clear that the king was unwell during his pilgrimage; Bede reported that he longed for the release of death but wanted to experience the cleansing baptismal rite beforehand.¹³⁴ Cædwalla was not the only king who left Anglo-Saxon territory on pilgrimage while elderly or infirm. Ine (d. in or after 726), Cædwalla’s successor to the throne of Wessex, travelled to Rome and, as his predecessor had done, ‘left his kingdom to younger men’.¹³⁵

¹³¹ Bede, *HE*, iii.18, pp. 268-269. A number of other Anglo-Saxon kings renounced their thrones in order to join monasteries including Centwine of Wessex (c. 676/8-685) whose decision to pursue a religious life was immortalised in a poem by Aldhelm. Aldhelm, *In ecclesia Mariae a Bugge exstructa*, ed. R. Ehwald, *Aldhelmi opera, MGH Scriptorum Auctores Antiquissimi* 15 (Berlin, 1913), 14-19 at 14-15. Other examples include: King Æthelred of Mercia (d. after 704) who joined Bardney monastery as its abbot (see Bede, *HE*, v.19, pp. 528-9; v.24, pp. 566-7); King Sebbi of the East Saxons who Bede reported joined a monastery at the end of his life (see Bede, *HE*, iv.11, pp. 364-9); Eadberht of Northumbria (d. 768) who abdicated in favour of his son Oswulf in 758 and received the tonsure, probably at York (see Bede, *HE*, continuations, pp. 574-575).

¹³² *HE*, v.7, pp. 468-73; ASC 688 A, E.

¹³³ *HE*, iv.16, pp. 382-5 which recounts that, after his capture of the Isle of Wight, Cædwalla spent some time in the vicinity of *Hreutford* (Redbridge, Hampshire) ‘while he recovered from the wounds which he had received during the fight’.

¹³⁴ *HE*, v.7, pp. 470-1.

¹³⁵ *HE*, v.7, pp. 472-3. See ASC 726 (728 A); 855 A, D, E; 856 C, F.

Cædwalla and Ine's decision to surrender their thrones to younger – and presumably more vigorous – men provides a possible explanation for a conspiracy against another pilgrim king. Asser recorded that King Æthelwulf (d. 858), who left Wessex for Rome in 855, faced a rebellion on his return which was perpetrated by his son Æthelbald and chief councillors:

While King Æthelwulf was lingering overseas, even for so short a time, a disgraceful episode...occurred in the western part of Selwood...When King Æthelwulf was returning from Rome [*nam redeunte eo a Roma*], his son Æthelbald, with all his councillors – or rather co-conspirators – perpetrate a terrible crime: expelling the king from his own kingdom...¹³⁶

Before his departure Æthelwulf had divided his kingdom between his two eldest sons¹³⁷ and booked a tenth of his land so that it could be granted to the church 'to the praise of God and his own eternal salvation'.¹³⁸ It is possible that these actions caused Æthelbald to assume, or at least hope, that his father's pilgrimage would end in the same manner as those of Cædwalla and Ine, both of whom had died while abroad.¹³⁹ It was only when Æthelwulf embarked on his return journey – picking up a new wife on the way – that Æthelbald began his conspiracy to keep hold of the power he had enjoyed during his father's absence.

¹³⁶ Asser, ch. 12. Asser named two of Æthelbald's co-conspirators as Bishop Ealhstan of Sherborne and ealdorman Eanwulf of Somerset.

¹³⁷ Asser, 12 referred to Æthelbald as 'king' when discussing his plotting against his father during Æthelwulf's pilgrimage. Æthelwulf's second son Æthelbert signed as 'king' in an 855 charter in which Æthelwulf granted land to his thegn Dunn. S 315. The text is printed in K where it is no. 276 and trans. *EHD*, no. 89.

¹³⁸ ASC 855 A, D, E; 856 C, F.

¹³⁹ P. A. Stafford, 'Charles the Bald, Judith and England', in *Charles the Bald: Court and Kingdom*, ed. M. Gibson, J. Nelson and D. Ganz (Aldershot, 1990), pp. 139-153 at p. 150. My thanks to Geoffrey Little for this reference.

Anglo-Saxon kings who 'opted-out' relinquished their temporal authority in order to move into a more spiritual and contemplative state before death. They were not, however, the only pilgrims to break the more usual pilgrim experience of travel to and from a shrine or holy site. As early as the fourth century there were some who undertook extended pilgrimage tours, visiting many sacred sites and sometimes staying away from home for many years.¹⁴⁰ Egeria from Galicia in northern Spain is an example of an early female pilgrim-tourist who travelled in the Holy Land c. 381-384. Her surviving correspondence indicates that she visited many holy places including Mount Sinai, Jerusalem and Constantinople.¹⁴¹ On numerous occasions in her description of her travels she promised her sisters in Spain that she was making arrangements to return home only to write later that her plans had changed. Furthermore, in her final instalment she indicated that her journeying in the Holy Land might never be completed and she would never return home.¹⁴² As argued by Julie Ann Smith, Egeria's decision to continue her pilgrimage for as long as possible meant that she consciously extended her 'liminoid state' and therefore failed to complete the pilgrimage process.¹⁴³

¹⁴⁰ There is a body of social anthropological work which discusses the similarities and differences between travel, tourism and pilgrimage. D. Boorstin, *The Image: A Guide to Pseudo-Events in American Society* (New York, 1964), pp. 77-117; N. H. H. Graburn, 'The sacred journey', in *Hosts and Guests*, ed. V. L. Smith (Philadelphia, 1977), pp. 17-31; D. MacCannell, 'Staged authenticity: arrangements of social space in tourist settings', *American Journal of Sociology* 79 (1973), 589-603. E. Cohen, 'Pilgrimage and tourism: convergence and divergence', in *Sacred Journeys. The Anthropology of Pilgrimage*, ed. A. Morinis (Westport, Connecticut and London, 1992), pp. 47-61 gives a more detailed overview of relevant works.

¹⁴¹ Smith, 'Women's correspondents and pilgrimage', p. 47. There is an edition of Egeria's description of her journey ('Itinerarium Egeriae') in *Itineraria and Alia*, ed. A. Francheschini and R. Weber, *Corpus Christinorum Series Latina* 175 (Turnhout, 1965), pp. 36-103; trans. J. Wilkinson, *Egeria's Travels* (Warminster, 1999, 3rd edition), pp. 88-164. It is unclear whether the original text was one continuous letter or a number of separate letters that were later copied into a continuous text. For discussion of Egeria's correspondence and her potential audience, see H. Sivan, 'Holy Land pilgrimage and western audiences: some reflections on Egeria and her circle', *Classical Quarterly* 38 (1988), 528-535.

¹⁴² Smith, 'Women's correspondence and pilgrimage', p. 48.

¹⁴³ *Ibid.*

The Holy Land continued to attract tourist-pilgrims throughout the following centuries and Willibald is an example of an Anglo-Saxon who falls into this category. Hygeburg of Heidenheim's *Vita Willibaldi* reveals Willibald's wish to go on pilgrimage from an early age. More importantly, Hygeburg repeatedly coupled Willibald's desire for pilgrimage with a desire to travel in foreign parts thereby blending a journey of religious devotion with more secular elements of touristic curiosity. A pilgrimage to Rome in 720 with his father and brother Wunibald did not satisfy Willibald's zeal for travelling as Hygeburg stated that 'he longed to go on pilgrimage to a more remote and less well known place than the one in which he was now staying'.¹⁴⁴ After spending several years touring sacred sites in the Holy Land, Willibald entered the monastery at Monte Cassino where he remained for ten years. His travels did not end there, however, and in 740 he joined Boniface's mission and his brother Wunibald in Germany. Willibald and, to a lesser extent, Wunibald were both enthusiastic travellers; what began as a simple pilgrimage to Rome evolved into a lifetime of separation and alienation from their homeland. Erik Cohen has argued that, for some travellers, it is the act of journeying to new places rather than the destination itself that becomes the goal.¹⁴⁵ Willibald the 'restless battler'¹⁴⁶ actively embraced a nomadic lifestyle; his travels in Rome, the Holy Land and Germany fused together aspects of pilgrimage, touristic curiosity and *peregrinatio pro Christo* and his experiences perpetually reinforced his desire to visit more sacred sites. Like those kings who 'opted out', his 'pursuit of divine

¹⁴⁴ Hygeburg, *Vita Willibaldi*, ch. 4, ed. Holder-Egger, 92; trans. Talbot, *Anglo-Saxon Missionaries*, p. 159.

¹⁴⁵ Cohen, 'Pilgrimage and tourism', p. 54.

¹⁴⁶ Hygeburg, *Vita Willibaldi*, ch. 4, ed. Holder-Egger, 92; trans. Talbot, *Anglo-Saxon Missionaries*, p. 159.

love' lead him to a permanent voluntary exile which was marked by his death in Eichstätt, probably in 787. Unlike Cædwalla and Ine, however, who left Anglo-Saxon territory in search of spiritual fulfilment towards the ends of their lives, Willibald devoted his most vital years to foreign travel and visiting sacred sites throughout Christendom.

Conclusion

In this chapter we have examined two types of voluntary exiles from Anglo-Saxon England both of which fall into the category of *peregrini*. The concept of *peregrinatio* allows us to find a number of characteristics common to these two types of exiles as both undertook religious journeys that were inspired by their love of God. Anglo-Saxon missionaries of the seventh and eighth centuries were drawn to the continent in order to devote themselves to work amongst the heathen. Boniface and Lull were the foremost protagonists of this movement and based themselves in areas east of the Rhine where they embarked on attempts to convert pagan peoples as well as transforming and reinforcing the existing monastic structure in order to provide some firm foundations for their enterprise. These motivations seem entirely altruistic, but we also observed, however, how missionaries hoped that their pious actions would help to lessen their sins and gain divine favour through which they would receive spiritual rewards. This search for spiritual benefits is reflected in the reasons why Anglo-Saxons embarked on pilgrimages to shrines or other sacred places. Again, such journeys were

made as signs of devotion to God and, like missionaries, the participants hoped that they would be divinely rewarded for their efforts. Most notably, we saw how sick and impaired individuals were encouraged to go on pilgrimage in search of a cure for their physical ailments; for these pilgrims their journeys must have been particularly arduous but the fact that they undertook them at all demonstrates their eagerness to display the strength of their faith in God's omnipotence. Other pilgrims travelled on account of the intervention of external agents. Confessors promoted the idea of pilgrimage to those who had committed serious sins as a way of atoning for their actions; by adopting an ascetic lifestyle during their pilgrimage, willingly embracing fatigue and 'squalid' conditions, these sinners hope to encourage divine forgiveness and grace. We also observed that yet more pilgrims travelled on behalf of other individuals, particularly to Rome. Directions in wills indicate that testators hoped that pilgrimages would be made in their names after their deaths; such pilgrims acted as proxies for the dead, but because they were required to make the physical journeys themselves, they too must have hoped to gain spiritual rewards for their efforts.

More importantly, this chapter has explored the methods that missionaries and pilgrims used to help them adapt to their new circumstances and surroundings while they made their journeys away from home. In the case of Anglo-Saxon missionaries, we noted that many left their homeland in order to join family members on the continent, particularly relations of Boniface, and that familial relationships played an important role in fostering a sense of community amongst those working in the continental mission-fields. Missionaries also exploited wider networks of support; those who did not travel to join Boniface and his circle still had an important part to play in the

missions and through their letters and small gifts could provide words of encouragement, advice and material goods all of which aimed to increase the success of the mission. Pilgrims too were able to take advantage of systems of support. Most important were the facilities offered by the many hostels that dotted the landscape and from Archbishop Sigeric's *Itinerary* we know that he was able to rest at seventy-nine *submansiones* that lined the route to Rome. At such locations, pilgrims could find board and lodgings and, perhaps, the opportunity to meet with other likeminded Anglo-Saxons who could then accompany them on the next stage of their journeys. These systems of support reminded Anglo-Saxons of who they were, where they had come from and provided them with links to their previous lives. In doing so, they offered comfort and protection during their times of separation from their homeland and thus helped them to survive as foreigners in alien lands.

Chapter Two

Outcasts

A charter of 995 records a land grant made by King Æthelred (978-1016) to a certain Wulfric of land in Dumbleton, Gloucestershire. Contained within the charter is a history of the estate which, we are told, had been forfeited by Æthelsige some time earlier because:

... he stole the swine of Æthelwine, the son of ealdorman Æthelmær; then his men rode thither and brought out the bacon from Æthelsige's house, and he escaped into the wood. And he was then outlawed and his lands and his goods were assigned to King Æthelred.¹

Æthelsige's actions – his theft of swine and flight into the woods – had dire consequences. He was labelled an outlaw by the king, a sentence that also resulted in the king stripping him of all of his possessions including his estate at Dumbleton, which Æthelred could then bestow on whomsoever he chose. Æthelsige's outlawry removed him from the protection of the law that offered security to all obedient Anglo-Saxon subjects; it meant that if anyone encountered him within Æthelred's realm they were permitted to execute him without fear of any reprisals. In this chapter we shall examine the concept of outlawry together with its religious equivalent, excommunication, as a way of identifying the types of behaviours that both secular and religious authorities

¹ S 886; P. Wormald, 'A handlist of Anglo-Saxon lawsuits', *Anglo-Saxon England* 17 (1988), 247-281, no. 56. Printed in K where it is no. 692 and translated in *EHD*, no. 119.

deemed to be incompatible with membership of Anglo-Saxon society. The distinction between these two types of exclusion is determined by the extant primary source material which distinguishes between exclusion for offences that disrupted social harmony and expulsion for religious transgressions. However, as we shall see below, both the prescriptive and descriptive literature suggests that secular and religious exile cannot easily be differentiated but were interwoven in definition as well as in their consequences. When applied to its full extent, excommunication from the Christian church could also result in social exile; indeed, Pollock and Maitland termed excommunication 'ecclesiastical outlawry'.² Both outlawry and excommunication were applied only to the most obstinate and persistent offenders. Evidence from the law-codes, charters of forfeiture and the penitentials indicates some reluctance on the part of secular and religious authorities to impose an order of exclusion on members of Anglo-Saxon society. There were systems in place which encouraged candidates for outlawry and excommunication to renounce their unacceptable behaviour and adopt law-abiding life-styles that would bring them back within the fold; social and religious exile were used only as last resorts when all efforts to encourage conformity had failed. These fundamental similarities mean that many of the relevant issues are common to both outlawry and excommunication. Centrally, we shall explore below the criteria that were used to determine the circumstances in which outlawry and excommunication should be applied, enquiries that entail investigation into how Anglo-Saxon law-makers and church authorities conceptualised both unlawful behaviour and sin. We shall also survey anecdotal evidence for the application of outlawry and excommunication in an attempt

² F. Pollock and F. W. Maitland, *The History of English Law to the Accession of Edward I*, reissue edited by S. F. C. Milsom (Cambridge, 1968, 2 vols.), I:477.

to establish whether or not these two punishments were put into practice in the ways that the authorities intended.

Outlaws

The condemnation of an offender to *utlage* or ‘outlawry’ placed that individual outside the protection of the law and declared him an enemy of the society to which he had once belonged.³ This action ostracised the individual from all that he had known before – his family, friends and community as well as his property and any security provided by his lord. The consequences of outlawry, therefore, could be devastating and it is for this reason that it was reserved for the most persistent lawbreakers within Anglo-Saxon society. Significantly, outlawry was not used as a punishment for the worst of offences, but rather for those who repeatedly failed to observe Anglo-Saxon systems for ensuring law and order and the dispensation of justice. The nature of outlawry means that evidence for its application and its implications is found most abundantly in surviving legal texts, notably law-codes, which allow us to explore the ways in which law-makers envisaged its usage. We shall also, however, examine anecdotal examples of the

³ The secondary literature on the workings of outlawry in Anglo-Saxon England is surprisingly limited. Pollock and Maitland, *History of English Law*, I:476-478 and II:450-452 offered a brief overview of the subject as did F. M. Stenton, *Anglo-Saxon England* (Oxford, 1947, 2nd edition), pp. 312-313. H. Loyn, *The Governance of Anglo-Saxon England, 500-1087* (London, 1984), pp. 126-130, examines outlawry in the context of justice dispensation. There is also a short section on outlawry in R. Crabtree, ‘Spatial conceptualisation in Anglo-Saxon thought and experience: an interdisciplinary enquiry’, (University of York, D.Phil., 1988), pp. 270-280. See also P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century. Volume 1: Legislation and its Limits* (Oxford, 2001, 2 vols.), I:312, 324-325, 372, 380. For an analysis of the Old English terms for outlaws and outlawry, see G. Turville-Petre, ‘Outlawry’, *Sjötíu Ritgerðir Helgaðar Jackobi Benediktssyni* 20 (Reykjavík, 1977), 769-778; E. M. Treharne, ‘A unique Old English formula for excommunication from Cambridge, Corpus Christi College 303’, *Anglo-Saxon England* 24 (1995), 185-211 at 193 and note 40.

application of outlawry, particularly those that are embedded within charters which record forfeitures of land. The earliest surviving reference to land-forfeiture is from the reign of King Alfred (871-899),⁴ but there is evidence for the use of outlawry in Anglo-Saxon England from the early-eighth century. In the discussion that follows, we shall not only chart the development of outlawry as a tool of justice but will also address the wide-ranging consequences for those who found themselves outlawed from Anglo-Saxon society.

Outlawry and its function within Anglo-Saxon justice

A sentence of outlawry occurred in very specific circumstances; it was used as a last resort when the normal legal processes for restoring social relationships and community stability following an offence had failed.⁵ Anglo-Saxon law was, for the main part, civil in nature and aimed to amend situations through the use of compensation. There were, however, aspects of criminal law within the Anglo-Saxon legal system which meant that some offences could incur a punishment, most commonly a fine that was made to the king or, more rarely, to a royal representative, such as a reeve. In the first instance, a figure of authority in the locality in which an offence had been committed (usually a king's reeve) established the guilt or innocence of the accused. This was accomplished through the system of 'oath-helping' which charged parties in a dispute to provide an appropriate level of support for their claim.⁶ In his law-code, King Ine of Wessex (688-

⁴ Wormald, 'A handlist of Anglo-Saxon lawsuits', 279.

⁵ T. P. Oakley, *English Penitential Discipline and Anglo-Saxon Law in their Joint Influence* (New York, 1923), p. 163.

⁶ On oath-swearing, see H. M. Chadwick, *Studies on Anglo-Saxon Institutions*, (New York, 1963,

726) calculated the value of a required oath in numbers of hides, but later lawmakers quantified oaths by number of co-swearers or ‘oath-helpers’.⁷ Alternatively, guilt or innocence could be determined through a trial by ordeal. The earliest reference for the use of the ordeal is embedded within the laws of Ine where he remarked simply that the guilt of *ceorlas* often accused of theft could be ascertained ‘either in the ordeal or by being caught in the act’, but there are directions for the application of the ordeal throughout the corpus of extant Anglo-Saxon legal material.⁸ Once a reeve had established the guilt of an accused he could then deal with the offender accordingly. The processes of *bót* (compensation) and *wíte* (punishment or fine), were at the heart of the Anglo-Saxon legal process and were used as reparation for the damage or distress caused by an offender’s actions and as punishment for criminal activities and behaviour.⁹ Payment of *bót* was required of all lawbreakers and was usually awarded to their victim. The laws of King Alfred, for example, outline the compensation due to a woman following a number of different sexual assaults.¹⁰ *Manbót* was a specific type of

2nd edition), pp. 134-152; J. L. Laughlin, ‘Anglo-Saxon legal procedure’, in *Essays in Anglo-Saxon Law*, ed. H. Adams *et al.* (Boston, 1876), pp. 183-305 at pp. 216-218 and 297-299. There are also a number of relevant papers in *The Settlement of Disputes in Early Medieval Europe*, ed. W. Davies and P. Fouracre (Cambridge, 1986).

⁷ See, for example, Ine, 52 which states: ‘He who is accused of making an illicit compact shall clear himself from the charge with [an oath worth] 120 hides.’ The only other example of an oath-value expressed in hides is Alfred, 11. Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 134-135.

⁸ Ine, 37. For the medieval ordeal system, see R. Bartlett, *Trial by Fire and Water: the Medieval Judicial Ordeal* (Oxford, 1986); P. R. Hyams, ‘Trial by ordeal: the key to proof in the early common law’, in *On the Laws and Customs of England: Essays in Honour of Samuel E. Thorne*, ed. M. S. Arnold *et al.* (Chapel Hill, 1981), pp. 90-126; S. L. Keefer, ‘*Ut in omnibus honorificetur Deus*: the *corsnæd* ordeal in Anglo-Saxon England’, in *The Community, the Family and the Saint*, ed. J. Hill and M. Swan (Turnhout, 1998), pp. 237-264; C. Morris, ‘*Judicium Dei*: the social and political significance of the ordeal in the eleventh century’, *Studies in Church History* 12 (1975), 95-111.

⁹ Pollock and Maitland, *History of English Law*, II:551. For a wider discussion of the workings of *bót* and *wíte*, see Chadwick, *Studies*, pp. 115-129; N. D. B. McLeod, ‘Parallel and paradox: compensation in the legal systems of Celtic Ireland and Anglo-Saxon England’, *Studia Celtica* 16/17 (1981-2), 25-72; C. M. Radding, ‘Evolution of medieval mentalities: a cognitive-structural approach’, *American Historical Review* 83 (1978), 577-97 at 586-587; S. Rubin, ‘The *bot*, or composition in Anglo-Saxon law: a reassessment’, *Journal of Legal History* 17 (1996), 144-54.

¹⁰ Alfred, 11.

bót and was payable to a lord for the murder of a vassal and varied according to the rank of the slain man.¹¹ Alongside the *bót*, an offender might also have been required to pay a *wíte*, or fine, to the king or another individual with jurisdiction.¹² King Alfred, for example, set the *wíte* for theft at sixty shillings and both Edgar (959-975) and Æthelred (978-1016) punished non-payment of the 'tithe of all young animals' with a fine.¹³

Together *bót* and *wíte* formed the core of the Anglo-Saxon justice system; they provided victims with financial compensation for harm to person or property as well as offering secular authorities a means of enacting punitive measures against those who had broken the law of the land.

It was only when these systems of legal redress proved to be unsuccessful that outlawry became a necessary option for law-enforcers. The law-codes include provisions for dealing with those that would not or could not be brought to justice along the normal legal channels and it is here that references to the use of outlawry appear. The second code of King Æthelstan (924/5-939), for example, states that the family of 'lordless men' must find their kinsmen fixed residences 'where they will become amenable to public law' and locate for them a new lord at a public meeting so that 'legal satisfaction' could be obtained from them if necessary. However, if the relatives failed to fulfil these criteria by the appointed day and thus bring their kinsmen within the law, the 'lordless men' were then to be outlawed.¹⁴ Other law-codes, however, include outlawry as a possible outcome in more specific circumstances. A good example is provided in the first code of King Edgar (also known as the *Hundred Ordinance*) which

¹¹ Chadwick, *Studies*, p. 123.

¹² *Ibid*, p. 127.

¹³ Alfred, 9:1-2; II Edgar, 3; VIII Æthelred, 9.

¹⁴ II Æthelstan, 2. See Stenton, *Anglo-Saxon England*, pp. 312-313.

contains a law that required all men of the Hundred to pursue cattle thieves as soon as notice of the crime was brought to their attention.¹⁵ This law also detailed the procedure in the event that any man should neglect this important duty:

And whosoever neglects this and ignores the authority of the hundred...shall pay thirty pence to the hundred and on the second occasion sixty pence...if he does it a third time, he shall pay half a pound. On the fourth occasion he shall suffer the loss of all he possesses and be outlawed...¹⁶

This example from Edgar's laws demonstrates that lawmakers did not prescribe outlawry for an initial - or even third - offence. Outlawry was not used in reaction to or as punishment for particular transgressions, but rather in cases of *repeated* disobedience. It thus was reserved for the most persistent offenders as well as for men whose lack of allegiance to a lord had the potential to create difficulties should they ever be needed to be brought to justice.¹⁷

¹⁵ The Hundred was a system of territorial land division and judicial administration that functioned in Anglo-Saxon England from the mid-tenth century. For more on the workings of the Hundred, see H. R. Loyn, 'The Hundred in the tenth and early eleventh centuries', in *British Government and Administration: Studies Presented to S. B. Chrimes*, ed. H. Hearder and H. R. Loyn (Cardiff, 1974), pp. 1-15.

¹⁶ I Edgar, 2-3:1.

¹⁷ The application of outlawry to Anglo-Saxons who repeatedly broke the law or whose status caused concerns about whether they could be brought to justice effectively, is echoed by a continental law from the *Lex Salica* which demanded that accused men who refused three times to answer a summons to trial should be outlawed. *Pactus Legis Salicae*, LVI.1-5, ed. K. A. Eckhardt, *MGH, Legum Sectio I, Leges Nationum Germanicarum* IV.I (Hanover, 1962). Recently, there has been some debate about the date of the earliest version of the *Pactus Legis Salicae* which has sometimes been associated with Clovis and given a date of c. 507-11. Philip Grierson and Mark Blackburn have, however, put forward a convincing argument for locating the original composition of the text in the early fifth century. See *Medieval European Coinage. Volume 1: The Early Middle Ages (5th-10th Centuries)*, ed. P. Grierson and M. Blackburn (Cambridge, 1986), 102-7. T. M. Charles-Edwards, 'Law in the western kingdoms between the fifth and the seventh century', in *The Cambridge Ancient History. Volume XIV: Late Antiquity: Empire and Successors, A.D. 425-600*, ed. A. Cameron, B. Ward-Perkins and M. Whitby (Cambridge, 2000), 260-87, at 271-8, explores in some detail the debate surrounding the date of the original code. The *Lex Salica* exists today in many versions. For the complexities of its transmission, see K. F. Drew, *The Laws of the Salian Franks* (Philadelphia, 1991), pp. 52-5 in which she also gives a translation of the *Pactus Legis Salicae* on pp. 57-167 and the second of two revised versions issued by Charlemagne (usually known as the *Lex Salica Karolina*) on pp. 169-225.

Further evidence to support this can be found in the body of extant charters that contain the details of cases of outlawry, most usually in connection to land-claims and disputes. Two such examples serve to illustrate the point. The first takes the form of a letter from ealdorman Ordlaƿ to King Edward of Wessex (899-924) explaining the history of land at Fonthill, Wiltshire (899 x 924).¹⁸ Central to this letter is an intricate and often confused account of the career of Ordlaƿ' s godson, a thief named Helmstan, which culminated in the forfeiture of Helmstan' s land and his outlawry.¹⁹ The first of Helmstan' s crimes mentioned in the letter is the theft of a certain Æthelred' s belt. Ordlaƿ offered no more details of this case, but it seems that as a result Helmstan damaged his oath-worthiness and so left himself open to claims on his land.²⁰ A certain Æthelhelm Higa immediately brought such a suit and began a charge against Helmstan for the land at Fonthill. Helmstan successfully defended himself against Higa, but only after he had obtained Ordlaƿ' s support and proved his right to the land in front of King Alfred. In return for Ordlaƿ' s oath, Helmstan gave his godfather the charter for the land at Fonthill, although Ordlaƿ agreed to lease Helmstan the land 'as long as he lived, if he would keep himself out of disgrace'.²¹ Helmstan soon forgot his pledge to his godfather; within two years he was caught stealing the oxen at Fonthill. It is at this point – after what appears to be a trial in front of the local reeve – that Helmstan was outlawed. His

¹⁸ S 1445; Wormald, 'Handlist of Anglo-Saxon lawsuits', nos 23-26. Printed in K where it is no. 328 and B. Thorpe, *Diplomatarium Anglicum Ævi Saxonici* (London, 1865), pp. 169-174 with translation. It is also translated in *EHD*, no. 102.

¹⁹ For a more detailed investigation of the complexities of this letter and a full translation with commentary, see S. Keynes, 'The Fonthill letter', in *Words, Texts and Manuscripts. Studies in Anglo-Saxon Culture Presented to Helmut Gneuss on the Occasion of his Sixty-Fifth Birthday*, ed. M. Korhammer (Cambridge, 1992), pp. 53-97. Also M. Gretsch, 'The language of the "Fonthill letter"', *Anglo-Saxon England* 23 (1994), 57-102 and M. Boynton and S. Reynolds, 'The author of the Fonthill letter', *Anglo-Saxon England* 25 (1996), 91-5.

²⁰ Keynes, 'Fonthill letter', pp. 64-66 suggests that Helmstan may have committed perjury in an attempt to clear himself from the charge of theft.

²¹ Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, p. 172; trans. *EHD*, no. 102.

history of theft and his deficient, and perhaps inadmissible, oath meant that he could not escape the serious and severe repercussions of his actions.²² Helmstan had proved himself to be repeatedly untrustworthy and, accordingly, he became an outlaw.

Our second example is embedded within the charter that we examined above that records King Æthelred's grant of land at Dumbleton, Gloucestershire, to Wulfric Spott.²³ As we saw, at the close of this charter, Æthelred inserted a brief history of the land at Dumbleton in which he recorded that the estate had been forfeited by a certain Æthelsige on whom he had also passed a sentence of outlawry for his theft of 'the swine of Æthelwine.' According to the first law-code of Æthelred, the guilt of those accused of theft was to be established by his failure to provide sufficient oath-swearers to pledge to his good name or, alternatively, if the accused 'dare not give the oath', through trial by the triple ordeal. A convict found guilty would be required by the king to pay compensation to his victim of double the amount he had stolen.²⁴ A second offence resulted in the execution of the offender: 'And on the second occasion he shall not be able to make any amends except by his head'.²⁵ The code describes further the procedures for dealing with a thief who fled, as in the case of Æthelsige. In situations such as these a thief was to be 'treated as an outlaw by all people.'²⁶ As Æthelsige had escaped the legal consequences of his actions and could provide his victim with no

²² Alfred was keen to stress the importance of oath and oath-keeping during his reign, a trend that was continued by his son Edward the Elder and grandson Æthelstan. In fact, the first clause of Alfred's law-code states that: 'we enjoin you, as a matter of supreme importance, that every man shall abide carefully by his oath and pledge'. For more on Anglo-Saxon oaths, see Chadwick, *Studies*, pp. 134-152; Laughlin, 'Anglo-Saxon legal procedure', pp. 216-218 and 297-299. Wormald, *Making of English Law*, I:148, 171-2, 282-4 and 290 examines the role of the oath in Alfred's reign.

²³ S 886; Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 56. The text is printed in K as no. 692 and trans. *EHD*, no. 119. See S. Keynes, *The Diplomas of King Æthelred 'the Unready', 978-1016* (Cambridge, 1980), pp. 102, 184-185 and 253.

²⁴ I Æthelred, 1:1-5.

²⁵ I Æthelred, 1:6.

²⁶ I Æthelred, 1:9a.

compensation, outlawry offered an alternative punishment appropriate for his crime. Perhaps Æthelsige had a previous conviction for theft and so faced execution; the charter lacks explanatory detail, but it does demonstrate that outlawry was dispensed in the absence of other possible modes of justice.

Both the treatment and application of outlawry appear to have changed at the end of the tenth century during the reign of King Æthelred.²⁷ These developments must be viewed within the context of more general movements in legal spheres which saw an increase in the importance of criminal as opposed to civil justice during the tenth century.²⁸ According to Simon Keynes, the reign of Æthelred marked a change in attitudes towards law and from the late-tenth century legislators moved from strictly pragmatic systems of justice to ones more concerned with the purity of society.²⁹ It was during this period that for the first time some crimes became *bótléas* or ‘unamendable’; the laws of Kings Æthelred (978-1016) and Cnut (1016-1035) both specify crimes for which no compensation could be paid.³⁰ It is also during this period that there is evidence for the use of outlawry as a direct punishment for specific crimes, rather than as a final alternative to the usual channels of justice. The two laws from Æthelred’s reign which specify this are both concerned with homicide and both occur in codes which dealt with relations between the English and the Danelaw.³¹ The first is in the so-

²⁷ For law making and justice dispensation in the reign of Æthelred, see S. Keynes, ‘Crime and punishment in the reign of King Æthelred the Unready’, in *People and Places in Northern Europe, 500-1600. Essays in Honour of Peter Hayes Sawyer*, ed. I. Wood and N. Lund (Woodbridge, 1991), pp. 67-81 and P. Wormald, ‘Ethelred the lawmaker’, in *Ethelred the Unready*, ed. D. Hill, British Archaeological Reports, British Series 59 (Oxford, 1978), 47-80.

²⁸ Wormald, ‘Handlist of Anglo-Saxon lawsuits’, p. 279.

²⁹ Keynes, ‘Crime and punishment’.

³⁰ II Æthelred, 7:1; III Æthelred, 1; VIII Æthelred, 1:1; I Cnut, 2:3; II Cnut, 64. II Cnut, 64 lists the crimes which were unamendable as: ‘according to secular law assaults upon houses, arson, theft which cannot be disproved, murder which cannot be denied (*morb*) and treachery towards a man’s lord are crimes for which no compensation can be paid’.

³¹ II Cnut, 39 also decreed outlawry for anyone found guilty of slaying (*ofslean*) a ‘minister of the

called *Treaty of Edward and Guthrum* which purports to be a record of the legislation enacted by King Edward (899-924) and the viking leader Guthrum (d. 890), but which Dorothy Whitelock established as a text produced by Archbishop Wulfstan of York in the reign of Æthelred.³² The second is in the second law-code of Æthelred, a code that ratified a truce between Æthelred and the leaders of the viking fleet, and states that if any viking killed eight Englishmen ‘they shall be treated as outlaws both by them and by us and shall not be allowed to settle the matter by any payment of compensation’.³³ These two laws both prescribed outlawry for the serious crime of homicide and there is indeed evidence that Æthelred did use outlawry as punishment for unlawful killing during his reign. The outlawry of ealdorman Leofsige following the murder of the king’s reeve Æfic in his own home demonstrates that the king was willing and able to expel those who undertook such ‘wicked and unnatural work’.³⁴ Homicide, however, was not the only crime that Æthelred punished with outlawry. Ealdorman Ælfric’s forfeiture and outlawry following his conviction for ‘crime against me and against all my people ... guilty of high treason’, reveals that the king used outlawry to punish the most serious crimes.³⁵ Little is known of the particulars of Ælfric’s treason, but it is

altar’.

³² Edward-Guthrum, 6:6 which reads: ‘If anyone strikes a man dead, he shall then be outlawed, and he shall be pursued with hostility by all those who wish to promote law and order’. D. Whitelock, ‘Wulfstan and the so-called laws of Edward and Guthrum’, *English Historical Review* 56 (1941), 25-45. See also Crabtree, ‘Spatial conceptualisation in Anglo-Saxon thought and experience’, pp. 270-280.

³³ II Æthelred, 7:1.

³⁴ S 926 and Wormald, ‘Handlist of Anglo-Saxon lawsuits’, no. 75, ed. A. Campbell, *Charters of Rochester* (London, 1973), no. 33; partially translated in F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), pp. 79-80. S 916 also records the outlawry and forfeiture of Leofsige and is printed in *The Crawford Collection of Early Charters and Documents*, ed. A. S. Napier and W. H. Stevenson (Oxford, 1895), no. 11 with partial translation in Stenton, *Latin Charters*, pp. 78-79. It is no. 71 in Wormald, ‘Handlist of Anglo-Saxon lawsuits’. The case is also reported in the ASC 1002 C (D, E). For the particular crime of *hamsocn* or ‘housebreaking’, see R. V. Colman, ‘Hamsocn: its meaning and significance in early English law’, *American Journal of Legal History* 25 (1981), 95-110 and her ‘Domestic peace and public order in Anglo-Saxon law’, in *The Anglo-Saxons: Synthesis and Achievement*, ed. J. D. Woods and D. A. E. Pelletier (Waterloo, Ontario 1985), pp. 49-61.

³⁵ This case is known from an Æthelredian charter from 990 x 1006 and an entry in the *Anglo-*

significant that Æthelred's successor Cnut included treachery towards a lord in his list of crimes that were *bótléas*; the enforced exile of Ælfric suggests that this crime had already been 'unamendable' under Æthelred's rule.³⁶ Collectively, the late-tenth and early-eleventh-century evidence indicates a shift in attitudes towards outlawry that reflects wider changes in crime and punishment. Whilst lawmakers continued to use outlawry as a means of penalising persistent lawbreaking or in cases where an offender could not offer compensation, they also introduced the concept of outlawry as an immediate punishment for certain crimes. As toleration and treatment of some serious crimes altered, so too did the function of outlawry.

Outlaws and the community

We have seen above the situations in which lawmakers ruled that outlawry could be imposed on individuals, as well as evidence for the transformation of this legal theory into practice. It is important, however, to consider the consequences of outlawry and how it affected the existing lifestyles of those who found themselves subject to such a sentence. In order to be made an outlaw, an individual displayed consistent or patent disregard for the conventional systems of justice. Consequently, his refusal to live within the law meant that an outlaw no longer enjoyed the protection that the law provided. The direct and practical effects of this are seen most vividly in the law-codes and surviving charters which deal with forfeiture. From these it is clear that outlawry

Saxon Chronicle for 985 (C, D, E). S 937 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 64. The text is printed in K where it is no. 1312 and Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, pp. 282-285; trans. *EHD*, no. 123.

³⁶ II Cnut, 64.

went hand-in-hand with loss of property and goods as in the aforementioned case of Helmstan. Only two kings, Edward and Edgar, explicitly decreed that an outlaw should be stripped of all his possessions, but surviving land charters, some of which have been discussed above, indicate that cases of the forfeiture of land by outlaws were not restricted to the reigns of these two kings.³⁷ Confiscation of property rendered an outlaw exposed and defenceless and as such was an element in a wider programme of social ostracism, the aim of which was to remove the outlaw from his community and the kingdom entirely. Examples of expulsions of enemies or undesirables are known from Anglo-Saxon England from as early as the 720s. The *Anglo-Saxon Chronicle* for 725 records a battle between Wessex and the South Saxons. At some point during this encounter Ine killed a certain atheling Ealdberht whom the king had previously banished and who had found refuge amongst the peoples of Surrey and Sussex.³⁸ The *Chronicle* does not provide any explanation of the reasons for Ealdberht's banishment – perhaps his royal connections had encouraged treason or at least a suspicion of treason – but Ealdberht's fate does demonstrate that enforced ejection from the kingdom of Wessex at least was occurring by the early-eighth century.³⁹ Evidence for the banishment of outlaws becomes more prevalent in the late-ninth and tenth centuries as the number of surviving law-codes increases as well as the breadth of their content.

³⁷ II Edward, 5:1 and I Edgar, 3:1. F. D. Logan *Excommunication and the Secular Arm in Medieval England: A Study in Legal Procedure from the Thirteenth to the Sixteenth Century* (Toronto, 1968), p. 19. For a comprehensive list of Anglo-Saxon land disputes and forfeitures, see Wormald, 'Anglo-Saxon lawsuits', 258-271 and for a statistical analysis of the evidence, see 278-281. See also his complementary article 'Doomsday lawsuits: a provisional list and preliminary comment', in *England in the Eleventh Century: the Proceedings of the 1990 Harlaxton Symposium*, ed. C. Hicks (Stamford, Lincolnshire, 1992), pp. 61-102.

³⁸ ASC 722 D (E) and 725 D (E). The entry for 722 records that 'the exile Ealdberht went away into Surrey and Sussex'.

³⁹ For the meaning and implications of the Old English term 'ætheling' see D. Dumville, 'The ætheling: a study in Anglo-Saxon constitutional history', *Anglo-Saxon England* 8 (1979), 1-33.

There was a growing insistence that an outlaw should be regarded as an enemy throughout the kingdom. King Edward, for example, declared that an outlaw 'shall forfeit the friendship of us all' but did not specifically decree that an outlaw should be forced to leave his homeland.⁴⁰ His successors Edgar and Æthelred were more explicit and both indicated that an outlaw would not be permitted to remain anywhere within the kingdom.⁴¹ The cases of Leofsige and Ælfric discussed above demonstrate that this legal theory was indeed put into practice: the sentences of outlawry passed by Æthelred on the two men both include the proviso that they should leave the king's territory.⁴²

Just as forfeiture of land was an inevitable precursor to exile, so too was banishment reinforced through the threat of immediate execution of outlaws found within the kingdom's borders. As outlawry ostracised an individual from his property and community this placed him outside the protection provided by his kinship group. Kinship relationships were vital to the maintenance of law and order in Anglo-Saxon England since the family of an offender had responsibility for guaranteeing the collective good conduct of the group and for providing compensation to anyone injured by one of their members. Kin also had the legal right to claim compensation following a murder according to the value of the dead individual's *wergeld*.⁴³ Outlawry removed an

⁴⁰ II Edward, 5:1.

⁴¹ I Edgar, 3:1; I Æthelred, 1:9a; III Æthelred, 10.

⁴² Leofsige: S 926 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 75, ed. Campbell, *Charters of Rochester*, no. 33; partially translated in Stenton, *Latin Charters of the Anglo-Saxon Period*, pp. 79-80. S 916 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 71, ed. Napier and Stevenson, *Crawford Collection of Early Charters and Documents*, no. 11; partial translated in Stenton, *Latin Charters*, pp. 78-79. This case is also reported in the *Anglo-Saxon Chronicle* entry for 1002 C (D, E). Ælfric: S 937 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 64. The text is printed in K where it is no. 1312 and Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, pp. 282-285 and trans. *EHD*, no. 123.

⁴³ The *wergeld* or 'man value' system set a staggered value on all Anglo-Saxon life; following the murder of an individual the kin could claim monetary compensation. For the importance of the kinship group in early medieval society, see G. Althoff, *Family, Friends and Followers. Political and Social Bonds in Early Medieval Europe* (Cambridge, 2004), especially pp. 23-64; T. M. Charles-Edwards, *Early Irish and Welsh Kinship* (Oxford, 1993); L. Lancaster, 'Kinship in Anglo-Saxon society', *British Journal of Sociology* 9 (1958), part I:234-248 and part II:359-377; H. R. Loyn, 'Kinship in Anglo-Saxon

individual from this protective circle and so, theoretically, this meant an outlaw could be killed with impunity by any of his victims seeking revenge for his crime.⁴⁴ Further to this, there is evidence that some kings actively encouraged the pursuit and execution of outlaws. Æthelstan ruled that anyone who encountered an outlaw could kill him and the early-eleventh-century *Treaty of Edward and Guthrum* decreed that all those who had been outlawed 'shall be pursued with hostility by all those who wish to promote law and order'.⁴⁵

Effective enforcement of outlawry relied on common acknowledgement and acceptance of an outlaw's altered status. Not only an outlaw's kin, but also the local authorities, his lord and his community had to recognise his loss of property, his exile from the kingdom as well as his liability for execution. Formal procedures for the declaration of outlawry existed in Anglo-Saxon society and these involved local as well as central government.⁴⁶ In the first instance, local administration was responsible for the trial and conviction of offenders and this process involved the kin or 'oath-helpers' of the potential outlaw as well as the evidence of any witnesses to his crime(s). The case of Helmstan for cattle theft, for example, was settled in front of the reeve Eanwulf Penearding who heard evidence from a man who had tracked Helmstan from Fonthill to Chicklade, a few miles west.⁴⁷ The reeve was also responsible for ordering the forfeiture of Helmstan's land and for its protection and maintenance before it was granted to a new owner. It was the king and a body of his closest advisers, however, who held the

England', *Anglo-Saxon England* 3 (1974), 197-209.

⁴⁴ Oakley, *Penitential Discipline*, p. 163 and Pollock and Maitland, *History of English Law*, II:450.

⁴⁵ II Æthelstan, 2:1; Edward and Guthrum, 6:6.

⁴⁶ Loyn, *Governance of Anglo-Saxon England*, p. 128.

⁴⁷ S 1445; Wormald, 'Handlist of Anglo-Saxon lawsuits', nos 23-26. The text is printed in K where it is no. 328 and Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, pp. 169-174 with translation; also trans. *EHD*, no. 102.

ultimate decision-making power in cases of outlawry and this right was protected in law. For example, Edgar's law that deals with men who neglected their duty to pursue cattle thieves, states: 'On the fourth occasion he shall suffer the loss of all he possesses and be outlawed, *unless the king allow him to remain in the country*'.⁴⁸ As we have seen, Ine had personally outlawed the atheling Ealdberht and both King Alfred and his son, Edward, were involved in Helmstan's various trials. King Æthelred also passed sentences of outlawry in conjunction with his closest advisers. He settled the case of Leofsige, who had himself been the king's thegn, on the advice of his councillors; they all agreed that he should be exiled.⁴⁹ The royal prerogative over outlawry encompassed the land forfeited when such a sentence was decreed. Although this right was not enshrined in legislation until the time of Cnut, the charter evidence demonstrates that it was customary for kings to accept and redistribute forfeited land by the late-ninth century, if not before.⁵⁰ The king, then, had a fundamental role in the administration of outlawry, but the initial investigations and judgements of regional government meant that cases of outlawry would be recognised at local level which, in turn, ensured that those who lived within an outlaw's community were aware of his altered condition.

Judging by the amount of legislation devoted to the prohibition of aiding or harbouring a known outlaw, it would seem to have been difficult to exclude an outlaw absolutely from his existing lifestyle. Those who chose to ignore the consequences of an individual's outlawry faced serious penalties, including fines, loss of property and even

⁴⁸ I Edgar, 3:1. See also II Cnut, 13.

⁴⁹ S 926 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 75. Æthelred also decided the case of Ælfric with his councillors. S 937 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 64.

⁵⁰ II Cnut, 13:1 states that: 'And if he [the outlaw] has land held by title-deed [*bócland*], it shall be forfeited into the hands of the king without regard to the question whose vassal he is'.

execution. Kings Ine, Alfred, Edward, Æthelstan and Cnut all explicitly forbade communication with outlaws and declared harsh punishments for anyone found to be feeding or sheltering them.⁵¹ Alfred's legislation, which equates collusion with outlaws with treason against the king's own person, is especially significant. Alfred 4 states: 'If anyone plots against the life of the king, either on his own account, or by harbouring outlaws, or men belonging to [the king] himself, he shall forfeit his life and all he possesses'. Concealing outlaws aroused suspicion, which is understandable given that the fact that outlawry was normally reserved for the most obstinate, hardened lawbreakers who were required by law to leave the kingdom. Not everyone sought contact with outlaws for malicious purposes, however. The touching tale of Leofsig and his sister Æthelflæd demonstrates that the formally-determined exile of outlaws from their kin and kingdom could be difficult to achieve in practice. As we have seen above, King Æthelred outlawed Leofsig in 1002 for the murder of the king's reeve Æfic. Following Leofsig's banishment, however, his sister violated the conditions of his banishment and attempted to aid her brother:

Moreover we [Æthelred and his councillors] made a firm compact amongst ourselves that he who should presume to break our decree should be disinherited of all his possessions, and in particular that no one of our people should show him [Leofsig] any humanity or comfort. Afterwards his sister Æthelflæd took no account of this decision and tried to do everything in her power for her brother's advantage, and in this and many other ways she caused herself to be disinherited from everything.⁵²

⁵¹ Ine, 30; Alfred, 4; II Edward, 5:2; II Æthelstan, 2:2 and 20:8; II Cnut, 13:2, 15a, 66:1.

⁵² S 926 and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 75, ed. Campbell, *Charters of*

Whilst the causes of outlawry were, of course, inextricably intertwined with the workings of Anglo-Saxon legal systems and with the dispensation of justice, the practical consequences were much more diverse. Placing an individual outside the recognition of the law not only deprived him of all the rights and freedoms an ordinary member of society enjoyed, it also severed him from his community and his family. As the narrative of Leofsiges's outlawry demonstrates, implementing this social ostracism could be problematic, as some members of society were willing to risk incurring the severe penalties for aiding and abetting their outlawed kin.

Revocation of outlawry

Outlawry was not an irreversible sentence. An outlaw could be 'inlawed' so long as he offered assurances of improved behaviour and received official sanction.⁵³ As was the case with the implementation of outlawry, the king appears to have had ultimate control over the redemption of outlawry, but, once again, decisions could also be made at local level and, it seems, also by religious authority figures.⁵⁴ The convoluted record of the tale of the thief Helmstan concludes with Edward's withdrawal of Helmstan's outlawry; the king even gave the ex-outlaw an 'estate to which he still has withdrawn', perhaps with the implication that in future Helmstan should remain there and keep out of trouble.⁵⁵ What is more interesting and significant in this case, however, are the lengths

Rochester, no. 33; partially translated in Stenton, *Latin Charters of the Anglo-Saxon Period*, pp. 79-80 with the translation of this extract at p. 80.

⁵³ Pollock and Maitland, *History of English Law*, I:477.

⁵⁴ For laws that highlight the role of the king in the management of outlawry, see I Edgar, 3:1 and II Cnut, 13.

⁵⁵ S 1445; Wormald, 'Handlist of Anglo-Saxon lawsuits', nos 23-26. The text is printed in K where it is no. 328 and Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, pp. 169-174 with translation; also trans.

to which Helmstan had to go in order to get his outlawry removed. After Edward had pronounced Helmstan an outlaw the latter ‘sought your father’s body [i.e. Alfred’s] and brought a seal to me [Ordlaf] and I was with you [Edward] at Chippenham. Then I gave the seal to you and you removed his outlawry’.⁵⁶ The exact meaning of this extract is obscure; both Keynes and Whitelock have suggested that perhaps Alfred had said or done something of relevance or that Helmstan felt it necessary to swear an oath – maybe for future good conduct – in the king’s ‘presence’ and for this he received a sealed certificate.⁵⁷ The revocation of Helmstan’s outlawry relied on his willingness to make amends and to partake in the most fundamental of Anglo-Saxon legal processes.

Although Alfred was dead at the time of his visit, this did not prove to be a hindrance to Helmstan’s objective – the practice of dead men vouching to warranty is attested in law – and whose warranty could be more worthy than that of a king?⁵⁸ The demonstration of his desire and ability to observe the law also saved a certain Wulfnoth from his outlawry. In this case it was Abbot Ealdwulf of Peterborough (966-992) who accredited Wulfnoth’s inlawry but only after two landowners, Wulfgeaf and Gyrping, had paid over an estate at Maxey (near Peterborough) on Wulfnoth’s behalf.⁵⁹ The relationship between Wulfnoth, Wulfgeaf and Gyrping is not explained, but it is probable that some form of kinship existed between the three men. The intervention of Wulfnoth’s kin would then have made a clear statement of responsibility for his future actions and the

EHD, no. 102. See Keynes, ‘Fonthill letter’, pp. 88-89 and footnote 147.

⁵⁶ Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, p. 173; trans. *EHD*, no. 102.

⁵⁷ *EHD*, p. 545, footnote 3 and Keynes, ‘Fonthill letter’, p. 88.

⁵⁸ For the use of the dead in oath-swearing, see Ine, 53 and II Æthelred, 9:2. Also Keynes, ‘Fonthill letter’, p. 88 and footnote 144.

⁵⁹ S 1448a and Wormald, ‘Handlist of Anglo-Saxon lawsuits’, no. 50, ed. and trans. A. J. Robertson, *Anglo-Saxon Charters* (Cambridge, 1956, 2nd edition), no. 40. This charter also contains details of the inlawry of Osgot.

exchange of land sealed the agreement and may also have made reparation for Wulfnoth's unmentioned crime(s). Despite the brevity of the description of the events surrounding Wulfnoth's outlawry and subsequent inlawry, this case captures the very essence of outlawry and its consequences. One of the practical effects of the official and legal ejection of an outlaw was to sever him from his kinship group and, as we can see demonstrated here in the willingness of Wulfnoth's kin to support him, kinship relationships were vital for securing the interests, safety and well-being of all members of Anglo-Saxon society.

Excommunicates

The social exclusion of an Anglo-Saxon individual through outlawry can be paralleled by another type of ostracism which was religious in both its origins and consequences. Membership of the community of Christian believers relied on adherence to the tenets of the faith, which were publicised and supervised by ecclesiastics. Those who failed to conform to this system of religious beliefs, however, could be excluded from participation in community activities and benefits through the process of excommunication.⁶⁰ Although excommunication was an integral part of ecclesiastical discipline it was not a sentence that was passed frivolously or hastily; it was the most serious penalty a bishop or, in some cases, a priest could impose on an obstinate sinner

⁶⁰ See K. Hein, *Eucharist and Excommunication. A Study in Early Church Doctrine and Discipline* (Bern and Frankfurt, 1973), p. 51; A. Murray, *Excommunication and Conscience in the Middle Ages*, John Coffin Memorial Lecture (London, 1991), pp. 9-10.

and entailed exclusion from the sacraments or, in more extreme situations, from the Christian community entirely until the excommunicate agreed to renounce his former sins.⁶¹ This distinction between minor and major excommunication was not formulised until the twelfth century when ecclesiastics sought to establish more concrete definitions for the concept of excommunication and its application.⁶² However, as we shall see, there are suggestions that by the Anglo-Saxon period there was already an appreciation of the divisions between minor and major excommunication. Whilst the existence of different degrees of excommunication distinguishes it somewhat from the more absolute nature of outlawry, it does not detract from the fact that it is possible to identify a number of striking similarities between the two types of exclusion. It is these parallels which will form the basis of the following discussion about excommunication and, indeed, the most important conclusions to this chapter.

In a society with an ever more powerful church and with a people that professed at least nominal adherence to the Christian faith, a sentence of excommunication imposed on an Anglo-Saxon could also mean social ostracism with the loss of goods, property, livelihood and contact with friends and family. Extant law-codes and penitentials contain concise and frank statements about the circumstances in which exclusion from church ceremony and community was appropriate. Collectively, they cast light onto a time when the church sought to fortify its influence and teachings over the people of Anglo-Saxon England and it is these prescriptive sources that will provide

⁶¹ Treharne, 'Unique Old English formula for excommunication', 189.

⁶² For a description of the differences between minor and major excommunication, see F. Barlow, *The English Church 1000-1066: A Constitutional History* (London, 1963), p. 258; F. L. Cross, *The Oxford Dictionary of the Christian Church* (London, 1974), p. 490. R. Hill, 'The theory and practice of excommunication in medieval England', *History* 42 (1957), 1-11 at 1. Logan, *Excommunication and the Secular Arm*, pp. 13-15.

the foundations for the following discussion on excommunication. Excommunication lay at the farthest extreme of church discipline and was intended to protect the faithful followers of God's community. This was not its only objective, however; it was not an irreversible declaration and the belief in the indelible nature of baptism caused the church to encourage the excommunicated sinner to undertake penance and re-enter the fold.⁶³

The historiography of early medieval excommunication is limited. In the later medieval period the subject has been discussed at length but the years before 1100 are often addressed only by way of introduction or as illustration of the progress and development of excommunication through the ages.⁶⁴ The primary source material for Anglo-Saxon excommunication is thinly and widely distributed within relevant prescriptive and descriptive sources; often it received only a few lines of attention in texts that deal with an extensive range of issues. Added to this is the comparative wealth of material from the twelfth century onwards when excommunication became more firmly located within the sphere of royal law.⁶⁵ It is no surprise, then, that the attraction of the more bountiful evidence from the high middle ages has meant that study of excommunication in the Anglo-Saxon period has been relatively limited. Recent work, however, does provide new bases from which excommunication can be explored. The publications of Patrick Wormald are especially important for what they reveal about the

⁶³ Barlow, *English Church*, p. 285; Hill, 'Theory and practice of excommunication', 2; Logan, *Excommunication*, p. 15.

⁶⁴ E. Vodola in her *Excommunication in the Middle Ages* (Berkeley, Los Angeles, London, 1986), for example, covers the early period of medieval excommunication in her 'Historical Introduction' (pp. 1-27) before moving on to focus on the twelfth to fourteenth centuries.

⁶⁵ Logan, *Excommunication*, pp. 17-19 offers a succinct overview of the efforts of William I (1066-1087) to regularise the use of the secular arm against excommunicates. See also Vodola, *Excommunication*, pp. 159-190.

nuances of Anglo-Saxon law and their demonstration of the ways in which apparently dry and restricted legal documents can be used effectively to understand social trends.⁶⁶ Furthermore, excommunication often features as part of discussions of the functions of penance. In comparison to the historiography of excommunication, the literature about penance is extensive and wide-ranging and includes a number of studies that focus on the Anglo-Saxon period.⁶⁷ The penitentials offer a defined body of evidence (which we shall examine in more detail below) and have spawned a number of studies that focus solely on their intrinsic value as historical sources. Other works, however, go further in revealing how the penitentials are effective as tools for understanding the complex relationship that existed between the church, its doctrine and Anglo-Saxon society and demonstrate the important links that must be made between the penitential process and excommunication.⁶⁸

⁶⁶ Wormald's most extensive statement on the broad subject of Anglo-Saxon law was his *Making of English Law*. For excommunication, see I:210-12, 310, 312.

⁶⁷ The works of Bernhard Poschmann, Josef Jungmann and Cyrille Vogel form the basis of modern historiography on penance and the penitentials. B. Poschmann, *Die abendländische Kirchenbusse in Ausgang des christlichen Altertums* (Munich, 1928) and *Die abendländische Kirchenbusse im frühen Mittelalter* (Breslau, 1930) and *Penance and the Anointing of the Sick*, trans. F. Courtney (Freiburg, 1964); J. Jungmann, *Die lateinischen Bussriten in ihrer geschichtlichen Entwicklung* (Innsbruck, 1932); C. Vogel, *Le pécheur et la pénitence dans l'église ancienne* (Paris, 1966) and *Le pécheur et la pénitence au moyen âge* (Paris, 1969) and *Les 'Libri Paenitentiales'*, *Typologie des Sources du Moyen Age Occidental* 27 (Turnhout, 1978). There is a collection of Vogel's articles in *En rémission des péchés: recherches sur les systèmes pénitentiels dans l'église latin*, ed. A. Faivre (Aldershot, 1994). For Anglo-Saxon England, see B. Bedingfield, 'Public penance in Anglo-Saxon England', *Anglo-Saxon England* 31 (2002), 223-55; C. Cubitt, 'Bishops, priests and penance in late Saxon England', *Early Medieval Europe* 14 (2006), 41-63; A. J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Jersey, 1983); S. Hamilton, *The Practice of Penance, 900-1050* (Woodbridge, Suffolk, 2001); S. Hamilton, 'Rites for public penance in late Anglo-Saxon England', in *The Liturgy of the Late Anglo-Saxon Church*, ed. H. Gittos and B. Bedingfield (London, 2005), pp. 65-103; T. P. Oakley, *English Penitential Discipline and Anglo-Saxon Law in their Joint Influence* (New York, 1923).

⁶⁸ See, for example, P. J. Payer, *Sex and the Penitentials. The Development of a Sexual Code 550-1150* (Toronto, Buffalo, London, 1984); D. Herlihy, 'Making sense of incest: women and the marriage rules of the early middle ages', in *Law, Custom and the Social Fabric in Medieval Europe. Essays in Honour of Bryce Lyon*, ed. B. S. Bachrach and D. Nicholas (Kalamazoo, 1990), pp. 1-16; M. A. Meyer, 'Early Anglo-Saxon penitentials and the position of women', *Haskins Society Journal: Studies in Medieval History* 2 (1990), 47-61; P. J. Payer, 'Early medieval regulations concerning marital sexual relations', *Journal of Medieval History* 6 (1980), 353-376; M. C. Ross, 'Concubinage in Anglo-Saxon England', *Past and Present* 108 (1985), 3-34.

Excommunication in the early Church

By the time of Augustine's mission to convert the English, the tradition of excommunication from the Christian community was well established.⁶⁹ The earliest Christian doctrine of exclusion from the religious community reflects the Jewish synagogue ban which was in place during the decades before the birth of Christ. This ban excluded those who challenged the authority of the rabbis from all aspects of Jewish community and limited the contact of ordinary sinners to that of family and friends for three days. The gospel of St. John records that Christians were subject to this ban from the synagogues and so it is possible that the early Christian Church incorporated the Jewish tradition of excluding those who did not conform to its doctrine.⁷⁰ The origins of excommunication can also be found in a number of scriptural texts.⁷¹ In his first letter to the Corinthians Paul gave advice regarding a man suspected of incestuous sexual relations:

Know you not that a little leaven leavens the whole lump? You must remove the old yeast of sin so that you will be entirely pure...you should not associate with a person who calls himself a believer but is immoral...do not even sit to eat with

⁶⁹ For the use and development of excommunication within the early church, see Hein, *Eucharist*; W. Daskocil, *Der Bann in der Urkirche, eine rechtsgeschichtliche Untersuchung* (Munich, 1958); Vodola, *Excommunication*, p. 5. Both Vodola and Murray have suggested that excommunication could have developed from pre-Christian traditions of cursing enemies. See Vodola, *Excommunication*, pp. 3-5, 14-15 and Murray, *Excommunication*, pp. 14-22 in which he also charts the continuation of the use of protective curses in Christian times in monastic documents of the eighth and ninth centuries.

⁷⁰ John 9.22. Daskocil, *Bann*, pp. 18-21 and Vodola, *Excommunication*, p. 5.

⁷¹ Treherne, 'Unique Old English formula for excommunication', 189 and Vodola, *Excommunication*, pp. 5-7.

such a person. Should you not judge the members of your own fellowship? As the scripture says, 'Remove the evil person from among yourselves'.⁷²

In effect, Paul was encouraging the whole community to punish behaviour that it felt to be unacceptable and to exclude offenders from the fellowship of believers. Moreover, words directly attributed to Christ himself instruct that a Christian should chastise a sinful brother; if this was to no avail he was to bring the matter before one or two witnesses and, subsequently, the entire congregation which should shun the obstinate sinner and treat him 'as though he were a pagan or publican'.⁷³ There are numerous examples of the excommunication of individuals or groups from the early Christian church, but it seems to have been used most often in cases of heresy or following Christological controversies.⁷⁴ Eusebius (c. 260-c. 340) reported such a case in his *History of the Church* in which a synod of Antioch expelled Paul of Samosata during the reign of Aurelian (270-275):

During his reign a final meeting of the synod was held, attended by a very large number of bishops, who exposed and at last, explicitly and unanimously, condemned for heterodoxy the originator of the Antioch heresy, who was excommunicated from the Catholic Church throughout the world.⁷⁵

⁷² 1 Cor. 5:6-13.

⁷³ Matt. 18:15-17.

⁷⁴ Perhaps the most famous Christological controversy is that of Arianism which raged during the fourth century and questioned the consubstantial nature of the Trinity. The Council of Nicaea (325) drew up a creed that stated the consubstantiality of the Trinity and Theodosius I reinforced this in 380 (Theodosian Code XVI.1.2). The council also excommunicated Arius and his followers. For more information on Arius and Arianism, see H. Chadwick, *The Church in Ancient Society. From Galilee to Gregory the Great* (Oxford, 2001), pp. 195-200; R. D. Williams, *Arius: Heresy and Tradition* (London, 1987).

⁷⁵ Eusebius, *History of the Church*, VII.29, trans. G. A. Williamson, rev. by A. Louth (London, 1989).

The early Church, then, was concerned to establish consistency and orthodoxy of belief amongst its members and this can also be seen in canons from this period. In the fourth century, the Council of Elvira decreed excommunication for any priest who indulged in aspects of Roman religion, such as sacrifice, or who organised gladiatorial contests or theatrical shows: 'It was decided that priests who, after the faith of baptism and rebirth, have sacrificed, and have doubled their offence by adding murder or trebled it by including immorality, shall not be received into communion, even on point of death'.⁷⁶

The council drew up these canons at a time when Christianity was in its infancy.

Christian doctrine and values were often in conflict with accepted practices and customs of pre-Christian society and so excommunication, the ultimate weapon of the church authorities, offered a divide between acceptable and unacceptable Christian behaviour.⁷⁷

The documents of Anglo-Saxon excommunication

Attempts to regularise Christian belief were not confined to the early years of the Christian Church and church authorities continued to legislate on religious practice throughout the early medieval period and beyond. Through councils, canons, penitentials and laws, religious as well as secular authorities took an active role in discussing and dictating behaviour which was felt to be both appropriate and

⁷⁶ 'Council of Elvira', canon 2, trans. A. D. Lee, *Pagans and Christians in Late Antiquity. A Sourcebook* (London and New York, 2000), p. 72-4. Canon 3 expelled from communion priests who continued to coordinate games; canon 55 withheld communion for two years from priests who wore crowns but did not perform sacrifice and canon 57 states: 'Respectable women or their husbands are not to lend their clothing for the adorning of a pagan procession; if they do so, they are to be excommunicated for three years'.

⁷⁷ R. Fletcher, *The Conversion of Europe. From Paganism to Christianity 371-1386 AD* (London, 1998), pp. 34-65 provides an overview of the initial period of adjustment which was required in order to accommodate Christianity within the Roman Empire. See also, R. MacMullen, *Christianity and Paganism in the Fourth to Eighth Centuries* (New Haven and London, 1997), especially pp. 74-149.

inappropriate for members of the Christian community. We are concerned here, however, with types of behaviour that contemporaries deemed unacceptable and particularly those which could lead to temporary or permanent ostracism from church-rites. Our understanding of excommunication in Anglo-Saxon England is curtailed by the nature of the sources. Most obvious, of course, is the fact that those who composed our evidence were in positions of power: we have no direct access through the sources to the attitudes of the lower echelons of society. A second and associated difficulty is that most of the relevant literature of early medieval excommunication is prescriptive. Excommunication features regularly in the extant Anglo-Saxon canons, penitentials and law-codes, but the extent to which these reflect the working of excommunication in practice is debatable. However, both of these difficulties can be surmounted to some extent by searching for patterns within the prescriptive literature which would suggest that repeated experiences and examples had informed how the secular and ecclesiastical authorities approached questions of excommunication.

Before beginning an examination of Anglo-Saxon excommunication, it is important to offer a brief overview of the surviving source types as the relevant material is diverse and incorporates a number of intrinsic problems. The secular sources are the more straightforward. Excommunication features regularly, although not abundantly, in the extant Anglo-Saxon law-codes, a fact which demonstrates that its administration was not purely an ecclesiastical concern or prerogative. Perhaps more striking still is the terminology that was used to designate an excommunicate in the legal material; they were labelled *Godes flyma* or *Godes utlah* – literally an ‘outlaw of God’.⁷⁸ Our body of

⁷⁸ Pollock and Maitland, *History of English Law* I:477.

relevant ecclesiastical material is less distinct. The composition of penitential handbooks originated in Celtic Britain in the sixth century and reached England through the work of Irish missionaries.⁷⁹ Archbishop Theodore (602-690) was the first non-Irish ecclesiastic to produce a penitential, which was issued in his name in the eighth century and was addressed to ‘all Catholics of the English, especially to the physicians of souls’.⁸⁰ There are two further early penitentials that have been attributed to other English ecclesiastics, namely Bede (c. 673-735) and Archbishop Ecgberht of York (735-66), but the provenance of both these penitentials is a complex issue that still remains to be resolved. The problem is compounded by the fact that four different handbooks have been described as ‘the penitential of Bede’ and three as ‘the penitential of Ecgberht’.⁸¹ The earliest surviving manuscript of the so-called *Penitential of Bede* dates to the early-ninth century.⁸² It was written on the continent in the Main region, an area strongly influenced by the Anglo-Saxon missionary Boniface, and so can be used,

⁷⁹ For the origins and spread of the penitentials, see Frantzen, *Literature of Penance*, pp. 1-60. J. T. McNeill and H. M. Gamer, *Handbooks of Penance* (New York, 1938) provides a convenient modern English translation of selected penitentials and related penitential literature.

⁸⁰ There are many MSS of this penitential, from England and the continent. For a comprehensive list, see McNeill and Gamer, *Handbooks of Penance*, pp. 434-435. For a modern edition of the text, see *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, ed. P. W. Finsterwalder (Weimar, 1929), pp. 285-334; *Die Bussordnungen der abendländischen Kirche nebst einer rechtsgeschichtlichen Einleitung*, ed. F. W. H. Wasserschleben (Halle, 1851), pp. 182-219; *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland*, ed. A. W. Haddan and W. Stubbs (Oxford, 1869-1878, 3 vols.), III:173-204. McNeill and Gamer, *Handbooks of Penance*, provide a Modern English translation, pp. 182-215. Theodore did not compose the penitential that bears his name. It professes to be a record of answers on questions of sin and penance given by the Archbishop to a presbyter, Eoda, and edited, after a period of circulation, by a scribe known only as ‘*discipulus Umbriensium*’. A recent discussion of its origins and history dates it to the mid-eighth century: T. Charles-Edwards, ‘The penitential of Theodore and the *Iudicia Theodori*’, in *Archbishop Theodore: Commemorative Studies on his Life and Influence*, ed. M. Lapidge (Cambridge, 1995), pp. 141-174. See also the introduction to the translation of the text in McNeill and Gamer, *Handbooks of Penance*, pp. 179-182.

⁸¹ This is highlighted by Frantzen, *Literature of Penance*, pp. 69-70. See also A. J. Frantzen, ‘The penitentials attributed to Bede’, *Speculum* 58 (1983), 573-597. The individual introductions to each penitential in McNeill and Gamer, *Handbooks of Penance* are also useful, although their analysis should be used with caution, as some of it is outdated.

⁸² Vienna, Nationalbibliothek, MS 2223, ff. 17-22 s. viii/ix. For an edition of the text see Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 220-230.

albeit tentatively, for connections to the Anglo-Saxon religious milieu in general.⁸³ The earliest copy of the *Penitential of Ecgberht* is late-eighth or early-ninth century in date and was produced either in England and taken to Lorsch, or written at Lorsch itself, an important continental centre influenced by Anglo-Saxon scriptorial practices.⁸⁴ Allen Frantzen has evaluated the validity of ascribing these penitential handbooks to Bede and Ecgberht and, like many before him, has failed to solve the problem satisfactorily. He does, however, astutely point out that as a bishop, and later archbishop, Ecgberht was in a position to issue such a document; in contrast, Bede had no such pastoral authority.⁸⁵ In truth, all that can be concluded with any certainty is that we possess two penitentials that were produced in the late-eighth or early-ninth century and under Anglo-Saxon influence.

There are a number of other relevant ecclesiastical texts that must be considered. The *Dialogue of Ecgberht* is agreed to be a genuine work of the archbishop and can be dated to c. 750. This contains a collection of sixteen questions and answers on the instruction of priests by bishops, including the workings of penance and access to

⁸³ R. McKitterick, 'Anglo-Saxon missionaries in Germany: reflections on the manuscript evidence', *Transactions of the Cambridge Bibliographical Society* 9 (1989), 291-329 at 297-298; reprinted in her *Books, Scribes and Learning in the Frankish Kingdoms 6th to 9th Centuries* (Aldershot, 1994), IV. My thanks to Dr. James Palmer for this reference.

⁸⁴ Vatican, Palatinus Latinus, MS 554, ff. 5-13 s. viii/ix. For a modern edition of the text, see Wassersleben, *Die Bussordnungen der abendländischen Kirche*, pp. 231-247 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:413-31. See R. McKitterick, 'The diffusion of insular culture in Neustria between 650 and 850: the implications of the manuscript evidence', in *La Neustrie. Les Pays au Nord de la Loire de 650 à 850*, ed. H. Atsma (Sigmaringen, 1989), pp. 395-432 at p. 403; reprinted in her *Books, Scribes and Learning*, III. See also Frantzen, *Literature of Penance*, p. 72 and his 'Penitentials attributed to Bede', 576.

⁸⁵ Frantzen, *Literature of Penance*, p. 73. The fact that Ecgberht's penitential makes no reference to a handbook written by Bede (Ecgberht's teacher) gives further support to Frantzen's argument that Bede did not compose the penitential that bears his name. See Frantzen, *Literature of Penance*, pp. 70-71. C. Plummer, *Venerabilis Baedae Opera Historica* (Oxford, 1922, 2 vols.), I:clvi also rejected Bede's authorship of a penitential as did M. L. W. Laistner, 'Was Bede the author of a penitential?', *Harvard Theological Review* 31(1938), 263-274; reprinted in *The Intellectual Heritage of the Early Middle Ages. Selected Essays by M. L. W. Laistner*, ed. C. G. Starr (Ithaca, New York, 1957), pp. 165-177 and Poschmann, *Penance*, pp. 125-126.

communion.⁸⁶ Two other documents attributed to Ecgberht, a penitential known as the *Pseudo-Ecgberht* and the *Confessional of Ecgberht*, are both contained together in eleventh-century manuscripts.⁸⁷ However, the language of the Cambridge, Corpus Christi College, MS 190 copy is tenth-century West Saxon with Mercian elements.⁸⁸ The association of the *Confessional* with Ecgberht rests on the introductory line that reads: 'Ecgberht, archbishop of York, translated these chapters from Latin into English so that the uneducated might be able to understand them more easily'.⁸⁹ Much of the *Confessional* is taken and translated from the work of Theodore and the penitential of Cummean.⁹⁰ Finally, the *Catholic Homilies* of Ælfric (c. 990-995) are important as evidence of attitudes towards excommunication and excommunicates in the later Anglo-Saxon period. Sections of Ælfric's homilies survive in some thirty manuscripts, ranging in date from the late tenth century to the early thirteenth.⁹¹

⁸⁶ London, British Library, Cotton, MS Vitellius, A XII, s. xii. The text is printed in Haddan and Stubbs, *Councils and Ecclesiastical Documents* III:403-413 and B. Thorpe, *Ancient Laws and Institutes of England* (London, 1840, 2 vols.) II:87-96. Hadden and Stubbs, *Councils and Ecclesiastical Documents* III:403; Oakley, *English Penitential Discipline*, p. 79; Frantzen, *Literature of Penance*, pp. 82-83 all accept the document as a genuine work of the archbishop.

⁸⁷ Cambridge, Corpus Christi College, MS 190, s. XI, pp. 366-384 written at Exeter in the first half of the eleventh century; Oxford, Bodleian Library, MS Junius 121, s. XI ex., ff.87^v-101 written at Worcester in the third quarter of the eleventh century; Oxford, Bodleian Library, Laud, MS 428 (olim. F. 17), s. XI, ff. 30^v-40 also possibly written at Worcester in the mid-eleventh century. The *Pseudo-Ecgberht* and *Confessional* are reprinted in Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 300-348. The *Confessional* is also in Thorpe, *Ancient Laws* II:128-169. See Frantzen, *Literature of Penance*, pp. 132-139.

⁸⁸ Frantzen, *Literature of Penance*, pp. 132-139.

⁸⁹ Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, p. 300 and Thorpe, *Ancient Laws* II:128-129.

⁹⁰ Haddan and Stubbs, *Councils and Ecclesiastical Documents* III:415; McNeill and Harmer, *Handbooks of Penance*, p. 244 and Frantzen, *Literature of Penance*, p. 134.

⁹¹ *The Homilies of the Anglo-Saxon Church. The First Part Containing the Sermons Catholici or Homilies of Ælfric*, ed. and trans. B. Thorpe (London, 1844, 2 vols.). Also edited in *Ælfric's Catholic Homilies: the First Series*, ed. P. Clemoes, Early English Text Society 17 (Oxford, 1997). For more information on the numerous writing of Ælfric, see L. M. Reinsma, *Ælfric: an Annotated Bibliography* (New York, 1987).

Anglo-Saxon excommunication and sin

The most basic, but essential, function of the surviving literature is to indicate the specific sins or crimes that could result in excommunication. This is significant for this investigation into social exclusion since it reveals what behaviours or activities Anglo-Saxon ecclesiastical and secular authorities considered as incompatible with membership of the Christian community. The practice of sorcery or witchcraft was one such sin. References to *drycræft* ('druidcraft'), *wiccecræft* (witchcraft) or *liblac* (sorcery), sometimes qualified as 'heathen practices', appear repeatedly in the Anglo-Saxon penitentials and law-codes in measures designed to eradicate traces of old religious customs. These references also reveal the types of activities that secular and ecclesiastical authorities associated with witchcraft.⁹² For example, King Wihtræd of Kent (690/1-725) decreed that: 'If a husband, without his wife's knowledge, makes offerings to devils, he shall forfeit all his goods or his *healsfang*. If both [of them] make offerings to devils they shall forfeit their *healsfang* or all their goods'.⁹³ Lawmakers continued to express concern about the existence of sorcery in England throughout the Anglo-Saxon period and decreed secular (usually financial) punishments for any offenders.⁹⁴ It is only the later Anglo-Saxon laws, which show evidence of ecclesiastical

⁹² For a more detailed discussion of paganism in Anglo-Saxon England and Anglo-Saxon paganism in the prescriptive literature, see K. Jolly *et al.* *Witchcraft and Magic in Europe* (London, 2002, 6 vols.), III:202-203. Also B. Griffith, *Aspects of Anglo-Saxon Magic* (Hockwold-cum-Wilton, 1996), especially pp. 89-111; K. Jolly, *Popular Religion in Late Saxon England: Elf Charms in Context* (Chapel Hill, 1996), especially pp. 71-95. For a wider exploration of witchcraft in the early middle ages, see V. J. Flint, *The Rise of Magic in Early Medieval Europe* (Oxford, 1991).

⁹³ Wihtræd, 12. A *healsfang* was a fine based on an individual's *wergeld* or 'man value'.

⁹⁴ Wihtræd, 13; Edward and Guthrum, Prologue, 2, 11; II Æthelstan, 6; I Edmund, 6; V Æthelred, 1, 34; VI Æthelred, 1, 6, 7; VIII Æthelred, 44; IX Æthelred, 1; X Æthelred, 1.

influence, and the penitentials that explicitly decreed exclusion for sorcery. The

Penitential of Theodore states that:

He who celebrates auguries, omens from birds, or dreams, or any divinations according to the custom of the heathen, or introduces such people into his houses in seeking out any trick of the magicians – when they become penitents, if they belong to the clergy they shall be cast out.⁹⁵

The precise meaning and practical implications of the phrase ‘cast out’ is ambiguous; the language of exclusion in the penitentials is often vague.⁹⁶ Nevertheless, according to Theodore, the punishment for sorcery for a cleric entailed some form of expulsion from his community. The *Dialogue of Ecgberht* also addressed the issue of heathen practices. Idol worshipers, soothsayers, diviners and enchanters were amongst those whom the archbishop suggested should be prohibited from communion, a form of lower-level excommunication.⁹⁷ The language of the later law-codes is more precise than that of the penitentials. I Edmund 6 (c. 942) decreed that those who practised sorcery ‘shall be cast out forever from the fellowship of God’.⁹⁸ Æthelred, king of the English 978-1016, was

⁹⁵ *Penitential of Theodore*, I.xi.4, ed. Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, p. 201 and Haddan and Stubbs, *Councils and Ecclesiastical Documents* III:190; trans. McNeill and Gamer, *Handbooks of Penance*, p. 198.

⁹⁶ The Irish ecclesiastical literature contains numerous opaque references to exclusion. Canon 21 from the *First Synod of St Patrick*, for example, includes the provision that: ‘A Christian to whom someone has defaulted and who brings him to judgement [i.e. secular court], not to the church so that the case may there be investigated – whoever does this shall be an alien’. *First Synod of St Patrick*, trans. L. Bieler, *The Irish Penitentials* (Dublin, 1963), pp. 54-59 at pp. 56-57; also trans. McNeill and Gamer, *Handbooks of Penance*, p. 78-9. Frantzen, *Literature of Penance*, p. 40 suggests a date of late-sixth or early-seventh century for these canons and so they cannot be connected to St Patrick or his followers. The problems surrounding the dating of this text are also discussed in T. M. Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000), pp. 245-7.

⁹⁷ *Dialogue* 15, ed. Thorpe, *Ancient Laws* II:93-94 and Haddan and Stubbs, *Councils and Ecclesiastical Documents* III:410; trans. McNeill and Gamer, *Handbooks of Penance*, p. 239. The *Confessional of Ecgberht* 17, 29, 32 and 33 also discuss witchcraft or ‘dry-cræft’ (druid-craft), but the archbishop did not specify excommunication as an appropriate punishment. See Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 307-14; Thorpe, *Ancient Laws* II:144-159; trans. McNeill and Gamer, *Handbooks of Penance*, p. 246-7.

⁹⁸ Edmund, King of the English 939-946, left three law-codes all of which are overtly religious in tone. See Wormald, *Making of English Law*, I:308-312, in particular.

the only other Anglo-Saxon ruler to stipulate exclusion for sorcery, although this took the form of exile from the kingdom and not excommunication.⁹⁹ The laws of Æthelred did, however, specify excommunication for other religious transgressions. A chapter of Æthelred's eighth code declared that: 'If a monk or a priest became an utter apostate, he shall be excommunicated forever'.¹⁰⁰

The prescriptive literature also indicates that ecclesiastical and secular legislators used excommunication as a means of regulating sexual activity. There are numerous examples in the law-codes, penitentials and other prescriptive sources in which the secular and ecclesiastical authorities specified excommunication as the appropriate penalty for sinful 'illicit sexual relations'.¹⁰¹ The canons from the *First Synod of St Patrick*, the earliest surviving Insular canonical text, decreed excommunication for women religious who took a husband and for married lay women who committed adultery.¹⁰² The Anglo-Saxon ecclesiastical documents are equally forthcoming on sexual regulations. The *Penitential of Theodore* is littered with restrictions on sexual behaviour as are the penitentials of Bede and Ecgberht and Ecgberht's *Dialogue* banned those 'defiled with acts of fornication' from the

⁹⁹ VI Æthelred, 7 decreed exile for wizards, sorcerers and magicians: 'they shall be zealously driven from this land and the nation shall be purified'. King Æthelred left ten codes; V-X were issued during Wulfstan's episcopacy and it is these later laws that are most concerned with the repression of heathen practices; see V Æthelred, 1-2, 34; VI Æthelred, 1, 6, 7; VIII Æthelred, 41, 44; IX Æthelred, 1; X Æthelred, 1. For the involvement of Archbishop Wulfstan of York in the making of Æthelred's laws, see Keynes, 'Crime and punishment'; M. K. Lawson, 'Archbishop Wulfstan and the homiletic element in the laws of Æthelred II and Cnut', *English Historical Review* 107 (1992), 565-586; P. Wormald, 'Æthelred the lawmaker' in *Ethelred the Unready* ed. D. Hill (British Archaeological Reports 59, Oxford, 1978), pp. 47-80.

¹⁰⁰ VIII Æthelred, 41.

¹⁰¹ For more details on both secular and ecclesiastical regulations regarding sexual relations, see Payer, *Sex and the Penitentials*; Herlihy 'Making sense of incest'; Meyer 'Early Anglo-Saxon penitentials'; Payer, 'Early medieval regulations'; Ross, 'Concubinage in Anglo-Saxon England'. See I Cor. 5:6-13 which declares that those guilty of mortal sins should automatically be excluded from receiving communion, but pays particular attention to those who commit sexual transgressions.

¹⁰² Canons 17 and 19, trans. Bieler, *Irish Penitentials*, pp. 56-57 and McNeill and Gamer, *Handbooks of Penance*, p. 78.

communion.¹⁰³ In the law-codes, the crime of *unrihthæmed*, or ‘unlawful intercourse’, covered a multiplicity of sins including adultery, bigamy, incest (within six degrees of relationship) and intercourse with a nun.¹⁰⁴ This term first appears in the code of Wihtræd in a general provision that dealt with ‘men living in illicit unions’ and declared that ‘they shall be excluded from the communion of the church’.¹⁰⁵ *Unrihthæmed* then makes ever more regular and specific appearances in the law-codes. Kings Alfred, Edmund and, in particular, Æthelred all condemned a variety of ‘illicit’ acts, although only Edmund explicitly demanded excommunication if the offender(s) refused to desist from the prohibited sexual activity.¹⁰⁶ This intensification in the prohibition of certain sexual acts during the late Anglo-Saxon period indicates an increased determination to regulate sexual behaviour in accordance with Christian morality.¹⁰⁷ A charter from York’s archive, which contains Archbishop Oswald’s memoranda on the estates of the see of York, confirms that the authorities did indeed use excommunication during the late-tenth century in order to punish those who committed sexual transgressions. Recorded within this charter is the case of two brothers who were living in ‘illicit co-habitation’ with one wife, who ceded the estate at Helperby to Oswald as compensation for their sin.¹⁰⁸ The charter does not state explicitly that the brothers were

¹⁰³ *Penitential of Theodore*, ed. Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 182-219 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:173-204; trans. McNeill and Gamer, *Handbooks of Penance*, pp. 179-215; *Penitential of Bede*, ed. Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 220-230. *Penitential of Ecgberht*, ed. Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 231-47. *Dialogue of Ecgberht*, 15, ed. Thorpe, *Ancient Laws* II:93-94 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:410.

¹⁰⁴ For examples, see Wihtræd, 4-5; Edward and Guthrum, 4-4:2; I Edmund, 4; V Æthelred, 10; VI Æthelred, 5:2, 11, 12-12:1; VIII Æthelred, 4.

¹⁰⁵ Wihtræd, 3 and 4.

¹⁰⁶ See Alfred, 8, 18, 42:7; I Edmund, 1, 4; V Æthelred, 10; VI Æthelred, 5:2, 11, 12-12:1; VIII Æthelred, 4 which discuss the sexual transgressions of both lay individuals and those in holy orders.

¹⁰⁷ Ross, ‘Concubinage in Anglo-Saxon England’, 19.

¹⁰⁸ S 1377 and Wormald, ‘Handlist of Anglo-Saxon lawsuits’, no. 43, ed. W. De Gray Birch, *Cartularium Saxonicum* (London, 1885-1893, 3 vols.), nos. 1278 and 1279; trans. Robertson, *Charters*, pp. 110-113 and *EHD*, no. 114. See also Edward and Guthrum, 4:1 for legislation regarding ‘two brothers

excommunicated, but the manner of the crime and the fact the brothers donated the land to the church suggests that this is indeed an example of the use of Anglo-Saxon excommunication (or at least the threat of excommunication) for sexual sins.

Practising heathen rites and engaging in illicit sexual behaviours are the two categories of sins that the secular and ecclesiastical authorities most consistently punished with excommunication. There are, however, a number of other offences listed in the prescriptive literature which also incurred excommunication. The sins in this miscellaneous collection are composed of examples that often occur only once in the extant literature and cannot easily be sorted by type. However, all are connected by the fact that they entailed a sentence of excommunication in order to protect church interests or the purity of the Christian faith. In the *Penitential of Theodore*, for example, the Archbishop decreed that those who did not observe the fasts of the church 'shall be cast out of the church'.¹⁰⁹ Ælfric's *First Old English Letter for Wulfstan* (c. 1006) includes a command on pain of excommunication that mass priests should wear only the clothes of their office and should not assume the garments of monks or the laity.¹¹⁰ The law-codes provide other pertinent examples. In the code of Alfred, oath-breaking was the only crime for which the king decreed excommunication.¹¹¹ It is important to realise that this seemingly secular offence was also an ecclesiastical transgression as oaths were

or two near relatives who lie with one woman'.

¹⁰⁹ *Penitential of Theodore* I.xi.5, ed. Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 196; Haddan and Stubbs, *Councils and Ecclesiastical Documents* III:186; trans. McNeill and Gamer, *Handbooks of Penance*, p. 194.

¹¹⁰ A copy of the text is ed. D. Whitelock *et al.*, *Councils and Synods with Other Documents Relating to the English Church. AD 871-1204* (Oxford, 1981, 2 vols.), I:300.

¹¹¹ Alfred, 1-1:7. Here excommunication (*amænsuþian*) was accompanied by banishment (*aflíeman*) for those who fled after breaking a pledge. See also II Æthelstan, 26; I Edmund, 6; VI Æthelred, 7.

sworn in the name of God.¹¹² King Edmund protected the financial interests of the church and ordered excommunication for any individual who did not pay his tithes, church-dues, Peter's Pence and plough-alms.¹¹³ Æthelred's seventh code reveals a further use of excommunication, one which was informed by the particular concerns of the late-tenth century. This law forbade the sale of anyone outside of the country on threat of excommunication; read with provisions in earlier codes in the same king's name, these can be seen as a reaction to the revival of viking attacks on England in the late tenth and early eleventh centuries.¹¹⁴

The implementation of excommunication

The surviving literature about excommunication is vital for clarifying the types of transgressions that could result in excommunication. As we have seen above, these offences were wide-ranging in character, although, as should be expected, all were concerned with church interests or Christian doctrines. It is also clear that the evidence

¹¹² See, for example, Hlothhere and Eadric, 16:2 and Wihtræd, 18-21 which demand that oaths should be sworn on an altar and III Æthelred, 2:1 which requires all declarations of surety to be sworn on holy relics. Oakley, *Penitential Discipline*, pp. 186-187. For detailed discussion of the Anglo-Saxon oath, consult Chadwick, *Studies*, pp. 134-152. Wormald, *Making of English Law*, I:148, 171-2, 282-4 and 290, pays special attention to the importance of oath-swearing during the reign of King Alfred.

¹¹³ I Edmund, 2. This example is noted by Treharne, 'Unique Old English formula for excommunication', 199.

¹¹⁴ VII Æthelred, 5 (Latin version). V Æthelred, 2 and VI Æthelred, 9 prohibited the sale of Christians out of the land, especially to the heathen, so that 'the souls which Christ bought with his own life be not destroyed' but did not specify excommunication as punishment for offenders. The hand of Archbishop Wulfstan can be observed in these laws. His other works, in particular the *Sermo Lupi ad Anglos*, indicate that the Archbishop was concerned that the sins and abuses of the Anglo-Saxon people had brought forth God's punishment in the form of the viking attacks. For the *Sermo Lupi ad Anglos*, see D. Bethurum, *The Homilies of Wulfstan* (Oxford, 1957), no. XX and *Sermo Lupi ad Anglos*, ed. D. Whitelock (London, 1939); trans. *EHD*, no. 240. Ine's law-code also contains a law that prohibited the sale of men overseas (Ine 11) which indicates that this offence had concerned law-makers before the late tenth century. Nevertheless, its re-appearance in Æthelred's laws and the specification that men should not, in particular, be sold to the 'heathen' must be read as a response to the revival of the viking attacks on England. For further discussion, see chapter four of this thesis: 'Slaves: the legally "unfree"'.

becomes increasingly plentiful and enlightening later in the Anglo-Saxon period. The usefulness of our sources is not, however, restricted to revealing the categories of sins that were deemed suitable for excommunication; they can also be used to illuminate the mechanisms by which excommunication was imposed. The first point to note is that the implementation of excommunication was the responsibility of both secular and ecclesiastical judges; indeed, the fact that excommunication appears in the secular law-codes indicates that its application was not exclusively the prerogative of ecclesiastics.¹¹⁵ Anglo-Saxon secular and ecclesiastical authorities worked together in order to mete out punishments for all offences, not just in cases of excommunication. For example, a chapter of Edgar's third code, which outlines the arrangements for the meeting of the Hundred Court, states: 'And the bishop of the diocese and the ealdorman shall be present and shall direct the observance of both ecclesiastical and secular law'.¹¹⁶ Violators of laws were also expected to make compensation to God and the church alongside their secular recompenses. Alfred's law-code required captured fugitives to 'pay the compensation for the violation of the bail, as the law directs him, and the compensation for breach of faith as his confessor prescribes for him'.¹¹⁷

This last extract from the laws of Alfred introduces the importance of confession and penance in the process of excommunication. Legislators repeatedly qualified their decrees of excommunication with encouragement to sinners to avoid such penalties

¹¹⁵ Oakley, *Penitential Discipline*, pp. 141-43. See also his 'The co-operation of medieval penance and secular law', *Speculum* 7 (1932), 515-24 at 516-17; W. A. Chaney, *The Cult of Kingship in Anglo-Saxon England* (Manchester, 1970), p. 234.

¹¹⁶ III Edgar, 5:2. For the workings of the Hundred court, see Loyn, *Governance of Anglo-Saxon England*, pp. 140-147.

¹¹⁷ Alfred, 1:8. See also Edward and Guthrum, 3, 4; II Æthelstan, 26; II Edmund, 4; VI Æthelred, 51.

through penance.¹¹⁸ It seems that excommunication was to be used only as a last resort and for the obstinate sinner, in the same way that outlawry was employed against those who repeatedly committed secular offences.¹¹⁹ The prescriptions for excommunication in the law-codes all promote the use of atonement for sin before excommunication was to be applied. Edmund stated that: ‘Those who commit perjury and practice sorcery shall be cast out forever from the fellowship of God, unless they proceed with special zeal to undertake the prescribed penance.’¹²⁰ The penitential literature too encouraged sinners to engage fully with the penitential process as a way of avoiding a sentence of excommunication.¹²¹ Even if an individual was excommunicated, repentance and penance could still be used to gain re-entry to the Christian community. Evidence for this process in England comes from the late Anglo-Saxon period and highlights the central role of bishops in the provision of penance to excommunicates. In one of his homilies, Ælfric maintained that excommunicates should be released from their punishment following appropriate atonement for their sins: ‘The apostles will not bind any righteous man with their anathema, nor also mercifully unbind the sinful, unless he with true repentance return to the way of life. The same power has the Almighty granted to the bishops and holy mass-priests.’¹²² Moreover, there was also provision within the

¹¹⁸ See S. Hamilton, ‘Remedies for “great transgressions”: penance and excommunication in late Anglo-Saxon England’, in *Pastoral Care in Late Anglo-Saxon England*, ed. F. Tinti (Woodbridge, 2005), pp. 83-105, particularly p. 93 where she comments that ‘...excommunication in late Anglo-Saxon England...was the stick to the carrot of penance’.

¹¹⁹ Barlow, *English Church*, p. 285; Hill, ‘Theory and practice of excommunication’, 2; Logan, *Excommunication and the Secular Arm*, p. 15.

¹²⁰ I Edmund, 6; also Wihtræd, 4:1; Alfred, 1:7; Edward and Guthrum, 11; II Æthelstan, 26; I Edmund, 1, 4; V Æthelred, 29; VI Æthelred, 7; VII Æthelred, 5; VIII Æthelred, 40.

¹²¹ See, for example, *Penitential of Theodore* I.xi.4-5, ed. Wassersleben, *Die Bussordnungen der abendländischen Kirche*, pp. 195-196 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:186; trans. McNeill and Gamer, *Handbooks of Penance*, p. 194. *Dialogue of Ecgberht* 15, ed. Thorpe, *Ancient Laws* II:93-94 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:410; trans. McNeill and Gamer, *Handbooks of Penance*, p. 239.

¹²² *Homilies of the Anglo-Saxon Church*, ed. and trans. Thorpe, II:370-371. The importance of bishops in the penitential process is also evident from Edward and Guthrum, 4; II Æthelstan, 26; II

church calendar for the re-admittance of excommunicates to the church on every Thursday before Easter.¹²³ Such structured measures designed to return excommunicates to the Christian community offer clear evidence that excommunication did not always involve a permanent alteration in status; for many Anglo-Saxons it could have been a transitory phase in their relationship with the Christian church.

Once an individual had received a sentence of excommunication he could expect to experience restrictions in his daily life during his period of ostracism from the Christian community. His period of excommunication could take the form of simple exclusion from the communion, as seen in the *Penitential of Theodore* and the *Dialogue of Ecgberht*, but could also involve more severe restrictions that, if implemented to their full force, could have devastating effects on the lifestyle of excommunicates.¹²⁴ Once again, evidence for these measures is more plentiful in the later Anglo-Saxon period, from the mid-tenth century onwards. The laws of Æthelred suggest that exclusion from the Christian community could also have resulted in wider social ostracism. A chapter of Æthelred's eighth code reads: 'he who keeps under his protection an excommunicated man, beyond the term set by the king, shall be in danger of forfeiting his life and all his property to the deputies of Christ'.¹²⁵ As well as restricted access to

Edmund, 4 and VI Æthelred, 51.

¹²³ Evidence for this is found in the *Homilies of Wulfstan*. See Bethurum, *Homilies*, no. 14, p. 235. Treharne, 'Unique Old English formula for excommunication', 192, provides more detailed discussion of this passages and a translation. See also Bedingfield, 'Public penance in Anglo-Saxon England', 230-1; Frantzen, *Literature of Penance*, p. 5.

¹²⁴ *Penitential of Theodore*, II.i.2, ed. Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 201 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:190; trans. McNeill and Gamer, *Handbooks of Penance*, p. 199. *Dialogue of Ecgberht*, 15, ed. Thorpe, *Ancient Laws*, II:93-94 and Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III:410; trans. McNeill and Gamer, *Handbooks of Penance*, p. 239. There is also evidence for this in the Irish canons from the second synod of St Patrick (canon 4) which decreed that an excommunicate should be rejected from the communion, table, Mass and Pax; trans. McNeill and Gamer, *Handbooks of Penance*, p. 81.

¹²⁵ VIII Æthelred, 42.

the community, an excommunicate was also refused admission to the king's presence. The codes of Edmund and V Æthelred forbade an excommunicate from approaching the king: 'And if any excommunicated man...remains anywhere near the king, before he has readily submitted to the amends required by the church, it shall be at the risk of losing his life or his possessions'.¹²⁶ Chaney interpreted this as an indication of the increasing sanctity of kingship during the tenth century; the corruption of the excommunicate debarred him from the presence of God's anointed on earth.¹²⁷ Fear of the potential pollution caused by excommunicates is also present in the *Homilies of Ælfric*. Ælfric used the analogy of leprosy to explain the danger posed by excommunicates to the rest of the community:

...he [the priest] should cure God's people, and separate and excommunicate from Christian men him who is so leprous with sinful activities that he infects others with his wickedness; concerning which the apostle Paul said, 'Remove the evil man from you lest one unsound sheep infect all the flock'.¹²⁸

Even after death the excommunicate was separated from the community. Kings Æthelstan, Edmund and Æthelred all dictated that those who refused to make amends for their sins and died whilst excommunicated should be buried in unconsecrated ground.¹²⁹ This made a strong statement and meant that an excommunicate's state of exclusion whilst on earth endured for eternity. Rejection from the sacrament of the Eucharist rendered the soul unclean and, ultimately, led to eternal damnation.

¹²⁶ V Æthelred, 29. See also I Edmund, 3; II Edmund, 4.

¹²⁷ Chaney, *Cult of Kingship*, pp. 217-218. See also, Wormald, *Making of English Law*, I:312; Oakley, 'Co-operation', p. 517 and Treharne, 'Unique Old English formula for excommunication', 196.

¹²⁸ *Homilies of the Anglo-Saxon Church*, ed. and trans. Thorpe, II:124-6.

¹²⁹ See II Æthelstan, 26; I Edmund, 1-4 and I Æthelred, 4:1.

Conclusion

Social ostracism in Anglo-Saxon England was not a process that was undertaken lightly. Both outlawry and excommunication were reserved for the most persistent offenders who displayed repeated unacceptable behaviour and refused to make amends. Outlawry represented an ultimate sanction that could be imposed by lawmakers and those with legal jurisdiction and its administration was performed within the spheres of Anglo-Saxon law, order and justice. To become an outlaw, an individual had to demonstrate a patent disregard for the traditional methods of restoring harmony following an offence. In early Anglo-Saxon England, repeated refusal to pay a fine or compensation or to provide reliable 'oath-helpers' were all grounds for imposing a sentence of outlawry. However, in the late-tenth century law-makers widened their use of outlawry and began to identify some serious crimes as '*bótléas*', with the consequence that outlawry was imposed immediately on some offenders who were unable to avoid the severe repercussions of their actions. The law recognised the personal lawlessness of recidivists and, in the later period, those who committed serious offences at both local and central governmental level and in doing so officially ejected the individual from the protection of the law; in effect, an outlaw became a nonentity. His loss of legal rights pervaded every part of an outlaw's life. He lost the entitlement to own land, security against injury or execution and he forfeited all right to any contact with his community, kingdom and, perhaps most devastatingly, his kin. Ostracism from the kinship group

meant ostracism from the structural foundations of Anglo-Saxon society: a kinless man was a powerless and defenceless man. However, if an outlaw re-entered society through an officially recognised inlawry this meant that he could return to the protective fold of his kinship group.

Many of the elements of Anglo-Saxon outlawry are paralleled in the process of excommunication. We have seen above how it was reserved for those whose behaviour was inconsistent with church policy and Christian doctrine and who would not or could not atone for their sins through penance. The evidence from Anglo-Saxon England suggests that as the church's power and influence expanded, excommunication became an increasingly pervasive force in society. Discussion of excommunication in the prescriptive literature demonstrates that it was only decreed for crimes that in some way damaged church rights or transgressed Christian doctrine. Authorities paid particular attention to the practices of witchcraft and to the regularisation of sexual behaviour and marriage relations. However, if the causes of excommunication were exclusively religious in nature, the effects could be much more wide-ranging. Low-level excommunication entailed only prohibition from the Eucharist, but more severe forms could result in financial penalties, loss of land and social ostracism. This combination of religious and secular penalties reflects the fact that excommunication was not the preserve of ecclesiastical authorities. Provisions for the implementation of excommunication in Anglo-Saxon England provide clear evidence of close collaboration between secular and ecclesiastical powers; issues of morality and acceptable behaviour concerned Anglo-Saxon law-makers just as much as they did churchmen. The process of excommunication was not, however, concerned exclusively

with the protection of church interests. The literature reveals that the authorities were concerned for the spiritual health of all members of Anglo-Saxon society. The threat of excommunication was part of a wider programme of penance that was designed to educate sinners as to the nature of their transgressions and encourage them to repent and make the appropriate amendments to their lifestyles. Priests and bishops excluded an individual from communion or the religious community only in situations of repeated offences and even then the sentence was not irreversible. If an excommunicate showed signs of true repentance and promised to observe the rules of acceptable behaviour he could be welcomed back into the community.

Both outlawry and excommunication inform our understanding of how secular and church authorities tried to shape and control the activities and behaviour that took place within Anglo-Saxon England. Through these processes, the authorities aimed to safeguard the structures that helped make Anglo-Saxon society function and develop in a way that they desired. Ultimately, outlawry served to reinforce the traditional methods of *bót* and *wíte* that existed to protect harmonious relations within society.

Excommunication, on the other hand, represented a tool for ensuring that members of Anglo-Saxon society followed the teachings and standards of the 'official' religion of Christianity.

Chapter Three

Deviants

And if witches or sorcerers, magicians or prostitutes, those who secretly compass death or perjurers be met with anywhere in the land, they shall be zealously driven from this land and the nation shall be purified; otherwise they shall be utterly destroyed in the land, unless they cease from their wickedness and make amends to the utmost of their ability.¹

This law promulgated in the name of King Æthelred (978-1016) and drafted by Archbishop Wulfstan of York (d. 1023) stipulates with some vehemence the types of activities and behaviours that the king and archbishop hoped to eradicate from early eleventh-century England. If the list of undesirables looks somewhat haphazard to us (why, we may ask, are perjurers listed alongside prostitutes?), there was manifestly something so intolerable about the individuals who engaged in such behaviours that they were to be ‘zealously driven’ from the land lest they pollute it further. But the law also indicates that witches, magicians, prostitutes, murderers and perjurers could save themselves from expulsion if they discontinued their unlawful conduct, atoned for their previous transgressions, and thereafter conformed to an acceptable code of behaviour. This chapter will address two main issues which are encapsulated in this extract. Firstly,

¹ VI Æthelred, 7.

it will outline the types of behaviour that were considered sufficiently unacceptable within Anglo-Saxon society to require correction, and it will attempt to suggest why these should have been singled out for legal remedy. Secondly, it will move on to address in more detail the ways in which such behaviours were handled, an enquiry that will necessitate an examination of the workings of the Anglo-Saxon systems of justice and punishment. In the previous chapter we observed the types of behaviour that could lead to outlawry and excommunication and concluded that these fates were reserved for the most persistent offenders, those who repeatedly refused to 'toe the line'. Here we will touch on many of the same issues, particularly the centrality of *bót* and *wíte* to Anglo-Saxon legal processes and their importance in restoring social relationships after an offence had been committed.² Here, in considerably more detail than was possible in chapter two, we will be able to observe developments in the mechanisms of justice and changes across the period under consideration; we shall see how these grew from a system reliant on payment of compensation to one that was increasingly intricate, regularised and punitive. Most significantly, we will trace the rise in offences designated '*bótléas*' or 'unamendable' as well as the use of physical chastisement in order to understand how Anglo-Saxon law-making and punishment of undesirable behaviour evolved. Discussion will centre on the extant Anglo-Saxon legal material, as this offers the most obvious route into questions surrounding deviant, criminal behaviour; this source-base will, however, be extended to include, most notably, charters which detail the forfeiture of land. To a lesser degree, we will also examine the

² *Bót* is the Old English term for the amount of compensation that was due after a crime had been committed and was usually awarded to the victim. *Wíte* was a fine that was paid to the king or another individual with jurisdiction as punishment for a crime.

penitentials, particularly where they offer points of cross-comparison with the secular prescriptive material. Although this chapter will address transgressions that can be classed as religious in nature, it will not examine sin, sinners and penance *per se*, since to do so would be to digress into related but strictly quite separate issues. In the Church's eyes, all Christians were sinners and much of the work of the Church lay in bringing awareness of their innate sinfulness to all believers and promoting the necessity for confession and penance. Exploration of different categories of sin and the ways in which churchmen sought to correct these takes us away from consideration of social deviancy into spheres of pastoral theology and ministry that fall outside the scope of this thesis.³

Deviant behaviour

Let us begin by surveying the types of activities or behaviours that appear in the law-codes as requiring legal remedy. This is not an exhaustive account of all Anglo-Saxon offences; some occur sporadically or even only on single occasions in the law-codes such as Alfred's law about illegal tree felling and burning and so cannot be included in

³ For those wishing to know more about Anglo-Saxon sin and penance, initial reading should include: A. J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Brunswick, New Jersey, 1983); S. Hamilton, *The Practice of Penance, 900-1050* (Woodbridge, Suffolk, 2001); P. J. Payer, *Sex and the Penitentials. The Development of a Sexual Code 550-1150* (Toronto and London, 1984); B. Bedingfield, 'Public penance in Anglo-Saxon England', *Anglo-Saxon England* 31 (2002), 223-255; C. Cubitt, 'Bishops, priests and penance in late Saxon England', *Early Medieval Europe* 14 (2006), 41-63; R. Meens, 'Introduction. Penitential questions: sin, satisfaction and reconciliation in the tenth and eleventh centuries', *Early Medieval Europe* 14 (2006), 1-6; R. Meens, 'Penitentials and the practice of penance in the tenth and eleventh centuries', *Early Medieval Europe* 14 (2006), 7-21; T. P. Oakley, 'The co-operation of medieval penance and secular law', *Speculum* 7 (1932), 515-524.

discussion here.⁴ As we move through the following two sections of the chapter, our catalogue of offences will increase. Discussion of bodily injuries, for example, is located below within a wider examination of compensation or '*bót*' and homicide forms a part of the argument about the working of the wergeld system. What this section does offer, however, is a sense of Anglo-Saxon perceptions of deviancy, exploring the key behaviours and activities that law-makers designated as inappropriate for their vision of Anglo-Saxon society. For ease of discussion, we will address these issues within two discrete categories. First we will examine offences against the 'state', particularly oath-breaking and, perhaps more surprisingly, theft before moving on to consider the legal measures that law-makers enacted in order to protect the interests of the church. This section will thus set the scene for the following two sections in which we will investigate the workings of Anglo-Saxon justice and, finally, punishment.

Let us look first at the issue of oaths. We can observe evidence for their 'supreme importance' in Anglo-Saxon England in the legislation of King Alfred of Wessex (871-99) who included a ruling on their administration in the very first clause of his code:

In the first place we enjoin you, as a matter of supreme importance, that every man shall abide carefully by his oath (*að*) and pledge (*wed*). If anyone is wrongfully constrained to promise either of these: to betray his lord or render aid in an unlawful undertaking, then it is better to be false [to the promise] than to perform it. If, however, he pledges himself to something which it is lawful to carry out and proves false to his pledge, he shall humbly give his weapons and

⁴ Alfred, 12.

possessions to his friends to keep, and remain 40 days in prison at a royal manor and undergo there whatever [sentence] the bishop prescribes for him; and his relatives shall feed him if he himself has no food.⁵

As Patrick Wormald pointed out, although Alfred was the first legislator to offer such a lengthy statement about the purpose and administration of the oath, he was obviously drawing on existing practices: 'It needs to be said...that what these clauses established was not thereby *first* established. The duty to keep one's "oath and pledge" was clearly something already in existence.'⁶ But that should not blind us to the fact that Alfred's use of the written word to emphasise the value of oaths was an innovation. If we look a little closer at the extract above, we can see that the king perceived that oaths could be used for two distinct purposes. The first is quite straightforward: oaths were taken as signs of allegiance to a social superior, with the king, of course, at the pinnacle of this hierarchical structure and any betrayal of this relationship counted as a breach of this oath. Echoing his great-grandfather, in the 940s King Edmund promulgated an equally strong exhortation at the start of his third law-code that all men should keep faithful to the king 'as it behoves a man to be faithful to his lord'.⁷ He added that no-one should conceal any breach of this oath by a brother or relation 'any more than in a stranger'.⁸ A charter of King Edward provides anecdotal evidence of a breach of this faith by a

⁵ Alfred, 1-1:2. On the importance of oath-swearing in Anglo-Saxon England, see H. M. Chadwick, *Studies on Anglo-Saxon Institutions*, (New York, 1963), pp. 134-152; J. Campbell, 'Observations on English government from the tenth to the twelfth century', *Transactions of the Royal Historical Society* 5th series, 25 (1975), 39-54 at 46-7; J. L. Laughlin, 'Anglo-Saxon legal procedure', in *Essays in Anglo-Saxon Law*, ed. H. Adams *et al.* (Boston, 1876), pp. 183-305 at pp. 216-218 and 297-299; P. Wormald, 'Engla Lond: the making of an allegiance', in his *Legal Culture in the Early Medieval West* (London and Rio Grande, 1994), pp. 359-82 at 366-367, first published in *Journal of Historical Sociology* 7 (1994), 1-24.

⁶ P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century. Volume I: Legislation and its Limits* (Oxford, 1999), I:283. Emphasis in original.

⁷ III Edmund, 1.

⁸ *Ibid.*

certain ealdorman Wulfhere. In his grant of land at Wylve, Wiltshire to an unidentifiable Æthelwulf in 901, Edward gives a history of the property and notes:

Truly this afore-named estate was originally forfeited by a certain ealdorman, Wulfhere by name, and his wife, when he deserted without permission both his lord King Alfred and his country in spite of the oath which he had sworn to the king and all his leading men.⁹

Here Wulfhere's desertion of king and country is couched specifically in the language of oath-breaking; Wulfhere left the country 'in spite of the oath which he had sworn to the king and the leading men.' One clause (37th) of Alfred's code helps shed further light on illegality of Wulfhere's actions; here the king made clear that men could leave the service of one lord and seek that of another so long as this was done 'with the cognisance of the ealdorman to whose jurisdiction he had previously been subject'.¹⁰ It seems that Wulfhere's movements were similarly constrained but, as an ealdorman himself, he required royal authorisation to leave the kingdom. Clearly he neglected to seek this consent and so his departure 'without permission' constituted a betrayal of his oath and, further, in this instance 'the punishment fitted the crime'. Although Wulfhere's forfeiture occurred during the reign of Alfred, Alfred's son Edward ruled that anyone who broke their oath and refused to pay compensation would 'forfeit the friendship of all of us, and all that he possesses'.¹¹

Alfred's ruling on the importance of oaths hints that these had a wider application besides that of a simple pledge of loyalty and allegiance. Alongside his

⁹ S 362; printed in K where it is no. 1078; trans. *EHD*, no. 100.

¹⁰ Alfred, 37.

¹¹ II Edward, 5.

stipulation that a man should simply 'abide by his oath and pledge', Alfred mentioned rather vaguely that men could promise to carry out 'undertakings' that were unlawful as well as to pledge themselves 'to something which it is lawful to carry out'.¹²

Unfortunately, the king did not expand further on what he meant by these potential 'lawful' and 'unlawful' acts, but the fact that in the tenth century law-makers began to discuss oath-breaking in the same breath that they did theft gives us some clue as to what Alfred had in mind at least in the case of 'unlawful undertakings'. If we turn to the earlier Anglo-Saxon laws, we find that theft was always a crime that law-makers found particularly abhorrent. Hlothhere (673-85) and Eadric (685-6) of Kent gave comparatively lengthy instructions in their code for how to deal with men who stole slaves and Wihtræd (690-725) stated bluntly that the family of a man killed while stealing could not expect to receive his wergeld in compensation.¹³ Ine's code contains a remarkably large number of references to thieves; like Wihtræd, he ruled that thieves could be killed with impunity, stipulated that those who caught a thief should be given a reward of ten shillings and also equated cattle theft with what would seem to us, but clearly not to Ine, the more serious crime of homicide.¹⁴

It is in the reign of Edward (899-924), that we can begin to observe the rise in the association of theft with disloyalty. A law in his second code demands that all

¹² Alfred, 1:2.

¹³ Hlothhere and Eadric, 5; Wihtræd, 25.

¹⁴ Ine, 16, 28, 35-6, 46:2, 72-3. See C. Hough, 'Cattle-tracking in the Fonthill letter', *English Historical Review* 115 (2000), 864-92 at 873-4. Ine, 13:1 is another noteworthy law of this king; here Ine identified how he wanted the nature of criminal gangs to be defined: 'We use the term 'thieves' if the number of men does not exceed seven, 'band of marauders' for a number between seven and thirty-five. Anything beyond this is a 'raid' (*here*)'. Wormald, *Making of English Law*, I:301 notes that Ine's code accounts for twenty-one percent of all references to *þeof* (thief) in the corpus of Anglo-Saxon legislation.

landholders should have in their service a man who was able to track cattle.¹⁵ At first sight, this seems to be legislation about the tracking of cattle which had wandered away from their owner's control, but later in the law Edward stated that these trackers should not accept bribes to hinder those who wanted to find their cattle, nor should they conceal crimes or harbour criminals – clearly a reference to aiding and abetting cattle thieves.¹⁶ Edward's ruling on this issue continues when he stipulates that a lord who failed to employ a cattle-tracker or a cattle-tracker who consorted with criminals was to be held to have broken 'his oath and his pledge, [an oath and pledge] which the whole nation has given'.¹⁷ This was a serious charge; anyone convicted of a breach of oath of this type risked outlawry and forfeiture.¹⁸ In this instance, Edward extended the power of his oath of allegiance in an attempt to ensure that those who could help victims of theft should perform their duties effectively and do nothing to exacerbate the situation by becoming involved with thieves themselves. Æthelstan (924-39), Edward's son, slackened the definition of the oath still further and used it to extract promises from his subjects that they would do nothing to damage the public peace. From Æthelstan's legislation we get sense of pervading lawlessness which Æthelstan himself remarked upon in his Exeter code (V Æthelstan):

I, King Æthelstan, declare that I have learned that the public peace has not been kept to the extent, either of my wishes, or of the provisions laid down at Grately.

And my councillors say that I have suffered this too long.¹⁹

¹⁵ II Edward, 4. For cattle-tracking and cattle-trackers in Anglo-Saxon England, see Hough, 'Cattle-tracking in the Fonthill letter'.

¹⁶ II Edward, 4.

¹⁷ II Edward, 5.

¹⁸ II Edward, 5:2.

¹⁹ V Æthelstan, prologue. Æthelstan's legislation is examined in meticulous detail in Wormald, *Making of English Law*, I:290-308.

Theft sat at the heart of this disruption of the public peace; Æthelstan's legislation on the matter is extensive and Wormald calculated that, collectively, his codes contain over a third of all occurrences of the word *þeof* (thief) in Anglo-Saxon law.²⁰ In the code that he issued at Grately (II Æthelstan), for example, he ordered in the very first clause that 'no thief be spared, who is seized in the act, if he is over twelve years old and [if the value of the stolen goods is] more than eight pence'.²¹ Disruptive behaviour counted as disloyalty to the king and anyone who engaged in any sort of illegal activity was to be treated as if he were a thief and expelled from the country on pain of death, the king thus linking the general offence of disruption of the peace with the more specific crime of theft.²² In his Exeter code, Æthelstan explained why he felt it was necessary to issue such severe punishments:

The cause [which has led us to issue this decree] is, that all the oaths, pledges and sureties which were given there [Grately] have been disregarded and violated, and we know of no other course which we can follow with confidence, unless it be this.²³

From a later code, we know that Æthelstan was here referring to an oath to keep the peace which all his subjects had given to his reeves who stood proxy for the king in each shire.²⁴ We can see even more decisive evidence that theft was central to the king's troubles in a code issued by the bishops and reeves of London who drew up their own

²⁰ Wormald, *Making of English Law*, I:301.

²¹ II Æthelstan, 1.

²² V Æthelstan, prologue 1-2. See also II Æthelstan, 1, 11 and IV Æthelstan, 3-3:2 for more on the nature of this punishment.

²³ V Æthelstan, Prologue 3. See also IV Æthelstan, 3-3:2.

²⁴ VI Æthelstan, 10. This law states that Æthelstan also exacted a similar oath after his promulgation at Exeter.

legislation as a 'supplement' to that of their king.²⁵ Its first and ninth clauses stipulated savage punishments for thieves, but it is the eighth clause which is of more particular interest. Here the bishops and reeves pleaded that if any member of the association devised an additional method for keeping the peace they should immediately make it known:

And if we are willing to act thus in all things, we may trust to God and our liege-lord that everybody's property will be safer from theft than it has been. But if we are negligent in attending to the regulations for the public security, and the solemn pledges we have given, we may anticipate – and indeed know for certainty – that the thieves of whom we are speaking will tyrannize over us still more than they have done in the past. But let us be as loyal to our pledges and to the regulation for the public security as will be pleasing to our lord; for it is greatly to our benefit that we should carry out his wishes.²⁶

It may seem strange to us that in the tenth century law-makers bound theft within the language of disloyalty; why not, we may ask, the seemingly more serious offences of arson or homicide? The answer must lie in the prevalence of theft and thus the level of social disruption that it caused. From Æthelstan's legislation we get a sense that thefts were a common occurrence during his reign and became a particular concern for this ruler who governed a kingdom more extensive and culturally diverse than any of his predecessors.²⁷ In an attempt to impose some order on this fractured society, Æthelstan

²⁵ VI Æthelstan. For this code, see Wormald, *Making of English Law*, I:296-8.

²⁶ VI Æthelstan, 8:9.

²⁷ For further examination of the extension of Æthelstan's power, see M. Wood, 'The making of King Æthelstan's empire: an English Charlemagne?', in *Ideal and Reality in Frankish and Anglo-Saxon England*, ed. P Wormald (Oxford, 1983), pp. 250-72.

stretched the power of his oath of allegiance to make all men promise to keep the peace and it seems that a reduction in the prevalence of theft was an essential part of this wider aim. We can thus observe that, whereas Wulfhere broke his oath to Alfred by deserting his king, under Æthelstan a man risked being labelled disloyal by disrupting the peace and security of the king's realm. By the beginning of the eleventh century, men were required to take an oath in addition to their general pledge of loyalty in which they promised specifically not to steal. Cnut, who described thieves as traitors to their lords, ruled: 'Concerning thieves. It is our desire that everyone over twelve years of age shall take an oath that he will not be a thief or a thief's accomplice'.²⁸ It is perhaps not too fanciful to suggest, then, that when Alfred made his reference to certain mysterious 'unlawful undertakings' that constituted a breach of a man's oath to his lord it was theft that was uppermost in his mind.

Let us turn now to address legislation relating to the church which encompasses laws designed to protect the church's financial interests as well those that aimed to defend its wider interests through the eradication of religious transgressions. In the earliest of the law-codes, written soon after this new religious institution had found a place in Kentish society, care of the church's financial assets rested simply on the protection of its property and fabric. A law of Æthelberht, for example, required that anyone who breached the peace in a church should pay double compensation which, using another law in his code relating to commoners (*ceorlas*), we can deduce was set at twelve shillings.²⁹ The king also stipulated severe repercussions for those who stole

²⁸ II Cnut, 21, 26.

²⁹ Æthelberht, 1, 15. Wormald, *Making of English Law*, I:93-103 offers a general survey of Æthelberht's law-code and his status as the first Anglo-Saxon king to produce legislation.

from a church, bishop, priest, deacon or a clerk and required that offenders make restitution payments of up to twelve times the value of the goods that they had stolen.³⁰ Other early laws have little to add to our knowledge of the protection of church property; the prologue to Hlothhere and Eadric's laws claim that these kings built on the legislation of their elders, offering only what they thought was necessary to supplement the body of laws that already existed in Kent and so we must presume that the church enjoyed the same protection of its property in the 680s as it had done under Æthelberht.³¹ Wihtræd did, however, set the *mundbyrd* of the church at fifty shillings, thereby equating the church with the king within this system that protected the peace and security of all property, from that belonging to a king to the more humble abodes of *ceorlas*.³² And Ine required that those who fought in a monastery should pay compensation of one hundred and twenty shillings.³³

Later law-makers were much more active in their protection of the church's financial assets and interests and kings continued to use their legislation to protect church property. Alfred, for example, protected the premises of archbishops with a fine of ninety shillings and those of bishops with a fine of sixty as well as compelling those who stole from any church to pay back the value of the goods and a fine or risk losing a

³⁰ Æthelberht, 1.

³¹ Hlothhere and Eadric, prologue. See Wormald, *Making of English Law*, I:101-2.

³² Wihtræd, 2. The *mundbyrd* system protected the property of all individuals and demanded that offenders pay compensation for any breach of the peace. Hlothhere and Eadric 13-14, for example, reads: 'If, where men are drinking, a man draws his weapon, but no harm is done there, he shall pay a shilling to him who owns the house, and twelve shillings to the king. [But] if the house is stained with blood, the owner shall have his *mundbyrd* paid to him, and fifty shillings shall be paid to the king.' It seems *mundbyrd* could also relate to men; Alfred, 3 demanded that anyone who harmed a man under his protection should pay him five pounds of silver.

³³ Ine, 6.

hand.³⁴ However, it is the volume of tenth-century legislation relating to church dues that is more remarkable. From the penitentials we know that the payment of dues to the church had existed in England long before the tenth century but, as Henry Loyn argued, it seems that they were initially regarded as a voluntary payment, with the church encouraging men to donate as an act of piety.³⁵ The *Penitential of Theodore*, for example, mentions the payment of church dues but does not suggest that they were obligatory, stating simply that tributes should be made 'according to the custom of the province'.³⁶ It is in the laws of Ine that we see the first signs both of the involvement of the law in the administration of church dues and that all men were required to contribute a payment or face a hefty fine: 'Church dues shall be rendered at Martinmas. If anyone fails to do so, he shall forfeit sixty shillings and render twelve times the church dues [in addition].'³⁷ Some sixty years after the death of Ine, the decisions of the legatine synod held in 786 reaffirmed that all men were expected to make annual payments to the church.³⁸ Oddly, kings did not issue any new legislation on the payment of church dues after the ruling of Ine. The laws of Alfred and his son Edward have nothing to say on the matter; Alfred did refer to them in his introductory review of Mosaic law, but made

³⁴ Alfred, 40 and 6-6:1. For Alfred's law concerning thieves who stole from a church, see K. O'Brien O'Keefe, 'Body and law in late Anglo-Saxon England', *Anglo-Saxon England* 27 (1998), 209-232 at 215.

³⁵ H. R. Loyn, *The Governance of Anglo-Saxon England, 500-1087* (London, 1984), p. 59.

³⁶ *Penitential of Theodore*, II.xvi.10-11. The *Penitential of Theodore* is ed. F. W. H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche nebst einer rechtsgeschichtlichen Einleitung* (Halle, 1851), pp. 182-219 and A. W. Haddan and W. Stubbs, *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland* (Oxford, 1869-1878, 3 vols.), III:173-204; trans. J. T. McNeill and H. M. Gamer, *Medieval Handbooks of Penance* (New York, 1938), pp. 182-215. See McNeill and Gamer, *Medieval Handbooks of Penance*, pp. 434-435 for a list of the many MSS of this penitential.

³⁷ Ine, 4. See F. M. Stenton, *Anglo-Saxon England* (Oxford, 1971, 3rd edition), p. 155; S. Foot, *Monastic Life in Anglo-Saxon England, c. 600-900* (Cambridge, 2006), pp. 329-31.

³⁸ Loyn, *Governance of Anglo-Saxon England*, p. 59. See also Foot, *Monastic Life*, pp. 329-31.

no reference to them in his legislation for his own people.³⁹ Concern for church dues suddenly re-emerge in the law-codes of Æthelstan and in the tenth century kings issued an increasing amount of legislation on a bewildering array of dues including: tithes, church dues, *Romfeoh* ('Peter's Pence'), soul-scot and plough-alms.⁴⁰ Æthelstan's ruling about dues simply charged his reeves with ensuring that all men contributed their share, but later legislators stipulated harsh punishments for those who neglected this responsibility.⁴¹ Edmund threatened all Christian men who refused to pay their tithes, church dues, Peter's Pence and plough alms with excommunication and Edgar demanded that all those who neglected to pay their *Romfeoh* by St Peter's Day should take it to Rome themselves along with thirty extra pence and, on his return (with evidence that he had in fact made the journey), he was to pay one hundred and twenty shillings to the king.⁴²

Edgar's legislation is particularly vehement about the importance of prompt payment of church dues; indeed, Wormald saw his laws on this issue as amounting to a 'campaign'.⁴³ In his fourth code, the king and his councillors attributed a plague 'which

³⁹ Alfred, Intro. 38, ed. and trans. B. Thorpe, *Ancient Laws and Institutes of England* (London, 1840, 2 vols.), I:44-59 at 52-53. It is possible that Ine's ruling on church dues was still in force in Wessex during Alfred's and Edward's reigns and so neither king felt it necessary to offer their own legislation on the matter.

⁴⁰ For the definition of and distinction between these dues, see W. Chaney, 'Anglo-Saxon church dues: a study in historical continuity', *Church History* 32 (1963), 268-77. Tenth-century legislation on dues can be found in: I Æthelstan, 4; I Edmund, 2, II Edgar, 2-4; IV Edgar, 1-1:4; V Æthelred, 11; VI Æthelred, 16; VII Æthelred, 4, 7; VIII Æthelred, 6-15; Cnut's Proclamation of 1027, 16; I Cnut, 8-14.

⁴¹ I Æthelstan (which is also known as the 'Tithe Ordinance'). Wormald, *Making of English Law* I:302 advises caution when using this code as it survives only in manuscripts associated with Archbishop Wulfstan and he 'may have touched up its content'. The short code refers three times to the importance of reeves in collecting dues, so this stipulation at least is surely not a Wulfstanian insertion.

⁴² I Edmund, 2. II Edgar, 4. Edmund's ruling is discussed in E. M. Treharne, 'A unique Old English formula for excommunication from Cambridge, Corpus Christi College 303', *Anglo-Saxon England* 24 (1995), 185-211 at 199. For Peter's Pence, see J. Graham-Campbell and E. Okasha, 'A pair of inscribed Anglo-Saxon hooked tags from the Rome (Forum) 1883 hoard', *Anglo-Saxon England* 20 (1991), 221-9 at 229; H. R. Loyn, 'Peter's Pence', in his *Society and Peoples: Studies in the History of England and Wales, c. 600-1200* (London, 1992), pp. 241-58.

⁴³ Wormald, *Making of English Law*, I:309.

has greatly afflicted and reduced his people throughout the length and breadth of his dominion' to the 'withholding of the tribute which Christian people should render to God by their tithes'.⁴⁴ The king then broke into didactic mode and attempted to instruct his people in the importance of paying their dues in a manner that is both strange and fascinating in equal measure:

He [the king] has been thinking over and considering the ways of God by an analogy with human actions. If any tenant neglects the payment due to his lord and does not render it to him on the appointed day, it is to be expected that, if the lord is merciful, he will grant forgiveness for the neglect and take his payment without exacting a penalty.⁴⁵

Edgar continued in a more forbidding fashion:

If, however, though his bailiffs he repeatedly claims his rent, and the tenant proves obstinate, and thinks to stand out against it, it is to be expected that the lord's anger will grow so great that he will grant him neither property nor life.⁴⁶

Here Edgar linked the non-payment of church dues to God's wrath and the plague that was so sorely affecting his people. Through Edgar's words we can hear the voice of his Archbishop, Dunstan (959-88), who the king himself remarked had helped him draw up this legislation and with him desired that his people should not withhold any of 'God's dues.'⁴⁷ Æthelred's legislation on dues bears similar marks of that other great archbishop of the tenth and early eleventh century, Wulfstan, who drafted a law for the king which demanded that every year 'God's dues shall be rendered in all cases

⁴⁴ IV Edgar, prologue-1.

⁴⁵ IV Edgar, 1:1.

⁴⁶ IV Edgar, 1:2.

⁴⁷ IV Edgar, 1:4.

specified above, for the love of God and all the saints, so that God omnipotent may show mercy towards us and grant us victory over our foes, and peace.’⁴⁸ In the next of his law-codes, Æthelred gave instructions about how tithes were to be apportioned, here using secular law to intervene in the running of financial affairs of the church rather than simply offering protection:

And with regard to tithes, the king and his councillors have decided and agreed, in accordance with the principles of justice, that a third part of the tithes which belong to the church shall be assigned to the repair of churches, the second portion to the servants of God, and the third portion to God’s poor and to poverty-stricken slaves.⁴⁹

If anyone refused to pay, a representative of both secular and ecclesiastical authority – ‘the king’s reeve and the priest of the church or the reeve of the lord of the manor and the bishop’s reeve’ – were to take the appropriate sum from the offender’s property ‘without his consent’.⁵⁰ The sudden increase in the volume of legislation on church dues in the tenth century is striking and this must be attributed to a development in the purpose of law, a refining of the contemporary conception of what law was *for*. We saw above how in the tenth century kings became increasingly concerned for the public peace and security, widening their definition of disloyalty to include those who caused any disruption particularly through theft. The intensification of legislation designed to protect the church’s financial interests must be a part of this same trend. Tenth-century law-makers with, of course, the help of their bishops and archbishops, widened the

⁴⁸ VII Æthelred, 7:1. ‘In all cases specified above’ is a reference to the directions set out in VII Æthelred, 4.

⁴⁹ VIII Æthelred, 6.

⁵⁰ VIII Æthelred, 8. I Cnut, 8:1 makes an almost identical stipulation.

remit of their legal responsibilities and used ever more invasive laws to ensure that their people conformed to their vision for society; it seems that, as kings became more aware of their duties, they became increasingly intolerant of subjects who neglected their own.

In addition to the legislation that sought to protect the church's property and financial interests, law-makers also used their legislation for wider religious aims, namely the suppression of religious transgressions.⁵¹ We first find evidence for legislation that was hostile to certain devotional practices in the late seventh-century code of Wihtræd, a code which Wormald described as 'heavily ecclesiastical':⁵²

If a husband, without his wife's knowledge, makes offerings to devils, he shall forfeit all his goods or his *healsfang*.⁵³ If both [of them] make offerings to devils they shall forfeit all of their *healsfang* or all of their goods. If a slave makes offerings to devils, he shall pay six shillings or undergo the lash.⁵⁴

As well as distinguishing different penalties for those of different social statuses, here Wihtræd stipulated two levels of punishment for free men and women caught worshipping devils – loss of *healsfang* or, alternatively, everything that they possessed. It seems puzzling that the king should have done so, but if we turn to the *Penitential of Theodore* which dates to roughly the same period as Wihtræd's laws we may be able to

⁵¹ A. Meaney, 'Old English legal and penitential penalties for 'heathenism'', in *Anglo-Saxon Studies Presented to Cyril Roy Hart*, ed. S. Keynes and A. P. Smyth (Dublin and Portland, OR, 2006), pp. 127-58 discusses the legislation against what she calls 'heathenism' in much more detail than can be offered here. For a wider exploration of the condemnation of superstitious practices during the conversions to Christianity during the early medieval period, see V. J. Flint, *The Rise of Magic in Early Medieval Europe* (Oxford, 1991); K. Jolly *et al.*, *Witchcraft and Magic in Europe. Volume 3: The Middle Ages* (London, 2002. 6 vols.), III:14-20.

⁵² Wormald, *Making of English Law*, I:102.

⁵³ *Healsfang* was the first instalment of the wergeld. See F. L. Attenborough, *The Laws of the Earliest English Kings* (Cambridge, 1922), p. 181.

⁵⁴ Wihtræd, 12-13.

account for this paradox.⁵⁵ In a chapter from the first book of the penitential concerning the worship of idols, we find the instruction that: ‘he who sacrifices to demons in trivial matters shall do penance for one year; but he who [does so] in serious matters shall do penance for ten years’.⁵⁶ Here the penitential advised discretion when allocating penance for devil worship according to the extent of the activity undertaken and so we could hypothesise that Wihtræd too conceived that his law should take account of the severity of the offence committed.⁵⁷ Wihtræd’s law refers only to ‘offerings to devils’, but if we again turn to the *Penitential of Theodore* we can get a better sense of the type of practices that could be considered heathen:

If a woman performs diabolical incantations or divinations, she shall do penance for one year or the three forty-day periods or forty days, according to the nature of the offence. Of this matter it is said in the canons: He who celebrates auguries, omens from birds, or dreams, or any divinations according to the custom of the heathen, or introduces such people into his houses, in seeking out any trick of the magicians – when these become penitents, if they belong to the clergy they shall be cast out; if they are secular persons they shall do penance for five years.⁵⁸

⁵⁵ Wihtræd ruled Kent 690-725. Theodore was Archbishop of Canterbury 668-90 but the penitential that bears his name professes to be a record of answers on questions of sin and penance given by the Archbishop to a presbyter, Eoda, and edited, after a period of circulation, by a scribe known only as ‘*discipulus Umbriensium*’. A recent discussion of its origins and history dates it to the mid-eighth century: T. Charles-Edwards, ‘The penitential of Theodore and the *Iudicia Theodori*’, in *Archbishop Theodore: Commemorative Studies on his Life and Influence*, ed. M. Lapidge (Cambridge, 1995), pp. 141-174.

⁵⁶ *Penitential of Theodore*, I.xv.1.

⁵⁷ Meaney, ‘Old English legal and penitential penalties for ‘heathenism’’, pp. 129-30 discusses this law of Wihtræd and the extract from the *Penitential of Theodore* but for some reason does not make the connection that is suggested here.

⁵⁸ *Penitential of Theodore*, XV.i.4. For the particular association of women with magic, see A. Meaney, ‘Women, witchcraft and magic in Anglo-Saxon England’, in *Superstition and Popular Medicine in Anglo-Saxon England*, ed. D. G. Scragg (Manchester, 1989), pp. 9-40.

The penitential is here objecting to the persistence of ‘the custom of the heathen’ indicating that activities such as divination and incantation belonged to a time of religious superstition before the arrival of Christianity.

Following Wihtræd’s promulgation against devil worship, legislation about unacceptable devotional practices does not appear again until the tenth century. As we saw was the case relating to church dues, Alfred did not legislate against residual ‘superstitious’ practice nor, in this case, did Ine. When the issue does re-appear, however, it is with a vengeance; law-makers of the tenth century were increasingly determined to eradicate what they now considered to be witchcraft from their kingdoms. A law of Æthelstan marks the return of this subject to Anglo-Saxon legislation and it is clear that we are no longer dealing simply with the worship of ancient idols, but the practice of magic by a new category of offenders – witches and wizards:

And we have declared with regard to witchcrafts and sorceries and deadly spells, if death is occasioned thereby, and [the accused] cannot deny it [the charge], that he shall forfeit his life. If, however, he wishes to deny it, and is found guilty in the threefold ordeal, he shall remain in prison for one hundred and twenty days; and afterwards the relatives may take him out and give one hundred and twenty shillings to the king and pay the wergeld [of the dead man] to his relatives, and stand a surety for the offender that he shall cease from such practices for ever.⁵⁹

Æthelstan’s legislation applies only to those who occasioned death through their witchcraft (*wiccecræft*) and permitted that they could avoid execution if the offender attempted to prove his innocence. A law of Edmund, however, deals with sorcery more

⁵⁹ II Æthelstan, 6-6:1.

generally and ordered that those who refused to desist from their activities should be excommunicated, the religious nature of the punishment revealing how Edmund categorised this offence.⁶⁰

Finally, we must briefly examine the laws of Æthelred and Cnut in order to reveal the influence of Archbishop Wulfstan who embedded within the legislation of these two kings his fears about God's wrath and the impending Apocalypse. Æthelred and Cnut's decrees that aimed to eradicate 'superstitious' religious practices should be located within Wulfstan's programme to improve moral standards within England; it was imperative that all men should look to the care of their souls so that, at the Day of Judgement, they would be judged favourably. In one of his homilies, Wulfstan remarked rather ominously:

It was written and was long ago prophesied, 'after a thousand years will Satan be unbound.' A thousand years and more is now gone since Christ was among men in a human family, and Satan's bonds are now indeed slipped, and Antichrist's time is now close at hand...those who now love God and follow God's laws, and eagerly listen to God's teaching and keep it well, and continue resolutely in true belief until their end, will have eternal rewards in heavenly delight with God Himself...⁶¹

⁶⁰ I Edmund, 6.

⁶¹ Wulfstan, *Secundum Marcum*, ed. D. Bethurum, *The Homilies of Wulfstan* (Oxford, 1957), no. V, lines 42-7 and 114-9; trans. Wormald, *Making of English Law*, p. 451-2. For further discussion of the apocalyptic elements in Wulfstan's writings, see M. Godden, 'Apocalypse and invasion in late Anglo-Saxon England', in *From Anglo-Saxon to Early Middle English: Studies presented to E.G. Stanley*, ed. M. Godden, D. Gray and T. Hoad (Oxford, 1994), pp. 130-62 at pp. 142-62; S. Keynes, 'Apocalypse Then (AD 1000)', in *Not Angels, but Anglicans: a History of Christianity in the British Isles*, ed. H. Chadwick and A. Ward (Norwich, 2000), pp. 41-7.

This is a theme that also runs throughout the archbishop's *Sermon of the Wolf to the English* (1014), in which he expounded on the state of Anglo-Saxon society in a time of renewed viking attacks, imploring all men to adhere more fiercely to both the laws of God and those of man because 'this world is in haste and the end approaches; and therefore in the world things go from bad to worse, and so it must of necessity deteriorate greatly on account of the people's sins before the coming of the Antichrist'.⁶²

Wulfstan used his position of favour with both Æthelred and Cnut in an attempt to ensure that the laws of men protected those of God. In the first clause of Æthelred's fifth code (and the first to show signs of Wulfstan's influence), the king made what Simon Keynes called one of the archbishop's 'predictable complaints about heathen practices':

The first provision is: that we all love and honour one God, and zealously observe one Christian faith, and wholly renounce all heathen practices. We have confirmed, both by word and by pledge, our firm intention of observing one Christian faith under the authority of the king.⁶³

⁶² Wulfstan, *Sermo Lupi ad Anglos*, lines 7-10, ed. D. Bethurum, *The Homilies of Wulfstan* (Oxford, 1957), no. XX (EI); trans. *EHD*, no. 240. Wulfstan's *Sermo Lupi ad Anglos* survives in five manuscripts: Cambridge, Corpus Christi College, MS 419; Cambridge, Corpus Christi College, MS 201; Oxford, Bodleian Library, MS Hatton 113; Oxford, Bodleian Library, MS Bodley 343; London, British Library, MS Cotton Nero A. i. Unless otherwise stated, citations are from Bethurum's edition of Oxford, Bodleian Library, MS Hatton 113 and London, British Library, MS Cotton Nero A. i (EI). Whitelock gives a translation of the latter, but the differences between the two versions are slight. S. Hollis, 'The thematic structure of "*Sermo Lupi*"', *Anglo-Saxon England* 6 (1977), 175-95, particularly 175-7 regards EI as the earliest version of the *Sermon* whereas D. Bethurum, *The Homilies of Wulfstan* (Oxford, 1957), pp. 22-4 considered it to be the final revision of the text.

⁶³ V Æthelred, 1. See S. Keynes, 'Crime and punishment in the reign of King Æthelred the Unready', in *People and Places in Northern Europe, 500-1600. Essays in Honour of Peter Hayes Sawyer*, ed. I. N. Wood and N. Lund (Woodbridge, Suffolk, 1991), pp. 67-81 at p. 75, note 52.

Here we have simply a reference to ‘heathen practices’. However, in another legal tract drafted by the archbishop, Wulfstan illuminated further the activities that he associated with heathenism and positioned them in direct contrast to the Christian faith:

And we enjoin, that every mass priest zealously promote Christianity and totally extinguish every heathenism; and forbid well-worshipping, and necromancies, and divinations, and enchantments, and man worshippings, and the vain practices which are carried on with various spells, and with ‘*frith-splots*’,⁶⁴ and with elders, and also with various other trees, and with stones, and with many various delusions with which men do much of what they should not.⁶⁵

Audrey Meaney has argued that, whilst Anglo-Saxon heathenism and witchcraft were both regarded as ‘inappropriate for a good Christian’, they were considered to be separate, distinct offences: ‘the Anglo-Saxons do not refer explicitly to witches as heathen’.⁶⁶ From the evidence we have examined above this does, indeed, seem to have been the case in early Anglo-Saxon England, but that Wulfstan certainly made links between the two is shown by a law which he drafted for Cnut which lists witchcraft amongst ‘heathen practices’.⁶⁷ The presence of those who practiced such heathen

⁶⁴ It is not clear what Wulfstan meant by ‘*frith-splots*’. The entry for *frip-splot* in *An Anglo-Saxon Dictionary: Based on the Manuscript Collection of the Late Joseph Bosworth, D.D., F.R.S.*, ed. and enlarged T. N. Toller (Oxford, 1898), p. 339 lists it as a ‘peace-spot’, meaning a place of sanctuary or refuge. Benjamin Thorpe in the glossary to his *Ancient Laws and Institutes of England* (London, 1840, 2 vols.), II, understood the term to mean the same as ‘*frip-giard*’, ‘a spot or plot of land, encircling some stone, tree, or well, considered sacred, and therefore affording sanctuary to criminals’.

⁶⁵ ‘Canons of Edgar’, 16, ed. and trans. B. Thorpe, *Ancient Laws and Institutes of England* (London, 1840, 2 vols.), II:395-415 at 396. Wulfstan was somewhat creative in his law-making. The ‘Canons of Edgar’ is one of two texts that Dorothy Whitelock demonstrated should be associated with Wulfstan despite their claim to be the work of earlier kings. The other is the so-called ‘Edward-Guthrum Treaty’. See D. Whitelock, ‘Wulfstan and the so-called laws of Edward and Guthrum’, *English Historical Review* 56 (1941), 1-21; D. Whitelock, ‘Archbishop Wulfstan, homilist and statesman’, *Transactions of the Royal Historical Society* 4th series, 24 (1942), 25-45 at 29-30; See also, Wormald, *Making of English Law*, I:204-5, 208, 340.

⁶⁶ Meaney, ‘Old English legal and penitential penalties for “heathenism”’, 128.

⁶⁷ II Cnut, 5-5:1. Wulfstan’s contemporary and sometimes correspondent, Ælfric (c. 950-c.1010), also made links between heathen practices and witchcraft in his homily ‘On Auguries’, ed. and trans. W.

sorcery in early eleventh-century England was considered to be a polluting force, a danger to the moral and religious fibre of the kingdom that could not be tolerated in a time of the impending Apocalypse. Wulfstan thus drafted legislation that reflected the seriousness of the threat posed by such individuals and ordered that those who refused to amend their behaviour should be 'zealously driven from this land.'⁶⁸

The workings of Anglo-Saxon justice

Having now sketched a sense of the main activities and behaviours that Anglo-Saxon legislators deemed to be unacceptable, we must next turn to examine the measures that they established to deal with those who contravened their laws. In early Anglo-Saxon England, the mechanisms for restitution following an offence rested almost exclusively in payment of compensation, fines or, in the case of homicide, through vendettas between kinship groups. Fine payments will be explored in the section below about punishment, so here discussion focuses on the workings of compensation (*bót*) and feud. Evidence for the existence of a system of compensation in Anglo-Saxon can be found in the earliest of our surviving law-codes where we can immediately get a sense of its purpose.⁶⁹ Æthelberht used *bót* most prominently as a means of forcing offenders

W. Skeat, *Ælfric's Lives of the Saints*, Early English Text Society 76, 82, 94, 114 (London, 1881-1900, 2 vols.), I:364-83. For more on Ælfric's 'On Auguries', see Meaney, 'Women, witchcraft and magic', p. 13.

⁶⁸ VI Æthelred, 7. See also II Cnut, 4a which is almost identical to VI Æthelred, 7. For this particular 'condemnation of heathen practices' of Cnut, see Wormald, *Making of English Law*, I:396-7.

⁶⁹ For discussion of the workings of Anglo-Saxon *bót* (as well as '*wíte*' [fine]), see Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 115-129; N. D. B. McLeod, 'Parallel and paradox: compensation in the legal systems of Celtic Ireland and Anglo-Saxon England', *Studia Celtica* 16/17 (1981), 25-72; C. M. Radding, 'Evolution of medieval mentalities: a cognitive-structural approach', *American Historical*

to pay compensation to victims for bodily injuries.⁷⁰ The injury tariffs at the end of his code offer the clearest demonstration of this; from these we can observe a sliding-scale of compensation payments that rose from ten sceattas for the loss of a toenail (thirty sceattas for the nail of the big toe) to fifty shillings if an individual knocked out another's eye or struck off his foot.⁷¹ Other offences that required compensation were those that were sexual in nature (chiefly for intercourse with another individual's female slaves or servants) as well as for trespass and damage to property.⁷² Clause 17 is worthy of particular note as it demonstrates that Æthelberht used discretion when legislating about trespass as he distinguished between different degrees of involvement by those who joined together to enter forcibly a man's premises and adjusted the compensation levels accordingly: six shillings for the first intruder, three shillings for the man 'who comes next' and, finally, one shilling for anyone else involved.⁷³ More striking, however, are the first four clauses of the code which pertain to theft of church property, royal property and offences committed in the king's presence:

[Theft of] God's property and the church's shall be compensated twelve fold; a bishop's property eleven fold; a priest's property nine fold; a deacon's property six fold; a clerk's property three fold. Breach of the peace shall be compensated doubly when it affects a church or meeting place.⁷⁴

Review 83 (1978), 577-97 at 586-587; S. Rubin, 'The *bot*, or composition in Anglo-Saxon law: a reassessment', *Journal of Legal History* 17 (1996), 144-54.

⁷⁰ Æthelberht, 33-72 and 86-7. Injury tariffs are discussed much more fully in chapter 5 of this thesis. But see also M. P. Richards, 'The body as text in early Anglo-Saxon Law', in *Naked Before God. Uncovering the Body in Anglo-Saxon England*, ed. B. C. Withers and J. Wilcox (Morgantown, West Virginia, 2003), pp. 97-115.

⁷¹ Æthelberht, 72-72:1; 43; 69. The combined total of the tariffs for the destruction of thumb and fingers means that a hand was worth the same as a foot. See Æthelberht, 54-54:5.

⁷² Æthelberht, 9-11, 13-14, 16-21, 27-29.

⁷³ Æthelberht, 17.

⁷⁴ Æthelberht, 1. H. G. Richardson and G. O. Sayles, *Law and Legislation from Æthelberht to Magna Carta* (Edinburgh, 1966), pp. 1-9 argued that this first clause of Æthelberht's code was a later

And for offences against the king:

If the king calls his men to him, and anyone molests them there he shall pay double compensation...If the king is feasting at anyone's house, and any sort of offence is committed there, twofold compensation shall be paid...If a freeman robs the king, he shall pay back a nine fold amount.⁷⁵

Immediately we can see that church and king occupied a privileged position within the law, as reflected in the workings of this compensation system – thefts from all other Kentish freemen of any status were covered by a single law that demanded threefold compensation – and that Æthelberht calculated compensation amounts for some offences on the basis of the status of the victim rather than the nature of the crime committed.⁷⁶ If we look a little closer, however, we can see that Æthelberht afforded higher status to bishops than kings; those who robbed from a bishop would have found themselves liable for payment of a sum equivalent to eleven times the value of what they had stolen, but for theft from a king, a sum of only nine times. This appears to be a peculiarity of Æthelberht's legislation for later codes either equate church and king or promote the latter above the former.⁷⁷ We are left to conclude that the church had a particularly powerful role in the compilation of Anglo-Saxon England's first law-code.⁷⁸

interpolation in an otherwise 'pagan' text. But cf. Wormald, *Making of English Law*, I:96-101 who demonstrated that it was an appropriate inclusion.

⁷⁵ Æthelberht, 2-4.

⁷⁶ Æthelberht, 9.

⁷⁷ See, for example, Wihtræd, 2 and Ine, 76:2-76:3.

⁷⁸ See Wormald, *Making of English Law*, I:97, note 341 where he remarked that 'an early medieval system where bishops were accorded higher status than kings is not easily envisaged...one might then speculate that the Kentish Church negotiated itself into a position of unparalleled strength...'. That Æthelberht was the first king to issue a law-code (and not just the earliest king to have issued a law-code that has survived) is suggested in Bede, *HE*, ii:5, pp. 150-1 where he praised the king for his promulgation of written legislation: 'Among the other benefits which he thoughtfully conferred on his people, he also established enacted judgements for them...'.⁷⁸

Later laws provide more examples of compensation payments and we can observe the presence of *bót* in the legal material from throughout the entire Anglo-Saxon period.⁷⁹ It functioned consistently from the time of Æthelberht as a means of bringing offenders to account for actions that caused injury to another individual's person or property and provided victims with compensation for the harm and/or loss they had suffered. Like Æthelberht, King Alfred included extensive injury tariffs at the end of his code, but more notable is an earlier clause which discusses sexual offences against women. As Anglo-Saxon law is so often concerned with the deeds and misdeeds of men, this clause of Alfred is particularly useful for what it can tell us about the types of offences that were committed specifically against women. Alfred graded his levels of compensation not only according to the seriousness of the sexual assault, but also according to the victim's social status; a man owed a female *ceorl* five shillings if he seized her breast, ten shillings if he threw her to the ground but did not force intercourse and sixty shillings if he raped her.⁸⁰ However, the king also stated that 'if this [outrage] is done to a woman of higher birth, the compensation to be paid shall increase according to the wergeld', echoing Æthelberht's rulings on *bót* for theft and indicating that levels

⁷⁹ Laws that refer to compensation are: Ine, 76; Alfred, 2:1, 11:3-5, 23:1, 26, 39:2, 44-77 (injury tariffs); II Edward, 2; II Æthelstan, 26:1; VI Æthelstan, 2; II Edmund, 4; II Edgar, 4:2; III Edgar, 1:2, 3; II Æthelred, 6:1, 7:1; V Æthelred, 20, 29; VI Æthelred, 25:2, 36, 50; VIII Æthelred, 1:1, 2, 3; I Cnut, 2:3, 17:3; II Cnut, 30:4, 38:2, 41:2.

⁸⁰ Alfred, 11. This clause is discussed in C. Hough, 'Alfred's *domboc* and the language of rape', *Medium Ævum* 66 (1997), 1-27. R. M. Karras, 'Desire, descendants, and dominance: slavery, the exchange of women, and masculine power', in *The Work of Work: Servitude, Slavery, and Labour in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 16-29, note 43 argues that, as the recipient of the compensation is not stated in the sub-clauses to this law, we cannot be sure that the money went to the girl herself. However, as Carole Hough points out in her 'Alfred's *Domboc* and the language of rape', 19 this and the other sub-clauses are almost certainly conditioned by the phrase '*hire gebete*' ('compensate her') in the opening section of the law. For further discussion of sexual violence against Anglo-Saxon women, see J. Coleman, 'Rape in Anglo-Saxon England', in *Violence and Society in the Early Medieval West*, ed. G. Halsall (Woodbridge, Suffolk, 1998), pp. 193-204; M. Clunies Ross, 'Concubinage in Anglo-Saxon England', *Past and Present* 108 (1985), 3-35 at 12; S. Turner, 'The language of rape in Old English literature and law', in *Sex and Sexuality in Anglo-Saxon England*, ed. C. Pasternack and L. M. C. Weston (Tempe, Arizona 2004), pp. 149-181.

of compensation were determined just as much by the status of the victim as by the nature of the offence itself.⁸¹

In the tenth century, there are signs that the ways in which *bót* was employed were altering. Increasingly, kings used their laws to assign compensation payments to themselves and the appearance of *bót* in the legal material thus moves away from the directions for the settlement of disputes between private individuals that had characterised earlier legislation.⁸² King Edward, for example, stipulated that those who interfered with a man's rights pertaining to his tenure of land should pay thirty shillings to the king for a first offence, thirty shillings if he again interfered and for a third offence one hundred and twenty shillings 'for insubordination to the king'.⁸³ Edward reinforced this law in his second code, stating that 'no man shall withhold from another his rights. If anyone does he shall pay such compensation as has been already prescribed...to the king'.⁸⁴ Both Kings Edward and Edgar, also used *bót* against negligent reeves who failed to perform their duty according to the kings' wishes, their laws demanding the steep sum of one hundred and twenty shillings and again describing the behaviour of their officials as 'insubordination' to the king.⁸⁵ The financial restitution that the two kings demanded for withholding rights and the negligence of reeves appears on the surface to be punitive in nature, more in the way of a fine (*wíte*) than compensation, but both legislators clearly described the monetary settlements as

⁸¹ Alfred, 11. See also Alfred, 23-23:2 which deal with injuries inflicted by dangerous dogs. The owner of the animal was required to 'pay compensation for whatsoever wounds may be inflicted, according to the [injured man's] full wergeld.'

⁸² V Æthelred, 20 demonstrates that at the turn of the tenth century *bót* could still be used to settle disputes between individuals and so retained a sense of its earlier usage.

⁸³ I Edward, 2:1.

⁸⁴ II Edward, prologue 2-3.

⁸⁵ II Edward, 2; III Edgar, 3.

bót. Patrick Wormald argued that the tenth century witnessed a blurring in the division between *bót* and *wíte*, a suggestion which does have merit, but in the tenth century the two systems still retain their early sense of distinction from one another – as separate systems of justice, both with their individual purposes.⁸⁶ We have seen above that earlier legislators used *bót* to compensate for damage to bodies, property or for the loss of goods through theft and so we could argue, against Wormald, that in the tenth century there was a widening of what constituted ‘damaging’ behaviour. A negligent reeve, did not, of course, harm the king’s own person, but such an offence is described as ‘insubordination’ (*oferhiernes*), an attack on the king’s rule and power.⁸⁷

It must be no coincidence given the changes in the workings of *bót* in the tenth century, that it is towards the end of this century and the beginning of the next that some offences were designated *bótléas* or ‘unamendable’. The significance of this development in Anglo-Saxon law cannot be overstated; it marks a sharp departure from the centuries of justice before this that used payment as a way of restoring harmony after an offence had been committed. As we saw in the previous chapter, one of Æthelred’s laws concerning *bótléas* crimes is to be found in a code that deals with relations between the English and the Danelaw and stipulates that if any Dane killed eight (or, presumably, more than eight) Englishmen, he ‘shall not be allowed to settle the matter by any payment of compensation’ but instead was to be treated as an outlaw

⁸⁶ P. Wormald, ‘Frederic William Maitland and the earliest English law’, in his *Legal Culture in the Early Medieval West* (London and Rio Grande, 1999), pp. 45-69 at 61, first published in *Law and History Review* 16 (1998), 1-25. For the appearance of *wíte* as ‘fine’ in tenth-century legislation, see II Edmund, 3; II Edgar, 3, 5; IV Edgar, 8:1; I Æthelred, 1:7; VIII Æthelred, 7, 9, 12, 17; II Cnut, 15, 17:1, 24:1, 45:3; 48-48:1, 49, 51, 69:2.

⁸⁷ *Oferhiernes* seems literally to mean ‘delaying hearing’, turning a deaf ear. See the entries for *oferhírnness* and the related *oferhíran* in *An Anglo-Saxon Dictionary*, ed. Toller, p. 734 where numerous possible translations of the two words are provided.

in both English and Danish territory.⁸⁸ The code also envisages a reverse situation; if an Englishman committed an offence against a Dane and a charge was brought by one Englishman and a Dane, 'he shall not be entitled to make any denial', not strictly a designation of *bótléas*, but certainly a curtailment in his right to defend himself. We can imagine that an English offender would have been sent to the ordeal which, as will we see below, was an alternative method of proving guilt or innocence for those who had exhausted other means of trial. Æthelred's ruling, which was agreed with the viking leaders Olaf (Tryggvason), Jósteinn and Guðmund, at some point in either 991 or 994,⁸⁹ demonstrates the seriousness which the king and the viking leaders attached to any break of the truce between them. This same gravity characterises other crimes that Æthelred and his successor, Cnut, named as *bótléas* in their legislation: these were the actions that were regarded as so unacceptable that normal methods of justice had to be by-passed. A law of Æthelred, which bears the unmistakable tone of Archbishop Wulfstan, states:

And if anyone henceforth violates the protection of the church of God by committing homicide within its walls, the crime shall not be atoned for by any payment of compensation (*bótléas*), and everyone is who is a friend of God shall pursue the miscreant, unless it happen that he escapes from there and reaches so

⁸⁸ II Æthelred, 7:1. II Æthelred, 5:2 states that the slaying of eight men constituted 'a breach of the truce'. For more on Æthelred's law-codes concerning the Danelaw, see O. Fenger, 'The Danelaw and the Danish law: Anglo-Scandinavian legal relations during the viking period', *Scandinavian Studies in Law* 16 (1972), 85-96; C. Neff, 'Scandinavian elements in the Wantage Code of Æthelred II', *Journal of Legal History* 10 (1989), 285-316; P. Wormald, 'Æthelred the Lawmaker', in *Ethelred the Unready*, ed. D. Hill (British Archaeological Reports 59, Oxford, 1978), pp. 47-80, particularly pp. 60-1. For a wider examination of Æthelred as a law-maker, see Keynes, 'Crime and punishment in the reign of King Æthelred the Unready'.

⁸⁹ For the dating of this code, see F. M. Stenton, *Anglo-Saxon England* (Oxford, 1947, 2nd edition), pp. 372, 534; S. Keynes, 'The historical context of the Battle of Maldon', in *The Battle of Maldon*, ed. S. Scragg (Oxford, 1991), pp. 81-113 at pp. 103-7; Wormald, *Making of English Law*, I:321.

inviolable a sanctuary that the king, because of that, grant him his life, upon the condition that he makes full amends towards God and men.⁹⁰

Implicit here is the fact that pursuers of a homicide could kill their quarry as only if he reached an 'inviolable' sanctuary would the king spare his life.⁹¹ Cnut's rulings on *bótléas* crimes extended Æthelred's to include 'assaults upon houses (*husbryce*), arson, theft which cannot be disproved, murder which cannot be denied and treachery towards a man's lord are crimes for which no compensation can be paid (*bótléas*)'.⁹² Listed here are serious offences committed by those who were unquestionably guilty of an offence. Cnut's law does not explain the consequences for those who committed a *bótléas* crime, but from the laws of his predecessor we can surmise that it is probable that outlawry or execution could have resulted, the penalty reflecting the severity of the crime.

Wergeld

We have established the centrality of *bót* to the workings of Anglo-Saxon justice, but alongside these compensation payments was an additional system known as wergeld (literally 'man-payment') which was the monetary value attached to the life of every Anglo-Saxon individual that was arranged on sliding scale based on social status.

⁹⁰ VIII Æthelred, 1:1. See also I Cnut, 2:3.

⁹¹ A. J. Robertson, *The Laws of the Kings of England from Edmund to Henry I. Part Two: William I to Henry I* (Cambridge, 1925), p. 339 suggested that the 'inviolable' sanctuary referred to is the residence of the king. It could also be sanctuary in a church, the homicide fleeing from the scene of his crime to another church in order to take refuge. Those homicides who did indeed reach sanctuary would only then be able to make amends for their crimes by payment of compensation (VIII Æthelred, 2).

⁹² II Cnut, 64. Colman has argued that *husbryce* was a much more serious crime than *hamsocn* and possibly referred to the destruction of property. She equated *hamsocn* with what we would nowadays term 'breaking and entering'. See her 'Hamsocn: its meaning and significance in early English law', *American Journal of Legal History* 25 (1981), 95-110.

Wergeld could be used to determine levels of compensation that were due to victims following an offence; we have seen above, for example, that Alfred used it in his legislation on sexual assaults.⁹³ However, the important aspect about wergeld for our purposes here is that murderers were required to pay the value of their victim to the victim's kin as compensation for their loss and, it seems, as a means to prevent a blood-feud.⁹⁴ The law-codes of Ine and Alfred indicate that the two kings recognised three grades of wergeld: two hundred shillings, six hundred shillings and, finally, twelve hundred shillings.⁹⁵ A *ceorl*, the lowest of freemen, was a 'two-hundred man' with members of the royal household at the top of wergeld hierarchy; the exact status of a 'six hundred man' is not stated, but we can assume that it must have rested somewhere midway between a *ceorl* and a noble.⁹⁶ A group of laws from Alfred's code offers a good example both of the wergeld grades and its application and so is worth noting here in full:

If one of a band of marauders slays an unoffending man, whose wergeld is 200 shillings, he who acknowledges the blow shall pay the wergeld and the fine; and everyone engaged in the affair shall pay 30 shillings compensation for belonging to such a band. If the slain man's wergeld is 600 shillings, each man shall pay 60 shillings for belonging to such a band; and the homicide [shall pay] the wergeld

⁹³ Alfred, 11. See also Alfred, 10 which states: 'If anyone lies with the wife of a man whose wergeld is 1200 shillings, he shall pay 120 shillings compensation to the husband; to a husband whose wergeld is 600 shillings, he shall pay 100 shillings compensation; to a commoner [*cierliscum men*] he shall pay 40 shillings compensation.'

⁹⁴ That payments of wergeld went to kin is demonstrated by Æthelberht, 31; Ine, 20-21, 23, 27, 35, 76-76:3; Alfred, 8:3, 31; II Edward, 6; II Æthelstan, 6:1; V Æthelred, 31.

⁹⁵ Ine, 70; Alfred, 10, 26-8, 40. For more on Ine's definition and use of the wergeld in his law-code, see L. M. Alexander, 'The legal status of native Britons in late seventh-century Wessex as reflected by the laws of Ine', *Haskins Society Journal* 7 (1995), 31-38.

⁹⁶ Ine, 19, 34:1.

and the full fine. If the wergeld of the slain man is 1200 shillings, each of them [shall pay] 120 shillings; and the homicide [shall pay] the wergeld and the fine.⁹⁷

We can see here the divisions between two hundred, six hundred and twelve hundred men and also that the member of the marauding band who struck the fatal blow would be required to make a payment of the corresponding sum of shillings; the rest of the gang would be not be charged with murder, but would be punished with a fine for their association with like-minded men intent on nefarious activity. The sub-clause to law twenty-eight, however, anticipates that members of the gang could attempt to shield one another from responsibility for the homicide and states that, if this situation arose, *all* would bear the cost of wergeld and fine payment, thus ensuring that the kin of the slain man were properly compensated.⁹⁸

As with *bót*, in the tenth century we can observe changes in the way that the wergeld system worked. Laws still required that kin should receive compensation for the death of a member of their family, but, again, increasingly law-makers stipulated that payments of the value an offender's wergeld should be made to a figure of authority, including the king himself. These were not for murder; family members still received such payments, but increasingly, kings used the language of wergeld to apportion money for themselves or, more rarely, to an offender's lord who had previously provided the man with surety. Æthelstan, for example, required that those who defended a relative who continued to steal after being caught once should 'pay for him to the amount of his [the thief's] wergeld, either to the king or to whom it is legally

⁹⁷ Alfred, 26-28 (following the numbering of clauses in *The Laws of the Earliest English Kings*, ed. and trans. F. L. Attenborough [Cambridge, 1922]).

⁹⁸ Alfred, 28:1.

due'.⁹⁹ In another clause in the same code, Æthelstan ordered that reeves who neglected their duty should, for a second offence, pay their wergeld to the king, echoing Edward and Edgar's use of *bót* for the same offence.¹⁰⁰ Changes in the workings of the wergeld system can be seen even more vividly in a rather convoluted law contained within the laws of both Æthelred and Cnut.¹⁰¹ The kings stipulated that a suspected thief who had had his guilt proved either by his failure to provide enough men to swear oaths on his behalf or through a failure of the ordeal should pay the value of his wergeld to his lord. If he stole again and his guilt was again proved, he faced execution: 'And on a second occasion he shall not be able to make any amends except by his head.'¹⁰² If he escaped, those who had provided surety for his behaviour were required to pay the value of his wergeld to his lord. However, if the lord himself helped the man to escape, the money reverted to the king. We can observe here many of the steps in the process of justice in late-tenth and early-eleventh England – the ways of establishing innocence or guilt, the use of surety for good behaviour, the involvement of an authority figure in the form of the man's lord and a decree of execution. But what is more significant for our purposes is that the kings inserted wergeld into this process; here wergeld was not used to compensate a kinship group for the murder of one of their members or to calculate the amount of compensation due for a lesser offence, but was a flat-out payment which was

⁹⁹ II Æthelstan, 1:5. The law does not illuminate who was the alternative recipient of the wergeld payment. As the preceding clauses refer to the thief being held in prison for a first offence, this suggests that 'to whom it was legally due' indicates an official who had been involved in the thief's original capture.

¹⁰⁰ II Æthelstan, 25:2. See II Edward, 2; III Edgar, 3.

¹⁰¹ I Æthelred, 1; II Cnut, 30.

¹⁰² I Æthelred, 1:6. II Cnut, 30:4-5 specified that the thief should lose his hands, feet, eyes, nose, ears, upper lip and scalp which must surely have had the same effect as Æthelred's more straightforward demand that he lose his head. For discussion of this clause of Cnut, see O'Brien O'Keeffe, 'Body and the law in late Anglo-Saxon England', 225-6; D. Whitelock, 'Wulfstan *Cantor* and Anglo-Saxon law', in *Nordica et Anglica: Studies in Honour of Stefán Einarsson*, ed. A. H. Orrick (The Hague, 1963), pp. 83-92 at p. 86; Wormald, *Making of English Law*, I:127.

demanded, in effect, to ‘buy’ peace from the king. Coupled with our investigation into the developments in *bót* above, we can thus begin to detect a shift in the way in which justice functioned in the tenth century. The nature of these developments will become more apparent below when we examine the rise of the role of the king’s reeves as dispensers of justice, but already here we can get a sense of an increase in the involvement of officialdom as kings redefined the ways in which the age-old systems of *bót* and wergeld were used in the tenth century.

Before we leave behind discussion of wergeld and move on to examine feud, we must note the important role played by kinship relations in this system. Following a violent death, the kin of both the deceased and his attacker became participants in the process to restore social stability as receivers or payers of wergeld payments. That all men required someone to make claim to their wergeld, is shown by a law of Ine in which the king extended the protection that wergeld offered to foreigners. If they were slain within the borders of the king’s territory, the king would receive the majority of the wergeld with a third reserved for the man’s kin and, for strangers with no kin (or, presumably, no kin that could be located), the wergeld would be divided between the king and a local lord under whose protection he had hitherto been.¹⁰³ Kin were also required to assist those convicted of murder in the payment of wergelds. Æthelberht, for example, charged the kin of murderers who fled the kingdom to pay half the wergeld of the victim and one of Æthelstan’s laws, which deals specifically with death occasioned through witchcraft, states that the perpetrator should be held in prison while his kin

¹⁰³ Ine, 23-23:1. Other laws that include kin as recipients of wergelds are: Ine, 27, 76-76:3; Alfred, 8:3, 31; II Edward, 6; V Æthelred, 31:1.

organised payment of the wergeld to his victim's family.¹⁰⁴ From a law of Alfred, it seems that paternal kin took precedence over their maternal counterparts in bearing this responsibility:

If anyone who has no paternal relatives fights and kills a man, his maternal relatives, if he has any, shall pay one third of the wergeld and his associates (*gegildan*) shall pay one third. In default of the [remaining] third, he shall be held personally responsible. If he has no maternal relatives, his associates shall pay half the [wergeld], and in default of the [other] half, he shall be held personally responsible.¹⁰⁵

The exact identity of the murderer's associates (*gegildan*), here held responsible for one third or a half of a wergeld payment, is somewhat elusive. *Gegildan* also appear in Ine's law-code in which the king used the term to denote those who were required to swear oaths for a defendant as part of the process of establishing his guilt or innocence.¹⁰⁶

Compurgation (or 'oath-helping') adds another level to our understanding of the workings of Anglo-Saxon justice and we have already touched on the issue above in our discussion of Æthelred and Cnut's legislation about theft. Ine's use of *gegildan* assumes that all men had access to their own coterie of helpers who could provide oaths of support in disputes and Alfred's demonstrates that they could also be called upon to finance a proportion of wergeld payments.¹⁰⁷ The laws of these two kings provide us with more details about how this system of compurgation worked. Both kings

¹⁰⁴ II Æthelstan, 6:1. Other laws which assume that kin would assist with wergeld payments are: Æthelberht, 23; Alfred, 19; II Æthelstan, 1:4; VI Æthelstan, 1:4, 12:2.

¹⁰⁵ Alfred, 30.

¹⁰⁶ Ine, 16 and 21.

¹⁰⁷ On oath-swearing and compurgation, see Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 134-152; Laughlin, 'Anglo-Saxon legal procedure', pp. 216-218 and 297-299.

demanded that, in order to clear himself of a charge, an offender should provide a certain number of 'oath-helpers' or 'co-swearers' who could swear to the man's innocence and good name. Ine reckoned the number of appropriate oath-helpers in hides; so, for example, a man accused of belonging to a 'band of marauders' would have been obliged to produce oaths from men that, collectively, were worth one hundred and twenty hides.¹⁰⁸ And Alfred stipulated that women, who wanted to prove their virginity in order to claim a higher level of compensation after they had been raped, should support themselves with an oath of sixty hides.¹⁰⁹ Later law-makers continued to employ 'oath-helping' as a means for establishing the innocence or guilt of offenders, but quantified the value of oaths simply by numbers of 'co-swearers'.¹¹⁰ However, although compurgation continued throughout the Anglo-Saxon period, in the tenth century we begin to see signs of a creeping suspicion about the security that this system provided. Edward recognised that some men might attempt to commit perjury in order to clear themselves of a charge and, if proved guilty of this, he withdrew their right to use compurgation if they were accused of a future offence:

We have further declared, with regard to men who have been accused of perjury: if the charge has been proved, or if the oath on their behalf has collapsed, or

¹⁰⁸ Ine, 14. For other laws of Ine that express oath values in hides, see Ine, 46, 52, 53, 54, 54:2. A hide was an Anglo-Saxon measurement of land and possession of a given number of hides conferred superior status and so greater oath-worthiness. In Ine's laws for example 'a member of the king's household, if his wergeld is one thousand two hundred shillings, shall be allowed to swear for sixty hides...' (Ine, 19). For further discussion, see T. Charles-Edwards, 'Kinship status and the origins of the hide', *Past and Present* 56 (1972), 3-33.

¹⁰⁹ Alfred, 11:4.

¹¹⁰ See, for example, II Æthelstan, 1:1, 2:2, 9, 11, 20:8; V Æthelstan, 1:5; VI Æthelstan, 8:8; I Æthelred, 1:2; VI Æthelred, 37; VIII Æthelred, 22; I Cnut, 5, 5a:2a; II Cnut, 29.

been overborne by more strongly supported testimony, never again shall they have the privilege of clearing themselves by oaths, but only by the ordeal.¹¹¹

Here Edward turned to the ordeal as an alternative method of trial which both Æthelred and Cnut also decreed for those men who were deemed ‘thoroughly untrustworthy’, meaning those who had been often accused and so were unable to procure satisfactory surety to swear to their good name.¹¹² Undergoing an ordeal gave those who had damaged their oath-worthiness a last opportunity to absolve themselves of guilt. In the case of such men, it was not their ‘oath-helpers’ who could save them from conviction and its consequence; if innocent, they had to trust instead in divine providence that He would ‘make clear the whole truth.’¹¹³

¹¹¹ I Edward, 3.

¹¹² I Æthelred, 1:1; II Cnut, 22, 30. See also III Æthelred, 3-4 which ordered that men of ‘bad repute’ (specifically, it seems, thieves) who failed an ordeal ‘shall be struck such a blow as shall break his neck.’

¹¹³ *Dom Be Hatan Isene and Wætre* (‘Decree Concerning Hot Iron and Water’), 1:4, ed. and trans. F. L. Attenborough, *The Laws of the Earliest English Kings* (Cambridge, 1922), pp. 170-3 at p. 172-3. This document (also known as *Ordal*) deals with the administration of the ordeal by hot iron and by water but it is difficult to date. It begins ‘And’ which Wormald, *Making of English Law*, I:374, took as an indication that it was an excerpt from another legal text and suggested that it should be associated with the reign of Æthelstan due to its similarity to the king’s ruling on this issue (II Æthelstan, 23-23:1). From *Ordal* and II Æthelstan, 23-23:1 we know something of the workings of ordeals by hot iron and water and according to III Æthelred, 6 accusers could choose the type of ordeal the accused was to undergo. An individual tried by hot iron had to carry the metal a certain distance before having his hand bound; after three days it was unwrapped and if ‘clean’ he was judged innocent, but if ‘discoloured’, guilty. Trial by water involved plunging the accused into water; if he sank ‘to a depth of one-and-a-half ells on the rope’ (II Æthelstan, 23:1) he was innocent, but if guilty the consecrated water would ‘reject’ him and he would float. For more on the medieval ordeal system, see R. Barlett, *Trial by Fire and Water: the Medieval Judicial Ordeal* (Oxford, 1986); P. R. Hyams, ‘Trial by ordeal: the key to proof in the early common law’, in *On the Laws and Customs of England: Essays in Honour of Samuel E. Thorne*, ed. M. S. Arnold *et al.* (Chapel Hill, 1981), pp. 90-126; S. L. Keefer, ‘*Ut in omnibus honourificetur Deus*: the *Corsnæd* ordeal in Anglo-Saxon England’, in *The Community, the Family and the Saint*, ed. J. Hill and M. Swan (Turnhout, 1998), pp. 237-264; C. Morris, ‘*Judicium Dei*: the social and political significance of the ordeal in the eleventh century’, *Studies in Church History* 12 (1975), 95-111; A. Reynolds, ‘Anglo-Saxon law in the landscape: an archaeological study of the Old English judicial system’ (University College, London, PhD, 1998), pp. 78-81.

Blood-feud

As we have seen above, monetary payments sat at the heart of Anglo-Saxon justice. *Bót* and wergeld were employed as a means of extracting compensation, bringing with them restitution and settlement to the disruption caused by an offence. We have also observed the importance of kinship in the workings of these systems and their role in taking responsibility for members of their group who committed an offence as well as bearing some of the cost of payment of wergeld. This last measure acted partially as a fail-safe – if an offender reneged on payment, his kin were obliged to ensure that a victim's family were compensated for the loss of one of their members. However, if this fail-safe itself failed, an injured kinship group could seek redress through the vendetta or blood-feud (*fæhðe*). In an effort to offer a general definition of vendetta, John Beattie proposed that it was:

...the state of lasting mutual hostility which exists between two groups when one party has suffered injury from the other (usually by homicide) and retaliation by means of reciprocal killing is sought...

Beattie proceeded to add, however:

...the term denotes actually or potentially homicidal relations of violent hostility between two of the component groups in a society, these being, none the less, subject to rule and terminable at least ideally, by peaceful settlement.¹¹⁴

¹¹⁴ J. Beattie, 'Feud', in *A Dictionary of the Social Sciences*, ed. J. Gould and W. L. Kolb (New York, 1967), pp. 267-8 at 267. J. M. Wallace-Hadrill offered a similar definition of blood-feud for early medieval Francia in 'The bloodfeud of the Franks' in his *The Long-Haired Kings and Other Studies in Frankish History* (London, 1962), pp. 121-47 at 122: 'We may call [feud], first the threat of hostility between kins; then, the state of hostility between them; and finally, the satisfaction of their differences and a settlement on terms acceptable to both'. The problem of establishing a definition of medieval blood-feud are examined in S. White, 'Feuding and peace-making in the Touraine around the year 1100',

It is Beattie's second comment that is of interest here for Anglo-Saxon England; the reference to a preference for settlement by peaceful means is reflected in an episode related by Bede in his *Historica Ecclesiastica* involving the death of Ælfwine, brother of King Ecgfrith of Northumbria in a battle against the Mercians in 679:

Although there was good reason for fiercer fighting and prolonged hostilities between the kings and between these warlike peoples, Archbishop Theodore, beloved of God, trusting in God's help, completely extinguished this great and dangerous fire by his wholesome advice. As a result, peace was restored between the two kings and between their peoples and *no further lives were demanded for the death of the king's brother, but only the usual money compensation which was paid to the king to whom the duty of vengeance belonged.*¹¹⁵

As Beattie's definition suggests, here the potential for further bloodshed was prevented by the payment of compensation. We can see further hints of this 'due process' in the workings of vendetta in a law of Ine whose reign began only ten years after the events just described. In contrast to the vendetta that was avoided between the royal families of Ecgfrith and Æthelred of Mercia, this example explores the potential for slaves and their kin to become embroiled in blood-feuds – indicating that even the humblest members of Anglo-Saxon society could become involved in such retaliatory disputes. If a slave committed murder, Ine stipulated that first his master could simply hand him over to the dead man's lord and kinsmen unless he was willing to pay sixty shillings 'to purchase

Traditio 42 (1986), 195-263 at 195- 201. For a more general survey of feud in medieval England, see P. Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca, NY and London, 2003).

¹¹⁵ Bede, *HE*, iv.21, pp. 400-401. See Rubin, 'Bot or composition in Anglo-Saxon law', 144.

his life'.¹¹⁶ If the master chose the first option the slave could turn to any free kindred and request that they made payment of his victim's wergeld. However, if he had no free kin, the king stated rather ominously that 'his enemies may deal with him'.¹¹⁷ Ine concluded his law with further explanation:

A freeman need not associate himself with a relative who is a slave, unless he wishes to ransom him from a vendetta; nor need a slave associate himself with a relative who is a freeman.¹¹⁸

This law is valuable for our understanding of the characteristics of Anglo-Saxon slavery – the power of life and death afforded to slave masters and the assumption that, while free kin could help slaves, slaves themselves took only passive parts in vendettas. We will discuss the status and rights of Anglo-Saxon slaves in the next chapter, but for now the usefulness of this law of Ine rests in its confirmation of events portrayed in the Ecgrith-Æthelred episode of 679. It highlights that peaceful solutions to disputes could be sought before resorting to vendetta and that kin played a central role in attempts to extricate all members of their group from the threat of further blood-shed.

An incident recounted in the *Anglo-Saxon Chronicle* entry for 757 offers additional anecdotal evidence for feud in Anglo-Saxon England that requires more extensive exploration in order to reveal the elements of vendetta buried within a tale of warring noble families.¹¹⁹ As with Bede's tale of the enmity between the kings of Northumbria and Mercia we are, once again, dealing with a clash between members of the highest echelons of society. This time, however, the events took place in eighth-

¹¹⁶ Ine, 74.

¹¹⁷ Ine, 74:1.

¹¹⁸ Ine, 74:2.

¹¹⁹ ASC 757 (A, B, C, D, E).

century Wessex and, although recorded in a single annal entry, they unfold over a period of thirty years, the chronicler deviating from the confines of annalistic structure in order to create a discrete tale embedded within a greater whole. The tale is complex and convoluted and an article by Stephen D. White gives a chronological précis of the most important incidents in the feud in more detail than can be offered here.¹²⁰ The essential points are as follows. In 757, Cynewulf and the councillors of the West Saxons deprived Cynewulf's kinsman King Sigeberht of his throne 'because of his unjust acts', allowing him to retain control over Hampshire perhaps as an underking. At some point later in time, Sigeberht killed a certain ealdorman Cumbra who had long been in his service, was driven into the Weald by Cynewulf where an unnamed swineheard took revenge for the murder of Cumbra and 'stabbed him to death by the stream at Privett.'¹²¹ King Cynewulf continued to hold power until 786 when he decided to expel from his kingdom Cyneheard, Sigeberht's brother who, as he is described as an *ætheling*, was recognised by the chronicler as a member of the royal family.¹²² During his endeavours against Cyneheard, Cynewulf rested in *Meretun* with his mistress;¹²³ there he was set upon by Cyneheard and his men and killed before his own followers could effect a rescue. Cyneheard then offered Cynewulf's men 'money and life' which was refused, leading to the deaths of all but one of Cynewulf's retainers who was kept

¹²⁰ S. D. White, 'Kinship and lordship in early medieval England: the story of Sigeberht, Cynewulf, and Cyneheard', *Viator* 20 (1989), 1-18 at 1-4.

¹²¹ White, 'Kinship and lordship in early medieval England', 9 has raised doubts that someone so lowly as a swineheard would have killed Sigeberht. He has suggested that, whilst Sigeberht was certainly killed to avenge the death of Cumbra, the attribution of this to a swineheard was an invention of the chronicler who aimed to create an ignoble death for Sigeberht, a king of 'unjust acts'.

¹²² For the status of *ætheling* in Anglo-Saxon England, see D. N. Dumville, 'The *ætheling*: a study in Anglo-Saxon constitutional history', *Anglo-Saxon England* 8 (1979), 1-34.

¹²³ *Meretun* has been identified with Merton in Surrey. See White, 'Kinship and lordship in early medieval England', 2, note 11.

as a hostage. The next morning some of Cynewulf's thegns 'who had been left behind' learnt that their king had been slain and arrived at the scene intent on avenging his murder. Cyneheard again offered these men money and land 'if they would allow him the kingdom' – clearly a bribe to buy power for himself, but also an attempt to make payment for immediate peace.¹²⁴ He also informed the newcomers that numbered amongst his men were some of their kinsmen, perhaps in an attempt to decrease their desire to fight and increase the attractiveness of his offer of money and land as an alternative to blood-shed. Cyneheard's offer was unceremoniously rejected by Cynewulf's men and they sent a reply that '...no kinsman was dearer to them than their lord, and they would never serve his slayer [i.e. Cyneheard]' as well as an offer that their kinsmen in Cyneheard's band could leave unharmed. All this wrangling came to nothing; the two groups fought, Cyneheard was killed and another member of the house of Cerdic, Brihtric, succeeded to the West Saxon throne.¹²⁵

There are many intricacies to this tale of violence and political intrigue, but it has been used most regularly to argue that in eighth-century England ties of lordship and obligation were beginning to supersede those of blood and family. Some commentators have focussed on the fact that both Cynewulf's and Cyneheard's men chose to become involved in a battle against their kin in service to their lord in order to

¹²⁴ See R. Woolf, 'The ideal of men dying with their lord', *Anglo-Saxon England* 5 (1976), 63-82 at 70 where she suggests that the offer to Cynewulf's first group of men may also have been made on the condition that they acknowledged him as king.

¹²⁵ The succession of Brihtric is recorded in the ASC 786 (784 A, D, E; 783 C) which notes the deaths of Cyneheard and Cynewulf and continues: 'and Brihtric succeeded to the kingdom of the West Saxons; and he reigned 16 years, and his body is buried at Wareham; and his true paternal ancestry goes back to Cerdic'.

make a case for 'the superior claims of lordship'.¹²⁶ However, an alternative interpretation by White locates the events firmly within the context of an intrafamilial royal blood-feud, with kinship ties still playing an important role and the participants (who were, after all, part of the same extended family) 'simply choosing to honor [*sic*] one kinship tie rather than another.'¹²⁷ The key word here is 'intrafamilial'; what we have with the saga of Sigebert, Cynewulf and Cyneheard is an example of intense political manoeuvring and power-hunting in eighth-century Wessex that entailed a violent rift amongst the highest echelons of society. But it is also a tale that has undercurrents of personal revenge and vendetta. Sigebert was deprived of power by Cynewulf and the West Saxon councillors and was later murdered after he himself had killed his own ealdorman, Cumbra.¹²⁸ Cyneheard then seized the opportunity to take up the baton of his brother's cause, leading to the attempts to exile him; his meeting with Cynewulf at *Meretun* where he tried to buy peace from the latter's followers after killing their leader; and, finally, his own death. This series of events reveals a long-running dispute that dated from Sigebert's deposition and lasted thirty years. It is important to note that Cyneheard was able to gather support for his campaign, dipping into the same supply of extended kin as Cynewulf in an attempt to reach his ultimate goal of retrieving his brother's throne for himself. Not so with slaves; the law of Ine that we examined above indicates that if they faced the threat of retaliatory execution, they

¹²⁶ D. J. V. Fisher, *The Anglo-Saxon Age, c. 400-1042* (London, 1973), p. 130. See also F. P. Magoun, 'Cynewulf, Cyneheard and Osric', *Anglia* 57 (1933), 361-76 at 373, note 2; H. R. Loyn, *Anglo-Saxon England and the Norman Conquest* (New York, 1963), p. 298.

¹²⁷ White, 'Kinship and lordship in early medieval England', esp. 10-18 with quote at 11. P. R. Hyams, 'Feud in medieval England', *Haskins Society Journal* 3 (1991), 1-21 at 8 accepts White's interpretation of the saga of Cynewulf and Cyneheard as a feud.

¹²⁸ White, 'Kinship and lordship in early medieval England', 7-8 explores the importance of Sigebert's murder of Cumbra for understanding relationship between lords and their followers.

had to rely on the goodwill of their master to save them or, for those lucky enough to possess free kin, hope that their relations would be willing to come to their assistance.¹²⁹

The *Anglo-Saxon Chronicle* entry for 757 thus encourages us to adopt a flexible definition of feud when searching for evidence of this social phenomenon in early Anglo-Saxon England. There can be no doubt that the episode related by Bede in his *Historica Ecclesiastica* was a case of a feud avoided but, as we have just seen, other conflicts that appear to be of a different nature altogether contained aspects of Anglo-Saxon feuding traditions.¹³⁰

It is in the legislation of Alfred that we begin to see signs of a change in attitude towards the blood-feud. As Patrick Wormald pointed out, Alfred did not aim to eradicate the blood-feud altogether, but he did attempt to defer its outbreak for as long as possible.¹³¹ In doing so, the king offered a new, standardised blueprint of vendetta in

¹²⁹ Ine, 74-74:2.

¹³⁰ Hyams, 'Feud in medieval England', 8, gives other examples of conflicts which he claims were 'fought in the fashion of feud'. He points to the fact that, in Wessex, no king was succeeded by a close kinsman between 655 and 802 and suggests that this disruption may have been caused in part by feuding amongst members of the West Saxon royal line. Stephen White's suggestion that the Cynewulf-Cyneheard saga should be interpreted as a feud is conditioned by how the concept itself is defined. As Ian Wood commented in a recent article, scholarly debates about whether or not certain events should be classed as feuds 'to some extent...come down to questions of definition'. I. Wood, "'The bloodfeud of the Franks': a historiographical legend", *Early Medieval Europe* 14 (2006), 489-504 at 493. G. Halsall, 'Violence and society in the early medieval west: an introductory survey', in his *Violence and Society in the Early Medieval West* (Woodbridge, 1998), pp. 1-45, especially pp. 19-29 offers a thorough re-assessment of what is meant by the term 'feud' and questions how appropriate it is to apply it to early medieval society. He draws a distinction between 'feud' and what he terms 'legal or customary violence' and suggests that there are few early medieval conflicts that can be classed as feuds. However, his definition of 'legal or customary violence', with its emphasis on compensation as an alternative to violence (p. 22), bears close resemblance to existing definitions of feud (including John Beattie's definition given above which combines Halsall's 'feud' and 'legal or customary violence' within the single concept 'feud'). Semantics aside, while the Cynewulf-Cyneheard incident is difficult to classify, this should not be taken as a challenge to shoe-horn it into a 'best-fit' category. If we adopt a flexible approach (as I have done here) it is still possible to formulate a comprehensive understanding of the saga as a conflict with many layers and influences, one of which was feud.

¹³¹ P. Wormald, 'Giving God and king their due: conflict and its regulation in the early English state', in his *Legal Culture in the Early Medieval West* (London and Rio Grande, 1999), pp. 333-57 at 336, first published in *Settimane di Studio del Centro Italiano di Studi sull'alto Medioevo* 44 (1997), 549-90.

direct contrast to the existing system of feud which functioned in a more informal, private manner between individual kin groups:

Also we enjoin, *that a man who knows his adversary to be residing at home, shall not have recourse to violence before demanding justice of him.* If he has power enough to surround his adversary and besiege him in his house, he shall keep him therein seven days, but shall not fight against him if he [the besieged] will consent to remain inside...If, however, he [the pursuer] has not power enough to besiege him in his house, he shall ride to the ealdorman and ask him for help. *If he will not help he shall ride to the king before having recourse to violence.*¹³²

We can observe here that Alfred twice gave directions for the delay of violence – a general exhortation at the start of the clause and more specific directions later on that the king must be approached before a blood-feud could begin in earnest. Before royal intervention was necessary, however, local (and therefore more immediate) authorities in the form of ealdormen were required to become involved. Elsewhere in this law, Alfred also stipulated that after the besieged man had been in captivity for seven days, he should hand over his weapons and the besieger could keep him unscathed for thirty days while he sent ‘formal notice’ of the situation to the captive’s friends and kinsmen. If besiegers failed to follow these procedures and used violence after their quarry had surrendered they risked incurring a fine and losing their right to feud.¹³³ The king did

¹³² Alfred, 42-42:3.

¹³³ Alfred, 42:1 and 42:4. Here I follow the interpretation of Alfred 42:4 by Whitelock, *EHD*, no. 33 and Felix Liebermann, *Die Gesetze der Angelsachsen*, (Halle, 1903-1916, 3 vols.), pp. 74-5 and 76-7 in contrast to Attenborough, *The Laws of the Earliest English Kings*, p. 85 with relevant explanatory note at p. 198, who believed that this sub-clause protected pursuers from violence.

not prohibit vendettas outright and he still envisaged the potential for violence if other forms of justice were unsuccessful, but he did aim to slow down the progression and intensity of feuds by introducing a thirty-seven-day period of 'limbo'. If the besieged co-operated and handed over his weapons, then he could at least hope to be safe from the threat of immediate violence and, with the intervention of his kin, the parties could seek redress through non-violent means.

The changes introduced by Alfred to the workings of feud gathered greater pace in the tenth century and it is in King Edmund's laws we can observe the most dramatic developments in this system.¹³⁴ As we saw above, Ine had legislated some two hundred years before that individuals could cut ties with their enslaved kin (and vice versa), but that estranged kin could resume contact if a vendetta ensued. In contrast, in II Edmund, which is concerned with almost entirely with the blood-feud, the king stipulated that individuals had the right to discard their kinship ties with a member of their family and opt out of helping their kin in feud or compensation because 'I myself and all of us [Edmund's councillors] are greatly distressed by the manifold illegal deeds of violence which are in our midst'.¹³⁵ The code continues:

Henceforth, if anyone slay a man, he shall himself [alone] bear the vendetta, unless with the help of his friends he pay composition for it, within twelve months...If, however, his kindred abandon him and will not pay compensation

¹³⁴ See Wormald, 'Giving God and king their due', pp. 336-7 where he notes similarities between Edmund's measures aimed at restricting the blood-feud and those enacted in Francia some one hundred years previously.

¹³⁵ II Edmund, prologue.

on his behalf, it is my will that, if afterwards they give him neither food or shelter, all the kindred, except the delinquent, shall be free from vendetta.¹³⁶

The finality of this severance of ties with a murderer is shown in the next sub-clause and the king reinforced his will with the threat of forfeiture of property:

If, however, any of his kinsmen harbour him thereafter, then, inasmuch as they had previously disclaimed him, that kinsman shall forfeit all his property to the king, and shall incur vendetta with the kin [of the slain man].¹³⁷

Edmund did not attempt to prohibit vendettas outright and his law still envisages situations in which feuds could have occurred and, indeed, later laws make references to the workings of such disputes,¹³⁸ but his legislation on this matter certainly demonstrates that in the mid-tenth century they were becoming regarded as undesirable routes for gaining satisfaction following an offence.

The last clause of this code of Edmund gives us some clues as to what the king desired to replace vendettas between kinship groups.¹³⁹ Instead of blood-feuds, the kin of a slain man and the perpetrator were to be encouraged to come together under the direction of an 'advocate' (*forspeca*) who would take promises from the killer to the slain man's kin that the slayer would make reparation for his crime and return with

¹³⁶ II Edmund, 1-1:1.

¹³⁷ II Edmund, 1:2.

¹³⁸ See, for example, VIII Æthelred, 23: 'If a man in holy orders is charged with vendetta, and accused of having committed or instigated homicide, he shall clear himself with the help of his kin, who must share the vendetta with him or pay compensation for it'. Those with no blood kin could rely on 'fellow-ecclesiastics' to help (VIII Æthelred, 24). However, compare VIII Æthelred, 25 which states that a monk should avoid becoming involved in vendettas of his kin because 'he leaves the law of his kindred behind when he accepts monastic rule.'

¹³⁹ II Edmund, 7. Patrick Wormald has surveyed problems with this last clause and has suggested that it may be an addition from a document known as *Wergeld* to the code. He further suggests that *Wergeld* may be an unofficial treatise which was inspired by the king's ruling and that it and the official legislation are 'different versions of a tract that built out from the nucleus of what Edmund said, one getting locked into the king's words, while the other floated in their orbit.' See P. Wormald, *The Making Of English Law: King Alfred to the Twelfth Century* (Oxford, 1999), I:311 and 374-8 (with quote at 377). See also his 'Giving God and king their due', p. 338 and Hyams, 'Feud in medieval England', 10.

assurances from the slain man's kin that the perpetrator could approach without harm in order to pledge to pay the wergeld. Edmund was here encouraging negotiation between parties conducted through an intermediary – the *forspeca* – whose status is not altogether clear.¹⁴⁰ His ruling fits with a wider trend of the tenth century that witnessed the rise in the prominence of officials to deal with offenders. The prologue to the first code of Edward provides a good example of the growing responsibility for dispensing justice given to the king's reeves:

King Edward commands all [his] reeves: that ye pronounce such legal decisions as ye know to be most just and in accordance with the written laws (*domboc*).¹⁴¹ Ye shall not for any cause fail to interpret the public law; and at the same time it shall be your duty to provide that every case shall have a date fixed for its decision.¹⁴²

Kings retained careful command of over their reeves; we have already seen above the harsh repercussions that would befall any of Edward's reeves who neglected to perform their duties to the king's satisfaction.¹⁴³ Under Edward they risked a hefty fine, but in both Æthelstan and Edgar's reigns they were in danger of losing their status and being replaced with a reeve who was more amenable to the king.¹⁴⁴ Reliable reeves, however, had an important function in the workings of justice. As Edward's law reveals, they had authority over the trial of offenders within the area of their jurisdiction which took place

¹⁴⁰ See the entry for *forspeca* in *An Anglo-Saxon Dictionary*, ed. Toller, p. 318 where it is translated as 'one who speaks for another, a defender, advocate'.

¹⁴¹ This use of *domboc* here is perhaps a reference to the laws of Alfred and Ine. See Attenborough's note to this clause in his *Laws of the Earliest Kings*, p. 204.

¹⁴² I Edward, prologue.

¹⁴³ II Edward, 2.

¹⁴⁴ II Æthelstan, 25; III Edgar, 3.

at meeting held every four weeks, an arrangement that Edgar reinforced in more detail in his law-code known as the 'Hundred Ordinance' (I Edgar).¹⁴⁵

A large proportion of Edgar's 'Hundred Ordinance' is taken up with arrangements for the tracking of thieves, particularly cattle thieves. Earlier legislation had charged reeves with ultimate responsibility for tracking cattle; the decrees of the bishops and reeves of London (VI Æthelstan), for example, stipulated that those who first noticed the absence of cattle should follow the trail until word could be sent to the local reeve who was then required to retrieve the missing cattle before they crossed district boundaries. If he failed in this last duty he was to reimburse the owner with the full value of his lost property.¹⁴⁶ Edmund increased the emphasis in his legislation on a reeve's duty to trace stolen cattle and required that they investigate the matter at the village from where the animals disappeared:

And we have declared with regard to the tracking and pursuit of stolen cattle, that thorough investigation shall be made at the village, and that no obstacle shall be placed in the way of the search thereof or anything to prevent the pursuit and search.¹⁴⁷

As demonstrated by Carol Hough, it is also in the tenth century that we first see evidence for what seems to occupational 'cattle-trackers'.¹⁴⁸ As we saw above, for

¹⁴⁵ II Edward, 8 reads: 'It is my will that every reeve shall hold a meeting every four weeks; and they shall see to it that every man obtains the benefit of the public law, and that every suit shall have a day assigned to it on which it shall be heard and decided. And if anyone neglects [to do] this he shall pay such compensation as we have already ordained.' For the workings of the administrative body known as the 'Hundred', see H. R. Loyn, 'The Hundred in the tenth and early eleventh centuries', in *British Government and Administration: Studies Presented to S. B. Chrimes*, ed. H. Hearder and H. R. Loyn (Cardiff, 1974), pp. 1-15.

¹⁴⁶ VI Æthelstan, 8:4.

¹⁴⁷ III Edmund, 6. See Hough, 'Cattle-tracking in the Fonthill letter', 868-9.

¹⁴⁸ Hough, 'Cattle-tracking in the Fonthill letter'.

example, Edward decreed that all estates should have a man ready to lead efforts to find lost or stolen cattle and that these men risked being charged with disloyalty if they accepted bribes or consorted with cattle-thieves.¹⁴⁹ It must be such men, then, that the bishops and reeves of London and, later, King Edgar also envisaged as commanding initial efforts to find cattle before they handed over the matter to the local reeve.

In the previous chapter, we met a certain Helmstan who committed numerous crimes in the late ninth century and was outlawed during the reign of Edward the Elder, the details of which are recorded in a letter to the king explaining the history of the land at Fonthill, Wiltshire.¹⁵⁰ Within this rather convoluted and confusing letter is an outline of the efforts that were made to capture Helmstan and recover the fruits of his last crime, the theft of the ‘untended oxen at Fonthill’. Helmstan was tracked, just as the law-codes stipulated cattle thieves should be and in the course of his escape he was scratched on the face by a bramble ‘and when he wished to deny it, that was brought as evidence against him’ at a hearing before the local reeve.¹⁵¹ The ‘Fonthill Letter’ is invaluable for our understanding of how justice worked in late-ninth and tenth-century England. For the earlier Anglo-Saxon period, evidence for the mechanisms of justice come only from the prescriptive literature and so we can be little more than hypothetical; we can suggest how criminals *may* have been brought to account for their

¹⁴⁹ II Edward, 4.

¹⁵⁰ S 1445; Wormald, ‘Handlist of Anglo-Saxon lawsuits’, nos 23-26. Editions can be found in K where it is no. 328 and B. Thorpe, *Diplomatarium Anglicum Ævi Saxonici* (London, 1865), pp. 169-174, with translation. It is also translated in *EHD*, no. 102. The details and complexities of this letter are discussed in: M. Boynton, M and S. Reynolds, ‘The author of the Fonthill letter’, *Anglo-Saxon England* 25 (1996), 91-5; M. Gretsche, ‘The language of the “Fonthill letter”’, *Anglo-Saxon England* 23 (1994), 57-102; S. Keynes, ‘The Fonthill letter’, in *Words, Texts and Manuscripts. Studies in Anglo-Saxon Culture Presented to Helmut Gneuss on the Occasion of his Sixty-Fifth Birthday*, ed. M. Korhammer (Cambridge, 1992), pp. 53-97 which also includes an edition of the text and translation of the letter itself based on that presented by Dorothy Whitelock (*EHD*, no. 102).

¹⁵¹ Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, pp. 173-4; trans. *EHD*, no. 102.

actions but can say little with any certainty. As Patrick Wormald remarked with reference to early Anglo-Saxon justice: ‘Nearly all our evidence for *justice*, law as it was in fact applied, comes from legislation, law as it was *meant* to be applied.’¹⁵²

Helmstan’s case, however, not only gives us confidence that directions as given in the law-codes were put into action, it also reveals some of the intricacies of the workings of the justice system. We can observe, for example, attempts to provide forensic evidence – the recovery of the stolen cattle and, perhaps more noteworthy, the mention of the scratch on Helmstan’s face that served as proof of his crime. In another case of animal theft, we can again see that efforts were made to recover the stolen beasts. During the reign of Æthelred, a certain Æthelsige forfeited his land at Dumbleton, Gloucestershire for stealing the swine of Æthelwine and was outlawed after he had fled. The charter which records this forfeiture describes Æthelsige’s crime in vehement language, giving us a sense of the king’s abhorrence at the thief’s actions:

...hence it ought to be made known to readers that this aforesaid estate came into the control of my [Æthelred’s] possession through a crime of unspeakable presumption of a certain man, to whom his parents gave the name of Æthelsige, although he disgraced the name¹⁵³ by a base and shameful act; in that he did not shrink from audaciously committing theft...¹⁵⁴

¹⁵² P. Wormald, ‘*Inter cetera bona genti suae*’: law-making and peace-keeping in the earliest English kingdoms’, in his *Legal Culture in the Early Medieval West* (London and Rio Grande, 1999), pp. 179-99 at p. 180, first printed in *Settimane di Studio del Centro Italiano di Studi sull’ Alto Medioevo* 42 (1995), 963-96.

¹⁵³ As Whitelock pointed out in the footnotes to her translation of this charter, the name Æthelsige means ‘noble victory’.

¹⁵⁴ S 886; Wormald, ‘Handlist of Anglo-Saxon lawsuits’, no. 56. Printed in K where it is no. 692 and trans. *EHD*, no. 119. It can be dated to 995. For more on this charter, see S. Keynes, *The Diplomas of King Æthelred ‘the Unready’, 978-1016* (Cambridge, 1980), pp. 102, 184-185 and 253.

Æthelred continues to give details of Æthelsige's crimes and, more importantly for our purposes here, mentions that a party of Æthelwine's men had rallied to attend Æthelsige's house in order to find evidence of his alleged theft: '...then his [Æthelwine's] men rode thither and brought out the bacon from Æthelsige's house, and he escaped into the wood'. Our evidence for the workings of cases involving theft is, by a large margin, greater than for any other crime. We are fortunate in the surviving material for this crime because one of the consequences for those who were convicted of stealing was land forfeiture and so details of thefts appear in charters which outline histories of land ownership.¹⁵⁵ We will examine punishment more closely below; at this point it suffices to note that, although we must allow for the effects of the superior survival of evidence in cases of theft, the volume of actual prosecutions for this crime ties in well with the trend noted above that Anglo-Saxon legislators became increasingly concerned with theft during the tenth century. The charter evidence thus appears to support that of the law-codes that this was a crime which officialdom found particularly intolerable.

Punishment in Anglo-Saxon England

The fates of Helmstan and Æthelsige, who both forfeited their land for theft, brings us finally to consideration of Anglo-Saxon punishments. Here we will focus on the use of fines before proceeding to examine the rise in corporal punishment and execution;

¹⁵⁵ Charters that record land forfeited for theft are listed in Wormald, 'Handlist of Anglo-Saxon lawsuits', nos. 23, 25, 31, 28-9, 41, 45, 56, 60, 100, 102, 124, 127, 129, 132.

forfeiture and outlawry also formed part of the arsenal of Anglo-Saxon punishment, but these have been examined in detail in the previous chapter so, although we shall touch on them, they will not be a central concern.¹⁵⁶ We began our section on the workings of justice with a discussion of the use of *bót* payments as a means of restoring stability after a crime had been committed, so let us first examine its counterpart *wíte* which was a system of fine payments that acted to punish offenders for their actions. In our earliest Anglo-Saxon law-code, that of Æthelberht, *wíte* appears only once; significantly, this single use of *wíte* is for theft, Æthelberht's law-code thus anticipating the fierce campaign against this offence that characterised later Anglo-Saxon law. The law demanded that freemen who robbed other freeman should pay a threefold compensation to their victim and that 'the king shall take the fine, or all [the man's] goods.'¹⁵⁷ Æthelberht did not stipulate the value of the fine for this offence, but what his law does do is illustrate the essential feature of *wíte* which is that all such fine payments belonged to the promulgator of the law-code – the king. In the next of our surviving law-codes from Kent we can observe an increase in the number of offences that could result in punishment through fines as well as more exacting instructions about their values. Hlothhere and Eadric required twelve shilling fines for slander, drawing a weapon in another man's house and the same amount from a man who 'takes away the stoup of another, who has committed no offence' in a place 'where men are drinking...'.¹⁵⁸ It is in Ine's laws, however, that *wíte* really came into its own; as Wormald commented, the code of this king is characterised by a 'positive riot of afflictive penalties.'¹⁵⁹ The king

¹⁵⁶ See chapter 2, 'Outcasts'.

¹⁵⁷ Æthelberht, 9. See Wormald, "*Inter cetera bona genti suae*", p. 192.

¹⁵⁸ Hlothhere and Eadric, 11-13.

¹⁵⁹ Wormald, "*Inter cetera bona genti suae*", p. 193.

used fines to punish a plethora of offences including: working on a Sunday; failure to pay church dues on time; fighting on another's premises or 'in the open'; drunken brawling; theft; violent robbery; possession of stolen goods by traders; permitting a thief to escape; harbouring fugitives; perjury; burning a tree (regarded as theft 'because fire is a thief'); neglect of military service and 'making illicit compacts'.¹⁶⁰ This is an extensive list and, as far as the offenders themselves were concerned, it rendered some crimes extremely expensive – up to one hundred and twenty shillings for fighting in another's house and 'even if it [the fight] takes place in the open...'.¹⁶¹ The king's perception of his role in the punishment of offenders clearly differed from that of his law-making predecessors. While we must, of course, remember that our understanding of law-making is skewed by the fact that not all kings chose to record their laws in writing,¹⁶² we *are* able to observe that Ine's use of the written word presents an image of himself as a much more active participant in the judicial process as the recipient of *wite* for a sizeable range of offences.

Ine's extensive use of *wite* in his late-seventh century laws may appear to be something of an anomaly; it seems to be at odds with the argument that has been building above where we have, on numerous occasions, observed that it was the tenth century that witnessed the great changes in the purposes and functions of law. However, whilst it cannot be denied that Ine was certainly more aggressive than any of his predecessors in his legislative campaign against socially disruptive behaviour, in the

¹⁶⁰ Ine, 3, 4, 6:2-5, 7, 10, 25:1, 28:1-2, 30, 35:1, 43, 51, 52. See Wormald, "*Inter cetera bona suae*", p. 193.

¹⁶¹ Ine, 6.

¹⁶² We know from Bede, *HE*, iii.8, pp. 236-7, that Eorcenberht of Kent (d. 664) promulgated laws on numerous subjects, but that these appear to have been issued orally (or, possibly, have failed to survive in written form).

case of *wite* he was not innovative and simply used the existing system to punish a more extensive array of offences. Fines continued to be a characteristic of Anglo-Saxon law-making throughout the ninth and tenth centuries. Alfred used them as liberally in his law-code as Ine and again reserved the highest fine values for fighting at one hundred and twenty shillings, but he also brought theft up to a par with brawling in contrast to Ine who demanded only sixty shillings.¹⁶³ After Alfred's legislation, however, there is a decrease in emphasis on *wite* as a punishment. Law-makers did not abandoned fines as a punitive measure entirely – far from it, in fact, as all legislators of the tenth century as well as Cnut made use of *wite* alongside *bót* and wergeld to some degree.¹⁶⁴ But in marked contrast to the avid employment of *wite* in earlier legislation, the range of offences to which *wite* was attached was dramatically curtailed by law-makers and, most notably, it ceased to be used as a punishment for theft.

It can be no coincidence that it was during this same period that law-makers began to explore other ways of punishing offenders, moving away from the punitive qualities of fines and instead turning their attentions to forfeiture, outlawry and corporal punishment. In the previous chapter, we examined the rise in forfeiture and outlawry which were used particularly against recidivists and above we revisited two anecdotal cases in which we observed the implementation of such punishments. Helmstan lost his land and was outlawed during the reign of King Edward for habitual stealing and Æthelsige suffered the same judgement under Æthelred, wisely fleeing the scene of his

¹⁶³ Alfred, 5, 6, 7:1, 8, 9, 9:2, 12, 25, 26, 27, 28, 36:2, 37:1-2, 40. For theft, see Alfred, 9:2 and Ine, 7, 10.

¹⁶⁴ I Edward, 2:1; I Æthelstan, 5; II Æthelstan, 1:5, 3, 6:1, 10, 15, 20, 24; IV Æthelstan, 4, 7; V Æthelstan, 1; VI Æthelstan, 7, 11; II Edmund, 3; I Edgar, 5:1; II Edgar, 3, 5; I Æthelred, 1:7, 1:14; V Æthelred, 31; VI Æthelred, 38; VII Æthelred, 7; VIII Æthelred, 5:1, 9, 12; II Cnut, 17:1, 24:1, 48, 49, 51.

theft to avoid facing the death penalty.¹⁶⁵ What we will direct our attention towards in this chapter, then, is the increased use of corporal chastisement as a punishment for crime which began at the end of the ninth century and continued into the tenth. It must be noted at this point that evidence for this evolution is by no means abundant and is spread somewhat erratically throughout the tenth century legislation. There is, however, certainly a sufficient quantity of material to indicate changes in the legal conceptualisation of justice which will become even more apparent when we turn in the final part of this chapter to examine the use of execution. In order fully to illuminate the significance of this development we need first to go back in time; corporal punishment was a feature of earlier legislation but, crucially for our argument, it was used almost exclusively for the punishment of slaves.¹⁶⁶ As we will see in the next chapter, an Anglo-Saxon slave was defined through his possession by another individual; accordingly, he was excluded from the channels for restitution following an offence that were open to a freeman as he was unable to make an independent claim to ownership of the goods and money required to satisfy payments of *bót*, *wíte* and wergeld. Instead law-makers demanded that the bodies of offending slaves should bear the punishment for their crimes, usually through scourging. We can observe this disparity between punishments for the free and punishments for the enslaved in the law of Wihtræd concerning devil worshipping which we examined above. In this law, the king ordered

¹⁶⁵ See I Æthelred, 9a which deals with fugitive thieves and states that they should be outlawed in their absence.

¹⁶⁶ David Pelteret is by far the most prolific author on the subject of Anglo-Saxon slavery. Most important is his *Slavery in Early Medieval England* (Woodbridge, 1995), but see also his 'Slave raiding and slave trading in early England', *Anglo-Saxon England* 9 (1980), 99-114; 'Slavery in Anglo-Saxon England', in *The Anglo-Saxons: Synthesis and Achievement*, ed. J. D. Woods and D. A. E. Pelteret (Ontario, 1985), pp. 117-133; 'Two Old English lists of serfs', *Mediaeval Studies* 48 (1986), 470-513; 'Slavery in the Danelaw', in *Social Approaches to Viking Studies*, ed. R. Samson (Glasgow, 1991), pp. 179-188.

that men and women who made offerings to devils should compensate through the payment of their *healsfangs* or, for obstinate devil-worshippers, all of their goods. In contrast, however, if a slave committed the same offence, a payment of six shillings was demanded and if this was not forthcoming he was condemned to ‘undergo the lash’.¹⁶⁷ Here we are dealing with scourging which Pelteret deemed ‘the characteristic punishment of slaves’, but a law of Alfred demonstrates that slaves could also be subject to other forms of corporal punishment for offences that freemen could compound with compensation and a fine.¹⁶⁸ In a law dealing with the rape of slaves, Alfred decreed that: ‘If anyone rapes the slave of a commoner, he shall pay 5 shillings to the commoner and a fine of 60 shillings. If a slave rapes a slave, castration shall be required as compensation’.¹⁶⁹

Alfred’s laws also mark the beginning of the rise in the amount of legislation that demanded the mutilation of offenders of all statuses for their crimes. A clause in the earlier code of Ine had stipulated that much-accused *ceorlas* should lose a hand or foot, but it was Alfred who first introduced maiming as a direct punishment for specific offences.¹⁷⁰ In clause 6 of his law-code Alfred decreed:

If anyone steals anything from a church, he shall pay the value of the article and the fine which is appropriate to the value in question, and a hand shall be struck off which committed the theft.¹⁷¹

¹⁶⁷ Wihtræd, 12-13. Other early laws that demanded the physical chastisement of slaves are Ine, 3-3:2, 48.

¹⁶⁸ See Pelteret, *Slavery in Early Medieval England*, p. 244 where he comments that: ‘Thus the characteristic punishment of a slave was a lashing because he did not have the wherewithal to compound for a crime’.

¹⁶⁹ Alfred, 25-25:1.

¹⁷⁰ Ine, 18 (and repeated in Ine, 37). See O’Brien O’Keeffe, ‘Body and law in late Anglo-Saxon England’, 215.

¹⁷¹ Alfred, 6.

Here we can observe that Alfred continued to employ the traditional system of *bót* and *wite* but in addition to this he ordered that the hand of the thief should be cut off, although he later stated that his could be redeemed through the payment of an additional fine.¹⁷² Katherine O'Brien O'Keeffe has commented on the condign nature of this punishment – a thief stole with his hands, so it was a hand that he was to lose for his crime.¹⁷³ In another of his laws Alfred again used condign punishment, this time for slander:

If anyone utters a public slander, and it is proved against him, he shall make amends on no lighter terms than the excision of his tongue, [with the provision that] it shall not be ransomed at a cheaper price than [its value], estimated according to the [man's] wergeld.¹⁷⁴

Æthelstan also made use of condign punishment in his legislation; a moneyer who issued coins in an unofficial mint (in effect, counterfeiting) was to have his hand 'cut off with which he committed the crime' and, in a macabre twist, the hand was to be 'fastened up on the mint.'¹⁷⁵ Cnut also ordered that moneyers who produced counterfeit coins should 'forfeit the hand with which he made the false money', but he added to this that if this crime had been committed with the knowledge and acquiescence of the local reeve he too should suffer the same fate.¹⁷⁶ During Cnut's reign there was a widening of the range of offences that could incur mutilation; a woman who committed adultery

¹⁷² Alfred, 6:1.

¹⁷³ O'Brien O'Keeffe, 'Body and the law in late Anglo-Saxon England', 215.

¹⁷⁴ Alfred, 32. See also III Edgar, 4 which reads: 'And if anyone seeks to accuse another man falsely, so that he is injured either in property or in reputation, and if the second man can refute the charge which the first has sought to bring against him, the first shall forfeit his tongue, unless he redeem himself with his wergeld.' See Whitelock, 'Wulfstan *Cantor* and Anglo-Saxon law', p. 85 where she remarked on the similarities between this law of Edgar's and that of Alfred.

¹⁷⁵ II Æthelstan, 14:1.

¹⁷⁶ II Cnut, 8:1-8:2.

thereby bringing ‘disgrace upon herself, and her lawful husband’ was to lose both her nose and her ears. Even more vehemently, the king ordered that a ‘thoroughly untrustworthy man’ who was convicted of two separate offences should have his hands and/or feet cut off and for a more serious crime:

...he shall have his eyes put out and his nose and ears and upper lip cut off or his scalp removed, whichever of these penalties is desired or determined upon by those with whom rests the decision of the case; and thus punishment shall be inflicted, while, at the same time, the soul is preserved from injury.¹⁷⁷

In her article about judicial mutilations of the body in late Anglo-Saxon England, O’Brien O’Keeffe weaved a sophisticated and attractive argument about the implications of this development for those who committed offences in the tenth and early-eleventh centuries.¹⁷⁸ Aside from the obvious physical difficulties that the loss of hand or tongue would cause, she suggests that the mutilations acted as a permanent declaration of their transgressions, with observers able to ‘read’ the bodies of criminals as a text. Æthelstan’s stipulation that the removed hand of a counterfeiter should be fastened to the door of his illegal mint must have had a similar objective; it would not, of course, have left an enduring reminder of the man’s illegal activities in the same way as the loss of his hand, but it did announce to all those who saw it that a crime had been committed on the premises and the offender punished accordingly.

¹⁷⁷ II Cnut, 30:4-5. For discussion of this clause, see O’Brien O’Keeffe, ‘Body and the law in late Anglo-Saxon England’, 225-6; Whitelock, ‘Wulfstan *Cantor* and Anglo-Saxon law’, p. 86; Wormald, *Making of English Law*, I:127. A ‘thoroughly untrustworthy man’ was one who had been accused of many offences, but the punishment stipulated here only applied if he was convicted for two charges.

¹⁷⁸ O’Brien O’Keeffe, ‘Body and the law in late Anglo-Saxon England’.

Cnut's ruling on the mutilation of 'thoroughly untrustworthy men' leads us now to the final section of this chapter which examines the evidence relating to judicial execution: the ultimate weapon in a law-maker's arsenal of punishments. It is probable (although not certain) that most of those subjected to such extensive mutilations demanded by Cnut would have died. The king, however, shrank from a categorical statement of execution and a clause in the so-called 'Edward-Guthrum Treaty' (a text probably to be dated to Cnut's time or that of his predecessor, Æthelred)¹⁷⁹ anticipates that some criminals could, in fact, have survived such devastating bodily injuries:

If a criminal who has been mutilated and maimed is abandoned, and three days later he is still alive, after this time [has elapsed] he who wishes to have regard to his wounds and his soul may help him with the permission of the bishop.¹⁸⁰

If we read this together with Cnut's law quoted above about 'thoroughly untrustworthy men' we can begin to understand why Cnut shied away from an explicit statement of execution for such criminals; the king hoped that any individuals who survived their brutal punishment would adopt more law-abiding lifestyles and atone for their previous crimes: 'thus punishment shall be inflicted, while, at the same time, the soul is preserved from injury.'¹⁸¹ Although in this instance Cnut afforded 'thoroughly untrustworthy men' an (albeit slim) possibility of escaping death, other offenders were

¹⁷⁹ Dorothy Whitelock demonstrated that the so-called 'Edward-Guthrum Treaty' should, in fact, be associated with Archbishop Wulfstan who we know played a key role in the legislation that was issued in the names of both Æthelred and Cnut: 'Wulfstan and the so-called laws of Edward and Guthrum'; Whitelock, 'Archbishop Wulfstan, homilist and statesman', 29-30.

¹⁸⁰ 'Edward-Guthrum Treaty', 10.

¹⁸¹ II Cnut, 30:5. Once again, here we must be observing the direct influence of Wulfstan. Both Dorothy Whitelock and Katherine O'Brien O'Keefe have noted that the Archbishop annotated excerpts from a collection of Latin canons (probably continental) contained within London, British Library, Cotton Nero A. i in which it is stated that criminals should not be condemned to death immediately but should be punished by other means first so that they had time to repent their actions. See *EHD*, no. 44, p. 443, note 1 and O'Brien O'Keefe, 'Body and law in late Anglo-Saxon England', 216 and note 29. See also, Wormald, *Making of English Law*, I:126-7.

not, however, offered such an opportunity. Once again, theft rears its head in our discussion here as the offence for which law-makers most frequently demanded the death penalty. In the early Anglo-Saxon period this is seen most clearly in the near-contemporary law-codes of Wihtræd and Ine where we find the earliest reference to the death penalty for thieves 'caught in the act', but, significantly, both kings offered thieves channels through which they could exculpate themselves from execution – Ine through the payment of the thief's wergeld and Wihtræd by appeals to the king's mercy.¹⁸² Wihtræd's law on the issue states:

If anyone catches a freeman in the act of stealing, the king shall decide which of the following three courses shall be adopted – whether he be put or death, or sold beyond the sea, or held to ransom for his wergeld.¹⁸³

The involvement of the king in determining punishment for thieves brings to mind the case already discussed of Helmstan, who was outlawed during the reign of Edward for numerous crimes. Edward himself did not specify that thieves should be executed, nor did his father, Alfred, who preferred instead to punish such an offence with fines or, in the case of those who stole from a church, mutilation.¹⁸⁴ We do know, however, that both kings were personally involved in Helmstan's case; Helmstan's godfather interceded with Alfred on behalf of his godson after his first offence and Edward passed the sentence of outlawry. Perhaps this intercession saved Helmstan from the death penalty and Edward chose instead to punish Helmstan's repeated disobedience with outlawry.

¹⁸² Ine, 12; Wihtræd, 26.

¹⁸³ Wihtræd, 26.

¹⁸⁴ Alfred, 6, 9:2, 16.

If Helmstan had committed his crimes a few decades later during the reign of Æthelstan he would have stood a greater chance of being executed. We established above that Æthelstan was a king who was particularly concerned about theft during his reign and it is in his legislation that we find the most vehement advocacy of the use of the death penalty for stealing. In his Grately code (II Æthelstan) the king twice ordered that all thieves over the ages of twelve who stole goods worth more than eight pence should be killed.¹⁸⁵ And in a later code Æthelstan gave detailed instructions about how these executions were to be carried out:

And if there is a thief who has committed theft since the Council was held at Thundersfield, and is still engaged in thieving, *he shall in no way be judged worthy of life*, neither by claiming the right of protection nor by making monetary payment, if the charge is truly substantiated against him – whether it is a freeman or a slave, or a noble or a commoner, or, if it is a woman, whether she is a mistress or a maid – whosoever it may be...¹⁸⁶

The king continued:

In the case of a free woman, she shall be thrown from a cliff or drowned...In the case of a male slave, sixty and twenty slaves shall go and stone him. And if any of them fails three time to hit him, he shall himself be scourged three times...In the case of a female slave who commits an act of theft anywhere except against her master or mistress, sixty and twenty female slaves shall go and bring three logs each and burn that one slave...¹⁸⁷

¹⁸⁵ II Æthelstan, 1, 20:3.

¹⁸⁶ IV Æthelstan, 6.

¹⁸⁷ IV Æthelstan, 6:4-7.

Later tenth-century law-makers also decreed that thieves should face the death penalty, but none strike quite the same aggressive and somewhat sinister tone of Æthelstan's law.¹⁸⁸ Slaves involved in the execution of a fellow male slave would probably have known the convicted man personally, which may explain why the king reinforced his ruling through the threat of a scourging for those who failed to aim true three times. By making slaves participate in and witness this act the king must have hoped to warn them of the dire consequences they faced should any of them also engage in thievery.

Embedded in the text of a charter dating from the 960s are details of an execution carried out in the 940s, a case which merits closer study.¹⁸⁹ Having given so much attention to the increasing hostility of tenth-century law-makers to theft, it is refreshing to find anecdotal evidence not for the execution of a thief, but of an unnamed widow for an act of sorcery. Witchcraft was another offence for which tenth-century law-makers decreed the death penalty; a law of Æthelstan, for example, states that 'we have declared with regard to witchcrafts and sorceries and deadly spells, if death is occasioned thereby, and [the accused] cannot deny it [the charge], that he shall forfeit his life' and both Æthelred and Cnut ordered that such individuals should be 'utterly destroyed' if they refused to desist from their wrongdoing.¹⁹⁰ Our 'witch' was a widow from Ailsworth, Northamptonshire, who along with her son forfeited their lands because 'they drove an iron pin into [an image of] Ælfsige, Wulfstan's father, and it was

¹⁸⁸ See, for example, III Edmund, 4; III Edgar, 7:3; IV Edgar, 11; I Æthelred, 6; III Æthelred, 4:1.

¹⁸⁹ S 1377 (963 x 975) and Wormald, 'Handlist of Anglo-Saxon lawsuits', no. 43; ed. and trans. A. J. Robertson, *Anglo-Saxon Charters* (Cambridge, 1939), no. 37, pp. 68-9. This charter records the exchange of lands between Bishop Æthelwold of Winchester (963-84) and Wulfstan Ucea. But the execution of the widow must have taken place in or before 948 as it was in that year that King Eadred gave the estate at Ailsworth to Ælfsige. See A. Davies, 'Witches in Anglo-Saxon England. Five case histories', in *Superstition and Popular Medicine in Anglo-Saxon England*, ed. D. G. Scragg (Manchester, 1989), pp. 41-56 at p. 49.

¹⁹⁰ II Æthelstan, 6; VI Æthelred, 7; II Cnut, 4a.

discovered, and the deadly image was dragged out of her chamber.’¹⁹¹ As a punishment, the woman was taken to London Bridge and drowned and her son, presumably to avoid the same fate, fled and was outlawed.¹⁹² The execution of the ‘Ailsworth witch’ contravenes the decree of Æthelstan which demanded execution only for those who affected death through their witchcraft; Ælfsige clearly survived the attempt on his life as he was awarded possession of Ailsworth by King Eadred (946-55) in 948.¹⁹³ The essentials of the case do, however, connect with the legislation: this was witchcraft of murderous intent. So, whilst we are here reminded of the fragility of our knowledge about the implementation of Anglo-Saxon legislation, we do, at least have evidence of the (somewhat over-zealous) application of the spirit of the law.

Let us conclude this chapter with some, necessarily brief, words about execution cemeteries. Analysis of the development of such sites in Anglo-Saxon England is complex and evidence for early executions in particular is both difficult to identify and to understand. Thorough investigations by Andrew Reynolds have however, suggested that the ways in which Anglo-Saxons chose to bury execution victims changed in line with wider social pressures and concerns during the course of our period.¹⁹⁴

Decapitations provide the securest evidence for execution in the archaeological record and Reynolds has identified forty five examples of beheadings from the pre-Christian

¹⁹¹ Robertson, *Anglo-Saxon Charters*, no. 37, lines 8-9. For this type of witchcraft (*invultuacio* or ‘pin-sticking’), see Davies, ‘Witches in Anglo-Saxon England’, p. 50.

¹⁹² Davies, ‘Witches in Anglo-Saxon England’, 51 suggests that London Bridge was not the bridge across the Thames in London which was one hundred and thirty kilometres from Ailsworth, but rather a bridge in proximity to Ermine Street which linked Lincoln to London and ran near to the estate at Ailsworth.

¹⁹³ S 533. The charter is printed in K where it is number 423.

¹⁹⁴ See his ‘Anglo-Saxon law in the landscape’ and his ‘The definition and ideology of Anglo-Saxon execution sites and cemeteries’, in *Death and Burial in Medieval Europe*, ed. G. de Boe and F. Verhaeghe, Papers of the Medieval Europe Brugge 1997 Conference, Volume 2 (1997), 33-41.

period.¹⁹⁵ At Alfriston, Sussex, for example, the skull is missing from the remains of a fifth-century male buried in grave 26.¹⁹⁶ What is significant about the burial of fifth- and sixth-century execution victims is that they were interred in community cemeteries in amongst burials that show no unusual characteristics.¹⁹⁷ After the arrival of Christianity and the Anglo-Saxon conversion, however, burial practices changed and execution victims began to be buried in locations removed from the cemeteries that served the rest of the community. Increasingly, we can observe evidence in the archaeological record for distinct judicial execution cemeteries which served both as the sites of execution and burial-grounds for those wrongdoers who had been subjected to such a punishment. Twenty such sites have been excavated and at four of these post holes have been found which indicate that at these locations at least, gallows were present for the execution of offenders by hanging.¹⁹⁸ Of these twenty sites, almost all that can be securely dated are no earlier than eighth century in date, with the exception of the seventh-century execution cemetery at Sutton Hoo.¹⁹⁹ Overwhelmingly, the archaeological evidence indicates that it was in the tenth century that the use of execution cemeteries became widespread, a development which Reynolds has astutely associated with what he calls the 'highly organised judicial system' that emerged in the late Anglo-Saxon period.²⁰⁰ Indeed, our own investigations above have revealed that it was tenth-century law-makers who began in earnest to stipulate that the death penalty

¹⁹⁵ Reynolds, 'Anglo-Saxon law in the landscape', 100-2.

¹⁹⁶ Reynolds, 'Definition and ideology of Anglo-Saxon execution sites and cemeteries', 35.

¹⁹⁷ A. Reynolds, 'Sutton Hoo and the archaeology of execution', *Saxon* 27 (1997), 1-3 at 2.

¹⁹⁸ Reynolds, 'Anglo-Saxon law in the landscape', pp. 116-178. The four sites that probably contained gallows are: Stockbridge Down, Hampshire; South Acre, Norfolk; Sutton Hoo, Suffolk; Ashted, Surrey.

¹⁹⁹ *Ibid*, pp. 245-50.

²⁰⁰ *Ibid*, pp. 247.

(as well as bodily mutilations) should be employed as a form of punishment for some crimes instead of the traditional system of *wite* payments. What is still more significant about these tenth-century sites is their physical positioning within the landscape: ninety percent of recognised execution cemeteries are located on the boundaries of Hundreds.²⁰¹ As we have seen above, the Hundred was a system of judicial administration that divided the landscape into manageable units, each with its own body of men to oversee the dispensation of justice in their district.²⁰² The location of execution sites on the boundaries of these territorial divisions made a strong statement: those who were put to death had committed the most serious and intolerable of crimes and, accordingly, at their deaths they were condemned to execution and burial at the far limits of the district in which they had been brought to justice.

Conclusion

In this chapter we have worked our way through the many complexities and technicalities of Anglo-Saxon law in order to ascertain what they can reveal about attitudes towards the deviant in early medieval England. We began by establishing a sense of what constituted deviant behaviour in the eyes of law-makers and observed how they used the law in attempts to protect both the 'state' and the church from activities

²⁰¹ *Ibid*, pp. 179-244; A. Reynolds, 'Burials, boundaries and charters in Anglo-Saxon England: a reassessment', in *Burial in Early Medieval England and Wales*, ed. S. Lucy and A. Reynolds (London, 2002), pp. 171-94; S. Semple, 'A fear of the past: the place of the prehistoric burial mound in the ideology of middle and later Anglo-Saxon England', *World Archaeology* 30 (1998), 109-26 at 113.

²⁰² I Edgar (or the 'Hundred Ordinance') contains the best expression of arrangements for the management of the Hundred. Edgar ordered that every Hundred should meet once a month to dispense justice to those under their jurisdiction.

that they considered harmful. More specifically, we traced the rise in the association of theft with disloyalty and noted how Æthelstan's laws reveal that he was a king who was particularly determined to eradicate the social instability that was caused by widespread thievery. We also observed, however, that law-makers used their laws in attempts to protect the church's interests and that, once again, it is in tenth-century legislation that we find the most aggressive measures designed not only to protect the church's financial assets but also to eradicate the polluting effects of superstitious religious practices.

It was also in the tenth century that legislators began to make the most dramatic changes to the workings of the Anglo-Saxon justice system. Before this time, *bót*, *wíte*, wergeld and the blood-feud had been the staple systems for the restitution of social harmony following an offence. However, as the territory for which kings made their laws expanded, they issued ever more invasive legislation that aimed to concentrate control over the ways in which offenders were brought to justice into the hands of royal representatives such as reeves or those of the men of the Hundreds. Alfred began a programme designed to restrict the intensity of blood-feuds, a process that was continued with more vigour by his great-grandson Edmund who encouraged the parties involved in a vendetta to reach agreement under the direction of an 'advocate' (*forspeca*). Towards the end of the tenth century and the beginning of the next, both Kings Æthelred and Cnut made the most striking alterations to the workings of Anglo-Saxon justice by rendering some offences *bótléas* or 'unamendable'. Under Cnut, murderers, arsonists, thieves and traitors were denied any hope of compounding for their crimes by payment of monetary compensation.

The introduction of the category of *bótléas* crime into the laws of Æthelred and Cnut marks the climax of a process that had been gathering pace throughout the tenth century. Increasingly law-makers turned to corporal punishment and, for the most serious of crimes, execution as a means through which they could penalise offenders for their actions. Under Alfred, thieves who stole from a church and slanderers were uppermost on the list of those who were to be condemned to mutilation, but in the tenth century this type of punishment was extended to include counterfeiters, adulteresses and ‘thoroughly untrustworthy men’. There were some crimes, however, for which no punishment other than death was sufficient. Surviving tenth-century legislation, taken together with the simultaneous growth in the use of sites of execution, indicates that the authorities had become increasingly intolerant of transgressors of their laws, particularly those who engaged in theft. Accordingly, they declared that these offenders should pay for their crimes with no less than their lives.

Chapter Four

Slaves: the Legally ‘Unfree’

At the end of the tenth century, Ælfric of Eynsham produced a grammatical textbook designed to instruct his young, ignorant students in the rudiments of Latin. Here the abbot explored the possessive pronoun through an examination of the condition of slavery:

Meus servus min þeowa, *mei servi* mines þeowan, *meo servo* minum þeowan, *meum servum flagello* mine þeowan ic swinge; *o mi serve, ara bene* eala min þeowa, era wel; *a meo servo monitus sum* fram minum þeowan ic eom gemyngod; *ET PLURALITER mei servi laborant* mine þeowan swincad, *meorum servorum labor* minra þeowna geswinc, *meis servis cibos do* minum þeowum ic sylle mettas, *meos servos diligo* mine þeowan ic lufige, *a meis servis ditatus sum* fram minum þeowum ic eom gewelgod.¹

Ælfric’s exemplar is illuminating; even the basic building block of this educational exercise – the declining of ‘my slave’ in Latin and then Old English from nominative singular to dative plural – provides us with an insight into the nature of slavery through its repeated emphasis on a slave’s defining characteristic: that of his possession by another individual. It also tells us about the practicalities of this relationship between an owner and his slave. The encouragement to plough or work well which could be

¹ Ælfric, *Grammar*, 100:10-20, ed. J. Zupitza, *Ælfric’s Grammatik und Glossar* (Berlin, 1966, 2nd edition).

reinforced through physical chastisement is perhaps the element which is most immediately striking, but this extract also comments on more congenial aspects of the bond between master and slave – the affection of a master for his slaves and the fact that he was enriched by them is accompanied by a statement that a master would provide food for his slaves. Both master and slave benefited from their association with one another; their relationship was thus symbiotic but fundamentally unequal. In this chapter, we shall explore the master-slave relationship as a way of shedding light on the condition of slavery in Anglo-Saxon England. Most importantly, the following discussion will assess slaves' status as the legally 'unfree' through an examination of slavery in the extant law-codes. As the legally-owned property of another individual, nominally a slave had little control over his own actions, movement and destiny. He was excluded from the wergeld system that characterised Anglo-Saxon England's justice system and so did not have access to legal recourse and compensation if he was injured in any way. He did, however, have a monetary value that could be claimed by his master in the event of his death. Slaves made up a sizeable proportion of the population of Anglo-Saxon society (Domesday Book suggests as much as ten percent of the population in 1086)² and they were an integral part of Anglo-Saxon society, yet they were excluded from basic privileges enjoyed by free Anglo-Saxons. Here we shall address this paradox.

² D. A. E. Pelteret, 'Slavery in Anglo-Saxon England', in *The Anglo-Saxons: Synthesis and Achievement*, ed. J. D. Woods and D. A. E. Pelteret (Ontario, 1985), pp. 117-133 at p. 122.

Medieval slavery: the debate so far

Anglo-Saxon slaves and slavery attracted surprisingly limited attention from scholars until the 1990s and the historiography still remains far from extensive. Before the publication of David Pelteret's *Slavery in Early Mediaeval England*,³ the longest discussion in print was that by John Mitchell Kemble, first published in 1849; Sir Frank Stenton made only four references to slaves in his *Anglo-Saxon England*.⁴ There is, however, a wider body of historiography which addresses medieval slavery and the concept of slavery *per se* and it is this which will shape the discussion that follows, although special attention will be paid to any relevant publications within the specific field of Anglo-Saxon studies. As in all historiographical spheres, the study of medieval slavery has moved through numerous phases of interpretation.⁵ David Wyatt observed that the authors of the earliest works in this historiography often attempted to sanitise the condition of slavery or excuse its existence, thereby revealing their own preconceptions of the condition itself.⁶ However, from the mid-twentieth century, two

³ D. A. E. Pelteret, *Slavery in Early Medieval England* (Woodbridge, 1995). Pelteret still remains the most prolifically published writer on the subject. See also his 'Slave raiding and slave trading in early England', *Anglo-Saxon England* 9 (1980), 99-114; 'Slavery in Anglo-Saxon England'; 'Two Old English lists of serfs', *Mediaeval Studies* 48 (1986), 470-513; 'Slavery in the Danelaw', in *Social Approaches to Viking Studies*, ed. R. Samson (Glasgow, 1991), pp. 179-188.

⁴ F. M. Stenton, *Anglo-Saxon England* (Oxford, 1947, 2nd edition), pp. 310, 469, 472, 507. J. M. Kemble, *The Saxons in England* (London, 1849, 2 vols.; new ed. rev. by W. de G. Birch, 1876), I:185-227. H. Loyn wrote on a wide range of issues connected to slavery which can be found in his collected papers *Society and Peoples: Studies in the History of England and Wales, c. 600-1200* (Turnhout, 1992) especially at pp. 268-277 and 280-298; see also his *Anglo-Saxon England and the Norman Conquest* (London, 1962), pp. 86-9 and 96; D. Whitelock included a short section on slavery in her analysis of 'the classes of society' in her *The Beginnings of English Society* (Harmondsworth, 1952), pp. 108-114.

⁵ D. Wyatt, 'The significance of slavery: alternative approaches to Anglo-Saxon slavery', *Anglo-Norman Studies* 23 (2001), 327-47 surveys the history of slave studies in an article that moves beyond the geographical parameters that its title suggests.

⁶ Wyatt, 'Significance of slavery', 328-330.

models of slavery have dominated the historiography and these are still influential today although, as we will see below, they are now held to be less comprehensive than they once were. The first is the economic model of slavery which prioritises the idea of slavery as a 'mode of production', seeks to explain the demise of slavery and the rise of serfdom and highlights the subjection and exploitation of labourers by masters or lords. Economic factors were central to Paul Vinogradoff's exploration of the decline of slavery in his *The Growth of the Manor* first published in 1904,⁷ but found greater expression in the work of Marc Bloch who, in his examination of the end of 'ancient slavery', argued that:

...very clear signs indicate that after the ninth century slavery was far from holding a place in European society comparable to that which it previously had held. To understand and weigh these signs of decline, we must first trace the changes undergone by the economic implementation of servile manpower after the end of the Roman era.⁸

Scholarship that employs the economic model has been criticised for its tendency to wrap medieval slavery within a teleology that seeks to understand the transition from

⁷ P. Vinogradoff, *The Growth of the Manor* (London, 1911, 2nd edition), see especially pp. 332-365.

⁸ M. Bloch, *Slavery and Serfdom in the Middle Ages: Selected Essays by Marc Bloch* trans. W. R. Beer (Berkeley, 1975), p. 3. This is a collection of Bloch's papers and this extract is taken from the first paper entitled 'How and why ancient slavery came to an end'. P. Anderson, *Passages from Antiquity to Feudalism* (London, 1974), particularly pp. 18-28 and 147-153, offers a equally traditional economic approach to slavery and, as the title suggests, aims to trace the 'slave mode of production' in Antiquity through to the 'feudal mode of production' i.e. serfdom. See also C. Verlinden, *L'esclavage dans l'Europe médiévale* (Bruges and Ghent, 1955 and 1977, 2 vols.) which addresses both the economic and legal aspects of slavery within a wide temporal and geographical area. For a rather unfavourable survey of Verlinden's two-volume work, see P. Bonnassie, 'Survie et extinction des régimes esclavagiste dans l'Occident du haut moyen âge (IV^e-XI^e siècles)', *Cahiers de civilisation médiévale. X^e-XII^e siècles* 28 (1985), 307-43; there is an modern English translation of this article in Bonnassie's *From Slavery to Feudalism in South-Western Europe* trans. J. Birrell (Cambridge, 1991), pp. 1-59.

slavery to serfdom thereby distorting our understanding of the institution itself.⁹ Pierre Bonnassie even extended the chronology of the development from slavery to serfdom backwards into Antiquity; he challenged the accepted idea that there had been a break between ‘classical’ slavery and that which emerged after the barbarian invasions of the fifth century, although his assertion has found few adherents.¹⁰

The second model of slavery which pervades the historiography is rooted within legalistic definitions of the condition. In contrast to the economic model favoured by Marxist scholars which stresses the significance of the work performed by slaves, this definition promotes the legal constraints that characterised a slave’s status as the ‘unfree’. Both models, however, underline the lack of freedom slaves possessed – the former through slaves’ ties to the land and the latter through their lack of legal protection or recognition. Once again, it was in the mid-twentieth century that the legalistic definition of slavery took hold but earlier expressions of this idea do exist. For example, in 1908 William Buckland remarked that ‘modern writers’ had determined that the distinguishing feature of a Roman slave was ‘a man without rights, i.e. without

⁹ Wyatt, ‘Significance of slavery’, 345, attacks these ‘modern economic rationales’ and suggests that they ‘uphold capitalist values and emphasise the progressive civilisation of the west’ and that they ‘have perpetuated the focus of scholarship upon the demise of slavery and distorted our view of the medieval institution’. C. Wickham, *Framing the Early Middle Ages. Europe and the Mediterranean, 400-800* (Oxford, 2005), p. 563 identifies concern for the development of serfdom as a ‘cliché’ of medieval historiography; an earlier work by Wickham, ‘The other transition: from the ancient world to feudalism’, *Past and Present* 103 (1984), 3-36, offers a critical analysis of existing Marxist historiography on the economic changes of the late Roman Empire and, whilst he still maintains the importance of economic structures for understanding change, he proposes that the path of the ‘modes of production’ (which, of course, includes slavery) was more fluid, flexible and interwoven than that suggested in earlier Marxist works.

¹⁰ Bonnassie, *From Slavery to Feudalism*, p. 52 states that ‘...ancient slavery did not disappear with Antiquity; far from it. The slave regime was constituted more solidly than ever by the barbarian monarchies’. For a more detailed discussion of the work of Bonnassie, see A. Rio, ‘Freedom and unfreedom in early medieval Francia: the evidence of the legal formulae’, *Past and Present* 193 (2006), 7-40 at 9-10 and note 9. For an overtly Marxist approach to slavery in Antiquity, see G. E. M. De Ste. Croix, *The Class Struggle in the Ancient Greek World from the Archaic Age to the Arab Conquests* (London, 1981).

the power of setting the law in motion for his own protection'.¹¹ From the 1950s, Joseph Vogt led the school of thought based at the *Mainzer Akademie der Wissenschaften und der Literatur* that promoted the legalistic definition of slavery,¹² although this restricted definition now has few supporters outside Germany.¹³

Not all twentieth-century scholarship on slavery employed the two dominant models of economic and legalistic definitions of slavery, however; towards the end of the century, interest in understanding slavery as a cultural construction increased. In the 1960s and 70s, Moses I. Finley published work which emphasised the social consequences of slaves' status and suggested a 'continuum or spectrum' of statuses that included slave and freemen but had many other social ranks in between.¹⁴ Orlando Patterson drew on Finley's ideas to produce his important and wide-ranging work *Slavery and Social Death* which, as the title suggests, argues that slavery renders an individual socially dead: 'All slaves experienced, at the very least, a secular excommunication'.¹⁵ A similar approach has been taken by Ruth Mazo Karras who, in her study of slavery in twelfth to fourteenth century Scandinavia, has highlighted the cultural significance of slavery. She has offered a four-point definition of medieval

¹¹ W. W. Buckland, *The Roman Law of Slavery. The Condition of the Slave in Private Law from Augustus to Justinian* (Cambridge, 1908), p. 2. Buckland himself was not entirely convinced by the opinion of 'modern writers' as he held the position of 'slave' in the Roman Empire to be more complex and dynamic. However, as the title of his book suggests, he was still concerned to examine slavery almost entirely through the extant legal material.

¹² See the review of the project at Mainz by T. E. J. Wiedemann, 'Fifty years of research on ancient slavery: the Mainz Academy project', *Slavery and Abolition* 21 (2000), 152-8.

¹³ Rio, 'Freedom and unfreedom', 10-11.

¹⁴ Finley devised a typology of rights and duties to help determine social status: 'Between slavery and freedom', *Comparative Studies in Society and History* 6:3 (1964), 233-249 at 247-8. There is a shortened version of this typology in 'The servile statuses of ancient Greece', *Revue internationale des droits de l'antiquité* 3rd series, 7 (1960), 165-89 at 188. See also a published collection of four lectures that Finley gave at the Collège de France in 1978 in *Ancient Slavery and Modern Ideology* (New York, 1980).

¹⁵ O. Patterson, *Slavery and Social Death. A Comparative Study* (Cambridge, MA, and London, 1982), p. 5.

slavery that includes slaves' lack of rights, their alterity, their ownership by a master and their low social status.¹⁶ Also central to Karras's argument are the subtleties of the distinction between 'freedom' and 'unfreedom'; like Finley, she has advocated a 'spectrum of personal statuses' rather than a straightforward slave-free dichotomy.¹⁷ Current discussions of slavery are now often located within these conceptual frameworks of freedom and 'unfreedom' and have attempted to move away from older models that addressed slavery either within the *longue durée* of the rise of serfdom or as an intrinsically legal condition. These works have made valuable observations about how we should define slavery and, more importantly, have emphasised the need to consider the reality of the slave experience. That is not to say that the economic and legalistic models have been abandoned *in toto* – far from it – but the traditional versions of these models are now held to be too simplistic to provide a comprehensive understanding of slavery. Indeed, Chris Wickham has continued to emphasise the usefulness of both the legal and economic models of slavery whilst at the same time advising care when allocating types of people to the category of 'slave'.¹⁸ Others, however, have been less keen to utilise the traditional models of slavery. In his introduction to a collection of papers on slavery, Michael Bush commented that:

Both serfdom and slavery were defined by law. As such, they are regarded as forms of extra-economic coercion. But what does that reveal about their true

¹⁶ R. M. Karras, *Slavery and Society in Medieval Scandinavia* (New Haven and London, 1988), p. 11.

¹⁷ *Ibid*, p. 38. See also, pp. 156-60.

¹⁸ Wickham, *Framing the Early Middle Ages*, pp. 261-2, 558-66. See also Wickham's earlier work, *Land and Power. Studies in Italian and European Social History, 400-1200* (London, 1994), pp. 84-9.

nature? This is the vital question that the book seeks to answer. The conclusion is: very little.¹⁹

Articles in Bush's edited volume are wide-ranging in time and space (and include papers on the medieval period), but, as Bush himself states, they are brought together by the fact that each attempts to offer new perspectives on slavery and the ways in which slavery is defined.

Academic attention now focuses on a spectrum of freedom and an individual's movement through this spectrum rather than on the determination of the boundary between enslavement and freedom: 'In practice...servitude and freedom did not constitute polar opposites. Rather, they formed the ends of a spectrum'.²⁰ Addressing slavery in relation to the freedom spectrum encourages wider exploration and greater flexibility in understanding of the condition, but, ironically, this has resulted in the obscuration of a concrete definition of what it was to be a slave – for there clearly was (and is) a difference between the status of freeman and that of slave however much academic attention is currently preoccupied by the 'infinite gradations' of society.²¹

This new movement has also brought with it its own lexicon. It is becoming fashionable to write of 'unfreedom' which, again, adds flexibility to understanding but diverts attention away from the creation of a workable model of slavery. 'Unfreedom' may

¹⁹ M. Bush, 'Introduction', in *Serfdom and Slavery. Studies in Legal Bondage*, ed. M. L. Bush (London and New York, 1996), pp. 1-17 at p. 1.

²⁰ J. M. H. Smith, *Europe After Rome. A New Cultural History 500-1000* (Oxford, 2005), p. 153.

²¹ S. Reynolds, *Fiefs and Vassals. The Medieval Evidence Reinterpreted* (Oxford, 1994), pp. 39-40 has stated that: 'Medieval society in most areas and at most times looks like one of infinite gradations or layers rather than one of wide social gulfs...the layers of society were more like those of a trifle than a cake: its layers were blurred, and the sherry of accepted values soaked through. Similes and metaphors are dangerous because they are not falsifiable. This one is simply meant to illustrate and emphasize the point that the boundaries between nobles and peasants, or between free and 'unfree', were less clear than most discussions of fiefs and vassals imply'.

appear to be a less loaded term than 'slavery', but for it to be useful it should be used with a definite purpose in situations when lack of freedom is meant more broadly; simply using 'unfreedom' as a synonym for 'slavery' adds little to the debate.²² Thus, whilst the most recent scholarship has been successful in highlighting a need to widen our understanding of concepts such as freedom, servitude and 'unfreedom', historians have yet to offer a satisfactory replacement for the traditional models of slavery which they regard as inappropriate for the medieval period. In the discussion that follows, aspects of Anglo-Saxon slavery will be explored in an attempt to offer a new understanding of the condition. As we shall see, traditional legalistic and economic definitions of slavery still have an important role to play in our understanding of slavery. The former model in particular will feature heavily in the following discussion as it is through the examination of the legal status of the Anglo-Saxon slave that we are able to come closest to determining what made a slave a 'slave'. More significantly, however, this chapter will highlight the simple but important fact that, not only were the distinct characteristics of a slave multi-faceted, but that the prominence of each aspect of his identity could change depending on the circumstances in which he appeared.

²² See Rio, 'Freedom and unfreedom', 8 where she uses 'unfreedom' and slavery interchangeably in an otherwise excellent article: 'I focus in this article on unfreedom and the question of the transition from slavery to serfdom: that is, the transition from a state of unfreedom in which persons were treated as objects, bought and sold with no legal rights, and involving only a restricted class of both domestic and rural workers, to a more limited type of subjection to a lord, involving the majority of the rural population'. Chris Wickham, on the other hand, has been careful to distinguish between tenants who were 'unfree in legal terms' but had an economic relationship with their lord that was identical to free tenants and slaves in the slave mode who were 'on the other side of the divide from them': Wickham, *Framing the Early Middle Ages*, pp. 261-262.

The terminology of slavery

Examining the vocabulary of slavery can help us better understand the institution itself.

Developments in slave terminology allow us to access and assess features associated with slavery and to chart the changes in the function and perception of slaves within Anglo-Saxon society. The terminology of servitude (and freedom) used by the Anglo-Saxons is diverse and informative.²³ The standard Old English word for 'slave' is *þeow(a)* which designates unambiguously an individual who was bound to a master.

þeow – which rendered the Latin term *servus* – is the most frequently occurring word for 'slave' in the legal literature and, perhaps on account of its association with such texts, its meaning was stable before it ultimately dropped out of use when the legal category of 'slave' disappeared.²⁴ *þeow* has a large number of derivatives and diminutives which is to be expected given its status as the principal term for 'slave'.

þeowen is its feminine equivalent, *þeowincel*, *þeowelling* both designated 'a young or little slave' and *þeowdom* describes the state of slavery itself.²⁵ The same noun was also used increasingly throughout the Anglo-Saxon period in a metaphorical sense – *Godes*

²³ Pelteret includes a semantic analysis of the Old English terminology of servitude and freedom in his *Slavery*, pp. 41-9 and also provides an exhaustive appendix of 'The Old English Terminology of Servitude and Freedom' on pp. 261-330. The usefulness of Pelteret's appendix for any study of Anglo-Saxon slavery cannot be overstated.

²⁴ Pelteret, *Slavery*, pp. 41-2 and 305; E. S. Girsch, 'Metaphorical usage, sexual exploitation, and divergence in the Old English terminology for male and female slaves', in *The Work of Work: Servitude, Slavery and Labor in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 30-54 at p. 31. The last recorded use of *þeow* was in 1400, apart from its revival in the nineteenth century as an archaism. See Pelteret, *Slavery*, p. 42.

²⁵ Pelteret, *Slavery*, pp. 42, 306-8, 310, 313. Pelteret lists forty other *þeow* derivatives and diminutives in his appendix of 'The Old English Terminology of Servitude and Freedom'.

þeow ('slave of God'), translating the equally standard Latin *servus Dei* – to describe holy persons, notably in the prose work of Ælfric of Eynsham.²⁶

In addition to *þeow*, there are a multiplicity of other terms that Anglo-Saxons used for 'slave' and 'slavery'. These are all instructive; they bolster our understanding of aspects of Anglo-Saxon slavery, many of which would otherwise have been lost to us through the passages of time. Examination of the word *wealh*, for example, can offer insights into the ethnic composition and origins of the slave population of early Anglo-Saxon England.²⁷ Originally a term used for 'a foreigner' or 'a Briton or Celt', *wealh* evolved additional meanings of 'a British or Celtic slave' or, simply, 'a slave'.²⁸ *Wealh* as a status-term rather than an ethnic signifier is found mainly in texts of south-western provenance. In the tenth-century West Saxon translation of Matthew's gospel, for example, the Old English '*weales*' renders the Latin '*servi*'²⁹ and *wealh* is also to be found in King Æthelred's second law-code in a clause that outlawed the harbouring of (presumably runaway) slaves.³⁰ The semantic development of *wealh* – in particular, its evolution from an ethnic label to one of social status – has been used by some to suggest that the Anglo-Saxon migrants of the fifth and sixth centuries enslaved a significant

²⁶ H. Magennis, 'Godes þeow and related expressions in Old English contexts and uses of a traditional literary figure', *Anglia: Zeitschrift für Englische Philologie* 116 (1998), 139-170 offers the fullest examination of the phrase *godes þeow*. Pelteret, *Slavery*, pp. 60-70 discusses the metaphorical use of the vocabulary of slavery, focussing on the homilies of Ælfric.

²⁷ M. L. Faull, 'The semantic development of Old English *wealh*', *Leeds Studies in English* 8 (1975), 20-44 provides a thorough investigation of the various meanings of *wealh*. The entry for *wealh* in appendix I to Pelteret's *Slavery* provides a concise summary of the uses of *wealh*.

²⁸ Faull, 'Semantic development of Old English *wealh*', 26-31 discusses *wealh* as a status term. See also L. M. Alexander, 'The legal status of native Britons in late seventh-century Wessex as reflected by the laws of Ine', *Haskins Society Journal* 7 (1995), 31-38 at 31.

²⁹ Matt 24:50. *The Gospel According to Saint Matthew in Anglo-Saxon, Northumbrian and Old Mercian Versions*, ed. W. W. Skeat (Cambridge, 1887). See Faull, 'Semantic development of Old English *wealh*', 27 for greater discussion of this clause and the use of *wealh* in the West Saxon *Gospel of St Matthew*.

³⁰ II Æthelred, 6:2.

proportion of the indigenous population of Britain.³¹ Other Old English words can give further bearing on the origins of slaves. In addition to *wealh*, *hæftincel* ('a young, male slave') points to war as a source of slaves, the prefix *hæft* – 'a captive' – here meaning 'slave'.³² Slaves could also be 'created' following convictions for transgressions; words connected to slavery which include the word-elements *nid* ('necessity, compulsion') and *wite* ('punishment') indicate that individuals could become slaves as a punishment.³³ A law of Ine, for example, gave directions for the correct punishment of a *witeðeow* ('penal slave') for crimes committed before he was reduced to slavery.³⁴ Others could be born into the institution of slavery. The adjectives *æhtboren*, *þeowboren* and *þeowbyrd* all designate individuals born as slaves and demonstrate that slavery could be a hereditary condition.³⁵ Related compounds such as *þeowcnapa* ('a slave boy'), *þeowetling* ('a little or young slave'), *þeowincel* ('a little/young slave') indicate that some slaves were very young and allude to the inheritability of slavery.³⁶ Still more terms of servitude provide insights into the activities and daily life of slaves. An *æhteswan* was, according to Pelteret, 'a swineherd belonging to the demesne'; a *birele*

³¹ Faull, 'Semantic development of Old English *wealh*', *passim*; Pelteret, *Slavery*, p. 43; Pelteret, 'Slavery in Anglo-Saxon England', pp. 120-1; Whitelock, *Beginnings of English Society*, p. 111. The laws of Ine indicate that free *wealas* (usually translated as 'Welsh') were not valued as highly as the Anglo-Saxon inhabitants of seventh-century Wessex which adds weight to the argument that the incoming Anglo-Saxons subjugated and enslaved a sizeable proportion of the native Celtic population. See Ine, 23:3, 24:2, 32, 33, 46-46:1, 54:2, 74-74:2. Alexander, 'Legal status of native Britons', discusses these laws in more detail and suggests that, although Ine did give *wealas* a rank that was inferior to that of his English subjects, the king did recognise them legally so his 'Welsh' subjects (some of whom were of noble status) must have been important to prosperity of seventh-century Wessex.

³² There is only one instance of this term in the extant written corpus - as a gloss to *empticius* in the Cleopatra Glossary. Pelteret, *Slavery*, pp. 43, 70-74, 289-90, however, argues that, given the evidence for the enslavement of captives taken in war, it is logical to assume that *hæftincel* must echo this practice. Pelteret, *Slavery*, pp. 318-9 also discusses *underþeow* ('a slave subjugated in war') which appears five times in the Alfredian *Orosius*. Pelteret, 'Slave raiding and slave trading in early England' discusses enslavement as a consequence of conquest.

³³ Pelteret, *Slavery*, pp. 301-2 and 328-30 lists *nid* and *wite* compounds.

³⁴ Ine, 48.

³⁵ Pelteret, *Slavery*, pp. 262, 306. The hereditary nature of slavery is discussed by Pelteret, *Slavery*, pp. 103-4 and Wyatt, 'Significance of slavery', 340-1.

³⁶ Pelteret, *Slavery*, pp. 306, 310, 313.

was a 'female serving maid' (possibly a 'cup-bearer'); a *grindende þeowa* was a 'grinding slave' and the noun *esne* could refer to a 'hired workman' or could be used with the sense 'a slave'.³⁷

Examination of the vocabulary of Anglo-Saxon slavery is, then, an important element within any assessment of the institution as a whole. The terminology of slavery is illuminating through its variety but also the specificity of some words. We can gain insights in to the sources of slaves (birth, punishment, capture), the young age of some of the enslaved and the different activities which occupied slaves in their daily lives. *Þeow*, the standard Old English word for 'slave', had fallen out of use by the end of the fourteenth century as the condition of slavery itself disappeared. Another term, *þræl*, survived, however, and is the standard word for 'slave' in the writings of Archbishop Wulfstan. As an import from Old Norse, brought in with the Scandinavian settlements, and because of its restricted metaphorical usage, it endured the transitional period when slavery gave way to serfdom.³⁸ It survived virtually unchanged into the present day as our Modern English 'thrall' and, interestingly, also constitutes an element of the verb 'enthrall' meaning to captivate or hold spellbound, thus retaining a figurative sense of enslavement.³⁹

³⁷ For *æhteswan*, see Pelteret, *Slavery*, p. 262; for *birele*, see Pelteret, *Slavery*, p. 266; *grindende þeowa* is mentioned in the laws of Æthelberht, 11; the various meanings of *esne* are listed and discussed in Pelteret, *Slavery*, pp. 271-274 and Girsch, 'Old English terminology for male and female slaves', pp. 31-2, 39, 43 charts the disappearance of the term from later Old English.

³⁸ Girsch, 'Old English terminology for male and female slaves', pp. 32-3 and Pelteret, *Slavery*, pp. 316-7.

³⁹ See the entry for 'enthrall' in the *Oxford English Dictionary*, www.oed.com [accessed 8/3/07].

Understanding Anglo-Saxon slavery: the bottom rung of the social ladder

In 350 BC, Aristotle wrote that ‘it is clear, then, that some men are by nature free, and others slaves, and that for these latter slavery is both expedient and right’.⁴⁰ Aristotle was, of course, clarifying his position on the form and function of an ideal city-state, but his words resonate for Anglo-Saxon England over a millennium later. Anglo-Saxon society was highly stratified; an individual’s social standing was determined by the recognition of his difference from those above and below him rather than through any sense of similarity with his peers. In the Christian period, religious beliefs informed views about the structure of society. At the pinnacle of the social hierarchy was the king who owed his exalted social position to God, an idea that was clearly expounded in the preface to Werferth’s translation of Gregory’s *Dialogues* which bears King Alfred’s name and explains how the king came to occupy the throne of Wessex: ‘I, Alfred, honoured with the dignity of kingship through Christ’s gift.....to whom God has granted such a lofty station of worldly office...’.⁴¹ With this position came the responsibility to ensure the physical safety and moral health of all those who occupied the lower rungs of the divinely ordained social ladder⁴² – a ladder that was tightly controlled by oaths of fealty.⁴³ A king expected his subjects’ loyalty and support, but he also relied on men to

⁴⁰ Aristotle, *Politics*, I:5, trans. B. Jowett, *Aristotle’s ‘Politics’* (Oxford, 1905), p. 34.

⁴¹ Werferth, *Preface to the Translation of Gregory’s Dialogues*, trans. S. Keynes and M. Lapidge, *Alfred the Great. Asser’s Life of King Alfred and Other Contemporary Sources* (London, 1983), p. 123.

⁴² For example, Sedulius Scottus, in his *On Christian Rulers* (c. 855), exhorted King Charles the Bald (or Lothar II) to remember that sovereigns occupied a place designated by God and that it was their duty to be the guide and moral head of their subjects: Sedulius Scottus, *Liber de rectoribus Christianis*, ed. S. Hellmann, *Sedulius Scottus* (Munich, 1906), pp. 19-91; trans. P. E. Dutton, *Carolingian Civilization. A Reader* (Ontario, Canada, 1993), pp. 402-412.

⁴³ The importance of oaths of loyalty is highlighted in the law-code of King Alfred who, in the very first chapter of this text, expressed his concern for popular adherence to oaths: ‘In the first place we enjoin you, as a matter of supreme importance that every man shall abide carefully by his oath and pledge’.

perform the different services that society required. Once again, we can observe this in the literature from Alfred's reign in which is contained the earliest English use of the 'Three Orders' idea. This idea maintained that a king required 'men of prayer, men of war and men of work' in order to function successfully.⁴⁴ Slaves, of course, were amongst those who fulfilled the last of these requirements and, just as the king's position was held to be divinely ordained, so too was a slave's tightly bound to God's omnipotence. Some one hundred years after Alfred's death, Ælfric of Eynsham reinforced the king's acceptance of the intrinsic nature of slavery. He explored the position of 'slave' in a number of his works, notably in his homilies in which he asserted that men born of queens would grow up as princes whereas those born of slaves would enter a life of servitude.⁴⁵ Social hierarchy was, then, regarded as natural; it was arranged and controlled by God's will and, as we shall see below in our discussion of manumission, any deliberate alterations to this order required His sanction.

Social status in Anglo-Saxon England can be seen most clearly in the extant law-codes. Most important within these are the statements of wergeld values which

⁴⁴ *King Alfred's Old English Version of Boethius De Consolatione Philosophiae*, ed. W. J. Sedgefield (Oxford, 1899), p. 40; trans. W. J. Sedgefield, *King Alfred's Version of the Consolations of Boethius Done into Modern English, with an Introduction* (Oxford, 1900), p. 41. The development of the Three Orders idea in England is discussed in T. E. Powell, 'The "Three Orders" of society in Anglo-Saxon England', *Anglo-Saxon England* 23 (1994), 103-132 and J. Nelson, 'The political ideas of Alfred of Wessex', in *Kings and Kingship in Medieval Europe*, ed. A. J. Duggan (London, 1993), 125-158 at 141-4. G. Duby, *The Three Orders: Feudal Society Imagined* trans. A. Goldhammer (Chicago, 1980) is the standard work on this subject but focuses on the application of the idea rather than its development.

⁴⁵ Ælfric, *Epiphania Domini*, ed. P. Clemoes, *Ælfric's Catholic Homilies. The First Series: Text* Early English Text Society Supplementary Series 17 (Oxford, 1997), no. 7, lines 133-6; trans. B. Thorpe, *The Homilies of the Anglo-Saxon Church. The First Part Containing the Sermones Catholici or Homilies of Ælfric*, (London, 1844, 2 vols.), I:104-21 at 110-1. Ælfric also explores a slave's relationship with God and remarked that 'as boldly may the slave call God his father as the king. We are all alike before God, unless one excel another in good works': Ælfric, *Feria III. De Dominica Oratione*, ed. P. Clemoes, *Ælfric's Catholic Homilies. The First Series: Text*, Early English Text Society Supplementary Series 17 (Oxford, 1997), no. 19, lines 43-5; trans. B. Thorpe, *The Homilies of the Anglo-Saxon Church. The First Part Containing the Sermones Catholici or Homilies of Ælfric*, (London, 1844, 2 vols.), I:258-75 at 260-1.

informed the levels of monetary compensation (*bót*) and fines (*wíte*) to be paid following the murder or harm of an individual.⁴⁶ Wergelds – literally ‘man prices’ – existed on a sliding scale that was determined by the social ranks that existed within Anglo-Saxon society. King Ine’s law-code, for example, outlines the differing levels of wergeld that existed in seventh-century Wessex and indicates how these could affect levels of compensation:

When a wergeld of 200 shillings has to be paid, a compensation (*manbót*) of 30 shillings shall be paid to the man’s lord; when a wergeld of 600 shillings has to be paid, the compensation shall be 80 shillings; when a wergeld of 1200 shillings has to be paid, the compensation shall be 120 shillings.⁴⁷

Here we see that the wergelds of individuals ranged from 200 to 1200 shillings; Ine, 34:1 suggests that a ‘200 man’ is a *ceorl*, the lowest level of freeman, as this code states that all ranks above this are composed of men of ‘nobler birth’.⁴⁸ Amounts of compensation, then, were determined by an individual’s wergeld which, in turn reflected their social status. Compensation for murder was paid to the victim’s family

⁴⁶ *Bót* is the Anglo-Saxon term for the amount of compensation that was due after an offence had been committed and was usually awarded to the victim. *Wíte* was a fine that was paid to the king or another individual with jurisdiction as punishment for an offence. Also linked to the wergeld system was *mund* which placed individuals (and property) under the protection of a social superior with the king at the very top. Recompense could be extracted from anyone who broke an individual’s *mund*. For a more detailed explanation, see chapter 3, ‘Deviants’. See also R. R. Abels, *Lordship and Military Obligation in Anglo-Saxon England* (London, 1988), pp. 19-20, 41; H. M. Chadwick, *Studies on Anglo-Saxon Institutions* (New York, 1963), pp. 115-116, 123 and 127; W. A. Chaney, *The Cult of Kingship in Anglo-Saxon England. The Transition from Paganism to Christianity* (Manchester, 1970), pp. 183-184 and 222-226; H. R. Loyn, ‘Kinship in Anglo-Saxon England’, *Anglo-Saxon England* 3 (1974), 197-209; S. Rubin, ‘The *bot*, or composition in Anglo-Saxon law: a reassessment’, *Journal of Legal History* 17 (1996), 144-54; Stenton, *Anglo-Saxon England*, pp. 312-314.

⁴⁷ Ine, 70.

⁴⁸ This is confirmed by Alfred, 40; however, Pelteret, *Slavery*, p. 84, has suggested that Anglo-Saxon social hierarchy became more complex in the intervening years between the reigns of Ine (688-726) and Alfred (871-899) with the addition of *esnewyrhtan* or ‘hired-labourers’ between *ceorlas* and slaves. See also Alexander, ‘Legal status of the native Britons’, 33.

but perpetrators were also obliged to pay compensation following actions that damaged an individual's person or property. Alfred's tenth clause in his law-code states that:

If anyone lies with the wife of a man whose wergeld is 1200 shillings, he shall pay 120 shillings compensation to the husband; to a husband whose wergeld is 600 shillings, he shall pay 100 shillings compensation; to a commoner [*cierliscum men*] he shall pay 40 shillings compensation.⁴⁹

We can discern here that levels of reparations were calculated on the basis of a victim's social status and not by the nature or severity of transgressions. Compensation was a mechanism which allowed Anglo-Saxon society to function successfully; it offered a means of social control and a way for all freemen to recoup losses following an offence.

Given the centrality of the wergeld system to the form and function of Anglo-Saxon society, an examination of the role of slaves within this can give an immediate indication of their legal and, by extension, their social status. It is important to note that, although slaves did play a part in the 'compensation culture' of Anglo-Saxon England, their role in this was passive. They did not possess wergelds, but did have a replacement value which was owed to their master should they come to any harm.⁵⁰ The significance of this cannot be overstated: wergelds were a staple of the Anglo-Saxon legal system

⁴⁹ This example is used to illustrate the various status levels within Anglo-Saxon society. However, it also illuminates husband-wife relations within the law. Here compensation was payable to the cuckolded husband with the husband claiming 'ownership' over his wife in a manner reminiscent of the slave-master relationship which will be discussed below. The laws do not contain directions for the management of reverse situations in which a wife alone is judged to be the injured party (although see II Cnut, 54-54:1 which, unusually, deals specifically with male adulterers). In general, where legislation sets out directions for claiming wergelds or deals with the rights of plaintiffs, the language of the law-codes is gender neutral or applies only to men. Some laws do seem to suggest that compensation could be paid to a woman (e.g. Æthelberht, 74, Alfred, 11), although the laconic nature of the law-codes means that this is difficult to ascertain with certainty.

⁵⁰ W. Davies, 'On servile status in the early middle ages', in *Serfdom and Slavery: Studies in Legal Bondage*, ed. M. L. Bush (London and New York, 1996), pp. 225-246 at p. 243; Kemble, *Saxons in England*, p. 209; Loyn, *Society and Peoples*, p. 283; Pelteret, 'Slavery', p. 124; Whitelock, *Beginnings of English Society*, p. 108. Pelteret, *Slavery*, strangely does not discuss slaves and their role in the wergeld system to any great extent.

and the exclusion of slaves from these reveals their status within society. Evidence for this can be found in the earliest extant Anglo-Saxon law-codes. Æthelberht, 10, 11, 14 and 16 all indicate that, following sexual intercourse with a female slave, an amount of compensation was payable to her master according to his status rather than to the slave's husband.⁵¹ As illustrated above through discussion of clause 10 of Alfred's law-code, compensation for illicit sexual intercourse with a married woman was usually paid to her husband according to the value of his wergeld, a law that was also contained within Æthelberht's own code.⁵² Slaves could marry and, as will be seen below, slaves normally married within their own social class. Æthelberht's law-code is important, therefore, for what it reveals about slaves' lack of wergelds. His laws indicate that, whilst financial penalties for sexual intercourse with a female slave were due, these belonged to her master: there is no consideration that her husband should be compensated. Clauses in later Anglo-Saxon law-codes offer further evidence for slaves' lack of wergelds and protection under the wergeld system. In a similar vein to Æthelberht's decrees on sexual intercourse with a female slave, Alfred ruled that 'if anyone rapes the slave of a commoner, he shall pay five shillings to the commoner and a fine of sixty shillings'.⁵³ We can see here that the usual measures for restitution following a transgression apply – monetary compensation of five shillings and a fine of sixty shillings. However, again, the slave herself could not claim any compensation.

This is in direct contrast to another clause of Alfred's which demanded that the rapist of

⁵¹ As is often the case with Anglo-Saxon law-codes, the wording of these from Æthelberht is rather laconic and ambiguous. Whilst the laws each state a compensation amount, none explicitly affirm to whom this should be paid. However, as each clause specifies the status of the female slave's master we can be confident that it was the identity of the master that was important for the compensation arrangements and not that of the slave herself.

⁵² Æthelberht, 31.

⁵³ Alfred, 25.

a 'young woman belonging to the commons' should pay compensation to the girl herself.⁵⁴ One further law worthy of note is contained within the fourth law-code of Æthelstan which states that 'when a slave guilty of theft has been put to death, each of those slaves shall give three pennies to his lord'.⁵⁵ This sub-clause made arrangements for compensation for a master following the execution of a slave and thus bypassed the normal Anglo-Saxon procedures of wergeld collection by kin following the murder of an individual demonstrating again, should further proof be needed, the reality of what it meant not to be free.

Anglo-Saxon slaves, then, were not afforded wergelds from which they or their family could claim financial benefit following an offence committed against them. The extracts from the law-codes given above clearly demonstrate this; they also show, however, that slaves *did* have a monetary value but it was slave masters who received payment for harm done to slaves. The master-slave relationship was one of legal ownership of one individual by another; in the early extant law-codes at least, slaves are treated in the same manner as other items of property. Individuals could be bought and sold like any other chattel as is shown by the well-known passage in Bede's *Historica Ecclesiastica* which describes a market in Rome in which, 'as well as other

⁵⁴ Alfred, 11:2. R. M. Karras, 'Desire, descendants, and dominance: slavery, the exchange of women, and masculine power', in *The Work of Work: Servitude, Slavery, and Labour in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 16-29, note 43 argues that, as the recipient of the compensation is not stated in this sub-clause, we cannot be sure that the money went to the girl herself. However, as Carole Hough points out in her 'Alfred's *Domboc* and the language of rape: a reconsideration of Alfred ch. 11', *Medium Ævum*, 66 (1997), 1-27 at 19, this and the other sub-clauses are almost certainly conditioned by the phrase '*hire gebete*' ('compensate her') in the opening section of the law.

⁵⁵ IV Æthelstan, 6:6. IV Æthelstan, 6:5 and 6:5 indicate that it was fellow slaves who were charged with the duty of executing slaves who had transgressed. IV Æthelstan, 6:5 required 'sixty and twenty slaves' to stone a male slave and IV Æthelstan, 6:7 stated that 'sixty and twenty female slaves shall go and bring three logs each and burn that one [female] slave'.

merchandise', a number of English boys were for sale.⁵⁶ Evidence from the law-codes affirms Bede's association of slaves with 'merchandise'. A rather intricate clause in Ine's law-codes, for example, states:

If a stolen slave is attached [by the law] in the possession of another, and if the man is dead who has sold him to the man in whose possession he is attached, he shall vouch the dead man's grave to warranty for the slave – *just as for any other property*, whatever it may be – and declare in his oath – [which shall be of the value] of sixty hides – that the dead man sold the slave to him...⁵⁷

Here we see that a slave was qualified as an item of property, an attitude which is present throughout the Anglo-Saxon law-codes. Indeed, the clause immediately following this from Ine's laws, includes slaves in a list of goods that the king viewed as appropriate items for reparation payments following a homicide.⁵⁸ Another example can be found in King Alfred's introduction to his law-codes – a much underused document, as Pelteret has pointed out. This contains a clause which partially acquitted a master from fault if he physically chastised his slave 'because it [the slave] was his own property'.⁵⁹ Pelteret has understood this clause as a step towards the amelioration of the Anglo-Saxon slave's position and suggests that it reveals 'an acceptance that slaves of

⁵⁶ Bede, *HE*, ii.1, pp. 132-135.

⁵⁷ Ine, 53. See also the sub-clause to this law that, again, describes a slave as 'property' and a 'chattel'.

⁵⁸ Ine, 54-54:1.

⁵⁹ Alfred, Introduction 17. The full clause reads: 'He who smiteth his own *þeow-esne* or his female slave, and he die not on the same day; though he live [but] two or three nights, he is not altogether so guilty, because it was his own property; but if he die the same day, then let the guilt rest on him'. Attenborough omitted Alfred's introduction from his edition and translation of the king's law-code (F. L. Attenborough, *The Laws of the Earliest English Kings* [Cambridge, 1922], pp. 62-93), but an edition and German translation can be found in *Die Gesetze der Angelsachen*, ed. F. Liebermann (Halle, 1903-1916, 3 vols.), I:15-47. An edition and modern English translation can be found in *Ancient Laws and Institutes of England*, ed. and trans. B. Thorpe (London, 1840, 2 vols.), I:44-59 from which the above translation of the introductory clause 17 is taken. The introduction to Alfred's laws is based largely on the book of Exodus (particularly chapters 20-22 and part of 23). Pelteret, *Slavery*, pp. 81-4 discusses slavery within the introduction to Alfred's law-code.

either sex were entitled to protection against physical abuse'.⁶⁰ However, close reading of this extract indicates that a master would only be blamed if a slave died within a day of receiving an injury and so Alfred was perhaps attempting to suppress only the most violent of physical abuse. Instances of physical abuse in which a master did not cause the immediate death of his/her slave were viewed as much less severe – permissible even – as a slave was a master's 'own property'. The legal perception of slaves purely as economic assets continued into the tenth century. In the early tenth-century *Ordinance Concerning the Dunsæte*, a text that deals with relations (particularly cattle rustling and valuing of livestock) between the Anglo-Saxons and the Anglo-Welsh population of the area south-west of Hereford, men are included in a list of replacement-values for livestock in a clause entitled 'of the worth of all cattle, if it be lost':

A horse shall be paid for with XXX. shillings, or an expurgation after that rate; a mare with XX. shillings, or after that rate; and a 'winter-steal' the same: a *wilde-weorf* with XII. shillings, or after that rate; and an ox with XXX. pence; a cow with XXIV. pence; a swine with VIII. pence; a man with a pound; a sheep with I. shilling; a goat with II. pence. Other unseen things may be estimated on oath, and then paid for accordingly.⁶¹

⁶⁰ Pelteret, *Slavery*, p. 84.

⁶¹ *Ancient Laws and Institutes of England*, ed. and trans. B. Thorpe, I:352-357 at 356-7. The text is also in *Die Gesetze der Angelsachen*, ed. Liebermann, I: 374-9. Thorpe suggested that a *wilde-weorf* was a wild, unbroken colt or a colt foaled in a forest or unenclosed pasture (*Ancient Laws and Institutes of England*, 356, note a); Pelteret, *Slavery*, p. 86 lists it as an untamed ass. It is contained within the twelfth-century manuscript Cambridge, Corpus Christi College, MS 383 and the manuscript collection known as *Quadripartitus* which both bring together Anglo-Saxon legal material. In both it comes after II Æthelred (an Anglo-Viking treaty). See P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (Oxford, 2001), I:228-9; 232-3. Wormald, *Making of English Law*, I:381-382, suggested that *Dunsæte* should be read within the climate created by Æthelstan's 'over-powering negotiations' with the North Welsh at Hereford c. 930 through which he is said to have fixed the Anglo-Welsh frontier on the River Wye. This may explain the references to a river in *Dunsæte*; clause 8, for example, deals with 'cattle attached over the stream'. Wormald, therefore, dates *Dunsæte* to post c. 930.

A man was therefore valued at the same price as a mare, but only two thirds the value of a horse.

The status of slaves and their value as commodities is demonstrated further by the existence in Anglo-Saxon England of the offence of *mandeofe* or ‘man-theft’. This concept vividly exposes the structural nature of Anglo-Saxon society for the theft of individuals cannot occur in a society in which all members are free. It was clearly a commonplace concern of early medieval law-makers, however, as continental law-codes also indicate that slaves could be subject to ‘man-theft’.⁶² In England, Kings Ine and Alfred as well as the bishops and reeves of London during Æthelstan’s reign (VI Æthelstan) all legislated specifically against the theft of persons although, as Pelteret has shown, there is evidence for *mandeofe* continuing after the reign of the latter.⁶³ The statement of the London ‘peace-guild’ on *mandeofe* deserves more detailed consideration:

With reference to our slaves, those of us who possess slaves have declared: if anyone steals a slave, half a pound shall be paid for him. If we succeed in getting payment, he [the owner] shall receive an additional sum *according to the appearance of the slave*.⁶⁴

The qualifier attached to this clause is significant; it adds a further dimension to our understanding of Anglo-Saxon slaves. Not only were slaves treated as property and chattels, they were also graded according to their fitness – it must be assumed that the fitter a slave appeared, the higher was his economic value. This links us back to where

⁶² Bonnassie, *From Slavery to Feudalism*, p. 18.

⁶³ Ine, 53; Alfred, 9:2; VI Æthelstan, 6:3. Pelteret, *Slavery*, pp. 58 and 87.

⁶⁴ VI Æthelstan, 6:3.

we began this examination of the slave's exclusion from the wergeld system – with the laws of Æthelberht that specified the compensation rates for sexual intercourse with a female slave. Although only dealing with female slaves, collectively these clauses indicate that the rank of 'slave' was divided into at least three, hierarchical categories and that, furthermore, a slave's value could be determined by his/her occupation or, of course, the status of his/her master.⁶⁵ Over three hundred years separate Æthelberht's reign from the rulings issued by the London guild and, throughout the intervening years, there is little additional legal evidence to indicate that law-makers treated slaves as anything other than a homogeneous mass (although Ine, 23:3 seems to distinguish between the value of an Anglo-Saxon and a Welsh slave).⁶⁶ Nevertheless, together these laws demonstrate that, although Anglo-Saxon slaves were not included on the wergeld ladder, they could be classified and judged according to their relative value to Anglo-Saxon society. Most law-makers, however, were content to make arrangements for compensation following the loss of a generic 'slave' and, in keeping with a slave's status as an item of property, any financial recompense belonged wholly to a slave's master.

In keeping with their status as the legal property of another individual, there are suggestions in the law-codes that Anglo-Saxon slaves could not claim ownership of property themselves, although the matter is complicated by the laconic nature of the laws. Evidence for this comes from the laws that outline punishments for crimes as these appear to assume that slaves could not perform within the sphere of justice in the

⁶⁵ Æthelberht, 10, 11, 14, 16.

⁶⁶ See F. L. Attenborough's note 4 to this law on p. 186 of his *Laws of the Earliest English Kings*. See also Alexander, 'Legal status of the native Britons', 33; Faull, 'Semantic development of Old English *wealh*', 21.

manner of freemen. As we have seen above, social harmony in Anglo-Saxon England was controlled by an intricate system of compensation (*bót*) and fine (*wíte*) payments; however, laws that outline punishments for slaves often specify physical chastisement rather than the standard methods of reparation. Some have interpreted these two interlinked factors – lack of property ownership and physical punishment – as defining characteristics of Anglo-Saxon slavery: ‘Thus the characteristic punishment of a slave was a lashing because he did not have the wherewithal to compound for a crime’.⁶⁷

There is indeed an element of truth to these claims; from the time of the earliest extant law-codes law-makers decreed that slaves should be punished physically rather than financially.⁶⁸ A law of Alfred shows plainly the disparity between punishments for the free and punishments for slaves: ‘If any one rapes the slave of a commoner, he shall pay 5 shillings to the commoner and a fine of 60 shillings. If a slave rapes a slave, castration shall be required as compensation’.⁶⁹ However, it is difficult to use the inability to own property and physical punishments as staple defining characteristics of slavery as these were not applied consistently or exclusively to slaves. Taking the ownership of property aspect first, we can see that, certainly by the time of King Alfred’s reign (871-899), there was some recognition that slaves could claim ownership over property and, moreover, that slaves could sell goods that they owned:

⁶⁷ Pelteret, *Slavery*, p. 244, see also pp. 84 and 87. See also Magennis, ‘*Godes þeow* and related expressions’, 154 and 156; Whitelock, *Beginnings of English Society*, pp. 108-109. Pierre Bonnassie has made similar claims for continental slavery. See his *From Slavery to Feudalism*, pp. 19-21.

⁶⁸ See, for example, Wihtræd, 13-15; Ine, 3:1, 48. Punishments could range from lashings to executions carried out in a variety of ways. III Edmund 4 outlines particularly elaborate and vicious punishment for theft: ‘And we have declared with regard to slaves that, if a number of them commit theft, their leader shall be captured and slain, or hanged, and each of the others shall be scourged three times and have his scalp removed and his little finger mutilated as a token of his guilt’.

⁶⁹ Alfred, 25-25:1.

The four Wednesdays in the four Ember weeks shall be granted [as holidays] to all slaves whose chief desire is to sell anything which has been given to them in God's name, or which they are able to acquire by their labour in any portions of time at their disposal.⁷⁰

This law by Alfred is the earliest incontrovertible acknowledgment that Anglo-Saxon slaves could legally own property that was free from their masters' control. It is possible (and, indeed, probable) that slaves did own property before Alfred promulgated this law as this excerpt deals with the sale of slave property – a step up from ownership – but, as Alfred felt the need to make specific legislation about this issue, it is likely that slaves' ability to sell and own property had not been widely or officially accepted before this time. Legal restrictions on slave activity in the marketplace did remain, however, as Alfred only permitted slaves to sell goods on particular days and even then they could only sell goods acquired by charity or in their own time (and not, by implication, that which they owed to their masters). If we compare Alfred's law to a later ruling by Æthelstan we can see that the change enacted by Alfred had become an assumption in law. A clause of the king's fourth law-code indicates that slaves could possess assets as the king stated explicitly that eighty slaves should each give a slave's master three pennies in compensation following their involvement in the execution of a fellow slave found guilty of theft.⁷¹ It seems, then, that at some point during or before King Alfred's reign there was a change in attitude towards slave ownership of property and that there

⁷⁰ Alfred, 43.

⁷¹ IV Æthelstan, 6:5-7. Pelteret, *Slavery*, p. 87 offers a more detailed discussion of this clause than that which is offered here.

now existed legal recognition that some property in a slave's possession could be considered his alone.

The physical punishment of slaves is a more complex issue than slaves' ability to claim ownership over property (or lack thereof). It is important to note that law-codes that prescribe physical punishments for transgressing slaves often contain a caveat that the slave could avoid this punishment through payment of a fine.⁷² In the conclusion to his study on slavery in Anglo-Saxon England, Pelteret includes a 'profile of the slave in late Anglo-Saxon England' and in this appears to imply – although does not state directly – that it was Cnut who first allowed slaves to escape physical punishments: 'II Cnut §46.2 softened this [the physical punishment of slaves] with respect to the breach of a fast by permitting him to pay a fine, though it must be noted that this was at the cost of weakening the slave economically'.⁷³ However, if we examine the corpus of extant legal material, it is clear that, from the time of the earliest law-codes, law-makers considered fine payment to be an acceptable replacement for the physical chastisement of slaves.⁷⁴ Furthermore, it is questionable whether slaves themselves would have been ultimately responsible for composition payments. Whilst some laws do stipulate that a slave would be accountable for any financial restitution following an offence, others laid this liability at the feet of a slave's master. For example, Æthelberht 90, in Attenborough's translation, reads: 'If a slave steals, he shall pay (*gebete*) twice the value [of the stolen goods] as compensation'. Wihtræd of Kent made a similar law regarding slaves who made offerings to devils but specified that a slave would be lashed

⁷² This point is noted by Whitelock in her *Beginnings of English Society*, p. 109.

⁷³ Pelteret, *Slavery*, p. 244. II Cnut, 46:2 reads: 'If a slave does so, he shall undergo the lash or pay the fine in lieu thereof, in accordance with the nature of the deed'.

⁷⁴ See, for example, Æthelberht, 90; Wihtræd, 13, 15; Ine, 3:1; II Æthelstan, 19.

if he did not make a payment of six shillings.⁷⁵ Later laws by Ine, however, outline arrangements for a slave himself, his master as well as any free kindred of the slave, to extricate a slave from physical punishment.⁷⁶ If we examine the continental laws, we can see that they too are inconsistent in their allocation of responsibility for offences committed by slaves. The *Pactus Legis Salicae*, for example, does contain laws that stipulate physical punishment for slaves, but it also contains laws that would have allowed slaves themselves or their masters to compound for slaves' crimes.⁷⁷

We are thus left with a somewhat disorderly picture but, if we keep in mind the slave-master relationship, it is possible to make some suggestions about how to disentangle this confusion. In the continental laws particularly, law-makers stressed that it was a master's responsibility to ensure that a slave attended any judicial hearings regarding the latter's behaviour and he was also sometimes required to accompany his slave to these hearings.⁷⁸ This also seems to have been the case in Anglo-Saxon England as demonstrated in an episode from Lantfred's *Translatio et miracula S. Swithuni* which involved an accusation brought against a certain Flodoald's slave by the 'king's reeve':

⁷⁵ Wihtræd, 13: 'If a slave makes offerings to devils, he shall pay (*gebete*) six shillings compensation or undergo the lash'. The exact meanings of this law and Ætheberht, 90 are ambiguous because the subjects in the second clause of both are unexpressed; it is not inconceivable that they envisage a third party to make the payments (i.e. 'one shall pay...'), but it is more natural to take the subjects as the slaves as Attenborough did in his translation of the law in his *Laws of the Earliest English Kings*, pp. 27 and 90 respectively. My thanks to Dr Philip Shaw for helping me clarify this point.

⁷⁶ Ine, 3:1, 74-74:1. II Æthelstan, 19 also indentifies a master as responsible for paying for his slave's crime; although this clause does not specify that it was a master who would make the payment, in order to make sense of it, it is clear that a master would have had to have been involved. Furthermore, the laws of Hlothere and Eadric of Kent concerning murder committed by an *esne* charged his master with payment of the dead man's wergeld and a fine. As *esnas* were of servile status (although this was distinct from that of slaves), their treatment in this respect is informative for understanding slavery.

⁷⁷ *Pactus Legis Salicae*, ed. K. A. Eckhardt, *MGH, Legum Sectio I, Leges Nationum Germanicarum* IV.I (Hanover, 1962), XII.1-2; XXV.5-7; XXXV.8; XL; LXXXII; LXXXVII; LXLVIII; CXIII; CXXI.

⁷⁸ See, for example, *Pactus Legis Salicae*, XXXIX.2; XL.4-10; LXXXII; LXXXVIII; CXIII.

The slave was apprehended by the king's reeve (who was called Eadric of Calne) because of a certain misdeed, and was ordered to be detained by royal thegns until his lord could come and until the slave would carry in his hands, without hesitation, an iron bar made red-hot by coals. When his master heard...he went there as quickly as he could, and implored the king's reeve to waive the ordeal and to keep the aforementioned servant under the conditions pertaining to a slave. The king's reeve – not countenancing these promises but exulting overmuch in his secular authority – ordered the slave to carry a mass of hot iron. As he heard this the owner became extremely anxious about his slave (who was certain to die), and again promised to Eadric the king's reeve that he would give him a pound of pure silver and likewise hand over the slave in question into the reeve's possession...What is more, the saddened friends and kinsmen of the convicted man promised immense gifts to the king's reeve, desiring greatly thereby to free their kinsman...⁷⁹

Here it is Flodoard as the slave's master who had the power to redeem his slave from his ordeal; as Michael Lapidge has asserted, Flodoard's offer to handover the slave to Eadric's control and pay a 'pound of pure silver' should be regarded as attempts to compensate for his slave's crime and not as bribes.⁸⁰ It is also significant that the friends and kinsmen of the slave attempted to become involved in securing the condemned

⁷⁹ Lantfred, *Translatio et miracula S. Swithuni*, ch. 25, ed. and trans. M. Lapidge, *The Cult of St Swithun*, Winchester Studies 4.ii The Anglo-Saxon Minsters of Winchester (Oxford, 2003), 252-333 at 308-11.

⁸⁰ M. Lapidge, *The Cult of St Swithun*, Winchester Studies 4.ii The Anglo-Saxon Minsters of Winchester (Oxford, 2003), p. 309, note 233. This case is also discussed in D. Whitelock, 'Wulfstan *cantor* and Anglo-Saxon law', in *Nordica et Anglica: Studies in Honor of Stefán Einarsson*, ed. A. H. Orrick (The Hague, 1968), pp. 83-92 at 87-92, reprinted in her *History, Law and Literature* (London, 1981), no. V; K. O'Brien O'Keefe, 'Body and law in late Anglo-Saxon England', *Anglo-Saxon England* 27 (1998), 209-232 at 223-5.

man's freedom, echoing the provisions set out in the laws of Ine mentioned above.⁸¹

There is no question, however, that the slave himself could make any efforts to extract himself from the threat of an ordeal – he is a passive, impotent participant in his own fate.⁸² Thus, although we should not discount the possibility that some slaves compensated for their offences themselves (particularly in the later Anglo-Saxon period when the restrictions over slave property ownership were relaxed), whether this would have been a regular occurrence is debateable. It would have been a slave's master who would have been best placed both financially and legally to save his slave – and his property – from physical damage.

Finally, it is also important to address the wider use of physical punishment as this is significant for the definition of Anglo-Saxon slavery. The physical punishment of slaves is a recurring theme in the law-codes, but the codes also contain laws which prescribed bodily punishment for those who were not enslaved. Offences by *esnas* (servants or, in more specific circumstances, hired-labourers) were also considered appropriate for such punishments.⁸³ Whilst *esnas* shared commonalities with slaves including a degree of control by a master, they were a discrete group and, at least in the earlier Anglo-Saxon law-codes, they were granted privileges that were not afforded to slaves.⁸⁴ Moreover, the law-codes also prescribe bodily punishments for free individuals

⁸¹ Ine, 74.1 specifies that only free kin of slaves can help extricate a slave from punishment. The social status of Flodoard's slave's kin is, however, not stated.

⁸² The slave was saved from execution by the prayers of his master and his retinue to St Swithun, who blinded the reeve to the blisters that developed on the slave's hands.

⁸³ See Wihtræd, 10, 22.

⁸⁴ Once again, Pelteret's semantic analysis of the terminology of slavery appended to his *Slavery in Mediaeval England* is invaluable for its review of the meaning and usage of the term *esne*. See his entry for *esne* on pp. 271-4 which attempts to explain the intricacies of the similarities and differences between slave and *esne* status. Although I have highlighted above my slight unease with how the new concept of 'unfreedom' has been used and how it has blinded academics somewhat to the distinct characteristics of early medieval slaves, it is in situations such as these – when searching for the difference between *esnas* and slaves – that the 'unfreedom' spectrum is a useful concept.

who persistently committed crime and, from the eighth century onwards, the death penalty for those who committed serious crimes.⁸⁵ Ine 18, for example, specifies that a hand or foot should be cut from the body of a commoner (*cierlisc mon*) if he had often been accused and was 'at last caught' and Alfred stipulated death for anyone who plotted 'against the life of the king'.⁸⁶ If we move away from the law-codes and the sphere of official justice, we can see that physical chastisement was also used in other environments. The master in Ælfric's late tenth-century *Colloquy*, for example, asks one of the oblates if he or his friends had been whipped thereby revealing that beatings could occur in a monastic setting.⁸⁷ Thus, when using physical punishment as a defining characteristic of slavery, it should always be used with a cautionary qualification that it was not used exclusively in punishments of slaves. Physical punishment can and, indeed, should be used as a mark of servitude or subjection, but it is dangerous to use it as a defining characteristic of slavery without stipulating its wider application.

Representations of Anglo-Saxon slavery in the literary sources

We have explored above the evidence for slavery in the extant Anglo-Saxon legal material which has demonstrated that slaves lacked an independent legal personality as they usually (although not always) appear in laws that deal with them in relation to their

⁸⁵ Janet Nelson explores the Anglo-Saxon and Frankish evidence for the emergence of bodily punishment of free individuals in her 'England and the continent in the ninth century: III, rights and rituals', *Transactions of the Royal Historical Society* 6th series, 14 (2004), 1-24 at 6-7.

⁸⁶ Alfred, 4.

⁸⁷ Ælfric, *Colloquy*, ed. G. N. Garmonsway, *Ælfric's Colloquy* (London, 1947, 2nd edition), lines 279-83, p. 45. See also *Regula Sancti Benedicti*, chs. 28 and 30, ed. and trans. J. McCann, *The Rule of Saint Benedict in Latin and English* (London, 1972).

master and particularly as a master's property. This is restrictive for our understanding of slavery but should not be surprising as Anglo-Saxon law was in general concerned with arrangements for the protection and compensation of those under the law-maker's authority. Law-codes, then, present us with one image of Anglo-Saxon slavery, but this image is by no means comprehensive. If we turn to other source types we are still able to observe a slave's lack of independent legal personality, but these sources can also reveal characteristics of slavery not contained within the legal material. Literary source evidence – defined as distinct from that found in purely prescriptive or administrative texts – highlights their position as the legally 'unfree' while also offering a more poignant insight into the effects of their restricted legal status. References to actual slaves in this literature are limited, but writers did play with slave metaphors in their explorations of the relationship between man and God.⁸⁸ Bede touches on aspects of slavery – his mention of the Roman slave market discussed above and, of course, the famous tale of the thegn Imma who was sold into slavery are two examples from his *Historia Ecclesiastica*.⁸⁹ There are also references to slaves and slavery in the Old English *Orosius* and in saints' lives, notably the *Life of St Swithun* which will be discussed in more detail below.⁹⁰ Slaves appear infrequently in the secular corpus of Old English poetry and, moreover, those appearances that can be identified with complete certainty are almost exclusively limited to the *Riddles*. It has been suggested that slaves appear in *Beowulf*, but this is far from conclusive and remains the subject of

⁸⁸ Pelteret, *Slavery*, pp. 50-60 draws out the few references to actual slaves in the literary sources.

⁸⁹ Bede, *HE*, ii.1, pp. 132-5 and iv.22, pp. 400-405.

⁹⁰ See Pelteret, *Slavery*, pp. 54-60.

fierce debate amongst both historians and linguists.⁹¹ Both Hugh Magennis and David Pelteret have meditated on the (limited) use of slave imagery within the literary corpus, particularly within Old English poetry. The latter, in his examination of the *Riddles*, has suggested that:

These poems...which follow a tradition that is different from the rest of vernacular poetry, often have as their answers such commonplace objects as a plough, rake, or key. It is entirely appropriate, therefore, that the lower ranks of Anglo-Saxon society, the *ceorlas* and the slaves, should be the source of imagery in these works.⁹²

As a whole, literary sources reveal very little about the status and conditions of the literal Anglo-Saxon slave – even in the collection of over ninety Old English *Riddles* persons of servile status make only eight appearances.⁹³ One important exception to this observation, however, can be found in Ælfric’s late tenth-century *Colloquy*.⁹⁴ In this

⁹¹ Dispute centres on *Beowulf*, line 2223 which mentions an unnamed individual who stole a cup from the dragon’s treasure and appears to designate him as a *þeow*. However, as only the letter *þ* of this word is legible, it has been proposed that *þeow* should in fact read *þegn* or, indeed, *þeof* (‘thief’). See T. M. Andersson, ‘The thief in *Beowulf*’, *Speculum* 59 (1984), 493-508, 495-6. There is a facsimile edition of the *Beowulf* manuscript (with a transliteration) by J. Zupitza, *Beowulf. Reproduced in Facsimile from the Unique Manuscript British Museum MS. Cotton Vitellius A. xv* Early English Texts Society (London, 1959, 2nd edition) in which the damage to the MS can be clearly seen. There are also difficulties surrounding the implications attached to Queen Wealhtheow’s name. T. D. Hill, ‘“*Wealhtheow*” as a foreign slave: some continental analogues’, *Philological Quarterly* 69 (1990), 106-12 has suggested that the queen’s name reflected her status as an ex-slave but others have declared that Wealhtheow was used by the *Beowulf* poet with no descriptive characterisation attached. See H. Damico, *Beowulf’s Wealhtheow and the Valkyrie Tradition* (Madison, Wisconsin, 1984), pp. 58-68 and E. V. Gordon, ‘Wealhtheow and related names’, *Medium Ævum* 4 (1935), 169-75.

⁹² Pelteret, *Slavery*, p. 51. According to Magennis, in contrast to their (albeit occasional) appearance in the *Riddles*, slaves were incompatible with Anglo-Saxon conceptions of the heroic world: ‘In the Old English heroic world, slaves are invisible, having no part to play in heroic life’. Magennis, ‘*Godes þeow* and related expressions’, 148-9.

⁹³ Pelteret, *Slavery*, p. 51.

⁹⁴ The Latin version of Ælfric’s *Colloquy* survives in four MSS, either in part or complete: British Museum, Cotton Tiberius A. iii, fols. 60b-64b; Oxford, St John’s College, Codex No. 154, fols. 204a-221b; Antwerp, Plantin-Moretus Museum, Codex No. 47, fols. 18a-19b; London, British Library, Add. MS. No. 32246, fols. 16b-17b. The first is the only version of the text to contain the interlinear Old English gloss.

textbook the abbot explores the work of various tradesmen and labourers as an exercise to help widen the vocabulary of his students. One of the characters, 'the ploughman', explains the hardship of his labours and concludes that his 'work is hard' not because of its nature but because of his status as an individual without freedom:

Master: 'What have you to say, ploughman? How do you carry out your work?'

Ploughman: 'Oh, my lord, I work very, very hard. I go out at dawn driving the oxen to the field, and I yoke them to the plough; there is not a winter so bitter that I dare lie hidden at home for fear of my lord. But, having yoked the oxen and secured the ploughshare and coulter to the plough, all day I must plough an entire field or more.'

Master: 'Have you a companion?'

Ploughman: 'I have one lad driving the oxen with a goad, who now too is hoarse because of the cold and the shouting.'

Master: 'Do you do anything more in the day?'

Ploughman: 'Certainly I do more besides. I must fill the stalls of the oxen with hay and bring water to them and carry their dung outside. Oh! Oh! The work is hard. Yes, the work is hard, because I am not free.'⁹⁵

⁹⁵ Ælfric, *Colloquy*, lines 22-35, pp. 20-1. My translation. *Quid dicis tu, arator? Quomodo exerces opus tuum? O, mi domine, nimium laboro. Exeo diluculo minando boues ad campum, et iungo eos ad aratrum; non est tam aspera hiems ut audeam latere domi pro timore domini mei, sed iunctis bobus, et confirmato uomere et cultro aratro, omni die debeo arare integrum agrum aut plus. Habes aliquem socium? Habeo quendam puerum minantem boues cum stimulo, qui etiam modo raucus est pre frigore et clamatione. Quid amplius facis in die? Certe adhuc plus facio. Debeo implere presepia bouum feno, et*

Most of the characters in the *Colloquy* are involved in some form of physical labour, but it is the ploughman alone who complains that his work is made arduous on account of his lack of freedom. Pelteret has examined the ploughman's 'mournful lament' and has written, evocatively, that this 'is the only example in Anglo-Saxon literature of the life of a slave *as told from the viewpoint of the slave*'.⁹⁶ Pelteret, however, is too eager to impose the status of slave onto the ploughman without due consideration of Ælfric's language and purpose. Whilst this character complains that he is 'not free', Ælfric did not label him a 'slave' – he is the *ploughman* (*arator*, with the later Old English gloss *yrþling*). Ælfric chose his ploughman as the character that best represents hard, physical labour and it is upon this that the ploughman focuses; the fact that he is 'unfree' is important but it is not the primary issue. Thus, what we can conclude from Ælfric's portrayal of the ploughman is that 'unfreedom' could be associated with the most extreme forms of physical labour. More importantly, this extract also reminds us that we should be aware that the identity of those who were 'unfree' existed on different levels. The ploughman may indeed have been a slave, but in Ælfric's setting he is first and foremost a ploughman.⁹⁷

It is also important to address the *Colloquy* in its entirety. Interaction between the characters and the opinions that they express to one another can help us to draw out the relative values that Ælfric attached to each of their labours. John Ruffing has

adaquare eos, et fimum eorum portare foras. O! O! magnus labor. Etiam, magnus labor est, quia non sum liber.

⁹⁶ Pelteret, *Slavery*, p. 65 (his italics).

⁹⁷ M. M. Postan, 'The *famulus*: the estate labourer in the XIIth and XIIIth centuries', *Economic History Review Supplements* 2 (1954), 1-48 explores in more depth the occupations of a wide variety of medieval labourers, including slaves. See, in particular, pp. 5-14 where he uses evidence from Domesday Book to demonstrate that a large proportion of the slave population of England in 1086 (and probably earlier) worked as ploughmen.

explored divisions within the *Colloquy* in order to assess attitudes to labour contained within it. He has noted that, whilst the work of all the characters would in some way have helped to support a monastic community such as Ælfric's own at Cerne, characters in the first section of the *Colloquy* should be termed 'primary providers' (the ploughman, shepherd, oxherd, hunter, fisherman, and fowler) as they sustained the work of the 'secondary providers' who appear in second section (the leatherworker, salter, baker, cook, carpenter and blacksmith).⁹⁸ Ælfric's examination of the labour of the primary providers emphasises its 'difficulty and danger' but, most of all, it stresses its utility in a 'generally solicitous' tone.⁹⁹ Conversations between the master and the secondary providers, on the other hand, are confrontational and the latter are repeatedly forced to defend the value of their labour to the former; the master asks them to demonstrate the benefits brought by their skills and even questions whether the cook provides any useful service at all: 'We do not care about your skill, it is not essential for us, because we ourselves are able to cook whatever needs to be cooked and roast whatever needs to be roasted'.¹⁰⁰ At the climax of the *Colloquy* is a debate about which worker possesses the most important skills which is overseen by a 'wise counsellor'. Given the content of the text up to this point – its concern with physical work – it is striking that Ælfric had his 'wise man' answer first that 'the service of God seems to me to hold first place among those skills to which you refer; as it is advised in the Gospels: "Seek ye first the kingdom of God and His justice and all this will be added unto

⁹⁸ J. Ruffing, 'The labor structure of Ælfric's *Colloquy*', in *The Work of Work: Servitude, Slavery, and Labour in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 55-70 at pp. 58-60. The merchant separates the primary providers from the secondary.

⁹⁹ *Ibid.*, p. 59.

¹⁰⁰ Ælfric, *Colloquy*, lines 197-9, p. 37. My translation. *Non curamus de arte tua, nec nobis necessaria est, quia nos ipsi possumus coquere que coquenda sunt, et assare que assanda sunt.*

you””.¹⁰¹ Pushed further by the master to choose the best of the ‘secular skills’, however, the wise man replies with certainty that it is ‘agriculture, because the ploughman feeds us all’.¹⁰² It is the work of the ploughman, then, that emerges supreme and, after much wrangling throughout the second half of the *Colloquy* (in which the ploughman himself takes no part), it is judged to be the foundation which supports the work of all the other characters.¹⁰³

It would be imprudent, however, to ignore the wise man’s initial answer to the master’s searching question; in his view the ‘service of God’ takes precedence over all ‘secular’ occupations. Immediately we can observe the secular-sacred dichotomy that existed within the model of labour division as expressed in the ‘Three Orders’ ideal. Ælfric himself explored this ideal elsewhere in his writings¹⁰⁴ and, moreover, given the context in which he composed his *Colloquy* and its intended audience, it should not come as a surprise that the abbot should consider the value of the skills of the religious in a text otherwise concerned with secular occupations.¹⁰⁵ Once again, Ælfric used his ‘wise man’ as the conduit for this exploration of one of the more philosophical elements

¹⁰¹ *Ibid.*, lines 213-16, p. 39. My translation. ...*mihi uidetur seruitium Dei inter istas artes primatum tenere, sicut legitur in euangelio: ‘Primum querite regnum Dei et iustitiam eius, et hec omnia adicientur uobis.* The Gospel quotation is from Luke 12:31 and Matthew 6:33.

¹⁰² *Ibid.*, line 219, p. 39. My translation. *Agricultura, quia arator nos omnes pascit.*

¹⁰³ Ruffing, ‘Labor structure of Ælfric’s *Colloquy*’, pp. 67-8 and note 22 draws attention to the ploughman’s silence in the discussion to decide the most important secular skill and suggests that this demonstrates how little control the ploughman has over the conversation. It is the ‘wise man’, blacksmith and carpenter who attempt to resolve the issue put forward by the master.

¹⁰⁴ Ælfric, ‘Beadsmen, labourers and soldiers’, ed. and trans. W. W. Skeat, *Ælfric’s Lives of Saints*, Early English Text Society, 76, 82, 94, 114 (London, 1881-1900, 2 vols.), II:120-125. Archbishop of Wulfstan of York (1002-16) surveyed the ‘three orders’ idea in a similar vein to Ælfric. See Wormald, *Making of English Law*, I:458-9.

¹⁰⁵ E. R. Anderson, ‘Social idealism in Ælfric’s *Colloquy*’, in *Old English Literature*, ed. R. M. Liuzza (New Haven and London, 2002), pp. 204-14 explores the environment in which Ælfric wrote his *Colloquy* focussing upon the renewed emphasis on monasticism and the liturgical life which had been brought in by the mid tenth-century Benedictine Reform movement.

in his *Colloquy*. Before the ‘wise man’ leaves the conversation he requests that each of his ‘fellow workers’ resolve their arguments and share their skills. He concludes:

This advice I give to all workers in order that each one practices his skill diligently, because whoever neglects his skill, he himself will be separated from that skill. Whether you be a priest, or monk, or layman, or soldier, employ yourself in this and be whatever you are because it is a great injury and shame for a man to refuse to be what he is and what he ought to be.¹⁰⁶

The ‘wise man’ concludes on a conciliatory note; he stresses the value of all occupations while also advocating the continuation of the social *status quo* before, finally, discouraging social mobility. According to the ‘wise man’ and, by extension, Ælfric, the ploughman along with the hunter, fisherman, cook, blacksmith and all the other characters in the *Colloquy* must thus accept their lot in life and make the best of it.

Ælfric’s discussion of the work of the ploughman and his ‘unfreedom’ in his *Colloquy* is a rare example of an exploration of servitude in a source type other than the prescriptive sources. However, although genuine slaves may not have attracted much attention in the surviving literary sources, metaphors of slaves and slavery were used repeatedly by authors to convey senses of servility, humility and subjection to a greater power, most often in positive descriptions of the character of holy people. Bede described Augustine as *servus Domini* in his account of the missionary’s arrival in Kent and used an equivalent for himself (*famulus Christi*) in the first line of the preface to his

¹⁰⁶ Ælfric, *Colloquy*, lines 237-243, pp. 41-2. My translation. *Et hoc consilium do omnibus operariis, ut unusquisque artem suam diligenter exerceat, quia qui artem suam dimiserit, ipse dimittatur ab arte. Siue sis sacerdos, siue monachus, seu laicus, seu miles, exerce temet ipsum in hoc, et esto quod es; quia magnum dampnum et uerecundia est homini nolle esse quod est et quod esse debet.*

Historia Ecclesiastica.¹⁰⁷ The Old English *godes þeow* ('slave of God') discussed above modified the standard legal term for 'slave' for religious contexts, particularly in prose texts, although it is striking that writers of Old English poetry tended to avoid this phrase, preferring to refer to saints and other holy men and women as *Godes* (or *Cristes* or *Drihtnes*) *þegnas*.¹⁰⁸ *Þeow* was used especially often by Ælfric in his *Lives of Saints* and demonstrates that the abbot had no aversion to the application of the term to his chosen subjects. Saint Swithun, for example, was described by Ælfric as *godes þeow* but with the preceding qualifier *gesælig* ('happy' or 'blessed') reinforcing his assertion that the saint was God's man. In another of his saints' lives, Ælfric used *þeowa* of St Thomas in a passage that explores more fully what it meant to be a slave of God, but which also resonates for those bound into literal slavery:

Then Abbanes asked the venerable apostle: 'Tell me, in truth, if thou be His slave?' Thomas answered him, 'If I were not his property, I should very soon neglect His behests; but I am His slave, and do not the things which I myself choose, but that which my Lord tells me; I am one of the countless number of

¹⁰⁷ Bede, *HE*, i.25, pp. 72-3 and Preface, pp. 2-3. *Servus Domini* is also used to describe St Cuthbert in the anonymous *Vita S. Cuthberti: VCA*, II.5, pp. 86-7; III.2, pp. 96-7. See Magennis, *Godes þeow* and related expressions', 147. One of the most familiar ideas of a 'holy servant' to an Anglo-Saxon audience must have been the notion of *servus servorum dei* ('servant of the servants of God') which was first popularised by Pope Gregory the Great (590-604). See R. A. Markus, *Gregory the Great and His World* (Cambridge, 1997), pp. 30-1 and 94 and J. Moorhead, *Gregory the Great* (London and New York, 2005), p. 41.

¹⁰⁸ *Godes þeow* is discussed by Magennis in his 'Godes þeow and related expressions'. *Þegn* was used occasionally to indicate an enslaved individual in Old English texts, notably as a gloss for *servus* in the Lindisfarne Gospels, but by the tenth century it was more commonly used for a free man who served a king or noble. The selection of *þegn* to describe holy men and women in Old English poetry thus retains the sense of servitude but one that cannot be equated with slavery. H. R. Loyn, 'Gesiths and thegns in Anglo-Saxon England from the seventh to the tenth century', *English Historical Review* 70 (1955), 529-49 charts the replacement of *gesith* with *þegn* for 'king's servant' in the tenth century. See also Girsch, 'Old English terminology for male and female slaves', p. 31; Magennis, 'Godes þeow and related expression', 149; Pelteret, *Slavery*, pp. 69 and 304.

His slaves, and we all know (various) crafts in works, and go throughout provinces, and without fraud bring back to our Lord that which we earn.¹⁰⁹

If we explore the context of this passage, we can observe that genuine and metaphorical slavery is explicitly intertwined. Abbanes, steward of the Indian king Gondophorus, had been searching for slaves or workmen (stonemasons and carpenters) to erect a palace for his master when he met Christ who offered him his 'worthy and faithful workman', Thomas. Thomas explains that he will build an edifice for Gondophorus 'which will last forever...and it will be fair without, and the work shall nevertheless be more beautiful within'.¹¹⁰ Clearly impressed by Thomas and not realising the true nature of the relationship between Thomas and Christ, Abbanes replies that Thomas's master must be 'better than any king' to have such a workman.¹¹¹ Thomas fails to fulfil his new master's expectations, however, and proceeds to donate the money allocated for the palace to the poor and use it to build churches and support pastoral work. Accordingly, Thomas falls foul of King Gondophorus before revealing that he had in fact built the king a heavenly palace that the king could purchase with 'true faith' and charity.¹¹² Thus, Thomas finally reveals the real purpose of his travels to Gondophorus's kingdom and it becomes clear that the nature of his enslavement is somewhat different to that which Abbanes had first assumed. Ælfric's Old English version of the 'Passion of Saint Thomas' preserves the interplay between genuine and metaphorical slavery which exists in the original apocryphal text itself; Thomas is at the same time both a slave with

¹⁰⁹ Ælfric, 'Passion of Saint Thomas the Apostle', ed. and trans. W. W. Skeat, *Ælfric's Lives of Saints*, Early English Text Society, 76, 82, 94, 114 (London, 1881-1900, 2 vols.), II:398-425 at 402-403.

¹¹⁰ Ælfric, 'Passion of Saint Thomas', ed. and trans. Skeat, *Ælfric's Lives of Saints*, II:404-5.

¹¹¹ *Ibid.*

¹¹² *Ibid.*, 410-11.

earthly duties as well as a slave of God with higher, heavenly responsibilities. In his own, detailed description of his slavery given above, Thomas – and therefore, of course, Ælfric – demonstrates how it is possible to blur the boundaries between worldly and spiritual slavery leaving us with a description of slavery *per se*. Thomas remarks that he is his L(l)ord's property, is required to follow his L(l)ord's commands and that he and his fellow slaves use their skills to enrich their L(l)ord.¹¹³ As is the case in Ælfric's depiction of the ploughman in his *Colloquy*, we can see once again that labouring for a master's profit was a defining characteristic of the reality of slavery.

Amelioration and manumission

Attitudes towards Anglo-Saxon slaves and slavery and, indeed, the nature of the condition itself, were not constant. We have seen above how some features of the institution appear to have altered over time – slaves' ownership of property, for example – and it is such developments that have led to suggestions that there was amelioration in the position of slaves within Anglo-Saxon England that reached its height during the episcopacy of Archbishop Wulfstan of York (d. 1023) in the late-tenth and early-eleventh centuries. Pelteret has made an argument for an improvement in the lot of slaves from the time of Alfred onwards. He has surveyed the legal material from the reigns of Alfred, Æthelstan and Æthelred in particular to conclude that there was an

¹¹³ Skeat's translation of this passage includes 'Lord' with a capitalised 'L' for the Old English *hlaford*. However, *hlaford* could mean both an earthly lord and God and so, although it is clear that Thomas himself is referring to his spiritual Lord, in rendering *hlaford* a proper noun Skeat destroyed Ælfric's deliberate ambiguity of this extract.

increase in recognition of slaves' legal rights, especially in their right to claim ownership over property.¹¹⁴ However, teasing the evidence into such a neat and, admittedly, attractive progression (which, of course, ends in the disappearance of slavery from Anglo-Saxon England) is not without its difficulties. The quantity and variety of the extant source evidence for slavery increases throughout the ninth and tenth centuries and the effects of this on our understanding of Anglo-Saxon slavery should not be underestimated. Most of our evidence for early slavery is located within one source type – the legal material – which allows us to examine how slaves were perceived by law-makers, but restricts our understanding of the reality of the slave-experience. These problems must be born in mind when addressing questions of slave amelioration, but what can be said is that law-makers became increasingly concerned to record in writing measures that offered some protection to slaves or improved slave rights in the ninth and tenth centuries. Slaves do still appear in laws that treated them as the property of another individual or stipulated that they should be punished physically rather than financially, but mixed in with these are rulings such as that by Alfred which granted slaves four days' holiday a year and a law of Æthelstan that suggests that a slave could be vouched to warrant the sale of his own goods.¹¹⁵

¹¹⁴ Pelteret, *Slavery*, pp. 87-101. He concludes his review with an examination of Wulfstan's attitude towards slaves and slavery and on p. 101 states: 'In sum, we see in Wulfstan's writings an acceptance that the slave, as a person who possessed certain rights, was entitled to humane and just treatment...whenever the laws and ecclesiastical regulations that Wulfstan shaped were fully observed, the position of slaves must have improved materially'. Ross Samson is less inclined to see the process of slave amelioration as a deliberate attempt to 'humanise' slaves and instead views it as part of the church's desire to monopolise the regulation of social activity and moral behaviour which 'inadvertently affected slave-master relations'. R. Samson, 'The end of early medieval slavery', in *The Work of Work: Servitude, Slavery and Labor in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 95-124 at pp. 111-7.

¹¹⁵ Alfred, 43. II Æthelstan, 24 reads: 'And if anyone buys cattle in the presence of a witness, and afterwards has to vouch it to warranty, then he from whom he has bought it shall receive it back again, whether he be a slave or a freeman – whichever he may be.'

Towards the end of the tenth century there is a noticeable shift in the literary contexts in which slaves appeared. Before this, evidence for slavery is almost entirely restricted to the legal material, but in the tenth century references to slaves and slavery appear more frequently and in a wider variety of sources. As we have seen above, Ælfric reflected upon the nature of slavery in his *Grammar*, his *Colloquy*, his *Lives of Saints* and his homilies and added to this should be the work of Archbishop Wulfstan who also contemplated the status and purpose of the slave within Anglo-Saxon society. Both men wrote within an environment of intellectual renaissance heralded by the Benedictine Reform,¹¹⁶ but, unlike Ælfric, Wulfstan's position allowed him to influence the policy-making of kings Æthelred and Cnut and, accordingly, their laws.¹¹⁷ Wulfstan's work and that produced under his influence shows him to have been a man preoccupied with the moral standards of Anglo-Saxon society. Central to his ideas was the importance of adherence to the law of God which not only entailed the maintenance of the social order which God had created on earth but also 'justice for the socially

¹¹⁶ See M. McC. Gatch, *Preaching and Theology in Anglo-Saxon England: Ælfric and Wulfstan* (Toronto, Buffalo, 1977), pp. 8-11; D. Whitelock, 'Archbishop Wulfstan, homilist and statesman', *Transactions of the Royal Historical Society* 4th series, 24 (1942), 25-45 at 35; M. Gretsch, *The Intellectual Foundations of the English Benedictine Reform*, Cambridge Studies in Anglo-Saxon England 25 (Cambridge, 1999).

¹¹⁷ Patrick Wormald explores Wulfstan's influence on law-making in an aptly named sub-section of his *Making of English Law*, I:449-465: 'Wulfstan and the Law of God' and in 'Æthelred the lawmaker', in *Ethelred the Unready*, ed. D. Hill, British Archaeological Reports 59 (Oxford, 1978), 47-80. Dorothy Whitelock was one of the first Anglo-Saxon historians to explore the extent of Wulfstan's influence on the law-making of Æthelred and Cnut: 'Archbishop Wulfstan, homilist and statesman', 35-8; 'Wulfstan and the laws of Cnut', *English Historical Review* 63 (1948), 433-452; 'Wulfstan's authorship of Cnut's laws', *English Historical Review* 70 (1955), 72-85. Whitelock's assertion that Wulfstan had a hand in the writing of Cnut's laws meant that she re-dated Cnut's promulgation of the laws to the Archbishop's lifetime. For the relationship between Wulfstan and Ælfric, see P. Clemoes, 'Old English Benedictine Office, Corpus Christi College, Cambridge, MS 190, and the relations between Ælfric and Wulfstan: a reconsideration', *Anglia: Zeitschrift für Englische Philologie* 78 (1960), 265-83; Gatch, *Preaching and Theology*, pp. 118-28; M. Godden, 'The relations of Ælfric and Wulfstan: a reassessment', in *Wulfstan, Archbishop of York: The Proceedings of the Second Alcuin Conference*, ed. M. Townend, Studies in the Early Middle Ages 10 (Turnhout, 2004), 353-74; Whitelock, 'Archbishop Wulfstan, homilist and statesman', 33-5 and P. Wormald, 'Wulfstan (d. 1023)', *Oxford Dictionary of National Biography*, (Oxford University Press, 2004), [<http://www.oxforddnb.com/view/article/30098>, accessed 7/5/07].

helpless'.¹¹⁸ Slaves appear within these two spheres of Wulfstan's thought; Wulfstan never expressed unease with the existence of the institution of slavery but, like Ælfric in his *Colloquy*, his works do convey a degree of compassion for slaves and the conditions that characterised their existence. In the laws of Æthelred that show signs of his influence (V-X), a third of tithes were allocated to 'God's poor and poverty-stricken slaves', slaves were exempt from work on the Monday, Tuesday and Wednesday before Michaelmas 'so that they can fast the better and may make what they want for themselves' and in three separate codes the Archbishop prohibited (with the threat of excommunication) the sale of men 'out of the country', especially to the 'heathen'.¹¹⁹

In order to understand the reasoning and purpose behind this legislation, we must turn to the wider corpus of Wulfstan's work and the political climate in which he was writing. In the 980s, the pagan vikings had renewed their attacks on England and, with the end of the millennium approaching, Wulfstan's homilies in particular are imbued with a sense of fear about the impending Apocalypse: 'It was written and was long ago prophesied, "after a thousand years will Satan be unbound". A thousand years and more is now gone since Christ was among men in a human family, and Satan's bonds are now indeed slipped, and Antichrist's time is now close at hand'. The end of the world was inevitable, but, according to Wulfstan, 'those who now love God and follow God's laws, and eagerly listen to God's teaching and keep it well, and continue resolutely in true belief until their end, will have eternal rewards in heavenly delight

¹¹⁸ Wormald, 'Wulfstan (*d.* 1023)'; Wormald explored these ideas more fully in his 'Archbishop Wulfstan and the holiness of society', in his *Legal Culture in the Early Medieval West* (London, 1999), pp. 225-51. See also M. K. Lawson, 'Archbishop Wulfstan and the homiletic element in the laws of Æthelred II and Cnut', *English Historical Review* 107 (1992), 565-586 at 574-5.

¹¹⁹ VIII Æthelred, 6; VII Æthelred, 2:3, VII Æthelred (Anglo-Saxon), 5:1; V Æthelred, 2; VI Æthelred 9; VII Æthelred, 5 respectively. A similar provision against the sale of 'Christian people out of the country' can be found in II Cnut, 3.

with God Himself...'¹²⁰ In his *Sermon of the Wolf to the English* (1014), in which Wulfstan expounded on the state of Anglo-Saxon society, the Archbishop again implored all men to follow the laws of God *and* those of man and complained that 'almost everyone has deceived and injured another by word or deed; and in particular almost everyone wrongly stabs another in the back with shameful attack – let him do more, if he can'.¹²¹

It was important to Wulfstan that men should follow law in its widest sense: Mosaic, canon and secular. Donations to the poor and, more importantly for our purposes, 'poverty-stricken slaves' allowed men to demonstrate their piety – that they were not the type who 'stabs another in the back' – and, furthermore, Wulfstan's *Sermon* proclaimed that any curtailment of a slave's right to claim ownership over this property was yet another sign of the coming of the Anti-Christ.¹²² Wulfstan's eschatological preoccupations also explain his desire to exempt slaves from work on the three days before Michaelmas as this was done so that slaves could partake more fully

¹²⁰ Wulfstan, *Secundum Marcum*, ed. D. Bethurum, *The Homilies of Wulfstan* (Oxford, 1957), no. V, lines 42-7 and 114-9; trans. Wormald, *Making of English Law*, p. 451-2. For further discussion of the apocalyptic elements in Wulfstan's writings, see M. Godden, 'Apocalypse and invasion in late Anglo-Saxon England', in *From Anglo-Saxon to Early Middle English: Studies presented to E.G. Stanley*, ed. M. Godden, D. Gray and T. Hoad (Oxford, 1994), pp. 130-62 at pp. 142-62. See also, S. Keynes, 'Apocalypse Then (AD 1000)', in *Not Angels, but Anglicans: a History of Christianity in the British Isles*, ed. H. Chadwick and A. Ward (Norwich, 2000), pp. 41-7.

¹²¹ Wulfstan, *Sermo Lupi ad Anglos*, ed. D. Bethurum, *The Homilies of Wulfstan* (Oxford, 1957), no. XX (EI), lines 68-70; trans. *EHD*, no. 240.

¹²² '...slaves are not allowed to keep what they have gained by toil in their own free time, or what good men have granted them in God's favour, and given them in charity for the love of God. But every charitable obligation which ought by rights to be paid eagerly in God's favour every man decreases or withholds, for injustice is too widely common to men and lawlessness dear to them'. This is found as an addition in the version of the sermon in Cambridge, Corpus Christi College 201 which Bethurum, *Homilies of Wulfstan*, pp. 22-3 held to be a revised, contemporary version of Wulfstan's original. It is in Bethurum, *Homilies of Wulfstan*, XX (C), lines 51-6; trans. *EHD*, p. 930, note 6. Oxford, Bodleian Hatton, MS 113 and London, British Library Cotton Nero A. i simply have 'and the rights of slaves are restricted and charitable obligations are curtailed': Bethurum, *Homilies of Wulstan*, XX (EI), lines 47-8.

in the religious observance of fasting.¹²³ To Wulfstan the health of the soul of a slave was just as important as that of a freeman.¹²⁴ So too can Wulfstan's wider anxieties help account for his agitation about the sale of men overseas; he was particularly keen to ensure that men who were 'innocent of crime' should not be sold to 'the heathen' (by which he almost certainly meant the vikings),¹²⁵ but that 'care shall diligently be taken that the souls which Christ brought with his own life be not destroyed'.¹²⁶ Later rulings drafted by Wulfstan attempted to prohibit the sale of *anyone* out of the country.¹²⁷ The Archbishop also expressed concern about the sale of Englishmen 'into the power of foreigners' in his *Sermon* but paid special attention to the potential consequences if a slave ran away 'deserting Christianity' to join the vikings: 'And often a slave binds very fast the thegn who previously was his master and makes him into a slave through God's anger'.¹²⁸ This, of course, would be an inversion of the divine world order and part of

¹²³ VII Æthelred, 2:3. The Old English version of this law-code adds slightly more detail to the Latin version: 'And on these three days slaves shall be exempt from work, in order to attend church and keep the fast more willingly'.

¹²⁴ In his *Episcopus*, Wulfstan wrote that slaves were equal to freemen before God: 'It is to every lord's own advantage that he protect his slaves as best he can, *because they and those who are free are equally dear to God, and he bought us all at the same price*'. Wulfstan, *Episcopus*, 13, ed. and trans. D. Whitelock, M. Brett, C. N. L. Brooke, *Councils, Synods and Other Documents Relating to the Church* (Oxford, 1981, 2 vols.), 1:417-22. Wulfstan's contemporary and sometimes correspondent, Ælfric, also made clear that a slave was just as much the child of God as a king. In his *Feria III. De Dominica Oratione* he stated that 'as boldly may the slave call God his father as the king. We are all alike before God, unless one excel another in good works'. *Ælfric's Catholic Homilies*, ed. Clemoes, no. 19, lines 43-5; trans. Thorpe, *Homilies of the Anglo-Saxon Church*, 1:260-1. Both men echoed St Paul (I Cor. 7:20-24).

¹²⁵ Whitelock, *Beginnings of English Society*, p. 112. VII Æthelred, 3-3:1 and VII Æthelred, 6:2 demand that every religious foundation should say a daily mass 'against the heathen' 'with special reference to the distress with which we are now afflicted, until an improvement takes place'.

¹²⁶ V Æthelred, 2.

¹²⁷ VII Æthelred, 5 and II Cnut, 3. As Whitelock, *Beginnings of English Society*, p. 112 demonstrated, Wulfstan's concerns about the sale of men overseas were not new but they were given a renewed impetus with the revival of the viking attacks. Ine 11 proscribes the sale of men over the sea and in 732 Pope Gregory III had condemned the sale of Christian slaves 'to the heathen for sacrifice'. 'Letter of Gregory III to Boniface', ed. Tangl, 28; trans. Emerton, *Letters of Saint Boniface*, pp. 57-59. See Pelteret, 'Slave raiding and slave trading', 104.

¹²⁸ Wulfstan, *Sermo Lupi ad Anglos*, lines 117-9. See A. J. Frantzen, 'The fragmentation of cultural studies and the fragments of Anglo-Saxon England', *Anglia: Zeitschrift für Englische Philologie* 114 (1996), 310-339 at 334; Hollis, 'Thematic structure of the *Sermo Lupi*', 184.

the chaos that preceded the Apocalypse; for a slave to run away from his master was one thing, but for an Englishman to sell a man to the ‘heathen’, endangering the man’s soul and the social order was quite another. Thus, Wulfstan’s treatment of slaves can only be understood if put into the context of the wider issues that were of concern to him. Wulfstan’s chief aim was to improve the behaviour of all Englishmen and the health of their souls in preparation for the End of Days. Slaves could play a part in this process as the beneficiaries of charity but, significantly, their own spiritual wellbeing mattered to Wulfstan too and he designed legislation that aimed to protect slaves’ inclusion amongst the Christian faithful. It is difficult to assess the extent to which Wulfstan’s measures regarding slavery were put into action, but, theoretically at least, they would have improved the life of a slave. What can be said, however, is that this would have occurred as a consequence of Wulfstan’s wider programme of social reform and, although Wulfstan advocated kindness and compassion between men, that feelings of sympathy for the slave’s lot in life were not his primary motivation.

Manumission

Finally, we must address issues surrounding the manumission of slaves – how and why freedom from slavery could be acquired and the nature of this newfound freedom. Evidence for the freeing of Anglo-Saxon slaves is located mainly within wills and, notably, in the records of manumission ceremonies entered into gospel books. The earliest recorded act of manumission, however, is contained within Bede’s *Historia Ecclesiastica* in which he stated that Bishop Wilfrid baptised and freed two hundred and

fifty slaves from Selsey in Sussex (c. 681-6) as part of his programme to establish a monastery on eighty seven hides on land given to him by King Æthelwealh:

Since the king had given them the land together with all the stock on it, along with the fields and men, he instructed them all in the faith of Christ and washed them in the waters of baptism; among these were 250 male and female slaves, all of whom he released from the slavery of the devil, at the same time releasing them from the yoke of human slavery by granting them their liberty.¹²⁹

Here we can see immediately the relationship between the freeing of slaves, the church and the Christian faith that characterised manumission in Anglo-Saxon England. In 816 the Synod of Chelsea promulgated a canon that declared that on the death of a bishop every Englishman who had been enslaved during his time of office should be freed. The canons also outline the obsequies to be performed in every diocese on behalf of the soul of the deceased before stating that all bishops and priests should manumit three slaves and give each of them three shillings.¹³⁰ We can see here that the identity or personal circumstances of individual slaves was not a key issue, rather his status of 'slave' meant that he could be freed in a pious act for the good of the manumittor's soul. Indeed, the so-called *Confessional of Egbert* (re-named 'Scrift boc' by Allen Frantzen)¹³¹ which survives in an eleventh-century manuscript allowed a man to substitute the manumission of slaves for one year's fasting and the Old English introduction to this

¹²⁹ Bede, *HE*, iv.13, pp. 376-7. As Pelteret, *Slavery*, p. 137 suggests, the freed slaves probably still owed some obligation to Wilfrid and the monastery after their manumission.

¹³⁰ 'Canons of the Council of Chelsea, 816' X, ed. A. W. Haddan and W. Stubbs, *Councils and Ecclesiastical Documents Relating to Britain and Ireland* (Oxford, 1869-78, 3 vols.), III:679-85. Catherine Cubitt explores in detail the canon of the Council of Chelsea in her *Anglo-Saxon Church Councils, c. 650-c. 850* (Leicester, 1995), pp. 191-203. The specifics of canon 10 are discussed in Pelteret, *Slavery*, pp. 83 and 137.

¹³¹ A. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Brunswick, New Jersey, 1983), pp. 133-4.

text remarked that man could accumulate more 'good works' by releasing slaves and captives.¹³²

This aspect of manumission can be seen more prominently in wills which contain directions by slave-owners that some or all of their slaves should be freed on their deaths. Before the tenth century it was rare for a testator to record bequests other than land so the wills are restricted in what they reveal about the manumission of slaves before this period.¹³³ Nevertheless, they are a valuable source for slave manumission that can help illuminate not only the reasons why owners wished to free their slaves, but, as we shall see, can also give us some insight into aspects of slave life. Most striking about will-manumission is that often accompanying requests that a testator's slaves be freed on his death was the explanatory phrase 'for the sake of my soul'. The will of Bishop Theodred of London (942 x 951) is a typical example: 'And I grant to St Paul's church the estate at St Osyth, as an estate to provide sustenance for the community, with all that is on it, except the men who are there; *they are to be freed for my soul's sake*'.¹³⁴ Anglo-Saxon wills provide further confirmation that the freeing of slaves was regarded as a virtuous act and because of this they also show the value that was attached to being free. Essentially, however, manumission was intended to be of benefit to the manumittor and not the slave in question himself. A testator could hope

¹³² Pelteret, *Slavery*, p. 103. The *Confessional* ('Scrift boc') is preserved in Cambridge, Corpus Christi College, MS 190, s. xi, pp. 366-384 written at Exeter in the first half of the eleventh century. The text is in *Die Bussordnungen der abendländischen Kirche nebst einer rechtsgeschichtlichen Einleitung*, ed. W. H. Wasserschleben (Halle, 1851), pp. 300-18 and Thorpe, *Ancient Laws*, II:128-69.

¹³³ *Anglo-Saxon Wills*, ed. D. Whitelock (Cambridge, 1930), p. 100.

¹³⁴ 'Will of Bishop Theodred', ed. and trans. D. Whitelock, *Anglo-Saxon Wills* (Cambridge, 1930), no. I, lines 15-18.

that, in making such a clear demonstration of belief, his actions in life could reduce his punishment after death.¹³⁵

A will that requires more attention is that of Æthelgifu. Little is known of Æthelgifu, except that she was a woman of some standing who made a will (980 x 990) which outlines her intentions for the division of estates in Bedfordshire, Hertfordshire and Northamptonshire following her death.¹³⁶ Littered throughout Æthelgifu's will are directions for the dispersal of over one hundred slaves after her death, some of whom were bequeathed to various individuals and others who were freed.¹³⁷ Like many other testators, Æthelgifu freed these slaves for the sake of her soul, but the wealth of information contained within the will also provides us with insight into the occupations of slaves on her estates and their family relationships. As we have seen above from Ælfric's *Colloquy*, ploughing was one activity that could be performed by those who were unfree, but Æthelgifu's will indicates that on her estates she had enslaved to her swineherds, millers, shepherds, ploughmen and at least one fuller and goldsmith. More surprising are her directions that '...Edwin the priest is to be freed, and he is to have the church for his lifetime on condition that he keep it in repair, and he is to be given a man'.¹³⁸ Before the full text of Æthelgifu's will came to light in the mid-twentieth

¹³⁵ Failure to carry out a testator's wishes could have disastrous consequences for the fate of his soul. In a letter of 717 to Abbess Eadburga of Thanet, Boniface related the now famous tale of the 'vision of a monk of Wenlock'. The monk informed Boniface that he had seen the soul of a fellow monk in torment because his instructions to free a female slave that he owned had not been carried out after his death. The letter is ed. Tangl, 10; trans. Emerton, *Letters of Saint Boniface*, pp. 25-31.

¹³⁶ S 1497. An edition and translation of the will can be found in *The Will of Æthelgifu. A Tenth Century Anglo-Saxon Manuscript*, ed. and trans. D. Whitelock (Oxford, 1968). Sarah Foot has made the plausible suggestion that Æthelgifu was a vowess living with a small community on her estate at Standon, Hertfordshire. See her *Velled Women. Vol. 1: The Disappearance of Nuns from Anglo-Saxon England* (Aldershot, 2000, 2 vols.), 1:3-4, 139-40.

¹³⁷ Pelteret, *Slavery*, pp. 113-4, tabulates the slaves mentioned in Æthelgifu's will, but the exact number is impossible to quantify given the testatrix's repeated references to slaves' children.

¹³⁸ 'The Will of Æthelgifu', lines 15-6.

century, it had long been assumed that in England there was no abuse of church canons that required all priests to be of free birth or at least freed before ordination.¹³⁹ Here, however, not only was Edwin the priest to be made free but he was to be given property (including his own servant) which would have ensured that his daily life continued in much the same manner as before but with the important difference that he would have been a freedman. In this way Æthelgifu's will serves to remind us of the potential for disparity between directions as specified in the prescriptive literature and how they were executed in Anglo-Saxon England. Æthelgifu's will also provides an opportunity to examine the familial relationships of slaves. On numerous occasions the testatrix made reference to a named slave and his family – wives, children and step-children – which demonstrates that slaves could marry. Most of the family groups that Æthelgifu bequeathed or freed were composed of slaves only, but it appears that Wulfric the huntsman from Standon was a freeman who was married to a slave as Æthelgifu gave directions for the manumission of his wife and children but made no such arrangement for Wulfric himself.¹⁴⁰ If indeed this was the case, then this offers evidence not only for slave-freeman marriages but also suggests that any children produced by such unions would have taken their status from their mother which corroborates the penitential instructions for determining the status of children of slaves.¹⁴¹

¹³⁹ *The Will of Æthelgifu*, ed. and trans. Whitelock, pp. 32-3.

¹⁴⁰ Pelteret, *Slavery*, p. 114.

¹⁴¹ *The Confessional of Egbert* (or 'Scrift-boc'), 13 states that a child of a freeman and slave remained a slave even if the father managed to free his wife. *The Penitential of Theodore*, II:13.6-7 adds to this that 'If anyone acquires [as a slave] a free woman who is pregnant, the child who is born of her is free. If anyone sets free a pregnant woman, the child which she brings forth shall be [in a state of] slavery'. Slave status, it seems, was not only derived from the mother, but also established at the moment of conception. Editions of the text of the so-called *Penitential of Theodore* can be found in *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, ed. P. W. Finsterwalder (Weimar, 1929), pp. 285-334; *Die Bussordnungen der abendländischen Kirche nebst einer rechtsgeschichtlichen Einleitung*, ed. W. H. Wasserschleben (Halle, 1851), pp. 182-219; *Councils and Ecclesiastical Documents*, ed. Haddan and Stubbs, III:173-204. It is translated in McNeill and Gamer, *Handbooks of Penance*, pp. 182-

One final aspect of manumission that must be addressed is that of the act of manumission itself. The act of granting a slave his freedom was a solemn and sacred affair that involved a ceremony of validation. In 695 Wihtræd outlined the features of a manumission ceremony which stated that 'if anyone grants one of his men freedom on the altar, his freedom shall be publicly recognised'.¹⁴² Evidence for manumission in Anglo-Saxon England suggests that it usually took this form of *manumissio in ecclesia*, but later Anglo-Saxon documents do indicate that ceremonies could also be performed at cross-roads in a style similar to that described in the Lombard king Rothari's *Edict* (643).¹⁴³ As well as taking place in a holy or, in the case of cross-roads, a symbolic setting, witnesses to the event were required as is demonstrated in the earliest surviving manumission-document which records the freeing of Eadhelm by King Æthelstan in 924 x 925:

King Æthelstan freed Eadhelm immediately after he first became king. Ælfnoth the mass-priest and the community, Ælfric the reeve, Wulfnoth the White, Eanstan the prior, and Brynstan the mass-priest were witness of this. He who averts this – may have the disfavour of God and of all the relics which I, by God's mercy, have obtained in England.¹⁴⁴

215. Continental law-makers were less tolerant of slave-free marriages. *Pactus Legis Salicae*, LXLVII prescribed outlawry for a woman who married her own slave; the slave himself was tortured. Men who married someone else's slave were penally enslaved (*Pactus Legis Salicae* XIII.9, XXV.3).

¹⁴² Wihtræd, 8.

¹⁴³ Pelteret, *Slavery*, pp. 143-5. *Edictus Rothari* 224, ed. F. Bluhme, *MGH Leges (in folio) IV* (Hanover, 1868), 3-90 at 54-5; trans. K. F. Drew, *The Lombard Laws* (Philadelphia, Pennsylvania, 1973), pp. 39-130 at p. 96. My thanks to Simona Spedale-Latimer for drawing to my attention this example from the *Edictus Rothari*.

¹⁴⁴ London, British Library, Royal, MS. I. B. vii. The text is ed. W. De G. Birch, *Cartularium Saxonicum: a Collection of Charters Relating to Anglo-Saxon History* (London, 1885-99, 4 vols.), no. 639; ed. and trans. B. Thorpe, *Diplomatarium Anglicum Ævi Saxonici: a Collection of English Charters from the Reign of King Æthelberht of Kent, A.D. DC.V. to that of William the Conqueror* (London, 1865), p. 622; trans. *EHD*, no. 140.

In documenting the freeing of slaves, the ceremonial act of manumission was given material permanence that could serve as evidence of a slave's altered status should it ever be called into question.¹⁴⁵ Almost all our surviving records of manumission are found in gospel books, particularly in those of south-western provenance; Æthelstan's freeing of Eadhelm, for example, was entered into St Augustine's gospel book and others are contained within the Bodmin Gospels and Exeter Book.¹⁴⁶ Pelteret has suggested that, in entering manumissions into gospel books 'the sanctity of the book could bestow sanctity on the record and thereby ensure its veracity'.¹⁴⁷ This fits in well with his ideas about manumission ceremonies and, indeed, manumission in general – that they were pious acts in which the church became increasingly interested and involved.¹⁴⁸ Whilst Pelteret's observations cannot be faulted, they perhaps do not go quite far enough in explaining why manumission ceremonies were carried out in the manner that they were. If we focus more closely on the purpose of the manumission act itself, we may be able to better understand the reasoning behind *manumissio in ecclesia*. In essence, manumission served to alter the personal status of a slave and so it was a slave's social position – his 'unfreedom' – that was of paramount importance during this process; his occupation, family relationships and other characteristics that defined

¹⁴⁵ There are surviving documents that record establishments of free status. These are not manumissions, but rather indicate that the individuals involved were required to defend their status as freemen. See, for example, the establishment of the free status of Wurcon, Æthan, Iunerth, Wurfothu, Gurualet, their sons, grandsons and 'all their posterity'. British Library, Addit. MS 9381; ed. Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I:682; ed. Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, p. 631; trans. *EHD*, no. 144.

¹⁴⁶ See M. Förster, 'Die Freilassungsurkunden des Bodmin-Evangeliars', in *A Grammatical Miscellany offered to Otto Jespersen*, ed. N. Bøgholm *et al.* (Copenhagen, 1930), pp. 77-99; F. Rose-Troup, 'Exeter manumissions and quittances of the eleventh and twelfth centuries', *Transactions of the Devonshire Association* 69 (1937), 417-45; J. H. Rowe, 'Anglo-Saxon manumissions', *Devon and Cornwall Notes and Queries* 12 (1922/3), 251-4.

¹⁴⁷ Pelteret, *Slavery*, p. 140, note 47.

¹⁴⁸ See, in particular, Pelteret, *Slavery*, pp. 150, 246-7, where Pelteret makes these arguments most overtly.

his identity were, of course, all still present, but they were temporarily overshadowed.

We have seen above how Anglo-Saxons considered society to be divinely ordered, with each individual allocated his position by God. This perhaps explains why manumission needed to be such a solemn and sacred occasion. It was, after all, a measure that was designed to alter God's organisation of society.

When a slave had been set free his status changed to that of *freetmann* ('freedman').¹⁴⁹ It is the difference that this transition made to the status and lifestyle of the ex-slave that ultimately reveals what it meant to be a slave in Anglo-Saxon England: it demonstrates what made a slave a 'slave'. Evidence relating to *freetmenn* is rather meagre, but what exists suggests that the freedoms conferred by manumission would have given an ex-slave more control over his movements and, whilst he would still be involved in a relationship with a lord, he had the potential to choose who he served. Wihtræd's law which demonstrates that manumission took place on the altar concludes by stating that 'the emancipator shall have his heritage and his wergeld, and the guardianship of his household, wherever he [the freedman] may be, [even if it be] beyond the border'.¹⁵⁰ This reveals two points of interest. First, that a master could still claim ownership over his ex-slave's wergeld, and secondly that Wihtræd assumed that a freedman might move away from his ex-master's estate.¹⁵¹ Both of these aspects of the freedoms conferred by manumission find expression in the extant wills of the tenth and

¹⁴⁹ Patterson, *Slavery and Social Death*, pp. 240-61 examines the impact of manumission on the status and interpersonal relationships of ex-slaves.

¹⁵⁰ Wihtræd, 8.

¹⁵¹ Attenborough's translation of this clause in his *Laws of the Earliest English Kings*, p. 27 is ambiguous and could be taken to mean that an ex-slave may move beyond the borders of Kent. I am inclined to take this to mean the boundary of the estate on which the slave had previously been resident. The entry for *mearc* in *An Anglo-Saxon Dictionary: Based on the Manuscript Collection of the Late Joseph Bosworth, D.D., F.R.S.*, ed. and enlarged T. N. Toller (Oxford, 1898), pp. 673-4 indicates that it was used to mean a boundary of time or space, a boundary of a district or a boundary of an estate.

eleventh century, but the matter is complicated by the paucity of evidence and by the existence in Anglo-Saxon England of another status – that of *healfþreo* or ‘half-free’ which was distinct from the position of slave and freedman.¹⁵² The will of Wynflæd, which deals with land in Wiltshire, Berkshire, Hampshire, Oxfordshire and Somerset, provides an appropriate platform from which to explore the effects of manumission.¹⁵³ In her will the testatrix freed Wulfwaru and ...ttryth and stated that they were allowed to serve whom they pleased which also implies that the women would have had rights over their movements.¹⁵⁴ However, she also freed another woman, Wulflæd on condition that she should serve Æthelflæd and Eadgifu who were her daughter and granddaughter. Wynflæd’s will thus reveals two possible outcomes of the manumission of slaves; whilst Wulfwaru and ...ttryth could choose their lord, Wulflæd would have been obliged to serve members of Wynflæd’s family if she wanted to be free. Significantly, however, Wynflæd assumed that all three women would have required a new lord to serve after her death. Manumission did not mean that an individual would have moved beyond the control of a superior; a freedman would still have owed allegiance and service to a lord, but this was also true of Anglo-Saxon freemen. Being free mattered, however. It clearly mattered a great deal to a certain Putrael who, in the late-tenth

¹⁵² *Healfþreo* appears only twice in Old English and it is difficult to determine quite what was meant by the term. The ‘half-free’ were distinct from slaves and freedmen and seem to have had some correlation to a *frjálsgjafi* of Old Norse law who was a freedman who still retained ties to his manumittor and his manumittor’s descendants. See Pelteret, *Slavery*, pp. 290-2. Again, it is in situations such as this that the concept of ‘unfreedom’ can be usefully applied and explored.

¹⁵³ S 1539 (?c. 950); *Anglo-Saxon Wills*, ed. and trans. Whitelock, no. III. As with Æthelgifu, Sarah Foot has raised questions over Wynflæd’s status and has hypothesised that she too may have been a vowess (as well as the grandmother of King Edgar). Foot, *Veiled Women*, I:136-40.

¹⁵⁴ A manumission document that details the manumission of a man by King Eadwig (955-9) is more specific about the rights over movement that it conferred. Eadwig permitted the man to be *fryo* (‘free’) and *færewyrþe* (‘entitled to go’). This manumission survives in London, British Library, Cotton Tiberius, MS B. V; ed. and trans. Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, p. 623. For *færewyrþe*, see the entries for *farán* and *weorþ* in *An Anglo-Saxon Dictionary*, ed. and enlarged T. N. Toller, pp. 270 and 1199-1200 respectively. See also Pelteret, *Slavery*, p. 159.

century, begged Boia to intercede with his brother Ælfric who seems to have had some right to enslave Putrael. Putrael's case was successful but also costly – he paid eight oxen and sixty pence to ensure that he and his offspring could be 'forever free and free from obligation (*saccles*)' to Ælfric and Ælfric's family.¹⁵⁵ A slave who had been made free would not have gained the same status as Putrael – who was clearly a freeman – but his manumission would have dramatically altered the dynamic of his relationship with his social superiors.

Conclusion

Central to our examination of the condition of Anglo-Saxon slaves has been a discussion of their lack of an independent legal personality; law-makers treated slaves simply as the property of their masters with a financial value that they could claim as compensation if they came to any harm. As the legally owned possession of another individual it meant that there was no need for slaves to be included in the wergeld system that aimed to protect the lives of free Anglo-Saxons by demanding that compensation be paid to the kin of murder victims. Law-makers were satisfied with their arrangements that gave masters complete command over a slave's person. Slaves' legal status had wide ramifications; in the early Anglo-Saxon period it seems that they

¹⁵⁵ London, British Library, Addit. MS 9381; ed. Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I:680; ed. and trans. Thorpe, *Diplomatarium Anglicum Ævi Saxonici*, p. 628; trans. EHD, no. 147. Whitelock translated *saccles* as 'secure from contention', but Pelteret, *Slavery*, p. 160 has followed F. E. Harmer in translating this term as 'free from any legal obligation'. See F. E. Harmer, *Anglo-Saxon Writs* (Manchester, 1952), pp. 74-6.

were unable to claim ownership over goods, although these restrictions do seem to have been relaxed in the ninth and tenth centuries. In turn, their inability to possess property meant that they could not compound for their wrongdoings through the usual channels of payment of *bót* and *wíte* and so it was their bodies that bore the punishment for any offences they committed.

Our examination of the literary sources offered a means of departure from the rigidity of legalistic definitions of slavery, allowing us to formulate some sense of the Anglo-Saxon slave experience and additional aspects of their identity. In particular, the writings of Ælfric illuminate the type of work that was most immediately associated with slavery – the hard, physical labour of his ploughman – but also indicates the value that was attached to such toil, the ‘wiseman’ of Ælfric’s *Colloquy* raising agriculture above all other secular occupations ‘because the ploughman feeds us all’. The will of Æthelgifu adds to our knowledge of the types of occupations that concerned slaves and demonstrates that amongst the enslaved population on her estates in Bedfordshire, Hertfordshire and Northampton were those with highly specialised skills such as millers, fullers, goldsmiths and, more surprisingly, a priest. Further to this, evidence from Æthelgifu’s will indicates that slaves could create their own family units; on numerous occasions the testatrix gave instructions for the bequest or manumission of married slaves and their children.

We also made a case above for the significance of the moment of manumission; it was at such times that the social position of ‘slave’ came most sharply into focus. A manumission ceremony was a necessarily solemn and sacred affair, one that served to alter the hierarchical social ladder that had been designed by God, but for the slave in

question it meant that he was transformed from a legally 'unfree' individual into a freedman. This new status brought with it privileges that had previously been denied to him – he had the right to move freely and could chose a lord to whom to give his allegiance. It is the new-found freedoms that were available to a freedman that illuminate what it meant to be a slave. When made free, an ex-slave would have continued to perform a similar economic function through his work on a lord's estate and his daily life would have remained much the same. He still required a lord and owed service to this lord but, ostensibly, servitude was not the same as enslavement. Many Anglo-Saxons served and all owed allegiance to a social superior, but what made the status of 'slave' distinctive – what made a slave a 'slave' – was that service was his *raison d'être* and the demands that a master could make of this service were, potentially, limitless. As St Thomas explained to Abbanes: 'I am His slave, and do not the things which I myself choose, but that which my Lord tells me.'¹⁵⁶

¹⁵⁶ Ælfric, 'Passion of Saint Thomas the Apostle', ed. and trans. Skeat, *Ælfric's Lives of Saints*, II:402-403.