POETIC PROPERTIES
LEGAL FORMS AND LITERARY DOCUMENTS IN EARLY ENGLISH LITERATURE

by

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"Poetic Properties: Legal Forms and Literary Documents in Early English Literature"

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This thesis argues that the Middle English alliterative prosody of the \textit{Piers Plowman} tradition was influenced by a discourse combining law, history, homily and poetry which was inherited from the administrative practices of the Anglo-Saxon period. As literary and legal textual genres developed recognizably distinct formal characteristics in the later Middle Ages, the combination of homiletic rhetoric and alliterative sound-patterning evoked a surviving discourse in which the formal characteristics of poems and documents were less clearly distinguished. Thus insofar as it evoked Anglo-Saxon textual culture, \textit{Piers Plowman} provided a formal model which was particularly suitable to criticisms of political institutions that consolidated their power by developing new distinctions between the genres of bureaucratic texts.

In each of the texts and traditions studied – Wulfstan’s homiletic law code \textit{I–II Cnut} and its Latin translations, \textit{The First Worcester Fragment}, L\textsc{a}\textsc{3}amon’s Arthurian \textit{Brut} chronicle-poem, \textit{The South English Legendary} "Life of St. Egwine", and the \textit{Piers Plowman} tradition poem \textit{Mum and the Sothsegger} – apparently “literary” devices are used to authorize historically-based “legal” claims, particularly on behalf of ecclesiastical institutions looking to maintain their local influence in the face of increasingly consolidated royal administrative authority. Though oaths played a much less important procedural role after the Norman Conquest than they did in the Anglo-Saxon period, the appearance of “creative” authenticating procedures in "commemorative" texts created \textit{the appearance of orality} to post-Conquest readers, to criticize a government which claimed its English "common" law to originate in the remotest recorded antiquity, even as
it abandoned the practices actually recorded in the earliest surviving law codes and
documents to be written in England. Comparing these texts allows a deeper
understanding of their shared authenticating strategies, and also a re-appraisal of the
methods we use to describe the relationships between medieval documents and
authors, literature and law, texts and contexts.

Appended to the dissertation is an edition of the SEL "Life of St. Egwine."
Because Egwine's hagiographic tradition is so thematically invested in political concerns
and closely interconnected with legal documents attributed to Egwine himself, the edition
provides an opportunity to take a "disjunctively" literary and diplomatic approach to the
tradition, in the process exploring some of the practical implications of the larger
theoretical issues raised by the thesis as a whole.
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An enduring puzzle presented by the corpus of surviving Middle English literature is the question of why there should be such a large corpus of alliterative poems dated to the mid-fourteenth century or later, given the virtual disappearance of classical Old English verse in the late eleventh century. This phenomenon has been misleadingly called "the alliterative revival," a title that suggests a return to the meter, perhaps inspired by an undocumented oral tradition of vernacular poetry that stretched from the Anglo-Saxon period to the Lancastrian era (Chambers 1966; Andrew and Waldron 1978, 46). Thus the revival of alliterative verse would appear to be only one symptom of the larger return to English as a language of serious literary and philosophical writing at the end of the medieval period. Though the theory that these poets were conducting a "revival" has since been frequently refuted—both because there is little indication that they were all part of a coherent movement, and also because even a cursory reading of the poems reveals that they were written by highly literate poets¹—the idea of a “revival” has maintained enough of an aura of plausibility that the term has managed to persist, for reasons identified by Ralph Hanna: “On the one hand, the speakers of these poems personify a hoary wisdom and exemplify it through their reliance upon standard learned texts of Latinate origin… yet simultaneously, the mode in which such literary

communication is not simply marked, but overmarked, as vernacular,” so that they “flaunt their own (thoroughly fictive) orality” (Hanna 1999, 501).²

Alliterative prosody is certainly well-suited for "flaunting" a fictive orality. It simultaneously encourages the use of the oldest words still in the language and the importations of loan words. Structurally, it responds to the practical needs of the poetic moment to generate a coherence that is better described in temporal rather than spatial terms, a “rhythm” rather than a “shape.” This loose but identifiable rhythm gives the text a feeling of spontaneity, even when archaic features and Latin quotations reveal it to be otherwise.³ But though the objective qualities of alliteration doubtless played a role in the alliterative poets’ choice of meter, it is also likely that alliterative sound-patterning⁴ had a specific cultural value in its political context, as a feature of older and therefore more authoritative vernacular texts.

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⁴ I use the term “sound-patterning” to refer to a sustained use of alliteration that is not necessarily prosodic, though it can be; I choose this looser definition of alliteration both because of the active debate surrounding the distinctions between Old English “stressed prose” and verse (see below, p. 41) and because the alliterative poems studied (*The First Worcester Fragment, Laȝamon’s Brut*, and *Mum and the Sothsegger*, as discussed below) are arguably linked as much by the informality of their meter than they are by any particular metrical characteristics.
Of the surviving “alliterative revival” poems, perhaps the most unusual are the versions of *Piers Plowman* and the affiliated *Piers Plowman* tradition. Though there is not a great deal of consistency in the prosody of "Alliterative Revival" poetry, the rules that can be inferred from *Piers Plowman* and its imitators are among the most divergent from other fourteenth-century alliterative poems. Turville-Petre defines the difference as a looser approach to line-length, which can obscure the metrical pattern of the line and seem almost like prose; however, the verse pattern never disappears entirely, and the poem’s looseness seems to be a deliberate flouting of a boundary rather than simple carelessness (Turville-Petre 1977, 59–60). Indeed, this flouting is extensive enough that Thomas Cable has suggested that Langland might have invented his own meter (Cable 1991, 86). Perhaps relatedly, the texts differ greatly from other “alliterative revival” poems in the circumstances of their survival: *Piers Plowman* is by far the most widely copied Middle English alliterative text, with close to fifty witnesses, while the nearest follower is *The Siege of Jerusalem* with nine (Chism 2002, 16). Thus even among “revival” texts, *Piers Plowman* and the *Piers Plowman* tradition remain resolutely difficult to categorize.

In this dissertation, I will attempt to better contextualize the *Piers Plowman* tradition (and, in particular, the *Piers Plowman* tradition fragment *Mum and the Sothsegger*) by arguing that it participated in a mode descended from a confluence of law, history, homily and poetry inherited from the discursive practices of the Anglo-Saxon period. After all, the earliest vernacular English text to use alliterative sound-patterning

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is the law code of King Æthelberht, apparently transcribed from laws that had been orally transmitted for generations; further, the unique witness of this text appears in a post-Conquest manuscript. I will also argue that the relative freedom of Anglo-Saxon legislators to adapt and change their sources provided a template for the intertwined processes of revision and imitation witnessed in the *Piers Plowman* tradition. As literary and legal texts developed distinct formal characteristics, alliterative verse continued to evoke the underlying common origins of poems and documents, and the greater freedom with which those texts could be adapted to later needs. Thus alliterative sound-patterning was one among many rhetorical devices that were particularly suitable to texts like *Mum and the Sothsegger*, which criticized the emerging institutional powers who consolidated influence by developing and relying upon bureaucratic texts.

Though variation among manuscripts is typically thought to be a different kind of formal quality than alliteration, the critical distinction reflects only a tendency to privilege poetic form as something occurring “inside” the text, while variants and revisions seem to either distort that text or create new texts. One goal of this dissertation will be to move past this false dichotomy, to look at manuscript witnesses of a text in juxtaposition, without resorting to a nostalgia for an original or best version to justify the comparison. In this sense, the study will respond to a growing consensus among both literary critics and legal historians that the inherited categories of textual criticism insufficiently

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43–54. As Orchard explains, there are substantial differences between Latin and English alliterative prosodies, and the two cannot be considered equivalent.

characterize the complexity of medieval textual traditions. Recent works of medieval literary criticism like Christopher Cannon's *Grounds of English Literature* and the work of Anne Middleton, Helen Barr, and Emily Steiner on the *Piers Plowman* tradition, have argued that the relationship between formal strategies and political claims in these texts are more nuanced than has been historically recognized (Middleton 1988, Barr 1993, Steiner 2001). Among historians, meanwhile, scholars like Alfred Hiatt and Patrick Wormald have argued that the lack of rigidly formulaic language in medieval legal texts reflects the more rhetorical and therefore "literary" purpose of these texts, fundamentally different from law codes and legal documents in the present (Hiatt 2004, Wormald 1999). These literary critics and legal historians have identified two sides of the same problem, that these medieval texts do not wholly conform to either the modern category of literature or the modern category of law.

In my first two chapters, I will use the example of Wulfstan's homiletic law code *I-Il Cnut* and its Latin translations to identify the influence of Old English legal culture after the Norman Conquest, and to show that the "literary" formal qualities of "legal" texts influenced the editorial decisions of their translators and imitators. I will also look at the First Worcester Fragment (chapter 2), the thirteenth-century *Brut* of La3amon (chapter 3), and the *South English Legendary "Life of St. Egwine*" (chapter 4) as examples of post-Conquest poetry which were influenced by Anglo-Saxon literary-legal discourse. In the fifth and final chapter, I will identify evidence for the influence of Anglo-Saxon literary-legal discourse on *Mum and the Sothsegger*, in order to consider how the evidence might help us to understand the more puzzling features of this text, which include its combination of homiletic tone, legal subject matter, alliterative prosody, and perhaps most puzzlingly, the freedom with which adapts, borrows and changes the extant text of
its authority *Piers Plowman*, to discuss the importance of faithfulness to authoritative texts. In the process, I will suggest that the fictive "orality" of "Langlandian" alliterative meter is more precisely defined as a fictive antiquity, which evoked the idea of ancient oath-based legal practices to criticize a government which claimed its English "common" law to originate in the practices of earlier kings, even though it abandoned the practices and ideals actually recorded in the earliest surviving law codes and documents to be written in England. The remainder of this introduction will lay out some of the critical vocabulary that will be necessary in this argument, which necessarily traverses the disciplinary divide between the textual critical practices of literary critics and historians.

**Definitions**

In his article "Towards a Disjunctive Philology," Will Robins observes that editions do not "represent" but rather "model" texts: "like any model, [the edition] raises one set of features to visibility by excluding others to serve a heuristic purpose" (146). Because the texts studied in this dissertation will span both poetic and documentary forms, my readings will have to make a simultaneous application of both "literary" and "diplomatic" strategies for modeling the medieval texts that are their respective objects of study. As such, my readings will be "disjunctive" in Robins' sense, utilizing the two approaches not in an attempt at a more exhaustive portrait of the text, but rather to call attention to the particular features of the text excluded by the different approaches.7

"Literary" reading is defined here as the presupposition that a transhistorical text can be abstracted from many manuscript copies, even if none of those copies exactly

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represent that text in its totality. "Diplomatic" reading, on the other hand, presupposes that each manuscript witnesses an individual and unrepeatable event; even when two copies are made of a single text to witness a single transaction, the documents have an individual significance that outweighs their common contents. In other words, diplomatic reading concerns itself primarily with the strategies by which a text commemorates, while literary criticism examines the strategies by which it creates.

I define "commemoration" here as a mode of writing that is authenticated only insofar as it seems to unproblematically or "transparently" transmit historical information from the past into the present, but that is at the same time directed towards a future in which the commemorated idea will be continuously remembered. "Creativity," on the other hand, is a mode whose claim to self-authentication inadvertently reveals its debt to earlier modes of self-authentication, and in that sense is directed towards the prehistory of its influences. Creative texts can only proclaim themselves to be the new work of an author or group of authors with reference to earlier texts, as a backdrop against which the unique features of the new text can be discerned. For literary criticism to identify any influences, then, it must first set up a perimeter around the text to be assessed, and eliminate "errors" that might distort the creative author's intent. In contrast, commemorative writing tends to represent the particular event of the manuscript's assembly, so that diplomatic criticism attempts to identify any deviations from analogous documents produced in a similar context, in order to assess the veracity of the claim that the text attempts to commemorate. Unlike creative texts, then, idiosyncratic features of commemorative texts work against their authorizing procedures, by suggesting that the text was not produced under the appropriate controlled circumstances.
On the surface, it appears that the law codes of the Anglo-Saxon period are primarily commemorative texts. There is no evidence that any Anglo-Saxon king personally wrote the law codes that bear his name; and indeed, it is striking that Asser’s Life of Alfred, where we would most expect to find such evidence, does not mention the written legislation of pre-Conquest England’s most famous lawgiver (Wormald Making of English Law 1999, 120–1).\(^8\) In A.J. Minnis’ terms, the auctoritas of these laws seems to be dependent on their "intrinsic worth" as statements of correct principle much more than their "authenticity" as an accurate reproduction of the monarch's actual words (Minnis 1988, 10–11). Hence the paradox that the Cnut codes are unproblematically the laws of Cnut and the laws of Edgar at the same time, even though they were actually written by Archbishop Wulfstan II of York/I of Worcester.\(^9\) If modern critics have identified Wulfstan as the creative force behind the laws, this authorship is nonetheless an accidental feature of the text itself; I-II Cnut places much more rhetorical emphasis on its commemorative renewal of Edgar's laws under the reign of a new king. Thus despite our modern titling conventions, Anglo-Saxon law codes do not draw their authority from their ostensible authors, but from the legal principles they codify.

Nor, however, do these law codes resemble modern legal codes, which prescribe specific procedures for adjudication. Patrick Wormald has pointed to Bede’s characterization the Æthelberht code as a symbol of greatness “iuxta exempla Romanorum” (the only explicit reference to the Anglo-Saxon law codes, outside of the codes themselves, found in a text dated before 1066) to argue that the Roman exempla were of legal texts that were written down at all; the code may have confirmed

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\(^8\) Indeed, Malcolm Godden has recently disputed the presumption that Alfred personally wrote anything at all: Malcolm Godden, "Did King Alfred Write Anything?" Medium Ævum 76.1 (2007). 1–23.

\(^9\) Cnut 1018 1 reads: "Bonne is þaet ærest, þaet witan geræddan, þaet hi ... Eadgares lagan geornlice folgian" ("Firstly, that witan advised that they ... should earnestly follow Edgar's law").
Æthelberht’s prestige with reference to the standards set by Roman emperors, but it does not suggest a full-scale implementation of text-based bureaucracy like the Roman system of law (Wormald *Making of English Law* 1999, 29). Hence even if the law codes are not rooted in the authority of a particular author, the circumstances of their survival indicate that they are nonetheless creative texts, at least insofar as they witness rhetorical assertions and not necessarily procedural guidelines.

At this point, a more precise distinction between "literary" and "diplomatic" criticism is necessary to assess how these methodologies allow us to deal with texts like the law codes, that appear to be both creative/literary and commemorative/documentary. In a 1976 article entitled “Diplomatics,” the Toronto paleographer Leonard Boyle proposed a definition of the discipline that would extend its function to include borderline texts like the Anglo-Saxon law codes:

In spite of the range of these sources, some with fixed rules of composition, some not, the act of judgment on the content and meaning, the truth or falsity, the credibility or implausibility, of the document in question depends on the same rhetorical principle in each case: who wrote it? What does it say? How was it written? Why, when, and where was it written? Who were involved in it beyond the principle agent?

In a word, *diplomatics is simply the straightforward application of the basic principles of literary criticism to documentary sources.* The critical examination of any record, *whether literary or documentary,* and whether in an authentic form or a copy, or as reported, must take a full and firm account of the substance of the document and all of the circumstances surrounding that document. Only when a document has been examined with all thoroughness, externally as well as internally, can its witness be evaluated, properly, circumstantially, and fully. (Boyle 1992, 76, my emphasis)

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10 See also Richards, "Anglo–Saxonism in the Old English Laws," 40–1.
Boyle's relatively open definition of diplomatics here is not representative of the current state of the discipline. A point of comparison is the definition proposed by the Commission internationale de diplomatie, which states that the goal of diplomatics is “to examine [written] acts critically, to determine their authenticity, to appraise their textual quality, to extricate from formulaic language all those elements of their contents that may be exploited by the historian, to date them, and finally to edit them” (Bautier 1984; cited by Sharpe 1996, 230). Where literary criticism aims to describe the text itself, the diplomatic historian analyzes formulaic language only as a means to the end of historical inquiry, so that the document's accuracy as a record of an event can be ascertained. Thus the distinction between form and content is imposed on the document so that the historian can “extricate” information from the diploma and thereby “exploit” it.

Richard Sharpe summarizes the character of this exploitation:

> All documents issuing from the same authority in the same period and serving the same function tend to conform to a pattern; a comparison of specimens allows us to identify that pattern. It is then possible, on the one hand, to compare this “form” with those used by the same authority for other purposes, or those used for the same purpose at a different time, or indeed those issued by a different authority. On this basis historians may understand the changing uses of the written word in government, administration, or law. (Sharpe 1996, 230)

However, formal comparison alone cannot extricate and evaluate the full extent of a document's purposes. Regulated, formulaic language can still retain its rhetorical

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content, particularly in medieval documents, where the identifiable patterns are relatively fluid and frequently accidental. Thus Boyle's statement is particularly notable for its explicit confrontation of the basic practical problem, that any distinction between "diplomatic" and "non-diplomatic" texts is difficult to justify on the basis of primary materials.12 No text is wholly commemorative or wholly creative; both diplomatic and literary-critical methodologies can be applied to virtually any discursive object. Rather, texts tend to lean in one direction or the other, in their formal anticipation of the kinds of questions a reader might most want to ask.

Nonetheless, it remains difficult to name objective criteria for identifying these tendencies, particularly when the "principles of literary criticism" identified by Boyle presuppose that form and content are, at a certain level, indistinguishable. One early formative statement of this principle in North American criticism is provided by Cleanth Brooks in *The Well-Wrought Urn*, where he defines poetic structure as follows:

> The structure meant is certainly not 'form' in the conventional sense in which we think of form as a kind of envelope which 'contains' the 'content.' The structure obviously is everywhere conditioned by the nature of the material which goes into the poem. The nature of the material sets the problem to be solved, and the solution is the ordering of the material (Brooks 1956, 194).

Brook's limitation of "form" to individual poems ignores the larger socio-linguistic continuum between the context(s) of the text's production and the context(s) of its reception—in Boyle's terms, "the circumstances surrounding the document."13


Documentary formal "solutions" must consider paleographical and codicological aspects of the text, and for this reason the analysis of form and content extends beyond the textual realm into the material-cultural and historical, to describe both the "text" that is a series of words in a particular order and the "text" that is an archival object.

Given that form and content in literary criticism are identical—a presumption whose implications were recognized even in conservative literary-critical circles at the time Boyle made his formulation14—Boyle's attempt to extend the discipline of diplomatics beyond particular categories of archival documents amounts to a problematizing of documentary categorization itself. Each individual document must be evaluated individually to ascertain how its form is "conditioned" by a context that can only be provisionally inferred from its content, as even the preliminary assertion of its coherence as an individual document must be itself provisional. In the case of I-II Cnut, the commemorative purpose of the text is inseparable from the question of its author's motivations, and neither question can be addressed until we know the answer to both. Thus the only way to proceed is to find a way of engaging in both lines of inquiry simultaneously. The remainder of this introduction will use an example from the Anglo-Saxon charters to illustrate what this combined methodology would look like, and to identify some of its implications for the existing historical narrative that reads the transition from "Old" to "Middle English" as accompanying a broader transition from "orality" to "literacy."

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14 For an analysis of the debate surrounding the New Criticism at the time of Boyle's article, see Naresh Chandra, *New Criticism: An Appraisal* (Delhi: Doaba House, 1979), 304–60.
The Charter Sawyer 1166

The Anglo-Saxon charter assigned the number 1166 by Peter Sawyer in his 1968 volume *Anglo-Saxon Charters: an Annotated List and Bibliography*, hereafter referred to according to the conventions of Anglo-Saxonists as "S 1166," provides an example of the ways in which methodological adaptability can benefit both literary critics and historians. This charter does not survive in a documentary form, but is transcribed in William of Malmesbury’s *Gesta pontificum Anglorum*, where it is attributed to the Anglo-Saxon saint Aldhelm (William of Malmesbury 2007, 201). The charter was surely not written by Aldhelm, at least in its present form. The document’s long “hermeneutic” Latin proem is first attested in several charters written by a scribe called ‘Æthelstan A,’ who worked for the ninth-century king Æthelstan; the proem appears to be the scribe’s original composition, made centuries after Aldhelm’s death (Keynes 1980, 44). Below is the charter S 1166 in full, with the proem marked in bold:

Fortuna fallentis seculi procax, non lacteo immarcescibilium liliorum candore amabilis, sed fellita eiulandae corruptionis amaritudine odibilis, filios in ualle lacrimarum fetentis rictibus uenenosis mordaciter dilacerat; quae quanuis arridendo sit infelicibus attrectabilis, Acherontici tamen ad ima Cociti, ni Satus alti subveniat boantis, impudenter est decluius. Et ideo, quia ipsa ruinosa tanaliter dilabitur, summopere festinandum est ad amena indicibilis letitiae arua, ubi angelica himnidicae iubilationis organa, mellifluaque rosarum odoramina, a bonis beatisque naribus inestimabiliter dulcia capiuntur sineque calce auribus felitium hauriuntur. Cuius amore felicitatis illectus, ego Cenfrithus comes Mertiorum quandam telluris particulam uenerabili abbati Aldhelmo, sub estimatione decem cassatorum, in loco qui dicitur Wdetun ad seruiendam Deo et sancto Petro in perpetuum ius largitus sum, cum consensu domini mei Ethelredi regis. Anno ab incarnatione Domini sexcentisimo octogesimo, indicitione octaua.

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15 Cited according to Winterbottom’s numbering of paragraphs and sentences.
16 The charters dated to the reign of Æthelstan in which this proem occurs are S 425, 426, 434–6, 458.
The mischievous chances of this fickle world, not to be loved for the milky white of lilies that never fade but to be hated for the bitter poison of lamentable corruption, tear apart its stinking sons in the vale of tears, biting them with venomous fangs of the flesh. Its smile may make it alluring to the unfortunate, but in its impudence it slopes down to the depths of Acherontic Cocytus, were it not that the Son of the High Thunderer comes to the rescue. Because it is in ruins and collapses unto death, one must hurry with all speed to the lovely meadows of ineffable joy, where the angelic organs of hymn-singing jubilation and the honeyed scents of roses in all their inestimable sweetness are sniffed by the nostrils of the good and the blessed, and drunk in without end by the ears of the fortunate. Lured on by love for such happiness, I Cenfrith, comes of the Mercians, have with the consent of my lord King Æthelrēd granted to the respected Abbot Aldhelm a piece of land, reckoned at ten hides, in the place called Wootton, to serve God and Saint Peter in perpetual right. Dated in the year of our Lord 680, the eighth indiction. (Trans. Winterbottom, William of Malmesbury 2007, 201)

This proem is full of unusual Grecisms and utilizes a high degree of alliteration, rhyme, and assonance. Ornate proems like it appear with such consistency in late Anglo-Saxon charters that Kemble identified the length of a document's introduction as a particularly useful dating criteria (Kemble 1848, x). The charters of Æthelstan’s reign also mark the “highest point of consistency” for the entire Anglo-Saxon period, an attribute that is generally thought to be indicative of an advanced and prolific scribal culture (Hall 1969, 3). As Sharpe notes, “consistency of style and form was something

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17 Unless otherwise specified I use the term "rhyme" as a generic term that includes both rhyme and grammatical homoeteleuton, which occurs when words have similar endings to indicate part of speech. For example, in the phrase "a bonis beatisque naribus inestimabiliter dulcia capiuntur sineque calce auribus feliitium hauriuntur," the rhyme between capiuntur and hauriuntur is present simply because the two verbs are both conjugated the same way. However, given that in this context the passage itself seems ornamental, this particular aural feature is worthy of comment.

18 Though Chaplais argues that in these documents, the consistency is simply an indication of how few scribes were producing royal charters: Pierre Chaplais, "The Anglo–Saxon Chancery: From Diploma to Writ," Prisca Munimenta: Studies in Archival and Administrative History Presented to A.E.J. Hollaender, ed. F. Ranger (1973), 40–7. This argument is insufficient on its own to explain the consistency, as isolated scribes might just as easily have decided to experiment with forms instead of repeating them.
to which chanceries have generally aspired, since it enabled subjects to recognize an official document and it inspired the respect due to the authority embodied in such public acts” (Sharpe 1996, 238–9). However, this very recognizability of legal forms makes forgery easier, since it leads to a greater procedural reliance on textual qualities which may be difficult to imitate, but can be imitated nonetheless. The document S 1166 seems to be an example of this unlicensed imitation perpetrated in the decades or centuries after Æthelstan, which applied one recognizably Anglo-Saxon documentary form to make a previously undocumented legal claim.

This reading of the circumstances of the document’s production is complicated by the literary qualities of the ‘Æthelstan A’ proem. A. S. Cook has shown that the charter S 1245 (William of Malmesbury 2007, 199), which directly precedes S 1166 in the *Gesta pontificum Anglorum* (201), was patched together from words and phrases taken from Aldhelm’s homiletic works (Cook 1929). The proem of this charter provides a good basis of comparison for the literary qualities of S 1166:

Solet plerumque contingere ut, autumnali torrido facassente caumate, brumalia seuintium ventorum flabra reciprocis alternatim cursibus succedant, quibus procellosa pelagi cerula enormesque oceani gurgites hinc atque illinc quatiuntur, quatinus nauigero tramite nullus absque discrimine nauigans, furibundo flame carbasara rumpente, transfretet. Ita nimirum prostrata mundi pompulenta gloria, iamque appropinquante eiusdem termino, fluctuantes seculi turbines incumbere experimento evidentui uidentur, ut reuera et absque ullo ancipiti scrupulo illa Domini presagmina nostris tandem temporibus comprobentur implieri, quibus ita celesti oraculo effatus est: "Videte ficulneam et omnes arbores" et cetera. Porro inter has turbulentas seculi tempestates scripturarum flectenda sunt gubernacula, totiusque nauigii armatura atque instrumenta paranda, quatinus, garrulo sirenarum carmine spreto, rats recto cursu ad portum patrie prospere perducatur.

*It generally happens that, when the burning heat of autumn subsides, there takes its place raging blasts of winter winds, coming and going in waves. They shake from this side and that*
the troubled expanses of the dark-blue sea and the vast gulfs of
the ocean, so that no one can sail the ship-bearing paths without
danger, or cross over the straits when the furious wind is
stretching the sails to breaking point. In just such a way, now that
the ostentatious glory of the world has been brought low, and its
end approaches, the eddying storms of the world are clearly seen
from our own experience to be upon us, so that in very fact and
with no shadow of doubt the forecast of our Lord is in our days at
last proved to be finding fulfilment, when he said with heavenly
prescience: "See the fig tree, and all the trees" and the rest.
Amid these unquiet tempests afflicting this world, the rudders of
the Scriptures need to be turned, and the rigging and equipment
of the whole ship made ready, so that, disregarding the loquacious
song of the Sirens, the ship may be sailed without mishap straight
to its home port. (Trans. Winterbottom, William of Malmesbury
2007, 199.1–2)

In both cases, the densely ornate homiletic proem provides a motive for the kingly gift, in
order to persuade the charter's readers that the transfer of property is not only legally
binding, but morally appropriate. In these cases, the proem also uses an idiom that was
particularly associated with the sainted beneficiary of both gifts, and thus evokes
Aldhelm's personal authority as one of the most influential literary authors of the Anglo-
Saxon era to strengthen the document's legal claim.

S 1166 takes its formal cues from a combination of the charters S 435 and S 71
(William of Malmesbury 2007, 202), the latter of which is Malmesbury's oldest authentic
charter (Edwards 1988, 87–90). Meanwhile S 435, the source of the "Fortuna fallentis"
proem, is spurious, and is dated almost as late as S 1166 (Keynes 1980, 44 n).19 Given,
then, that the forger had two examples of charters, one an authentic document from the
time in which the forgery was to have been produced, and the other a forgery that could
have been produced within living memory, the choice of the latter as the basis for his

19 Keynes points out that like the similar S 434 and 436, S 435 is dated 21 December. However,
all three charters are given different years, even though the indiction, regnal year, epact and
concurrents are all correct for 935. This suggests that they were all copied at a later date from a
genuine document from that year.
own document suggests that literary qualities indicative of Aldhelm’s authorial voice helped to authenticate the charter (Edwards 1988, 89). At least, the Aldhelmian character of the proem is perhaps the reason that S 1166 was accepted as a valid charter well into the twentieth century, despite the evidence that its underlying claim was no longer recognized by the twelfth. S 1166 was edited alongside other, similar forgeries in Ehwald’s *Opera Aldhelmi*, where it is included as an accepted work of the author (Aldhelm 1919, 173–5). Even Lapidge and Herren, who hold that “no modern student of Anglo-Saxon diplomatic would consider any of the five [charters edited by Ehwald] to be authentic,” included S 1166 in an appendix to their translation of Aldhelm’s prose works, finding it of interest “for stylistic reasons” (Lapidge 1979, 18). The document thus constitutes both a literary and a legal forgery, that has proven to be of more interest to scholars as an example of the former than it has as an example of the latter. This charter is particularly problematic to the traditional disciplinary division between diplomatics and literary criticism because unlike S 1245, S 1166 imitates the Aldhelmian voice by appropriating what was, in the reign of Æthelstan, a highly developed, purely documentary formula. At no point was a literary text appropriated;

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20 Though another possible factor is the fact that both S 1166 and S 435 are for the same plot of land, at Wootton; the only two other charters that mention Wootton in Malmesbury’s archives (and that therefore could have served as an exemplar for a forgery) are the problematic charter S 256 and a *pancarta* of Edward the Confessor, S 1038. Of these three, S 435 is the obvious choice as the basis for a forgery.

21 Finberg and Hart both accept the authenticity of S 1166, the former arguing that S 435 is an imitative forgery whose authentic exemplar is S 1166, the latter pointing out that even though the charter is dated a year before Aldhelm became bishop, he could nonetheless have stepped in to witness the document during his predecessor Hædde’s illness. H.P.R. Finberg, *Early Charters of the West Midlands*, Studies in Early English History, ed. H.P.R. Finberg (Edinburgh: Leicester University Press, 1961), 31; C. R. Hart, *The Early Charters of Northern England and the North Midlands* (Leicester: Leicester University Press, 1975), 383. Meanwhile, by the time of the Domesday Book, the land at Wootton was already in the hands of private owners: Heather Edwards, *The Charters of the Early West Saxon Kingdom*, B.A.R. British Series 198 (Oxford: B.A.R. 1998), 90–1.
and yet literary formal qualities played a role in the document's strategies of commemoration.

The distinction between literary and legal form in this document is muddled further when the proem is examined in the "authentic" context of its emergence, during the reign of Æthelstan. The vernacular boundary clauses of Anglo-Saxon charters, identified by Kelly as marking the moment at which the genre assumed the character of "true written records," did not appear until the early ninth century (Kelly 1990, 46; Stenton 1965, 57). Alfred produced very few charters during his reign, and Edward the Elder even fewer; there is a fifteen-year gap between Edward's last charter in 909 and Æthelstan's first in 924 (Stenton 1955, 53). Thus the first charters of 'Æthelstan A' follow the rise of the vernacular boundary clause relatively closely, at least in terms of the surviving evidence. This means that not long after the Anglo-Saxon charter's most essential elements came to be written in Old English, its inessential Latin proem swelled into its longest and most difficult form.

The literary quality of the cartulary form under Æthelstan is represented more dramatically in the "alliterative" charters written by Bishop Cenwald of Worcester. These charters fall into a metrical pattern, with alliteration occurring irregularly throughout, and have been linked to both Cenwald's inscription in the MacDurnan Gospels and the Anglo-Saxon Chronicle poem The Battle of Brunanburh (Walker 1992).

Aldhelm, meanwhile, was famous as a poet, and his prose style was "clearly derived

from verse,” a debt that would have been particularly clear at the time of ‘Æthelstan A’
activity, when Anglo-Latin verse has been summarily described as “little more than
Aldhelmian pastiche” (Orchard 1994, 239–40). Further, both the alliterative charters and
the "Fortuna fallentis" documents call Æthelstan imperator and list several "kinglets"
(reguli) among the witnesses, forms that are thought to indicate the king's imperial
ambitions (Walker 1992, 27–9; Wormald Making of English Law 1999, 444). This
suggests that the proems not only imitated the authoritative Aldhelmian preaching voice,
but subsumed the ecclesiastical authority of that voice, so that Winchester's production
of these documents became an extension of the church's general servitude to the
imperator. 23 Taken together, this evidence suggests that the literary qualities of
‘Æthelstan A''s original documents was part of a larger initiative on the part of the king to
place document production under royal authority. 24

The scribe's appropriation of Aldhelm's preaching voice in the "Fortuna fallentis"
proem is perhaps also influenced by the first recorded use of an Anglo-Saxon charter, in
Stephen of Ripon's Life of St. Wilfrid. The charter here is described as a performed,
homiletic text:

   Stans itaque sanctus Wilfrithus episcopus ante altare conversus
   ad populum, coram regibus enumerans regiones, quas ante
   reges pro animabus suis et tunc in illa die cum consensu et
   subscriptione episcoporum et omnium principum illi dederunt,
   lucide enuntiavit necnon et ea loca sancta in diversis regionibus
   quae clerus Bryttannus, aciem gladii hostilis manu gentis nostrae
   fugiens, deseruit. Erat quippe Deo placabile donum, quod
   religiosi reges tam multas terras Deo ad servendum pontifici

23 See also Lapidge's recent argument about Aldhelm's relation to the royal family of Wessex:
24 A complementary argument for literary strategies of authentication in pre–Conquest documents
is D. R. Howlett, Sealed from Within: Self Authenticating Insular Charters (Dublin: Four Courts
Press, 1999); but see, however, the reviews calling his conclusions into question: J. C. Crick,
The English Historical Review 116.468 (2001), 925–26, and B. Webster, Scottish Historical Review
81.211 (2002), 124–25. On the secularization of the charter form, see Keynes, Diplomas of King
Æthelred, 39–81.
nosto conscripserunt, et haec sunt nomina regionum: iuxta Rippel et Ingaedyne et in regione Dununtinga et Incaetlaevum in caeterisque locis. Deinde, consummato sermone, magnum convivium trium dierum et noctium reges, cum omni populo laetificantes, magnanimes in hostes, humiles cum servis Dei inierunt.

Then St. Wilfrid the bishop stood in front of the altar, and, turning to the people, in the presence of the kings, read out clearly a list of the lands which the kings, for the good of their souls, had previously and on that very day as well, presented to him, with the agreement and over the signatures of the bishops and all the chief men, and also a list of the consecrated places in various parts which the British clergy had deserted when fleeing from the hostile sword wielded by the warriors of our own nation. It was truly a gift well pleasing to God that the pious kings had assigned so many lands to our bishop for the service of God; these are the names of the regions: round Ribble and Yeadon and the region of Dent and Catlow and other places. Then, when the sermon was over, the kings started upon a great feast lasting for three days and three nights, rejoicing amid all their people, showing magnanimity towards their enemies and humility towards the servants of God. (Stephen 1927, 36–7)

The phrase “cum concensu et subscriptione episcoporum et omnium principum,” which sounds like a reference to a witness list, suggests that Wilfrid’s "sermon" here is a charter (Stenton 1955, 32). Sermon literature is itself characterized by Kienzle as a "fluid genre" (Kienzle 1993, 86),25 and the formal and thematic influence of sermon literature on Anglo-Saxon charters has long been acknowledged. As Chaplais demonstrated, document production was largely controlled by the Church throughout the Anglo-Saxon

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25 Though distinctions between "homily" and "sermon" are sometimes applied (for example Thomas N. Hall, "The Early Medieval Sermon," *The Sermon*, ed. Beverly Mayne Kienzle (Turnhout: Brepols, 2000), 203–69, esp. 205) the application of the distinction to Anglo–Saxon texts have been questioned: Andy Orchard, "Wulfstan as Reader, Writer, and Rewriter," *The Old English Homily: Precedent, Practice, and Appropriation*, ed. Aaron J. Kleist, Studies in the Early Middle Ages, 17 (Turnhout, Belgium: Brepols, 2007), 311–41, 319; Aidan Conti, "Preaching Scripture and Apocrypha: A Previously Unidentified Homiliary in an Old English Manuscript, Oxford, Bodleian Library, Ms Bodley 343," University of Toronto, 2004, 10. Throughout the present study, I will use the term "homiletic" to mean "in the style of religious oratory," both because this is the preferred term of legal scholars, and because the particular kinds of oratory associated with legal texts and documents are expository in nature, and otherwise fit within Wulfstan’s "homiletic" genre.
period, and it is not coincidental that so many Anglo-Saxon charters should survive in Gospel books and liturgical manuscripts. This suggests that a close association between law and liturgy persisted throughout the Anglo-Saxon period. Like the Gospel books, the text of Wilfrid’s “signatures” seems to have functioned as a prop in a liturgical performance, with a purpose that “resided less in the information it contained than in its function as a potent symbol of ownership” (Kelly 1990, 44). Given the persistence of a homiletic mode in the elaborate proems of later documents, the value of charters might have been found in their textual as well as documentary aspects, and specifically in their self-authenticating exposition of a truthful text displayed on the church's altar.

Thus by the time S 1166 was composed, there was a long-standing precedent for presuming some continuity between the divine authority of scripture, which binds together the transhistorical church into one body of Christ, and the authority of the document that confirms the property rights of particular church institutions. Wilfrid’s

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dominion over Ribble and Yeadon and Christ's dominion over the entire world were both aspects of the same religious belief, as the political ascendancy of the historical church both validated and was validated by the theological truth. The charter S 1166 thus provides a concise example of how both literary and diplomatic readings can be self-defeating when they are applied to medieval texts without reference to the other, as the texts does not so much "combine" the features of diplomas and literature as employ a coherent and well-established discursive practice that neither modern category can approximate on its own.

This reading of the document has broader implications for existing narratives of medieval English documentary culture. After the formative studies of medievalists like M.T. Clanchy and Brian Stock, changes in the uses of written texts are typically described within the discourse of "orality" or "literacy" (Clanchy 1993; Stock 1983). The framework of this debate was formatively articulated by scholars such as Walter Ong and Jack Goody, who argued that reliance on the written word, or "literacy," in Western Europe has resulted in fundamental changes in the practice of culture itself, which has detracted from our understanding of its pre-literate or "oral" past.30 In The Implications of Literacy, Stock argues that this change was characterized by an increased tendency to divide and categorize knowledge:

30 Influential works by Ong and Goody include: Walter J. Ong, Orality and Literacy: The Technologizing of the Word (London: Methuen, 1982); Jack Goody, The Domestication of the Savage Mind (Cambridge: Cambridge University Press, 1977). For summaries (and criticisms) of these studies focused particularly on their pertinence to medieval European history, see: Joyce Coleman, Public Reading and the Reading Public in Late Medieval England and France (Cambridge: Cambridge University Press, 1996), 1–33; Dennis Howard Green, Medieval Listening and Reading: The Primary Reception of German Literature 800–1300 (Cambridge: Cambridge University Press, 1994); and more recently the editors' introduction to the useful collection of essays Mark Chinca, Christopher Young and Dennis Howard Green, Orality and Literacy in the Middle Ages: Essays on a Conjunction and Its Consequences in Honour of D.H. Green, Utrecht Studies in Medieval Literacy (Turnhout: Brepols, 2005).
In sum, what eventually came about was the simultaneous existence of different provinces of meaning based upon logical and linguistic considerations, each having its own assumptions about how knowledge was communicated. Moreover, it was in the fundamental process of categorization, rather than in the content of knowledge alone, that the Middle Ages broke irrevocably with the interpretive patterns of later antiquity and moved towards those of early modern Europe. ... The novelty arose from the range, depth, and permanence of literacy's influence, which, over the course of time, was gradually brought to bear on a broader field of activity than ever before, and from the altered status of oral discourse in relation to real or putative texts. In fact, one of the demonstrable signs of a changed environment was the ambivalence with which many textual models were greeted by the medievals themselves. (Stock 1983, 4)

Stock identifies a turning point in medieval European history during the eleventh and twelfth centuries. He says that "up to the eleventh century, western Europe could have returned to an essentially oral civilization," but that "by 1100 the die was cast" (Stock 1983, 18). In England, this transitional point is almost exactly contemporary to the Norman Conquest and that monumental document, the Domesday Book. Thus Stock’s argument implies that the traditional disciplinary divide between "Old" and "Middle English" literature and culture is marked not only by major linguistic changes, but also by a fundamental shift in philosophical outlook, as the later period is characterized by more-rigid categories of discourse which were also more heavily mediated by the idea of the written text. S 1166, then, perhaps marks the end of a documentary practice that was soon to be supplanted by more sophisticated, "literate" alternatives.

The aftermath of Domesday Book’s production is the terminus a quo of Clanchy’s study, which traces the emergence of lay literacy in England, and with it the transformation of both the form and content of English documentary culture that took place.

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place in the same period. Clanchy summarizes his historical thesis: "lay literacy grew out of bureaucracy, rather than from any abstract desire for education or literature" (Clanchy 1993, 19). Clanchy's material-cultural approach to the evidence represents the emergence of lay literacy as a relatively chaotic and almost inexplicable development.

He describes the period as follows:

In this bewildering world, where holy men forged documents and writers of fiction were concerned to tell the literal truth, it may seem surprising that the written record ever got a good name at all or established itself as a reliable form of education. ... Effective precautions against fraud were not taken, because they demanded extensive professionalism and because writings seemed to have been thought of at first as subsidiary aids to traditional memorizing procedures and not as replacements of them. A new technology usually adapts itself at first to an existing one, camouflaging itself in the old forms and not immediately recognizing its potential. (Clanchy 1993, 326–7)

Stock's first chapter and Clanchy's entire book root their socio-linguistic historical claims in diplomatic scholarship, and particularly the evidence of survival, which strongly suggests that document production increased significantly in England in the centuries immediately after the Norman Conquest (Stock 1983, 12–88; Clanchy 1993, 26–32). The trajectory traced by these scholars can be roughly summarized as a shift between the primary reliance on “oral,” spoken forms of validation, such as the sworn oath of Aldhelm and the “sermon” of Wilfrid, to “literate” written forms, such as the formulae used by diplomatic scholars to compare documents. If applied to Anglo-Saxon diplomas, this hypothesis suggests that the blending of "literary" and "documentary" forms in S 1166


Note that my term "literary" refers to formal qualities that occur within written texts, distinguished from "documentary" or "diplomatic" qualities, as defined above; "literate,"
marks it as the product of a relatively "oral" culture. Early charters thus appear to be merely steps in the direction of true literate practice; at the very least, it can be assumed that if Wilfrid's claim to Ribble was formally challenged, the legal formulae recorded in the charter would not play the same central role in the proceedings that the precise wording of a signed lease would in twenty-first century Canada.

In recent years, studies of orality and literacy have backed away from Stock and Clanchy's broader claims, to focus more on the localized “interpenetration, interplay and symbiosis” of oral and written modes of discourse at particular points in history, in service of a “more modest, non-determinist view of literacy as a facilitator of cognitive change” (Chinca and Young, 1–2).34 In a recent application of this more adaptable model to both Old and Middle English orality, Mark Amodio has noted that Ong's concept of “primary orality,” which posits that orality logically must have preceded the rise of literacy, implies a narrative of progress which cannot be substantiated:

We can point with some confidence to the inherently sequential nature of orality and literacy in cultural development, but once we move beyond their initial point of contact we need to avoid casting the relationship in evolutionary terms. [...] Tying cultural advancement to the rise of literacy is a flawed strategy because many oral cultures manage(d) quite well without ever developing or becoming dependent upon a system of graphemic representation. (Amodio 2004, 2–3)

Even Amodio’s initial point, that speaking and listening must have preceded reading and writing in the shrouded origins of human culture, can be called into question. J.E. Chamberlin has pointed out that hunters collaboratively use their perceptions about the "signs" of animal tracks, changes in the weather, and the shape of the landscape to develop highly detailed “narratives” of their quarry’s movements, “remarkably like the

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members of the community that gathered in the great library of Alexandria and
developed a set of reading practices and interpretive strategies that were dependent on
the closed body of texts that were available to them, and the knowledged they shared”
(Chamberlin 2001, 82). Thus the difference between the hunter-gatherer culture and the
twenty-first century Western democracy is not that the latter has a sophisticated practice
of reading, but that it associates that practice with listening, as another way of
communicating verbally.

If the dichotomy between orality and literacy is thus redefined, from a narrative of
technological change to a shifting tension between discursive and interpretive practices,
then it provides a different framework for assessing the changes in documentary
production occasioned by the Norman Conquest. One way of restating Stock's definition
of "literacy" is to call it a relatively sophisticated awareness of the extent to which written
texts do not work as linguistic objects; a familiarity with the uses of written texts must
also be a familiarity with their limitations. If medieval scribes did not take "effective
precautions against fraud," as Clanchy claims, it was perhaps because even criminals at
the time were not fluent enough in the forms of written documents to realize just how
many kinds of fraud they could be used to perpetrate. Hence the "ambivalence" about
texts attributed to late medieval thinkers by Stock is not only a "sign" of literacy, but is in
fact one of literacy's most basic characteristics. England's shift from an "oral" to "literate"
society can thus be more precisely characterized as a shift in the discursive strategies
intended to mitigate anxieties about the basic unreliability of all linguistic communication,
written or spoken, to focus more heavily on the problems specifically pertinent to written
texts. The dangerous opacity of written documents, whose constitutive convenience is
the ease with which they can be taken completely out of context, inspired the
development of specialized strategies for making those intentions more transparent. Meanwhile, the existing anxieties about the trustworthiness of speakers taking oaths began to fade, not because written texts had solved the underlying problems, but on the contrary because the new problems with written documents had become even more blatantly obvious.

In the case of England, the relatively "oral" methodologies of the Anglo-Saxons authenticated documents with reference to authoritative interpreters, for example by evoking the voice of the preacher Aldhelm. This did not preclude the simultaneous use of "literate" methodologies relying on the formal qualities of the texts themselves, for example in the boundary clauses written in the language of everyday use. But nonetheless, from the perspective of a society where oaths played a much less important procedural role, the appearance of "creative" authenticating procedures in "commemorative" texts created the appearance of orality to post-Conquest readers.

By the time that S 1166 was originally written, all Anglo-Saxon documents were subject to challenge, as the procedural reforms that culminated in the implementation of English common law were already in motion. Hemming, for example, says openly in the introduction to his well-known Worcester cartulary that he undertook to "repair" the damaged texts of the documents, which implies that his interventions would be considered unjustifiable distortions if they had been perpetrated by a modern editor, who rather is charged with preserving the text as she found it (Herold 2008, 136–55; Clanchy 1993, 101–2). Barrow has observed that the "hermeneutic" Latin in Hemming's

\[35\] Tinti's summary of the introduction: "Wulfstan asked for the scrinium of the monastery to be opened in front of him so that he could examine carefully all the ancient priuilegia and testamenta concerning the church's possessions. Thus, finding that some were putrefacta he tried to repair them as well as to recover those which had been distracta. ... Subsequently, Wulfstan ordered all of them to be copied in the same order in the Bible of the church, so that, if the originals should
cartulary, like that found in the "fortuna fallentis" proem, is "often especially rich" in documents that can be proven on other grounds to have been forged (Barrow 2005, 109); for this reason, it appears that the "repairers" felt free to interpolate ornamental passages that would have made the documents seem more valid to relatively "literate" legal audiences. It is important to remember that the evidence for editorial changes to the internal structure of a text does not in itself prove that its documented claim was rendered invalid by the intervention. As Julia Crick has argued in her analysis of the charters of St. Albans, the post-Conquest modifications to documents might only have continued archival practices that were already well-established (Crick 2003). Meanwhile, Tinti has identified at least one "forgery" in Hemming's cartulary describing properties that the monastery seems to have actually held, though they had long since lost their claim to the properties listed in the forgery's "genuine" exemplar (Tinti 2002, 251). At the very least, then, these interventions in the text were necessitated by the practical constraints of the situation: in lieu of any other written evidence for the monastery's claim, and in the absence of well-established, universally accepted procedures for creating and maintaining that evidence, a "reconstructed" charter was better than nothing.

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As Hiatt is careful to point out, the relatively loose editorial approach of archivists like Hemming does not mean that forgery during the “Golden Age” was an acceptable practice (Hiatt 2004, 22–3). Rather, it reminds us that the necessity of defending specific claims precedes and even creates the need for standardized formulaic conventions in the documents commemorating claims generally. Even institutional reforms create problems in the short-term, roughly equivalent to the issue of backward compatibility in digital archives: the widespread adoption of consistent and strict formats put the ecclesiastical "early adopters" of the written medium in a difficult position, in that their claims were preserved in forms that were incompatible with the emergent criteria. In other words, the qualities of the text which we use to date the charters to a particular period were perceived by Hemming and the "forger" of S 1166 to be a feature of genuine charters in their own time, so that the (necessarily fewer) charters which predated the use of hermeneutic Latin would have seemed less effective for that reason. The very anachronistic features of the documents which invalidate them as genuine historical records to diplomatic scholars thus seem to have helped validate them as functional legal documents, at least for as long as they continued to be recognized as such.

As I have argued above, S 1166 authorizes its claims both by its use of legitimate Anglo-Saxon legal formulae and by its imitation of the recognizable style of a famous author, whose skill as an interpreter of religious texts implicitly authorizes the document's own self-explication. If taken as an illustrative rather than unique case, the document thus challenges many of the basic disciplinary presumptions of diplomatic scholarship and literary criticism. Hence Stenton’s description of the ‘Æthelstan A’ proems’ use of “artificial language employed to the grievous detriment of good sense,” and Kemble’s characterization of them as texts wherein “pedantry and absurdity struggle for the
mastery” (Stenton 1955, 53, Kemble 1848, x). From the critical perspective of these scholars, the presence of ornate, homiletic formulae in late Anglo-Saxon documents appears to indicate that the people who governed the Anglo-Saxon royal bureaucracy did not understand what legal texts were for, and thus could not have been very sophisticated in their "literacy." But as I have shown above, S 1166 is not just a single document, but also an argument about what a document ought to be. The charter witnesses a productive tension between the authority of its particular claim and the authority of written text generally, so that its dissemination via the Gesta pontificum helped to shape the forms of later written documents and poems. Thus if the commemorative and creative strategies of the charter are impossible to reconcile with later and more-rigid distinctions between legal documents and literary texts, they also provide a foundation on which diplomatic and literary-critical methodologies can be re-imagined, to better describe the evidence as it survives.

As I will argue in the remainder of this dissertation, the formal (and "fictive") "orality" of documents like S 1166 became a social-critical discourse in its own right in the centuries following the Norman Conquest. Though no longer procedurally acceptable, the "orality" of Anglo-Saxon documentary forms provided an alternative perspective from which to critique text-based bureaucratic practices, whose vulnerability to fraud was particularly apparent to a "literate" audience. Thus given that the political power of established ecclesiastical institutions was so heavily invested in earlier, historically ecclesiastical legal forms, the document retained cultural authority in its evocation of the law as practiced in an ostensibly "simpler" time. As I will argue below, it is this rhetorical value that led later medieval poets to continue to read and imitate Anglo-
Saxon legal texts, and to develop the imitative discourse whose influence is discernible in the *Piers Plowman* tradition.

**Summary of the Chapters**

In my first chapter, I will examine the discursive strategies employed by Wulfstan in the law code *I-II Cnut*. There were actually two voices at work in *I-II Cnut*, one legal and one homiletic; the direct quotations from Anglo-Saxon law that make up the bulk of the text are embedded within the archbishop's homiletic voice in a performance of transparent objectivity, so that the text appears to be Wulfstan's disinterested recitation to Cnut of the laws written by his predecessors. Nonetheless, the text powerfully reflects the political agenda of the archbishop, and makes a strong case to the monarch that he ought to respect the autonomy granted the ecclesiastical institution by his predecessors.

My second chapter starts by examining the Latin translations of *I-II Cnut*, particularly the *Instituta Cnuti*, *Consiliatio Cnuti* and the *Quadripartitus*. The translations maintain not only the sense of Wulfstan's laws, but also imitate and even expand upon their homiletic sound-patterning. A law code written in a particular historical context thus becomes a trans-historical statement of value, as the homiletic "we" of the archbishop's flock becomes the "we" of the community of legal scholars, who used their knowledge of authentic Anglo-Saxon law to authorize resistance to the centralization of royal authority. I also look at the *Leges Henrici Primi*, written by the same author as the *Quadripartitus*, and show the evidence that its translation imitates Wulfstanian homiletic practice. The *First Worcester Fragment*, an alliterative poem linking the greatness of the early Anglo-Saxon church to knowledge of the English language, articulates clearly the same anxieties found in the post-Conquest legal treatises and cartularies, about the erosion of
long-standing (and primarily ecclesiastical) local institutional authority in the wake of centralizing bureaucratic reforms.

The third chapter argues that by the time that La3amon's *Brut* was written in the thirteenth century, bureaucratic methods were in place for enforcing distinctions between rhetorical, poetic methods of authenticating the text and the more procedural, paratextual methods of authenticating legal documents. The Anglo-Saxon features of the poem suggest that it was influenced by the Old English legal texts and procedures still used by ecclesiastical institutions, and in particular the monasteries of Worcester, from the Conquest through the thirteenth century. By falling back on the earlier, Anglo-Saxon rhetorical mode, the *Brut* challenges the emerging order both formally and discursively, by asserting that the true law of England was inherited from oral custom and witnessed in Old English legal texts and documents. However the patterns of difference between the two manuscript witnesses of the poem, one of which (London, British Library, Cotton Caligula A.IX) was produced in Worcester, and bears more signs than the other (London, British Library, Cotton Otho C.XIII) of scribal familiarity with Anglo-Saxon textual culture. The distinction between these two manuscripts of the poem dramatizes a growing fissure in the concept of "text" itself, as the distinction between the "text" of legal documents and the "text" of literature went from being a difference of degree to a difference of kind.

My fourth chapter will address the question of editorial methodology, through a treatment of the *South English Legendary* poem "The Life of St. Egwine." The *South English Legendary* is not metrically alliterative, but it is nonetheless an important historical analogue to the other three texts. The narrative of the poem originates in genuinely Anglo-Saxon legal documents, which were continuously transmitted and
revised in the Worcester region from the age of Wulfstan into the age of the Caligula manuscript of the *Brut*, in a way that reflects the evolving pressures of Anglo-Saxon legal-homiletic discourse. For this reason, neither diplomatic nor literary editorial practices are wholly sufficient in themselves for conveying the relevant features of the tradition. Indeed, since the probable sources of the text include a narrative charter, the edition is literally half-literary and half-diplomatic; as such, it is both commemorative of established editorial practices, and looks towards creative solutions for problems of representation that can redefine those practices for the future. My decision to base the text on the latest and most idiosyncratic witness is justified by the fact that the idiosyncracies cannot be disqualified for their variation from the source tradition, as a similar pattern of variation can be discerned in the source tradition itself.

My fifth and final chapter will apply the narrative established above to explain the practice of quasi-legal, quasi-poetic tradition-making in the *Piers Plowman* tradition, and in particular the fragment *Mum and the Sothsegger*. This fragment's creative debt to *Piers Plowman* is difficult to characterize from a strictly literary perspective; the author-function seems incidental to the latter, so that it is unclear whether *Mum and the Sothsegger* was intended to be a separate poem or an interpolation. Meanwhile, *Mum and the Sothsegger* is fundamentally preoccupied with issues of textual authenticity, as the narrator attempts to determine whether the job of "truth-teller" or trustworthy advisor is even possible, after the division of "the text" into so many ghettoized and unrelated bureaucratic functions has obscured the core values that bound the English nation together. *Mum and the Sothsegger* resolves the conflict in its truth-telling by describing the contents of a bag of hidden documents. The conceit revalidates those documents by translating all of them into the single, moral-authoritative voice of alliterative poetry.
Though the politics of *Mum and the Sothsegger* have been called Wycliffite, I will argue that this reading ignores the clear differences between Wycliff’s program for reform and the political opinions advocated in the fragment. In the process, I will show how the apparently transgressive stance of the fragment appears less so in the context provided by the alliterative Anglo-Saxon tradition, as the association reveals the text to actually be fundamentally conservative, in that it does not so much advocate specific reforms as it harkens back to an idealized, pre-bureaucratic past, the concept of which is based in a rhetoric that was heavily influenced by the late-medieval textual criticism of Anglo-Saxon law codes and legal documents.
The law codes written by Archbishop Wulfstan II of York/I of Worcester (d. 1023) are the obvious place to begin an inquiry into the relationship between homily and law in the Anglo-Saxon period. His distinctive homiletic style appears in a number of important legal texts, including the law code \textit{I–II Cnut}. Indeed, Wulfstanian characteristics are so thoroughly embedded in \textit{I–II Cnut} and its ancestor \textit{Cnut 1018} that Wulfstan's authorship of the texts is widely accepted on these grounds alone (Whitelock 1948, 1955).\footnote{Attempts to summarize the characteristics of the Wulfstanian voice include: Sara M. Pons-Sanz, \textit{Norse–Derived Vocabulary in Late Old English Texts. Wulfstan's Works: A Case Study}, NOWELE Supplemental Volume 22 (Odense: University Press of Southern Denmark, 2007), 26–31; Richard Dance, "Sound, Fury, and Signifiers; or Wulfstan's Language," \textit{Wulfstan, Archbishop of York: The Proceedings of the Second Alcuin Conference}, ed. Matthew Townend (Turnhout, Belgium: Brepols, 2004), 29–61; Don William Chapman, "Stylistic Use of Nominal Compounds in Wulfstan's Sermons," University of Toronto, 1996; Andy Orchard, "Crying Wolf: Oral Style and the \textit{Sermones Lupi}," \textit{Anglo–Saxon England} 21 (1992), 239–62; Angus McIntosh, "Wulfstan's Prose," \textit{Proceedings of the British Academy} 35 (1949), 109–42.} \textit{I–II Cnut} appears in its Old English version in three manuscripts: London, British Library Cotton Nero A.I, London, British Library Harley 55, and Cambridge, Corpus Christi College 383 (Wormald 1999, 349). The code's Latin translations also appear frequently in post-Conquest legal collections, which makes it highly likely that any readers from the later Middle Ages who were familiar with genuine Anglo-Saxon law would have encountered some version of Wulfstan's text. In fact, post-Conquest translations of Wulfstan's law codes are so widely disseminated that Patrick Wormald has observed that Wulfstan’s legislation “was of much greater importance after 1066 than has almost ever been realized” (2004, 22, his emphasis).\footnote{See also Pons-Sanz, \textit{Norse–Derived Vocabulary}, 231–60.}

Wormald's comment addresses the importance of Wulfstan's legislation to the evolution of English law. Below, I will expand the implications of his observation, to
assess Wulfstan's impact on the evolution of English literature. As I discussed in the introduction, Anglo-Saxon legal and homiletic literature were closely interrelated, so that modern legal-historical and literary-critical methodologies can quickly run into problems when they attempt to rely on a priori distinctions between textual categories. In this chapter, I will re-evaluate the relationship between Wulfstan's legal and homiletic writing, in order to better situate the law code *I–II Cnut* in the context of his works. I will argue that the discernible differences between Wulfstan's laws and his other writing are best described by a distinction between homiletic genre and legislative sub-genre. This reading will serve as the basis for a larger historical argument, in which I will connect the post-Conquest survivals of this law code to Middle English poetic traditions, to show how Wulfstan's intertwining of law and homily came to influence a practice of political critique that survived until the end of the medieval period.

The appearance of homiletic elements in *I–II Cnut* can be explained historically by the text's probable performative context. M.K. Lawson has argued convincingly that Wulfstan's law codes were orally presented to the witan, probably by the archbishop himself (Lawson 1992, 159). The implication of Lawson's argument for legal historians is that the text of *I–II Cnut* does not necessarily reflect Cnut's actual program of reform, but rather Wulfstan's "somewhat optimistic" suggestions (1992, 159). Lawson's evidence includes the early chapters of Wulfstan's *Æthelred VI*, which strongly imply that the text was read to a large crowd (Liebermann 1903, 186; Lawson 1992, 146, 151). *I–II Cnut* was probably written for performance under similar circumstances. In the *Anglo-Saxon Chronicle* entry D 1018, there is a description of a meeting of the witan at Oxford, which

would have been a likely venue for a performance of the *Cnut 1018* code (Stafford 1981, 173–4; citing Whitelock 1948, 440, and *Two Saxon Chronicles* 1892, I, 154). The entry also makes reference to revisions proposed at the meeting, which presumably led to the later code *I–II Cnut*; again, Wulfstan appears to have made the revisions himself (Whitelock 1948). Thus the division of the code into parts one and two is an arbitrary editorial intervention. Ecclesiastical law is not *separate* from secular law in *I–II Cnut*; it is simply discussed *first.*

My reading of *I–II Cnut* will begin with a more precise description of how it is similar to and differs from Wulfstan’s other homiletic works. Though Wulfstan may use his characteristic homiletic voice in his law codes, there are nonetheless important differences between *I–II Cnut* and his more straightforward homilies and sermons. Over the course of this study, I will show that the modulated but still recognizably Wulfstanian voice of the Cnut codes continued to influence an English mode of political criticism, particularly as directed at an increasingly centralized and impersonal royal bureaucracy, throughout the medieval period. In this chapter, I will identify these subtle modulations of homiletic rhetoric, in order to uncover the archbishop’s rhetorical strategies for arguing on behalf of the ecclesiastical institutions whose interests he represented.

*Law and Homily: The Problem of Genre*

In his analysis of two manuscripts that pair up Wulfstan's legal and homiletic materials, London, British Library Cotton Nero A.I and Cambridge, Corpus Christi College 201, Patrick Wormald observes that the scribes make no distinction in their

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presentation of legal and homiletic materials, for example not dividing the former into
claims that some texts do remain "identifiable as 'pure' homilies," if “only from the forms
of address used" (197–8). The difference seems to be that Old English laws are
typically phrased in impersonal constructions and “gif…onné” clauses, while homilies
tend to address their audience in the vocative, for example as “leofan men,” or by
including them in the first-person plural “uton we.” As Wormald notes, the sense of I–II
Cnut’s “we” is “surely more congregational than majestic” (1999, 353). This “we” is
related to the most homiletic aspect of Wulfstan’s legal writing, namely his tendency to
encourage correct behavior in the subjunctive, instead of issuing commands and
describing sanctions (Wormald 1999, 340; Schwyter 1996, 78–9). These first-person,
subjunctive passages of I–II Cnut often appear to be taken from passages in extant
Wulfstanian homilies, which themselves frequently re-use the same turns of phrase in a
manner reminiscent of oral composition (Orchard 1992). It is worth reiterating that
these concentrations in forms of address might simply seem more homiletic or legal to
modern scholars, and not reflect actual distinctions that would have been made by
Wulfstan and his scribes. For example, according to these broad criteria, I–II Cnut could
also be classified as a homily.

The stylistic features of Wulfstan’s homilies are exemplified by the following
passage from homily Napier 59, titled Sermo Lupi in its only witness. This homily is

5 These homiletic injunctions are by no means limited to Wulfstan, and occur in several other
Christi College, 201," SELIM 12 (2003–4), 88–9, n. 16. However, in a legal context, these “non–
dependent directives” are particularly frequent in Wulfstan’s law codes: J. R. Schwyter, Old
English Legal Language: The Lexical Field of Theft, 63–4.

6 See Wormald’s chart tracking the sources of I–II Cnut (356) and his discussion of the quasi–
widely cited in Wulfstan's legal writing, and lines 16–19 from the passage appear almost verbatim at *Il Cnut* 21, with homiletic stylistic elements intact:

_York Gospel-book (f 158 r 1–13)*

Eallum christenum mannum is mycel þearf .
þat hy godes lage fylgean . /
7 godcundre lare geornlice gyman .
[ 7 huru gehadodum is ealra / mæst þearf .
forðam þe hy scylan æððer ge bodian ge bysnian .
Godes / riht georne oðrum mannum.

Nu wylle we læran Godes þeowas georne . /
þat hy hy sylfe wærllice beðencan .
[ 7 þurh Godes fultum clænnesse lufian: /
7 Gode ælmihtigum eadmodlice þeowian .
[ 7 for eall christen folc / þingian gelome :
7 þæt hi bocum 7 gebedum geornlice fylgean .
[ 7 bodian / 7 bysnian Godes riht georne :
7 þæt hy læran gelome swa hy geornost / magan .
þæt gehadode regollice 7 læwede lahlice .
heora lif fadian . /
to þearfe hym sylfian :

7 ealle christene men we lærað swyþe georne: /
þæt hy inwerdre heoðan æfre god lufian
[ 7 rihtne Christendom geornlice / healdan .
[ 7 godcundan lareowan geornlice hyran .
[ 7 Godes lara 7 laga /
smeagean 7 spirian .
oft 7 gelome hym sylfum to þearfe:

There is a great need for all Christian men to follow God’s law and earnestly pay attention to religious teaching. And especially,
there is the greatest need of all for the clergy, because they shall both preach and teach God’s law (riht) to other men.

Now we will earnestly teach God’s servants to carefully think about themselves, and to love cleanness through God’s help, and to humbly serve almighty God, and to intercede frequently for all Christian folk, and earnestly to attend to their books and prayers, and earnestly to proclaim and to instruct by example about God’s law, and to teach frequently as earnestly as they can, so that each clergyman conducts his life according to the rule and each lay person conducts his or her life according to the law, according to their own needs.

And we instruct all Christian men very earnestly, that they always love God in their inner hearts and earnestly maintain correct Christian behavior and earnestly obey learned teachers, and often and frequently follow and seek out God’s teaching and laws, such as is necessary to them.

This passage contains many examples of the doubling and sound-linked, two-stress patterns first identified by McIntosh as the crucial signifiers of Wulfstan's prose style (McIntosh 1949). Besides the three-part injunctions, the passage also features the repetitive use of some of Wulfstan's key lexical preferences, for example uses of the adverb georne or geornlice ("earnestly"; in lines 3, 5, 6, 16 and 17), and the larger envelope pattern based on references to the pearf or "need" of Christians (lines 1, 3, 19).

There are several sound-linked doublets (ge bodian ge bysnian, bocum 7 gebedum, gehadode regollice 7 læwede lahlice, lara 7 laga, smeagean 7 spirian), and the lines frequently divide into two-beat patterns, in some cases falling into anaphoric clauses linked by "and." More generally, the passage witnesses the "emphasis through repetition at every level of discourse" identified by Orchard as the "essence" of Wulfstan's style (Orchard 2004, 320). Here, Wulfstan emphasizes the reciprocal relationship between the church and the laity. Priests will be judged according to how well they teach, while the other members of society must learn how to listen. The parallelism between godes lage and godcundre lare in the first stanza underlines the
point: God's law must be learned before it can be followed, and the dissemination of words must necessarily precede correct thoughts and deeds.\(^8\)

Wulfstan's equivocation of divine and secular law is found throughout his writing, and exacerbates the difficulty of identifying generic differences between his surviving works. One example of the problem is seen in \(\text{II Cn} \ 4a:\)

And gif wiccean oððe wigleras, morðwyrtan oððe horcwenan ahwær on lande wurðan agitene fyse hig man georne ut of ðysum earde, oððon on earde forfaran hig mid ealle, butan hig geswican 7 þe deoppar gebetan. (Liebermann 1903, 1, 310; my emphasis).

\textit{And if witches or wizards, murderers or adulterous women are found out anywhere in the land, eagerly banish these evil-doers out of this land, or in this land they will die altogether, unless they repent and more profoundly atone.}

Variations on this statement appear throughout Wulfstan's legislation, even though it does not provide the kinds of detail necessary to litigate on its basis (Wormald 1999, 357).\(^9\) Meanwhile, similar lists appear in Wulfstan's homilies, for example in a passage from Bethurum homily 7 128–33, whose parallels to \(\text{II Cn} \ 4a\) I have italicized: "\textit{ider scylan peofas 7 peodsceadan. Ðider sculon wiccan 7 wigleras, 7, hrædest to secganne, ealle þa manfullan þe ær yfel worhton 7 noldan geswican ne wið God þingian}" (Wulfstan 1957, my emphasis).\(^10\) Wulfstan's tendency to echo his own writings is well-

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\(^9\) For example at \textit{Cnut 1018} 7, \textit{VI Æthelred} 7, and 'Peace of Edward and Guthrum' 11.

\(^10\) "Thither [to Hell] must [go] thieves and mighty ravagers, ... thither must [go] sorcerors and soothsayers, and to say it quickest, all those evil people who did wickedness before, and did not want to cease nor intercede with God." Translated by Orchard, "Wulfstan as Reader, Writer, and
documented; here, these lists echo a trope from the Pauline epistles, where there are similar lists of the criminals excluded from heaven (Biggs 1986, 38; Orchard 2004, 332–3). But where the passage from the law-code identifies criminals who should be exiled, the passage in the homily identifies the people who are doomed to Hell. The difference in context implies an equivocation between the functions of divine and earthly law, so that the list appears in the law code because excluding unrepentant sinners from the kingdom of England is one of the best ways to prepare the English people for the coming of the kingdom of Heaven.

Andy Orchard has noted a further parallel between these lines and a passage from the poem *Christ C*:

Dær scelan peofas ond peodscean,  
leas ond forlegene, lifes ne wenan,  
ond mansworan morporean seon,  
heard ond herogrim. (1609–12; ASPR 3, 48)

There must [go] thieves and mighty ravagers, the false and the adulterers, not hope for life, and perjurors see retribution for crime, hard and fiercely grim (trans. Orchard 332).


Note that *Christ C*’s *morporlean* is paralleled in *II Cnut’s morðwyrhtan*, though there is no reference to murder in Bethurum 7. The collocation of these relatively unusual words suggests a closer relationship between these passages than simply a coincidental imitation of the same Biblical motif. As Orchard explains: “It seems unlikely (though not impossible) that Wulfstan had direct knowledge of *Christ C*; both texts, however, may well be drawing on a pre-existing sermon tradition that employed the same trope” (Orchard 2007, 334). *Christ C* is based in homiletic sources, and its status as a “poem” rather than “homily” depends more on its meter than its subject matter; however, given the ongoing efforts to define the exact metrical features which ought to distinguish Old English verse from metrical prose, even this criteria is not incontrovertible.\(^\text{12}\) Jost’s use of poetic lineation in his edition of the *Institutes of Polity* (and Whitelock’s criticisms thereof) underscores the problem of distinguishing between poetic, homiletic and legal modes on formal grounds (Wulfstan 1959; Whitelock 1961; Orchard 2004, 6).\(^\text{13}\) If Wulfstan’s different modes are to be categorized according to genre, then, the classification cannot rely upon internal evidence alone, as all of his texts are much too tightly intertwined in both form and subject matter to provide any ground for a clear critical vantage point.

There is, however, some evidence that scribes might have classified Wulfstan’s texts by genre in the rubrication of his manuscripts. The best example is found in

\(^{12}\) Attempts to quantify the distinction between Old English poetry and homiletic prose include: Thomas Bredehoft, *Early English Metre* (Toronto: University of Toronto Press, 2005); Brehe, "Rhythmical Alliteration: Ælfric’s Prose and the Origins of Layamon’s Meter”; Edward B. Irving, Jr, "Latin Prose Sources for Old English Verse,” *Journal of English and Germanic Philology* 56 (1957); McIntosh, "Wulfstan’s Prose”; Rudolph Willard, "Vercelli Homily VIII and the Christ,“ *PMLA* 42.2 (1927); Albert S. Cook, "Cynewulf’s Principal Source for the Third Part of ‘Christ’," *Modern Language Notes* 4.6 (1889). See also the summary of Wulfstan’s meter in Pons-Sanz, *Norse–Derived Vocabulary*, 28–9.

\(^{13}\) On this question of generic distinction see also Zacher, "The Rewards of Poetry."
Cambridge, Corpus Christi College MS 201, hereafter “Corpus 201.” The first half of the manuscript is a collection of diverse materials loosely associated with Wulfstan, which includes his homilies, law codes, poems, and a list of bishop-saints. This material seems to have been compiled by Wulfstan for its uses to him in his capacity as archbishop. The majority of these texts are rubricated with titles that begin with the preposition be or de ("about"), in Old English and Latin respectively; these titles typically describe the texts’ subject matter, rather than who wrote them or for whom they were written. These rubrications are applied to “homiletic” and “legal” materials alike, and is similar to that found in another major Wulfstan manuscript, London British Library Cotton Nero A.I (hereafter Nero A.I.). In the Corpus 201 manuscript, there is a run of homilies (Ker’s articles 7 to 13) that deviate from this convention, titled either To folce or To eallum folce (“to the people,” “to all the people”). Working backward in the manuscript provides a possible explanation for this different titling convention. Art. 6 is a pastoral letter of Wulfstan; arts. 4 and 5 are grouped by Bethurum into a single homily in

14 For Wormald’s analysis of this manuscript, see Making of English Law, 206–210.
16 Compare for example the rubrics of homily Bethurum 10c, “her onginne be cristendome” in Corpus 201 (56–61) and “be cristendome” in Nero A.I (76v–83v) to that of Institutes of Polity 23, “Be gehadedum mannum” (Corpus 201 40–42; Nero A.I.72–3). Neil Ker, Catalogue of Manuscripts Containing Anglo–Saxon (Oxford: Clarendon Press, 1990), 82–90, 211–5 (MS 49 and 164).
18 Bethurum 13; actually Wulfstan’s reworking of Ælfric’s Old English translation of the latter’s Latin pastoral letter, discussed in greater detail below: 49–50.
Bethurum's edition (Bethurum 5), and are rubricated *De fide catholica* ("on the Catholic faith") and *Sermo* respectively. Article 3 is Bethurum's homily 6, titled "Incipiunt sermonis [sic] lupi episcopi." In other words, if these statements "to" the people are "from" anyone, the rubrication suggests it to be Wulfstan himself. 19

There is some corroborating evidence for this reading of Corpus 201 found in other Wulfstan manuscripts. Many of the "to folce" homilies appear under the same rubrication in two other manuscripts (Oxford Bodleian Library Hatton 113, London British Library Cotton Tiberius A.III). Several of these homilies also appear in Cambridge Corpus Christi College 419, where their rubrication is more conventional, for example as *Larspell*. Both Hatton 113 and Corpus 419 witness Bethurum 6, titled "incipiunt sermonis lupi episcopi" as in Corpus 201. In both cases the sermon precedes Corpus 201’s *to folce* homilies; thus in all three manuscripts, the homilies fall within the category of "the bishop Wulfstan's sermons." Meanwhile, in Corpus 201 itself, an exception to this grouping that proves the rule is the famous *Sermo Lupi ad Anglos* of Ker's art. 40, titled "the speech of Wulfstan to the English." 20 Worcester is generally considered the

19 “Lupus” was first identified as Wulfstan's pen's name by Wanley in 1705: Wulfstan, *The Homilies of Wulfstan*, Dorothy Bethurum ed. (Oxford: Clarendon Press, 1957), 25. Also, "to" rubrics are not unique to homiletic texts; art. 17 and 19 of Corpus 201, both sections from *Institutes of Polity*, are also titled “to.”

most likely provenance for Corpus 201, which could mean that it was produced under Wulfstan's supervision. However, since the strongest evidence for this provenance is the association of the manuscript with Wulfstan, any argument that Wulfstan could have had a personal hand in the compilation is, in this sense, circular (Caie 2000, 7–9). But even if no firm conclusions on the archbishop's own sense of himself as a literary author can be drawn on the basis of this manuscript's rubrication alone, the evidence suggests that Wulfstan’s authorship of the texts was considered significant by at least some of the scribes who assembled these compilations.

The third major trend in Corpus 201’s rubrication is a tendency to title legal texts as the *gerædnes* of a particular king. These rubrics are even applied to texts that Wulfstan wrote, such as *The Canons of Edgar* and *Cnut 1018*. The word *gerædnes* is overwhelmingly associated in Old English with the wisdom particular to kings, and often identifies the beginnings of a legal pronouncement (Healey et. al., "Old English Corpus"). Legal texts also appear under this kind of rubrication in Nero A.I, a manuscript that witnesses Wulfstan’s own hand. Thus while there is no rubric to tell

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21 On Wulfstan's uses of this term, see Pons-Sanz, *Norse–Derived Vocabulary*, 88–90.
22 See Corpus 201 p.46, “Her is eadgares cyninges geraednes,” and Nero A.I p.3, “Dis is seo geraednys þe Cnut Cininge 7 his witan geraeddon.” For the evidence that the *Canons of Edgar* are Wulfstan’s, see: Roger Fowler ed., *Canons of Edgar*, Early English Text Society os. 266 (London: Oxford University Press, 1972), xxvi–xxxiv.
23 On the Old English *rædan*, see also chapter 3: 130–2. It is also noteworthy that the different titles of two different Latin versions of *I–II Cnut*, the *Instituta Cnuti* and *Consiliatio Cnuti*, reflects the translators’ different renderings of the word *gerædnes*; a third, titled *Quadripartitus*, translates the term "instituta."
Corpus 201’s readers definitively when the *sermones lupi* end, the legal texts in this collection are clearly attributed to other authors, even if Wulfstan might have preached them or even wrote them.

Thus even if the formal differences between Wulfstan's laws and homilies are too unstable to clearly separate them into different genres, the archbishop's legislation nonetheless appears to employ the Wulfstanian homiletic voice in a distinctive way. The codes are not different from the homilies because of the *presence* of Wulfstan's voice, but rather because of its *function*, insofar as the voice signified Wulfstan's archepiscopal authority. The archbishop can address exhortations to his flock directly in his homilies because addressing them is a part of his ecclesiastical role; indeed, as he states in the homily *Napier 59* and elsewhere, his authority is contingent on his use of it. 25 Law, on the other hand, is authorized by the nation itself, and the king is only a custodian who ensures that it will be transferred to the next generation. Wulfstan’s role as an episcopal legislator is simply to facilitate this process by making sure generally that the earlier legislation is known, and that the king does not fail his task because of error or ignorance. He occupies this role less because of his episcopal authority than because of his clerical literacy, which ensures that he is particularly unlikely to make any errors in transcription.

This portrait of a Wulfstan self-conscious of his limited role seems, on its surface, to contradict the image of Wulfstan, statesman and homilist 26 dominating the current


26 The phrasing is Whitelock’s, but perhaps the most influential formulation of Wulfstan's aggrandizement of episcopal powers is Bethurum’s: Whitelock, "Archbishop Wulfstan, Homilist and Statesman"; Dorothy Bethurum Loomis, "Regnum and Sacerdotium in the Early Eleventh Century," *England before the Conquest: Studies in Primary Sources Presented to Dorothy*
scholarly consensus, evinced for example in the strongly worded "Episcopus" chapter of the *Institutes of Polity*. But whatever claims for political power Wulfstan may have made, his practice of citing earlier law codes in *I–II Cnut* suggests that the archbishop was relatively scrupulous in his uses of earlier law codes to assemble *I–II Cnut*, an attitude that suggests a decidedly uncharacteristic reticence to paraphrase. Wormald says that the laws produced by this "patchwork approach" are "not as uneven as they might have been," but in the final analysis, Wulfstan did not "sacrifice the integrity of those blocks to rigorous legal logic" (Wormald 1999, 354–5).

As his chart demonstrates, nearly 75 percent of the code’s clauses are drawn from other Old English sources (Wormald 1999, 355–61). Though this level of borrowing is not necessarily unusual for Wulfstan, it is uncharacteristic that he should make so few alterations to the cited text. The archbishop clearly had access to a large corpus of legal material, and he draws from codes as far back as *Æthelberht*. Of the 71 passages in *I–II Cnut* where Wormald has identified a direct source in law codes preceding Wulfstan’s, only 29 appear to be direct quotations (Wormald 1999, 361).

Virtually all of these unaltered quotations are from the more recent law codes *II–III Edgar* and *I Æthelred*, which together provide over half of the identified citations from non-Wulfstanian legal sources. The *Edgar* codes are quoted directly in twelve passages from *I–II Cnut* and paraphrased in ten, while *I Æthelred* is quoted directly in sixteen

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*Whitelock*, eds. Peter Clemoes and Kathleen Hughes (Cambridge: Cambridge University Press, 1971), 129–45. In this article, Bethurum argues that the "Episcopus" chapter was only re-integrated into the *Institutes* after Wulfstan’s death (142–4). If correct, then its previous omission is consistent with Wulfstan’s tactful pose of acquiescence, outlined below.


28 For an overview of Wulfstan’s homiletic practice of citation and modification, see: Orchard, "Wulfstan as Reader, Writer, and Rewriter." On Wulfstan’s stylistic similarities to the earliest codes see: Schwyter, *Old English Legal Language: The Lexical Field of Theft*, 76–8, 80–1.
passages and paraphrased in six. In both cases, the texts are quoted verbatim more frequently than they are altered. This trend continues when we look at Wulfstan's self-citations; the number of direct quotations from his earlier laws or homilies is equal to or greater than the number of modified passages in almost every text. In total, Wormald identifies 163 direct quotations from known texts in the law codes, and 135 apparent modifications. Considering that some of these inconsistencies must be ascribed to the complex transmission history of the texts in question, and particularly in the oldest, this data leaves the impression that Wulfstan was relatively conservative in his use of legal citations, even when they came from legal texts that he had written himself.

This conservatism is in sharp contrast to Wulfstan’s treatment of other identified sources in his more "purely" homiletic writing, for example his reworked version of Ælfric’s pastoral letter in Corpus 201.29 Internal evidence in other versions of this letter tells us that it is one of two written by Ælfric, who wrote them in a bishop’s voice (Hill 2005; Godden 2004). Joyce Hill details the extensive changes made by Wulfstan to this text, both minor and major, and argues that they indicate his careful reworking of the text in its entirety. She argues further that Wulfstan’s responsibility for these amendments is “inherently likely,” as the archbishop “would have felt that [Ælfric’s letters] were in a profound sense his own property” (Hill 2005, 64). Though Malcolm Godden has convincingly challenged Hill’s supposition that Wulfstan commissioned Ælfric or had otherwise acquired the latter’s permission to make his changes, the differences between

Wulfstan’s treatment of this text and his treatment of the laws are striking (Godden 2004). To borrow Hill's phrasing, the relatively light revisions witnessed by Wulfstan’s legal texts suggest that the laws were not his property, or at the very least that he had a rhetorical reason to avoid representing them as such.

One key alteration to Ælfric’s letter is Wulfstan’s removal of a section reminding bishops that they are not able to apply the death penalty. Hill has argued that Wulfstan also cut the corresponding passage from the surviving Latin version of the Pastoral Letter (Hill 2005, 63–4). These substantive omissions bear comparison to an aspect of Wulfstan’s legal writing noted by Katherine O'Brien O’Keeffe, namely his preference for mutilation over the death penalty (O'Keeffe 1998, 216–31). Wulfstan’s legislation thus accords with the doctrine he twice removed from Ælfric’s letter. This suggests that his alteration of the letter need not reflect, as Godden argues, a disagreement between Wulfstan and Ælfric on episcopal functions (Godden 2004, 361–2). On the contrary, the archbishop’s legislative reluctance to use the death penalty suggests that Wulfstan recognized the strength of Ælfric’s argument. Rather, the emendation implies only that Wulfstan made a prudent decision to avoid making any statements in his own voice that invited criticisms for overstepping his episcopal authority. Indeed, his alterations to the

30 The excised portion is II, 201–13.
31 This claim is based on VÆthelred 3–3.1: “7 ures hlaforde geraednes 7 his witen is, þæt man Cristene men for ealles to lyltm to daðe ne fordeme. Ac elles geraede man friðlice stero foelc to þearfe ne forsple for lyltm Godes handgeweorc 7 his agenne ceap, þe he deore gebohte”: Felix Liebermann ed., Die Gesetze Der Angelsachsen (Halle: Niemeyer, 1903), I, 238. O’Keeffe’s translation: “And the decree of our lord and his councillors is that Christian men should not be condemned to death for all too small offences. But friðlice punishments are to be otherwise devised at the need of the people, and God’s handiwork and his own purchase which he bought so dearly should not be destroyed for small offences”: “Body and Law in Late Anglo–Saxon England,” Anglo–Saxon England 27 (1998), 216 n. 26. See also: Wormald, Making of English Law, 126–7; Mary Richards, “The Body as Text in Early Anglo–Saxon Law,” Naked before God: Uncovering the Body in Anglo–Saxon England eds. Benjamin C. Withers and Jonathan Wilcox, Medieval European Studies (Morgantown: West Virginia University Press, 2003), 97–115.
laws expanded his authority, by implying that a primary purpose of punishment was to encourage sinners to repent their sins. Wulfstan's restrained use of his homiletic voice in *I–II Cnut* seems to be an extension of this prudence. In both the law code and the pastoral letter, Wulfstan makes his alterations as an archbishop; though he may occasionally test the boundaries of his authority with regards to the composition of secular legislation, the author of the *Institutes of Polity* was nonetheless highly conscious of where they were drawn.

This explains a trajectory in Wulfstan's writing identified by Wormald, that the archbishop's legislative style shifted over the course of his career from a “basically homiletic” mode into a “more evenly balanced blend … of preaching and law-making” (Wormald 1999, 341). The shift is visible in the following example of self-citation, where Wulfstan's reworks a passage from his earlier law code *VIII Æthelred* for *II Cnut*. The parts of *VIII Æthelred* missing from *II Cnut* are marked in bold:

[VIII Æthelred 33, II Cn 40]
And gif man gehadodne ðode ælþeodigne man þurh ænig þinc forraede æt feo ðode æt fore, ðode hine bænde ðode hine beate ðode gebismrige on ænige wisan, þonne sceal him cyngc beon for mæg 7 for mundboran, buton he elles ðerne hæbbe.

[VIII Æthelred 34, II Cn 40.1]
And bete man ægðer ge him ge þam cynge, swa swa hit gebirige, be þam þe seo dæd sy, ðode he ða dæde wrece swiðe deope.

*And if someone should injure an ordained man or foreign man in any way with regards to his property or his life, *or if he should wound or beat him or treat him ill in any way*, then the king shall be his kinsman and advocate, unless he has another.*

*And a man should atone entirely, both with him and with the king, as is befitting, in accordance with the deed, unless he corrects the deed with great thoroughness.*
Each of the omitted phrases contains a homiletic use of emphatic repetition. Though Wulfstan does not systematically eliminate these kinds of phrases from his later laws, he nonetheless shows an editorial tendency to favor the more substantial elaborations over the more ornamental. In the above example, *æt feo oððe æt fore* ("with regards to his property or his life") contributes more to the precision of the law than *oððe hine bænde oððe hine beate oððe gebismrige on ænige wisan" ("or if he should wound or beat him, or treat him ill in any way").

The alterations above are followed by substantial variations, marked below in bold, that provide a political explanation for this editorial practice:

[VIII Æthelred 35]

Cristenum *mannum* gebiriað swiðe rihte, þæt he Godes abilgðe wrece swiðe *georne*.

*It is quite correctly befitting to Christian men, that one should very earnestly avenge God’s anger.*

[II Cn 40.2]

Cristenan *kyningce* gebyrað swyðe rihte, þæt he Godes abylgðe wrece swyðe *deope, be ðam þe seo dæd si*.

*It is quite correctly befitting of a Christian king, that he very thoroughly avenge God’s anger, in accordance with the deed.*

The more broadly homiletic address to "Christian men" is here narrowed to address specifically the Christian king, with the transplanted phrase "be ðam þe seo dæd si" emphasizing the limitations imposed on the king by the judicial economy of scale. The newer text is thus a comparatively legislative as opposed to homiletic injunction. Dance has observed that Wulfstan tends to confine legal terminology to his legal writing, so that for example he departs from the practice of his contemporary homilists by never using
the word *scyldig* ("guilty") in a non-legal context (Dance 2004, 56–7). Given his similar care in treating legal citations, Wulfstan's precision suggests that he was careful to avoid any confusion. If Wulfstan were to say that all of humanity was *scyldig* of sin, then he might accidentally imply that they were literally liable for fines or punishment. By confining these words to legal texts, Wulfstan alienates legal discourse from his usual rhetorical mode, so that their appearances of legal terms signal his scrupulous faithfulness to his legal sources.

Thus even if Wulfstan's laws cannot be clearly distinguished from his homilies on formal grounds, there is nonetheless a discernible difference in content, as the laws are thoroughly embedded with legal terms and quotations from legal sources that distance the secular authority of the text from the episcopal authority of its speaker. With this in mind, we now can re-appraise Wormald's argument that Wulfstan “intended his laws and homilies to be as generic, as general in application, as lacking in *specific* context, as possible” (Wormald 1999, 14). The abstraction noted here seems to be a tool of political expediency, which allows Wulfstan to confront the king on political matters without doing so directly enough to create conflict. For evidence of this strategy we need look no further than *I Cnut 2*, which opens the material portion of the code with a discussion of *cyricgrīð*. The source passage in Wulfstan's earlier code *VI Æthelred* appears much later, at 42:3 (Wormald, *Making of English Law* 1999, 356). The movement of this particular law to the very beginning of the text was surely related to its political implications. The St. Brice's Day massacre by Æthelred II, a crime whose

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32 Pons-Sanz identifies a similar care in Wulfstan's Norse-derived legal terms: *Norse–Derived Vocabulary*, 212, 228–9.

33 Bethurum makes a similar observation about Wulfstan's homiletic style: “[Wulfstan] has an aversion to the picturesque concrete detail used for its own sake and again and again omits it in favor of a direct concentrated appeal to morality. He has a preference also for the general statement over the concrete illustration.” *Homilies*, 48.
victims included Cnut's aunt and thus provided the moral justification for the Danish Conquest, took place in a church, and in that sense was a clear violation of *cyricgrið* (Wilcox "St. Brice's Day" 2000, 82–3). Though the codification of Edgar's laws found in *I–II Cnut* borrows more from the codes of Æthelred than it does from those of Edgar, *I Cnut* 2 exemplifies the character of those citations, in that they tend to emphasize the *gerædnes* that Æthelred was too *unræd* to follow. In other words, *I–II Cnut* are Edgar's laws because Edgar was a *successful* king. By alluding to these historical circumstances, Wulfstan is able to exhort Cnut to pass the laws that Wulfstan would prefer, by claiming that their observance would be in Cnut's own self-interest.

For the remainder of this chapter, I will describe how this agenda shaped the law code as a whole. In the ecclesiastical section now titled *I Cnut*, Wulfstan borrows more heavily from his homiletic texts, and phrases his appeals in more homiletic terms. However, when he moves on to the secular section, he phrases his arguments by suggestively juxtaposing existing laws pertinent to Cnut.

*Cnut and His Codes: Text and Context*

There is virtually no evidence that any Anglo-Saxon king personally wrote the surviving law code that bears his name. Rather, the texts typically represent themselves as the products of consensus. *I–II Cnut* is no exception:

*I Cnut, “Prologue”*

Dis is seor gerædny, þæ Cnut ciningc, ealles Englalandes ciningc 7 Dena cining mid his witena geþæht gerædde, Gode to lofe 7 him sylfum to cynescipe 7 þærfe; 7 þæt wæs on ðære halgan midwintres tide on Winceastre. (Liebermann, I, 278)

This is the decree (gerædny) that King Cnut, king of all England and king of Danes, decreed with the advice of his counselors, for the glory of God and for his own royal power and need. This took place during the holy midwinter season at Winchester.
The rhetorical problem for Wulfstan is that he is only a single voice in the _witan_, who moreover represents the political interests of the dioceses of York and Worcester, as signified by his signature in the witness lists of charters granting lands and privileges to those institutions.\(^3^4\) His “we,” in other words, must be the congregational “we” of the Christian church, before it is the legislative “we” of the king and his counselors.

Whoever’s _gerædnes_ he claims as his source, a homily by Wulfstan is a _sermo_ “to” the English from a transnational, ecclesiastical perspective. In order to speak with the authority of English law, then, he must also speak _from the perspective of_ the English, as a particular subset of the larger Christian community. The pre-existence of written law codes allows Wulfstan to have it both ways, in that the production, storage and interpretation of written texts is already an essential part of his archiepiscopal role. Because written laws encode the wisdom of Anglo-Saxon kings, Wulfstan's relatively rigorous adherence to their rhetorical and logical structures simply transmits the words of one king to another, and thus avoids any potential controversy over whether an archbishop has the authority to pronounce on secular matters.

Andrew Rabin’s reading of the _Sermo Lupi ad Anglos_ provides us with a framework for identifying the archbishop’s rhetorical strategies more precisely (Rabin 2006). Rabin’s article, which parallels the present study of the homiletic law code by exploring legislative influences on Wulfstan’s most famous homily, argues:

> Central to Wulfstan’s concept of combined legal and religious authority is a notion of the written text’s capacity to fix and naturalize social relations … Wulfstan writes of law as essentially written (_lagu_) while avoiding mention of oral tradition (_æ_) almost

completely. For Wulfstan, the documentary nature of *lagu* allows it to do more than merely regulate civic activity; rather, the ordered and permanent nature of the written text imposes a structuring and stabilizing influence on human society itself (Rabin 2006, 391–2). 35

The documented "'text' through which the individual both produces and expresses himself as a rightly ordered subject" in a legal proceeding is "his sworn testimony" (Rabin 2006, 394). Wulfstan's "witnessing" of Old English law in the *Sermo Lupi ad Anglos* borrows this testimonial form to produce and express his own moral authority as a historical commentator, which in turn allows Wulfstan to suggest corrective actions. "Preaching as a speech-act now acquires injunctive in addition to expository significance: the speaker does not merely reveal his listeners' sins, but he requires positive action on their part as well" (Rabin 2006, 396). 36 In the *Sermo Lupi ad Anglos*, Wulfstan witnesses not only the crimes of heathen invaders, but also the crimes by which the English brought invasion upon themselves. The parallelism implicitly equates the English sinners to the heathens: "the sins of the English thus become not just a denial of their religious responsibilities but also a negation of those characteristics that invest them with a coherent national identity" (400). As a witness to the non-Englishness of the English, then, Wulfstan "negates the singularity of his perspective, so that the 'truth' of his message originates not in his own status as archbishop, but in the

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35 Rabin's association of *lagu* with written law and *æ* with oral law is not exactly precise; *æ* is frequently used to describe the law of the Old Testament, for example, and it is best translated "traditional law." Other discussions of Wulfstan's preference for *lagu* include: Pons-Sanz, *Norse-Derived Vocabulary*, 90–8; Richard Dance, "Sound, Fury, Signifiers," n.51; Dennis Howard Green, *Language and History in the Early Germanic World* (Cambridge: Cambridge University Press, 1998), 31; Andreas Fischer, "Lexical Change in Late Old English: From *æ* to *lagu,*" *The History and the Dialects of English: Festschrift for Eduard Kolb*, ed. Andreas Fischer (Heidelberg: Carl Winter, 1989), 103–14; Malcolm Godden, "Ælfric's Changing Vocabulary," *English Studies* 61 (1980), 214–17. See also below: 58.

36 Rabin makes this point with reference to Wulfstan's uses of the verb *gecyðan*, "to make known" or "testify" (Rabin, "The Wolf's Testimony," 396); the verb's retention of its more technical legal sense in other contexts is another example of Wulfstan's careful legal diction.
audience’s unanimous recognition of their own wretchedness” (403). The homily’s description of a moment in England’s political history is thus transformed by its quasi-testimonial genre into a tranhistorical exhortation to Christian living.

The manuscript context again provides a clue for reading Wulfstan’s complex negotiations between homiletic and legal rhetoric. The version of the Sermo Lupi ad Anglos found in the Wulfstan manuscript Nero A.I, Bethurum’s 20 (EI), evokes the peodwita Gildas in support of Wulfstan’s criticisms. This version of the sermon occurs in Nero A.I immediately before the Institutes of Polity section “Be þeodwitan,” which in turn is separated out from the other Institutes in the manuscript. This section on “counseling” includes a castigation of bishops who fail to preach (Rabin 2006, 410). Rabin argues that this juxtaposition suggests that “the peodwita, the councilor or social witness, becomes more than merely a moral advisor or policy consultant but rather the guarantor of social integrity,” and that implicitly, Wulfstan takes this role upon himself (411). In other words, Wulfstan does not stop at using the written text of the law to authorize his pronouncement on the political situation; he also invokes Gildas’ text as a literary antecedent. The allusion suggests that the Sermo Lupi ad Anglos is insufficiently

37 Rabin’s account of Wulfstan as a "witness" deserves comparison to Tinti’s description of St. Wulfstan’s role in "Hemming's Cartulary," as an "eyewitness, a direct informant and, even more interestingly, the main promoter of the whole work" (Tinti, "From Episcopal Conception to Monastic Compilation: Hemming's Cartulary in Context," 241–2).
38 e.g. II Pol. 47–48: “Gif þu þam synfullan nelt cwæð ure drihten synna gestyran and unriht forbeoden and þam manfullan mandaeda cyðan, þu scealt þa sawle bitere forgyldan. Dis mæg to heorthoge æghwylcum bisceope beþence hine georne be þam, þe he wylle. And se þe nele Godes bodan hyran mid rihte ne godcundre lae gynman, swa he sceolde, he sceall hyran feondan, gyf he nele freondan.” (“If you will not (said our Lord) guide the sinful from sin and forbid lawlessness and reveal those hateful, evil deeds, you shall bitterly give up your soul. Upon this, close to the heart’s care for each bishop, he may bethink himself earnestly, if he wills it. And he that does not wish to obey God’s commands properly nor learn his devout teachings, as he should, shall obey enemies, if he will not obey friends.”) For a further discussion of the specifically episcopal implications of “be þeodwitan,” see Wilcox, “The Wolf on Shepherds,” and Orchard, “Wulfstan as Reader, Writer, and Rewriter,” 326–7. This version of the Sermo Lupi ad Anglos is also witnessed in Oxford, Bodleian Hatton 113.
authorized on the basis of legal form alone. Wulfstan must also prove that bishops like himself have the right to produce moral testimony, in this case by identifying the text of Gildas as an example. Far from undermining his legislative authority, then, his status as an episcopal peowita places him in a unique position to be a "witness" of the moral authority that underwrites the social document of the law, which authority is further confirmed by his adherence to the geraednes of Anglo-Saxon history’s greatest Christian kings.

The archbishop’s legislation similarly evokes written sources to argue that his polemic falls under the purview of his duty to assess the souls of the body politic. An example of this rhetoric at work in the law code can be traced through Wulfstan's treatment of marriage law. Marriage was undisputedly under ecclesiastical jurisdiction, despite its central importance to almost every aspect of secular life (Brundage 1995, 72, citing Daudet 1933). Though Wulfstan was hardly unique for making wide claims for episcopal authority on the basis of the church’s power over marriage, he was particularly persistent in doing so; the sanctity of marriage is a noted theme throughout Wulfstan’s writings, both legal and homiletic, and the compound æwbryce (adultery) is particularly common in texts bearing signs of his influence (Chapman 1998, 16–17). 39 Indeed, Wulfstan’s constant discussions of æw “marriage” provide a possible explanation for his lexical preference for lagu to refer to “law,” noted by Rabin; given his careful use of legal terminology, he might simply have thought that using the aurally similar term æ to mean "law" would confuse his listeners. 40

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39 Pons-Sanz suggests that Wulfstan invented the term æwbryce as a parallelism for lahbryce: Pons-Sanz, Norsified Vocabulary, 90–1.
40 At the very least the similarity between the terms seems to have confused the Instituta translator, who makes exactly this mistake in rendering the compound æwbryce into Latin (Wormald, Making of English Law, 406).
As Wormald notes, *I–II Cnut* addresses the topic of marriage with unusual thoroughness, “like no other lawmaker since Alfred” (Wormald 1999, 353). This fixation seems daring, given Cnut’s own awkward marital status to Emma of Normandy.\(^{41}\) However, considering that Æthelred II had also fathered children by another woman before marrying the same Emma of Normandy who would later marry Cnut, the issue was a convenient point of comparison between the two kings. The references to marriage thus implicitly suggest that Cnut ought to be deferential to episcopal advisors like Wulfstan on spiritual matters, if he wants to avoid the fate of Æthelred.

There are two sections of *I–II Cnut* dealing with marriage. The first is the homiletic passage *I Cn* 24, which reads: “And we laerað, þæt man wið fulne galscipe 7 wið unrihthæmed 7 wið æghwylcne æwbryce warnige symle” (Liebermann 1903, 1, 303–4).\(^{42}\) This passage is the culmination of a series of quotations from the York homily Napier 59 cited above, beginning in *I Cn* 20; these clauses constitute one of the most extended parallels of a homiletic source in the code (Wormald *Making of English Law*, 356; Liebermann 1903, 1, 300–4).\(^{43}\) This homiletic break at the end of the “ecclesiastical” section of the code rhetorically emphasizes the importance of moral advisors like Wulfstan to kings like Cnut, whose actions demonstrate that they are sinners in need of spiritual guidance. Wulfstan’s citation of a particularly incontrovertible example of Cnut’s shortcomings reinforces the authority of his episcopal voice, and in the process strengthens his rhetorical position before moving on to the more treacherous, “secular” section of the law code, *II Cnut*. In other words, the content of the

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\(^{41}\) That Cnut’s extra–marital relationship with Ælgifu of Northampton would have bothered Wulfstan has been often speculated, but rarely argued. See for example: Loomis, "*Regnum and Sacerdotium* in the Early Eleventh Century"; Lawson, “Homiletic Element,” 579.

\(^{42}\) “And we instruct, that one should constantly beware against evil by great lasciviousness and adultery and any breaking of the marriage covenant.”

\(^{43}\) This homily is Napier 59, the same one cited above as an example of Wulfstanian style: 37.
law authorizes its form, as the suggested comparison between the homiletic exhortation and Cnut's adulterous ways remind the larger witan that a bishop like Wulfstan is a particularly appropriate person to tell the king how he ought to behave.

Wulfstan returns to the question of marriage in II Cn 50–55, again making implicit criticisms of Cnut (Liebermann 1903, 1, 346–9). This time, the criticisms are couched in the language of existing legal texts. The passage begins with a list of punishments for adultery not found in any known law code, which suggests either that the source is obscure, or that Wulfstan wrote them himself. In the latter event, he did not write the laws in a particularly Wulfstanian style. The list at II Cn 50.1 begins with a direct value-statement that sounds more like a conventional law: “Yfel æwbryce byð, þæt eawfæst man mid æmtige forlicge, 7 mycele wyrse wið oðres æwe oðde wið gehadode” (Liebermann 1903, 1, 346–7). The section concludes with the only passage from the code identified by Wormald as a direct quotation from a code before II–III Edgar, which is also a bald statement of how Cnut ought to be punished for his indiscretions:

"Ælpeodige men, gif hig heora hæmed rihtan nellan, of lande mid heora æhtum 7 synnan gewitan" (II Cn 55, Wihtred 4). II Cnut 56 and 56.1, a passage with no identified source, continues the discussion of ælpeodige men by stating that any foreigner who commits open morð ("public murder") ought to be tried by the children of the murdered person; if the foreigner fails to atone for his crime, he should be judged by the bishop. II Cn 57–59 is a section of Alfred’s laws detailing the punishments for killing

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44 “Adultery is evil, that a married person should lie with an unmarried one, and much worse with the wife of another or with a member of the clergy.” See also chapter 2: 81.
45 “In foreign men will not correct their marital status, let them leave the land with their goods and their sins.”
46 “Gif open morð weorðe, þæt man sy amyrrred, agyfe man þam magum. 7 gif hit tihtle sig, 7 æt lade mistide, deme se bisceop.”
kings and for breaking into their homes (Wormald 1999), 353, 356). Throughout this section, the prose is heavily reminiscent of pre-Wulfstanian Old English law, for example *Il Cn* 59: “Gif hwa on ciningces hirede gefeohte, polige ðæs lifes, butan se cingc him gearian wylle” (Liebermann 1903) 1, 350). Wulfstan's grouping of these relatively disparate pronouncements on the specific crimes of adultery, murder committed by foreigners, and breaking into a king's home, and which juxtaposes them in a law code written on behalf of an adulterous, foreign king who took his kingdom by force, suggests that the law code's exhortations are not as lacking in specific context as they might originally appear.

The final section of the code, from *Il Cn* 69 onwards, is a homiletic critique of the abuses of lordship identified by Pauline Stafford as a possible coronation charter (Stafford 1981). In light of the passages above, this general criticism of kingship becomes much more pointed, representing the culmination of a comprehensive argument that Cnut should respect the pre-established importance of the church, if he is to enjoy a more peaceful reign than that of his predecessor. Wulfstan's citations from Old English law exploit the political tensions of the situation by framing his criticisms of Cnut's Christianity as criticisms of his Englishness, so that his sins appear to violate both God's law and Edgar's. Wulfstan’s moral exhortations and his summary of existing laws are therefore reduced to variations on the same theme, the congregational and majestic “we” rejoined into one and the same “us.”

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47 For a list of parallels, see Stafford, "The Laws of Cnut and the History of Anglo–Saxon Royal Promises,"175–6 n. 22.
48 "If anyone fights in the king's household, he shall suffer [the loss] of his life, unless the king decides to spare him."
49 For a recent summary of the arguments against Wulfstan's authorship of these chapters, see Pons-Sanz, *Norsified Vocabulary*, 159–63.
I Cn 26.3, at the conclusion of the ecclesiastical portion of the code, witnesses one of the most famous descriptions of the bishop’s office from Wulfstan’s writings:

Þonne moton þa hyrðas beon swyðe wacore 7 geornlice clypigende, þe wið þone þeodscædan folce sceolon scyldan: þæt syndan bisceopas 7 massepreostas, þe godcunde heorda bewarian 7 bewerian sceolon mid wislcan laran, þæt se wodfreca werewulf to swyðe ne slite, ne to fela ne abite of godcunde heorde. (Liebermann 1903, I, 304.)

Thus the shepherds must be very wakeful and call out eagerly, who ought to protect the people from the criminal; that is the bishops and mass-priests, who watch the devout flock and must protect it with wise teaching, so that the ravenously destructive werewolf does not harm too badly nor eat too often from the devout flock.

This passage is closely parallel to another text rubricated in Corpus 201 with an explicit attribution to not a king, but a prophet: “Verba ezechiel prophete de pigris aut timidis vel negligentibus pastoribus” of Ker’s art. 38 (80–1). The versions of this passage in Wulfstan’s writing are the only occurrences of the term werewolf in Old English (Wilcox "The Wolf on Shepherds" 2000, 400). Again, the poetic context is useful, as another wulf compound is used to describe the madly ravenous, beastlike “wulfheort cyning” of the poem Daniel. If the association was conventional (as the “heathen hound” Holofernes in Judith suggests), then Wulfstan’s decision to personify the threat to the flock as a werewolf thus evokes not only the devil, but also immoderate pagan invaders.

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50 “The words of Ezekiel the prophet concerning unwilling, frightened, or negligent pastors,” Bethurum 16b. As Wilcox notes, this is one of the few passages of Wulfstan for which Jost cannot find a direct source: Wilcox, "The Wolf on Shepherds." 415, n. 27, citing Jost, Wulfstanstudien (Bern: A. Francke, 1950), 65–9.
53 See chapter 3: 144.
like Nebuchadnezzar. Wulfstan writes in the *Institutes of Polity*: "þurh unwisne cyning folc wyrð geyrmend for oft, nãs øne, for his misræde. Þurh cynincges wisdom folc wyrð gesæelig and gesundful and sigefæst" (13–14; Wulfstan 1959, 47). The primary role of the bishop is to protect the souls of the people; it is up to the king to decide if he will work with the bishop in this task, or against him. Thus Wulfstan's apparently impersonal rhetorical mode masks an argument in favor of the Church's secular authority that is both highly original and thoroughly grounded in surviving precedent. By repackaging and reshaping the Old English laws, Wulfstan can confront the king before the *witan* and at the same time cultivate an aura of impartiality. His program for reform is represented as a collection of quotations from long-established, authoritatively English texts that the archbishop is obligated to read, even if the *gerædnes* contained within them tells the new king things that he might not want to hear.

As we will see in the next chapter, Wulfstan's efforts to downplay and modulate the homiletic qualities of *I–II Cnut* are almost immediately lost in translation. In the greatly altered political context of post-Conquest England, the text assumes a much more emphatically pro-ecclesiastical inflection. The clearest evidence for the formal influence of Wulfstanian sound-patterning on its reader is found in the Latin translations of his Old English law codes. These translations survive in greater numbers and in later manuscripts than do the Old English versions, and thus they are a crucial intermediary point between the laws and the later poems. Patrick Wormald has observed generally that the archbishop's distinctive prose can be seen "shining through the frosted glass of

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54 “The people are made miserable by a foolish king not once, but often, because of his foolishness (*misræde*). Through a king's wisdom, they are made happy, healthy, and victorious.”

55 For the survival of Wulfstan's homiletic texts after the Conquest, see for example: Cross, "Wulfstan's *De Anticristo* [sic] in a Twelfth–Century Worcester Manuscript"; Morrison, "A Reminiscence of Wulfstan in the 12th–Century 'Ormulum', a Versified Gospel Harmony"; Wilcox, "Wulfstan and the Twelfth Century."
the *Quadripartitus*” (Wormald 1999, 331). I will argue that the imitations of this style are more sustained than this characterization suggests, and that Wulfstan’s homiletic prose performed the same gesture of authentication in the translations as that which was performed in the Old English by the relatively unchanged and non-Wulfstanian blocks of legal text. The next chapter will put these translations in context, in order to determine how the formal qualities of Wulfstan’s prose came to emerge as an authoritative rhetoric of critique challenging the centralization of English government under the common law.
Patrick Wormald has noted the remarkable stability of *I–II Cnut*’s textual tradition, in both Old English and Latin. In fact, the different versions are consistent enough in their organization and content to suggest that there was a widely circulated "post-conquest vulgate" of the code (Wormald 1999, 349). M.K. Lawson has argued that *II Cnut* “anticipates the legal compilations of the twelfth century in being to some extent a conscious codification of existing law” (Lawson 1993, 158). This observation can be taken further: Wulfstan's code not only anticipates the later compilations, but influenced them.

In the last chapter, I demonstrated that Wulfstan's relatively careful practice of citation contributed to the strength of his argument, by conferring the appearance of objectivity to his claims. Wulfstan's relative precision in quoting earlier legal texts suggests that the *witan* would have been familiar enough with the written laws of Edgar to recognize their formal qualities, or perhaps even exact readings; in either case, the archbishop assembled his text conscious of literary style. The homiletic rhetoric discernible in the translations of *I–II Cnut* suggest a similar consciousness on the part of its translators and editors. However, the modes of diplomatic authentication resulting from Wulfstan's influence must not be limited to the kinds of formal qualities typically considered to be "diplomatic" by modern scholars. Indeed, the archbishop's style provided a model of formulaic writing which was more useful to his translators than the static and precise legal formulae typically associated with the law would have been, in

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1 Wormald's "vulgate" includes its three principal Latin translations, the *Consiliatio Cnuti*, the *Instituta Cnuti*, and the *Quadripartitus*. 

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that the homiletic tone of I–II Cnut underscored the code's legal-theoretical arguments in favor of strong, independent ecclesiastical institutions.

Below, I will look at larger changes in the political context caused by the Norman Conquest, to show how Wulfstan's translators transformed the archbishop's text by the very act of remaining faithful to it. The play between Wulfstan's homiletic voice and the authoritative legal rhetoric which characterized the original text was read by the translators as a single, consistent voice, so that the back-and-forth between bishop and monarch which characterized the original became a transparent, monological statement of ancient principle. This voice utilized both the form and content of Wulfstan's laws to assert that there was an absolute consistency between God's eternal law and the secular law of England, which gave the teachers of the former a certain autonomy in their dealings with the administrators of the latter. This shift took place within a political context where the methodologies for reading legal texts were in flux, as the different jurisdictions of England were consolidated under the purview of a single, common law.

In this chapter, I will begin by describing the changes in the practice of law between the eleventh and thirteenth centuries. I will then compare the Latin versions of I–II Cnut to the Old English original, in order to hypothesize about the strategies of translation. As I will demonstrate, the evidence suggests that Wulfstan's translators made a concerted effort to preserve the archbishop's homiletic style. I will go on to show that this Wulfstanian style was also employed by one of these translators in a later work, the Leges Henrici Primi.\footnote{On the attribution of this text to the author of the Quadripartitus, see the introduction to the edition of the Leges Henrici Primi, ed. L.J. Downer (Oxford: Clarendon Press, 1972), 42–4.} I will then turn to a re-reading of an important example of post-
Conquest vernacular literacy called the *First Worcester Fragment*, to show how it articulates the same concerns behind the translations of Old English law.

**Church and Law in Post-Conquest England**

Post-Conquest manuscripts of Anglo-Saxon law were small and portable compared to their pre-Conquest equivalents, which suggests they were copied for practical use, almost certainly related to the administration of church properties (O'Brien 1999, 5–6). Wormald has identified the readers of these texts as a “scholarly fraternity” of specialists in Anglo-Saxon law, whose members “were distributed through the cathedrals and episcopal households of the Anglo-Norman realm” (Wormald 1999, 473). The evidence for this ecclesiastical fraternity bears comparison to the contemporaneous evidence that post-Conquest Anglo-Saxon “manuscript activities” were concentrated in cathedrals with Benedictine priories (Frankis 2002, 62). 3 Old English legal texts were extremely favorable to cathedrals and episcopal households, to the degree that

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maintaining the prominence of ancient ecclesiastical institutions and maintaining the procedures of Anglo-Saxon law were inextricably intertwined. Thus perhaps the post-Conquest ecclesiastical institutions' conservative interest in Old English literature and law stemmed from their continued political interest in keeping Anglo-Saxon literary culture alive, at least until they could adapt their foundational legal documents into newer and more recognizable formats (Clanchy 1993, 211–3).⁴

This state of affairs can be inferred from a number of historical circumstances. Firstly, William the Conqueror had shut down the “customary” Anglo-Saxon courts in which tenant disputes were traditionally resolved, and transferred their jurisdiction to the monastic courts (Janin 2004, 30).⁵ Further, the probable flight of the remaining Anglo-Saxon gentry into the church after the Norman Conquest would have meant that many of these formerly secular courts would have been staffed or even controlled by England's former secular rulers (Mason 1990, 131). Because court procedures were mostly oral, there is a high likelihood that relatively archaic Old English terminology and syntax would have survived as a part of those procedures, in the way Law French usages such as voir dire and "attorney general" survive into the present. This can be inferred not only from the continued use of Old English boundary clauses, but from the striking fact that the earliest surviving post-Conquest legal dictionaries in England focus almost exclusively

on Old English terms (Baker 2000, 227). Similarly, Jonathan Herold points to the relatively late copies of boundary clauses in “Hemming’s cartulary,” which were likely preserved as forms to be copied for the production of new leases on the property (Herold 2008, 212–14). And as I will discuss below, specialized Old English legal terms are also frequently transliterated, in whole or part, in the Latin versions of Wulfstan’s law codes.

The abandonment of ancient Anglo-Saxon procedures and laws therefore seems to have been hastened by the influx of continental practices, as ecclesiastical institutions were confronted by the stark reality that their customary laws had ceased to be effective in arguing cases. It does not seem coincidental that the evidence for Old English literacy disappears during a major shift in attitudes towards monastic advocacy, so that the formal study of Roman law, long considered anathema to the contemplative life, became by 1237 a requirement for all Benedictine novices (Brundage "The Monk as Lawyer" 2004, 428–430). Evesham’s improbable victory in asserting its independence from the see of Worcester in the thirteenth century, at least partially dependent on the Bolognese


8 For specific examples, see below: 83.

legal training that Evesham advocate Thomas of Marlborough had at his disposal, is a particularly well-documented example of the shift in the climate (Boureau 2000).  

Given this trend, it is noteworthy that the Latin translations of Old English law were produced during the so-called “Golden Age” of English forgery, a period that would later spur comprehensive reforms in the ways that legal, commemorative texts like charters and decrees were produced. Alfred Hiatt argues that this period is considered a “Golden Age” less because of any verifiable increase in forgery than because of the particular ease with which modern historians can identify apparent forgeries, a state of affairs that primarily reflects the lack of any clear consensus among the various localized bureaucracies of post-Conquest England about how legal texts ought to be produced and stored (Hiatt 2004, 23–4). The apparent crudity of some forgeries from this period might only indicate that different monastic “forgers” exploited different ambiguities in their procedural distinctions between correction and distortion, depending on the particular problems presented to them by the particular documented claims they wished to preserve.  

As I argued in the introduction, legal "literacy" is distinguishable from "orality" by its more systematic distinctions between types of written legal texts, which reflect the ascendancy of more "literate" anxieties about the transparency of written records over the more “oral” anxieties about the trustworthiness of particular speakers. In other words,  

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the texts produced by a more "literate" culture rely more heavily on rigid formal characteristics to communicate their content to a reader, while the more "oral" culture relies on the personal authority of the editor or interpreter to ensure that the contents of the text are communicated to a listener. In the previous chapter, I showed how Wulfstan frequently asserts that the relationship between bishop and laity is such that divine intervention will allow the servants of God to overcome the difficulty of speaking about the wisdom gained through writing and reading in terms that a listening audience will understand. Anglo-Saxon law codes and charters were not so much a part of the practice of government as they were preparatory to that practice. However, when documents became central to the day-to-day practice of secular administration, there was correspondingly less room for editors like Wulfstan to make interventions in legal texts on the basis of their clerical moral authority. Thus the institutional reforms ending the Golden Age of forgery also contributed to the larger shift in power from church to state, as the commemorative strategies of legal texts came to bear less resemblance to the homiletic practice of exegetical interpretation.

The radical reform agenda of Henry II is perhaps the clearest example from the period of the kinds of changes that ecclesiastical institutions would have most hoped to avoid. Henry's reforms have been characterized by Richard Firth Green as a reinvention of the role of the monarch, from a law "finder" into a law "giver" (Green 1999, 238–9). 12 Henry II openly generated original legislation, instead of limiting himself to the re-

interpretation of the *gerædnes* of past kings. A crucial aspect of this redefinition was his expansion of the "common law" legal system, which still depends heavily on the legal historical documents used to record and disseminate citable precedent. As Bruce O'Brien has stated: "legal literacy, in fact, should be considered the sine qua non of the common law, for without it, the centralization of the courts, which was the catalyst for the emergence of the common law, would have remained a royal fantasy" (O'Brien 1995, 1).\(^\text{14}\)

It must be emphasized that the progression from an "oral" Anglo-Saxon government to a "literate" Angevin bureaucracy was hardly uncontested. It is telling that Henry II's decrees were rarely preserved in official custody; as Brand observes, this "seems strange, for the evidence suggests an increased emphasis during Henry's reign on the importance of the written word" (Brand 2007, 224). The exception that proves the rule is the *Constitutions of Clarendon*, a work of legislation archived under the pretence that it was actually a transcription of oral testimony not unlike *I–II Cnut*, and which therefore ostensibly compiled laws Henry had "found" rather than "given" (O'Brien 1999, 8–10).\(^\text{15}\) But as O'Brien has argued, the apparent "orality" of Henry's decrees (at least

\(^\text{13}\) The "law finder" model of kingship is articulated, for example, in the introduction to the *Laws of Alfred*: "Then I, King Alfred, gathered them together and ordered to be written many of the ones that our forefathers observed—those that pleased me; and many of the ones that did not please me I rejected with the advice of my councillors, and commanded them to be observed in a different way. For I dared not presume to set down in writing at all many of my own, since it was unknown to me what would please those who should come after us." (Int. 49.9; trans. Simon Keynes and Michael Lapidge, *Alfred the Great* (New York: Penguin, 1983), 164). The switch to "law giver" was by no means an overnight transformation; on the persistence of the "law finder" model after Henry II, see Fritz Kern and S. B. Chrimes, *Kingship and Law in the Middle Ages*, 2 vols. (New York: Harper Torchbooks, 1970), and Richard Rouse, *The Idea of Anglo-Saxon England in Middle English Romance*, 93–133.


\(^\text{15}\) In their preface, the *Constitutions of Clarendon* say they were compiled in Henry's presence as a *recordatio vel recognitio cujusdam partis consuetudinum et libertatum et dignitatum antecessorum suorum* (remembrance or review of certain customary rights, liberties, and powers
insofar as they were procedurally separated out from the archived record) was part of a political pose, related to Glanvill's "conscious misrepresentation" of English common law as a *lex non scripta* (O'Brien 1999, 14). As O'Brien notes, it is not a coincidence that Glanvill's treatise was written around the time of the conflict between Henry II and Thomas à Becket. By asserting that English law is not found in written precedent, Glanvill "targets what Brian Stock would call a textual community, the literate critics of Henry II who were capable of using the old treatises in their cause, not literate law in general," and in so doing "tries to eliminate the authority of that community's texts;" in the process, Glanvill undermines texts like *I–II Cnut* and its translations on the grounds of diplomatic formal criticism, characterizing the remnants of Old English law as fragmentary and untrustworthy ("The Beckett Conflict" 1999, 13; citing Stock 1983, 88–92). Thus the tendency of evolving bureaucracies to retroactively disqualify earlier texts seems to have been deliberately exploited by the royal bureaucracy of post-Conquest English rulers, in order to consolidate royal power in direct contradiction with the established practices of England's most ancient ecclesiastical institutions.

The *Constitutions of Clarendon* reveal that these ultimately radical changes were hardly presented as such. In its preface, the text describes itself as an attempt to

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16 For a narrative account of the controversy between Henry and Becket, see: W.L. Warren, *Henry II* (London: Eyre Methuen, 1973), 468–543.  
reconcile conflict between church and state, by means of a council not unlike an Anglo-Saxon *witan*:

Et propter dissensiones et discordias quae emerserant inter clerum et Justitias domini regis et barones regni de consuetudinibus et dignitatis, facta est ista recognitio coram archiepiscopis et episcopis et clero et comitibus et baronibus et proceribus regni.

*And because of the dissentions and disagreements that arose among the clergy and the lord king's Justices and the barons of the kingdom concerning their customary rights and powers, this review was made in the presence of archbishops, bishops and clergy; counts, barons and great men of the kingdom.*

The passage continues with a list of specific witnesses, which carefully deflects any potential criticism that the text compiled represents anything other than the informed consensus of the powerful people of the realm. Brand is correct that this group did not necessarily bow to the king's wishes, and the text could be the result of vigorous debate (2007, 229–30). Nonetheless, the text that follows makes a relatively radical assertion of royal power in comparison to the Old English law codes, particularly in the argument that criminous clergymen could be tried within the royal courts. On this point, the *Constitutions of Clarendon* directly contradicts I–II Cnut.\(^\text{18}\) However, by framing its claims as a product of oral consensus, the *Constitutions of Clarendon* appears to merely build on procedures for compiling legal principle that had existed for generations, whose

\(^{18}\) See for example the special treatment that ought to be accorded to a *man gehadodne* ("ordained man") in *I Cn* 5.2a-c, cited below: 75. O'Brien goes so far as to speculate that law books such as the *Leges Edwardi Confessoris* manuscript British Library Additional 49366 (which contains large excerpts from the *Consiliatio Cnuti*) might have been commissioned specifically to refute these and similar arguments: Bruce O'Brien, "The Becket Conflict and the Invention of the Myth of Lex Non Scripta," *Learning the Law: Teaching and the Transmission of Law in England, 1150–1900*, eds. Jonathan A. Bush, and Alain Wijffels (London: Hambledon Press, 1999) 1–17, 10. On Becket's involvement in the copying of decretal collections and canon law texts in defense of the same argument, see Mary Cheney, "The Litigation Between John Marshal and Archbishop Thomas Becket in 1164: A Pointer to the Origin of Novel Disseisin," *Law and Social Change in British History*, ed. J. A. Guy and H. G. Beale (London: Royal Historical Society, 1984), 9–26, 24.
insufficiency is already implied by the very existence of the dispute that the text sought to end. Anglo-Saxon law codes were not produced under appropriately controlled circumstances; the easiest solution to the problem is to repeat the procedure they describe, meanwhile taking a fuller account of the particular persons who attended. Thus Henry II was able to ignore inconvenient legal texts like *I–II Cnut* without undermining the text-based bureaucracy that had allowed him to consolidate his power in the first place.

In the previous chapter, I argued that *I–II Cnut* was shaped by the political agenda of the archbishop Wulfstan, who similarly encoded the text with arguments on behalf of the church he represented. Thus it would seem that Glanvill's diplomatic criticisms of the code and others like it are correct, in that its evidence about the actual law as practiced in eleventh-century England is questionable at best. However, even though *I–II Cnut* does not necessarily tell historians the details of Cnut's actual laws, the text nonetheless represented the function of written laws in its own time, insofar as it symbolized the king's interest in maintaining the laws of his predecessors. Cnut could have followed Wulfstan's code exactly or virtually ignored it, but the code still would have achieved its purpose, so long as the king and his *witan* knew when they were following established practice, and when they had deviated from it. As I have argued above, Henry II had no such latitude; given the centrality of a written archive to the nascent common law system, acknowledging the legitimacy of *I–II Cnut* would have meant enforcing it, as written. Thus the pro-ecclesiastical bent of Wulfstan's laws would have seemed more extremely pro-church in the Angevin era than even Wulfstan himself could have anticipated.
The scholarly communities who preserved and studied Wulfstan's laws thus appear to have been participants in a larger, political effort by ecclesiastical institutions to maintain and even enlarge their powers in an era of bureaucratic instability. The political forces which ultimately stripped the institutions of those powers did so by making major reforms in the practices of record-keeping, and in the process they established the very documentary formulae which underlie the criteria used by modern diplomatic scholars to determine the legitimacy of medieval documents. This legacy makes it difficult for modern legal historians to use traditional diplomatic methods to evaluate the viability of the quasi-literary approach still favored by ecclesiastical institutions, even after the Norman Conquest. In the present case, the absence of expected formulae in valid documents (and the presence of unexpected formulae in apparent forgeries) does not in itself suggest that the editors and translators of Old English law did not pay attention to form. On the contrary, it reflects an entirely different conception of "form" itself, in which formal echoes of Old English homilies did not undermine the law codes as diplomatic records, but rather added rhetorical force to their claims on behalf of ecclesiastical institutions.

One of the few changes to I–II Cnut made in the Instituta Cnuti translation is the addition of counterfeiters to the list of criminals who should be tried by ordeal (O'Brien 2002, 195). The irony of this editorial invention, which invents a legal record to advocate stricter punishments for the unlicensed invention of legal records, is a manifestation of the procedural double-bind within which these translations were produced. The addition of the forgers to the Instituta Cnuti is only one instance where Wulfstan's translators make Hemming-like "repairs" to I–II Cnut, by altering the laws to conform to more current customs (Liebermann 1893; Wormald 1994; O'Brien 1999, 3). Below, I will argue that
these interventions were also made to preserve and even expand upon the repetitive, sound-patterned, homiletic rhetoric found in Wulfstan's Old English original. Like the hermeneutic ornamentation that signaled authenticity to Hemming, Wulfstan's prose style was a recognizable characteristic of the most widely available Anglo-Saxon law codes. Thus it appears that translators rendered the discernible rhetorical patterns from the Old English into Latin as a way of establishing authoritative continuity between the renovated text and its authentic source. Though these repairs would ultimately prove insufficient for directing actual legal practice, they nonetheless generated a discourse of social critique that would survive through the reign of Henry II, and to the end of the medieval period.

Cnut in Translation

One early example of Wulfstanian style in the Cnut translations is seen below, in the Institutæ Cnuti translation of I Cnut 5.2 b and c (Liebermann 1903, 1, 286). The original passage here is transcribed from the Wulfstanian manuscript London, British Library Cotton Nero A.I.19 As in the passage from Napier 59 transcribed in the last chapter, I have silently expanded abbreviations, and divided the text into lines following the punctus (indicated by ".") or a line break, where it seems to serve as a visual cue to

pause.\textsuperscript{20} I have also indicated alliteration with italics, and rhyme or homoeoteleuton with underlines.

\textit{Nero A.I 6v. 9–19}

\textit{[I Cn 5.2b]}

And gyf man gehadodne / mid fæhpe belecge . 7 secge / þæt he wäre dædbana . òdðe / rædbana . 
ladige mid his / magum . 
þæ fæhðe moton mid / beran . òdðe ðore betan

\textit{[I Cn 5.2c]}

. 7 / gif he sig mægleas . 
ladige / mid geferan . òdðe onfæsten fo . 
gif he þæt þurfe . 7 ga / to corsnæde . 
7 þær æt ge/fare swa swa god ræde .

And if an ordained man be charged with deadly feud, and it is said that he was an accomplice, by deed or by counsel, he should atone with the help of his kinsmen, who may come forward with the crime or before that make amends

And if he be without kinsmen, he should atone with his associates by undertaking a fast, and then he ought to undergo the ordeal of consecrated bread; at that point it shall happen as God decrees.

Though a relatively restrained example of Wulfstanian prose—lacking, for example, his characteristic adverbial intensifiers—this passage nonetheless witnesses Wulfstan’s signature wordplay, particularly in its frequent use of two-beat lines sound-linked by rhyme, assonance, alliteration and homoeoteleuton, in lines 2, 3, 4, and 5 of 5.2b and 2, 3, and 4 of 5.2c (\textit{belecge / secge, dædbana / rædbana, beran / betan, geferan / onfæsten, corsnæde / ræde}). Though this passage is clearly a law, it is still relatively ornate by the standards of Anglo-Saxon legislation.

\textsuperscript{20} A punctus precedes virtually all instances of tironian “7” and the conjunction òdðe; thus I have exempted these occurrences from the rule.
Below is the translation of the passage, transcribed from the version of the 
\textit{Instituta Cnuti} witnessed in the Textus Roffensis, which is also an important post-
Conquest witness of several Old English law codes.\textsuperscript{21} Here I have inserted line-breaks
after every \textit{punctus} or \textit{punctus elevatus} (indicated by ":\)\)), except where the Latin
translates "7" or "oððë":

\textit{Textus Roffensis} 59v. 18–24
Si quis ordinatus calumniatur de homicide
 [ quod fuiisset in facto , aut in consilio:
 purget se cum / parentibus suis .
qui possunt emendare aut deport/tare .

Si non habet parentes:
 purget se cum sociis . 5
 uel incipient ieiunare .
 [ et sic eat ad panem bene dictum
 [ de quo supra diximus .
 [ et ibi inveniat deo placita.

\textit{If a cleric is unjustly accused of homicide, or of being an}
accomplice involved either as an agent or as a counselor, let him
atone with his parents, who are able to make amends or send
him away.}

\textit{If he does not have parents, he should atone with his associates}
and begin to fast, and then he should approach the blessed
bread that we spoke of earlier, and there he shall find the
resolutions by God.}

Similar elements of soundplay are present in this passage, in that many of the lines
contain sound-linked doublets analogous to the two-beat lines of the original (\textit{in facto aut}
in consilio, \textit{emendare aut deportare}), along with persistent alliteration.\textsuperscript{22} Further, lines 1, 3, 4, and 7 each contain sound-linked pairs like those found in the Old English (\textit{ordinatus

\textsuperscript{21} Transcribed from Peter Sawyer, ed, \textit{Textus Roffensis, Part I} (Copenhagen: Rosenkilde and
Bagger, 1957). The \textit{Textus Roffensis}' shelfmark is Rochester Cathedral Library MS A.3.5.
\textsuperscript{22} A summary of the difficulties of tracking alliteration in Latin is Andy Orchard, \textit{The Poetic Art of
Aldhelm}, Cambridge Studies in Anglo-Saxon England 8 (Cambridge: Cambridge University Press,
1994), 43–54. I have taken a relatively loose approach and counted both the initial and stressed
syllables of each word as alliterative, to illustrate the abundance of ornamental soundplay.
There is significantly more reliance on alliteration than assonance or rhyme in these pairings, a noteworthy feature given the prominence of homoeoteleuton in Latin prose, where identical endings play not only an ornamental but a grammatical role. Meanwhile, the biggest changes to the sense of the original (the elimination of *gif he þæt þurfe*, and the alteration of the technical term *corsnæde* to *panem bene dictum de quo supra diximus*) each facilitates the translator’s apparent efforts to use Wulfstanian sound-patterning.

This kind of attention to sound-play is found throughout the *Instituta Cnuti*; indeed, the translator seems to have added sound-play even when it was not particularly apparent in his exemplar. A good example is found at the very beginning of the code (Liebermann 1903, 1, 278–9):

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Nero A.I 3r. 9–15
[I Cn 1]
Bæt is þonne ærest þæt hi ofer / ealle ofre þinge .
ænne god / æfre woldan lufian . 7 wurðian /
7 ænne cristendom anräelice / healdan .
[ and cnut cinge lufian . / and rihtan getrywþan .

Firstly, over all other things, was that they would forever love and worship one God, and persistently hold one Christian assembly, and love king Cnut, and trust in laws.
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This relatively concise example of Wulfstan’s homiletic style is embellished significantly in the *Instituta’s* translation:

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Textus Roffensis 58r. 5–11
Inprimis / quod super omnia uellet 
[ et semper unum Deum colere .
a/mare . honorare . 
unam fidem Christi unanimous / servare .
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23 “*corsnæde*” is also discussed in I Cn 5.2a.
ecclesias dei in pace et securitate cu/stodire.
esademque sepius frequentare
[ pro quiete et / stabilitate regni sui .]
proque salute corporis et a/nime sue .

From the first, what he wished over all other things was to always
cherish, love, and honor one God; to earnestly serve one
Christian faith; to guard and watch the churches of God, in peace
and security; and to attend those same churches quite frequently,
for the peace and stability of his kingdom, and for the health of
his body and soul.

The first letters of the first five lines all alliterate, and each line ends with an infinitive
verb. As my break in line five makes clear, the phrase “easdemque sepius frequentare”
stands between two parallel doublets (pace et securitate, quiete et stabilitate); the
passage is linked by alliteration on vowels, C-, and S-. This use of repetition
emphasizes the ways in which the king will benefit from obeying the law code. The
proliferation of infinitive verbs marks a major expansion of the structure found in the
original, so that the increase in sound-patterning corresponds to an increased specificity
about what ought to be done and how. Finally, it must be noted that with all of this
sound-patterning, the Instituta Cnuti translator has wandered far from the sense of the
original passage. In the translation, the king is expressing his own obligations, so that
the assertion of loyalty to Cnut concluding the original is omitted entirely. By expanding
the thematic and rhetorical structure of the source even as specific details are removed,
the Instituta Cnuti translator applies the techniques of Wulfstan to Wulfstan’s text, and in
the process reinvents the fundamental purpose of this law code. Where I–II Cnut
balanced carefully between homiletic and legal rhetoric as an argument in favor of a
broadly-based episcopal authority, the Instituta Cnuti utilizes that rhetoric as evidence
that such an authority already existed, so that a plea for English subjects to follow the
commandments of Cnut is now a command to follow the church, directed at Cnut and his successors.

The *Instituta Cnuti* makes several other expansions of a similar kind to the original code. Below are two examples:

*Nero A.I 23r. 9–19, 23v. 2*

[II Cn. 24]
7 nan man nan þingc / ne bigce ofer feower peni/wurþ .
ne lībbende ne līcgende .
butan man hæbbe getrywe / gewitnesse feower manna . /
seo hit binnan byrig .
sy hit / upp on lande .

[II Cn 24.1]
7 gif hit man / þonne befo
    [ . 7 he þyllice ge/witnesse næbbe .
ne beo þær / nam team .
ac agyte man / þam aegen frigan his agen
    [ . 7 þæt aftergyld
    [ . 7 þæt wite þam þe age .

*And no man may settle for neither property nor money worth over four pennies, neither for living nor dead men, unless he has the pledged testimony of four men, whether it be in the city or in the country.*

*And if the man does not explain [his claim] then, and does not have such testimony, then there is not team [i.e. sufficient vouching for warranty to authorize the payment], and moreover the greedy man should return that amount from his own money, along with additional payment and an appropriate fine.*

*Textus Roffensis 66v. 12–24*

Utolumus etiam ut nullus emat /
aliquid ultra quattuor denarium ualens .
nec rem / uiuam nec mortuam .
nec iacentem sine quattuor ido/neis testibus .
nec infra burgum nec extra .

Et si non tot nec tales testes habuerint .
    [ et aliquid tale / in manu uel potestate eius inuentum fuerit . /
et ipse warrantem uoluerit uocare :
non ei ualeat neque liceat .
    [ sed reddatur calumniati quod / suum est ut ualens .
    [ et insuper ierum tantum ualens . /
We desire indeed that none should make monetary restitution for any property valuing more than four pennies for any reason, living or dead nor laid low, neither inside the city nor outside, without four suitable witnesses.

And if they should not have so many or the right kind of witnesses, and something of the kind [i.e. a ransom] should be found in his hand or power, and he himself should wish to call a warrant, it shall not be valid nor licit, but he who ought rightly to have it should be returned that which is his or the same value, and moreover a certain additional value and a forfeit.

Again, the original Old English passage makes use of sound-linked doublets (bingc ne bigce, libbende ne licgende) that help to fill out the rhythm of the passage. It also makes some use of anaphora, as seen particularly in the lines of roughly equal length beginning with "and" in II Cn 24.1. The translation keeps these elements, but in different places; the anaphora of "and" is replaced by a repetition of nec, which appears five times to translate the three occurrences of Old English ne. The Latin also translates licgende twice, once as mortuam and once as iacentem; both of these words play a role in the rhythm of the passage, facilitated further by the shift in syntax from participle to adjective. The other two added nec clauses bring the parallel structure, "seo hit binnan byrig / sy hit upp on lande" into the pattern of the passage as a whole. Similarly, the Latin's expanded explanation of team is noteworthy not only for its explication of the legal concept, but for adding several clauses beginning with et, a new doublet (ualeat neque liceat) and several words that alliterate on "V-", a choice that also alliterates with the homiletic, plural first-person verb volumus that begins the Latin passage.

A similar example appears much later in II Cnut.24

Nero A.I.31v. 19, 32r. 1–3, 12–13

24 This passage was also cited in chapter 1: 58.
[II Cn 50.1]
Yfel æwelryce byð, þæt eawfæst / man mid æmtige forlicge
[. 7 mycele wyrse .
wið oðres æwe . /
oðde wið gehadode . /
[...]

[II Cn 52.1]
Gif hwa mæden nydnæme /
gebete þæt be were . /

Adultery is evil, when a married person should lie with an
unmarried one, and much worse with the wife of another or with a
member of the clergy.
[...]
If someone rapes a virgin, fine him according to her were [legal
value].

Textus Roffensis 70v. 19–22
(S)i25 coniugium quis violauerit :
uidelicet iacendo / sub coniuge sua
[ fornicatus fuerit cum alia femina . /
uel quod peius est cum alterius coniugata :
faciat penitentiam secundum librum penitentiale . /

Si quis virginem ui rapuerit .
[ et cum ea coierit . /
reddat eam pretio suo .
quod Angli dicunt be hyre were . /

If someone has violated a marriage, and he has fornicated with
another woman, or worse with the wife of another, while plainly
situated under his own wife, he should make penitence according
to the penitential book.

If anyone has raped a virgin by force and had intercourse with her,
he pays her according to her price, which the English call "be hyre
were."

In this passage, the Institutâ Cnuti author has removed several intermediary laws and
the mention of the clergy. In the previous chapter, I cited II Cn 50.1 as an example of
Wulfstan's relative restraint, as he attempted to exploit the voice of Old English law as a

25 This emendation is proposed by Liebermann: Felix Liebermann ed., Die Gesetze der
Angelsachsen, 3 vols. (Halle: Niemeyer, 1903), 1, 347.
part of his rhetorical strategy. Here the translator has made up for the apparent
deficiency of the original by turning Wulfstan's value statement into a more typical law,
with a punishment. In the process, the translator adds some ornamental
circumlocutions, such as using the participial phrase *iacendo sub coniuge sua* to
translate the Old English term *eawfæst*. More extensively, in *Il Cn* 52.1, the single verb
*nydnæme* is expanded into "ui rapuerit / et cum ea coierit," a phrasing that adds little in
terms of content, but makes a repetitive doubling of the kind characteristic to Wulfstan's
prose.

Though the *Quadripartitus* translator (hereafter referred to as “Q”) was less
expansive (and less obvious) than the *Instituta Cnuti* translator in his application of
Wulfstanian sound-elements, those elements are nonetheless present in his text.

Compare, for example, the *Quadripartitus* translation of *I Cn* 14–14.2 to the *Instituta
Cnuti* translation:

*Nero A.I 10r 19, 10v 1–9*

[I Cn 14]
And ealle Godes gerihta / fyrɪ́rɪ́ge man georne
[ eal swa hit þearfe is : /

[I Cn 14.1]
And freolsa 7 fæstena .
healde / mon rihtlice

[I Cn 14.2]
. 7 healde man / ælces Sunnandæges freol/sunge
[ fram Sæternes dæges / none .
oð Monandæges lihtingece . 7 ælcnæ oðerne sæsse / dæg .
swa he beboden beo

*And a man ought to earnestly perform all of God's dues, as is necessary,*

*and a man should observe [all] of feast-days and fasts correctly,*
and a man should observe each Sunday's feast from nones on Saturday to the dawn of Monday, and also every other mass day, as he has been ordered.

**Textus Roffensis 62r 9–13**

> Solempnitates sanctorum diligentemente celebrentur.
> et dominici / dies ab precedentis sabbati
> [ hora nona usque ad lucem
> [ sequentis ferie secunde feriantur.
> Alie autem festiuitates et ieiunia districte
> [ custodiantur sicut praecipitur

Saint's festivals ought to be diligently celebrated, and also the people ought to feast from the nones hour on the preceding Saturday to the coming of light on the subsequent feast-day. Moreover, at other times festivals and fasts in the district ought to be observed as has been ordered.

**Quadripartitus (Liebermann 1, 294)**

[I Cn 14]

> Et omnes rectitudines et sancte dei cerimonie, sicut omnibus opus est, totis desideriis observentur

[I Cn 14.1]

in festiuitatibus, in ieiuniis,

[I Cn 14.2]

in feratione dei Dominice ab hora nona Sabbati adusque
diluculum secunde ferie et in sanctorum omnium sollempnitatibus,
sicut a sacerdote fuerint nuntiate.

All rules concerning the rites of holy God ought to be observed by all servants, as is necessary to all,

in festivities, in fasts,

and in the celebration of God on Sundays, from the nones hour on the Saturday to the morning of the next feast day, and in the feasts of all the saints, as will have been announced by a priest.

Though both translations make syntactical deviations from their source, the **Quadripartitus** translation is closer to the original than the **Instituta Cnuti**. But while the ornamentation of the **Instituta Cnuti** passage is much more clearly apparent, homiletic style is discernible in the **Quadripartitus** passage as well. **Quadripartitus** consolidates the
independent clauses of II Cnut 14.1 and 14.2 into a three-fold, sound-linked list: "in festiuitatibus, in ieiuniis, in feratione diei Dominici..." The "ealle / eal" repetition of Wulfstan's first two lines inspires Q's local soundplay (as eal swa hit pearfe is becomes the alliterative omnibus opus est)\(^{26}\) and also his repetitive structure, as the translation goes even further than Wulfstan to emphasize the necessity for all people, that they should observe every holiday, without exceptions.

Q's practice of keeping Old English terms in some instances also shows signs of responding to the rhetorical structures of Wulfstan's prose, in that the Old English words seem to be chosen as much for their sound as for their relevance. There is little consistency in the kinds of Old English terms chosen for transliteration (or in some cases, for a mixture of translation and transliteration), so that O'Brien speculates that the terms merely “reflect the translator's belief that a legal text needs to be grounded in its source language” (O'Brien 2002, 189–90). As a representative sample, I have counted 57 individual Old English words in Liebermann's edition of the Quadripartitus between II Cnut 1 and II Cnut 40. The most common, hundreto ("hundred") and compounds of laga ("law") and wer ("man," "man-price") occur 24 times in total;\(^{27}\) their usage appears to be a part of extended technical discussions, and for this reason they arguably appear for concision's sake. Similarly the terms lade ("discharge", at II Cn 22, 22.1, 29) and ordal

\(^{26}\) Typically, Q's preferred translation of the phrase swa [...] pearfe is in I–II Cnut is sicut [...] necessarius est: see I Cn 19, II Cn 10, II Cn 84.4. At II Cn 68, the phrase "swa us pearf is" is translated "sicut nobis expedit." This other deviation from the norm also seems to be inspired by soundplay more than sense. Q's passage reads: "Et faciamus, sicut nobis expedit; succurramus semper ei primitus, qui magis indiget; tunc mentemus inde mercedem nostram, ubi nobis carius erit." As the underlines indicate, expedit helps the translator to render the passage as a tricolon abundans. Compare also II Cn 84.1, cited in full below (90), where Eallum us is mycel pearfe is translated Omnibus nobis magnum opus est, which again pairs omnibus and opus.

\(^{27}\) hundreto at II Cn 17, 17.1, 19, 20, 20a, 22, 22.1, 30; laga and laga compounds at II Cn 4.2, 13, 15, 15.1, 39; and wer and wer compounds at II Cn 16, 29, 30, 30.3b, 30.6, 30.8, 30.9, 31.1, 31.2, 36, 39.
("ordeal", at II Cn 30.2, 30.3, 32) are concentrated in local, technical discussions. Of the 28 remaining transliterated Old English words, 14 are defined by the translator at some point in the selected portion of the code. These translations themselves often make ornamental use of sound-linkages. Out of the remaining 14 uncommon, undefined words, 10 of them appear in an alliterative, assonant, or rhymed pairing. The overall pattern here suggests that these words were sometimes included because they contributed to the Anglo-Saxon flavor of the text.

The stylistic imitations of Wulfstan in the Quadripartitus extend beyond diction, however. More than the Instituta Cnuti, Q’s translation retains the underlying syntactical and logical structures of the prose. One example is his retention of the Old English thought/word/deed motif. The motif states that an individual will be judged according to his thoughts, words and deeds on the final day of Judgement. The motif is widespread, articulated for example in its most conventional form in the following passage from Ælfric: "we sceolon of dea[e arisan, 7 agyldan gode gescead ealra ure gepohta 7 worda 7 weorca" (Ælfric 1997, 227, 99; my emphasis). In another homily, Ælfric builds on the traditional formula to explicate the interrelationship between the three. I have indicated the key words in bold:

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28 II Cn 10, burhbotam, brigbotam, scipforunga, fyrdunga (also in II Cn 12); II Cn 12, mundbrece, hamsocne, forestall; II Cn 13.1, bocland; II Cn 19.1, syremotus (scirgemot, also at II Cn 18); II Cn 20.1, stec man; II Cn 26, peof; II Cn 31.1a, tainis (þegn); II Cn 35, prima tihla (frymtyhtlan).

29 Most clearly in the repetitive use of homoeteleuton in II Cn 10: "...mundbrece (id est infractio nem pacis), hamsocnum (id est inuasionem mansionis), forestall (id est prohibitionem itineris) et fyrdunga (id est expeditionem)...

30 II Cn 15.1a: "In Denalaga lahslichtes"; II Cn 18, "burgimotus et scyremotus"; II Cn 20a: "Sit heordhest, sit folgarius"; II Cn 29.1: "Si quis audito clamore super sede rit, reddat ouergœnnessam"; II Cn 30.1: "ordalium fregt nec furigildum reddidit"; II Cn 30.6: "weram suam uel ei qui wita sua"; II Cn 34, "inter burgos una lex in purgationibus." The four remaining transliterations are wipersacan (II Cn 4.1), brede (bregde, II Cn 24.3), forespecan (II Cn 27), and healsfang (II Cn 37).

31 See chapter 1: 39.

32 "We shall rise from death, and God shall determine the reckoning of all our thoughts and words and deeds."
Now let us obey that holy gospel with contrite spirit, thus improving ourselves; and moreover we must learn what the word means, so that we may translate it into works the more easily; for he is wise who shows with works God's holy law and his holy lore, and he is unrighteous who listens to their words, and will not translate them into works, according to his need.

In other words, Christians manifest the wisdom of their thoughts by listening to divine words and translating them into lawful deeds. By implication, then, virtuous "words" depend on a person's vocation; bishops will be judged by the extent to which they speak the word of God, while average Christians are only expected to listen to it. Wulfstan plays against this same rhetorical structure frequently throughout his writing, particularly in making this distinction between the clergy and their flocks. One example is found in the following passage on episcopal responsibilities in the Corpus 201 version of the Institutes of Polity: "Biscopum gebiriað ealdice wisan and wisdom and wærsceipe on wordum and on weorcum, and gehincða on ðeawum buton offermettum" (36, p. 59, my emphasis). Here, episcopal virtue is represented as a simultaneously contemplative, discursive, and physical activity, to which the average Christian believer plays the role of a passive counterpart, to be instructed by both the bishop's teaching and his behavior. For average Christians, then, good "thoughts" are reduced to an understanding of basic Christian precepts and a love for Christ, and good "deeds" are the correct observance of

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33 “The old ways are befitting to bishops, and wisdom and prudence in words and in works, and intercession in accordance with morality, without pride.” This passage is a paraphrase of I Timothy 3:2–4.
proscribed Christian behavior. The thought/word/deed motif does not appear with any particular frequency in Wulfstan’s corpus as a whole; however, the variations on the motif in *II Cnut* cited below (not to mention its unambiguous appearances in authoritative Anglo-Latin works by Alcuin and Bede) would have given Q sufficient reason to associate the motif with the wise writings of the Anglo-Saxon period.

One appearance of this motif is witnessed in the Old English law code at *I Cn 21* (Liebermann 1, 302). Below, I have marked the relevant elements in bold:

_Nero A.I (13v 10–18)_

And ealle Cristene men we / lærað swiðe georne þæt hig / inweardre heortan æfre / God _lufian_

[ 7 rihtne Cristen/dom geornlice _healdan_.

[ 7 / godcundan _lareowan _geornlice _hyran_.

[ 7 Godes _lara_. / 7 _laga_.

smeagan <7 spyrian>³⁴ oft 7 ge/lome .

him syflum to þearfe :

And we instruct all Christian men very earnestly, that they always _love_ God in their inner hearts and earnestly _maintain_ correct Christian behavior and earnestly _obey_ learned teachers, and often and frequently follow and seek out God’s teaching and laws, according to his own need.

Though "healdan" and "hyran" are a pair of sound-linked synonyms, the latent meaning of the latter verb as "to listen" echoes the conventional thought/word/deed triad; further, the word also appears in close proximity to "Godes lage" and "lare" in the long passage from _Ælfric_ cited above. In the context of the law code *I–II Cnut*, the exhortation appears to be directed at the monarch, as a part of Wulfstan’s larger assertion of his own spiritual and political authority. In *I Cn 21*, the motif is sound-linked by the H- and L- alliteration, so that virtuous Christians are urged to inwardly _love_ in their _hearts, hold_ or maintain Christendom (as described in God’s teaching and laws), and _hear_ their "lareowan."

³⁴ "< >" here indicates scribal correction, here noteworthy as contributing to the Wulfstanian rhythmic patterning.
Below is the translation of the passage in the *Quadripartitus* and the *Consiliatio Cnuti*, with the translations of the thought/word/deed verbs in bold:

**Quadripartitus**

Omnes Christianos sedulo commonemus, ut puro corde semper Deum diligant et catholic Christianitatis fidei digno seruant, sanctis ecclesie doctoribus deute pareant, Dei leges et doctrinam subtiliter investigent seipus (semper) et assidue, sibimet ad utilitatem. (Liebermann 1, 303)

*We fortify all Christians earnestly, that they should always love God with a pure heart and worthily serve the Catholic faith of Christianity, devotedly obey the holy teachers in the church, and carefully learn the laws and doctrine of God always frequently and assiduously, according to need.*

**Consiliatio Cnuti**

Docemus etiam omnes Christianos, ut intimo corde semper Deum diligant et rectam Christianitatem diligenter teneant et diuinis doctoribus sollicite obedient Deique doctrinam et legem satagant scire et investigent sepe et frequenter, sibimet ipsis ad utilitatem. (Liebermann 1, 303)

*We teach all Christians moreover, that they always love God in their inner heart and diligently maintain correct Christianity and earnestly obey divine teachers and undertake to learn and study God's doctrine and law, frequently and often, according to their need.*

The passages are relatively close to the sense of the original. It is noteworthy that the ornamental alliteration in each passage is sustained by translating the single OE word *geornlice* as *digne* and *devote* in *Quadripartitus*, and as *diligenter* and *sollicite* in *Consiliatio Cnuti*. Wulfstan’s fondness for adverbs and adverbial phrases is a noted feature of his homiletic style (Orchard 2007, 321–2). Here, alliteration seems to function as a stop-gap measure, as the translators are more free to bend their translations of less syntactically relevant words, and especially the forms of the word *georne*, to fit the needs of the particular moment. This is strikingly demonstrated by the fact that the fifteen

35 This passage does not occur in the *Instituta Cnuti*. 
individual passages in the *Instituta Cnuti*, *Consiliatio Cnuti* and *Quadrripartitus* which correspond to the first five occurrences of *georne* phrases from *I Cnut* render the phrases in ten different ways, though in all cases the inclusion of the term detracts from the legislative precision of the law.\(^{36}\) The persistence of Wulfstanian intensifiers in the translation imply that the translators tried to imitate the rhetorical style of their source without deviating needlessly from the sense of the original passage.

Where Wulfstan freely uses assonance, rhyme and alliteration together to ornament his prose, Q seems to rely most heavily on alliteration to achieve his rhetorical effects. An example from the passage above is the alliterating words “doctoribus deuote” in *Quadrripartitus* and “diuinis doctoribus” in the *Consiliatio Cnuti*, both of which correspond roughly to the single compound word in the Old English original, *godcunde*. Bruce O'Brien has noted the imprecision of the *Instituta Cnuti*’s translation of Wulfstan’s *husbryce* into the alliterative phrase *destructio domus*, which “goes a bit beyond the original” in its sense; perhaps in each of these cases the Latin doublet is an attempt to use alliteration to approximate the flavor of the Anglo-Saxon compound (O’Brien 2002, 194). Another possible example of this practice can be found in the *Quadrripartitus* translation of the passage *II Cn* 13.1: "Et si *terram testamentalem* habeat (que Anglice dicitur *bocland*)..." (my emphasis). If the translators did prefer alliteration over other sound-grouping techniques, it suggests an effort on the part of the translator to produce a Latin style that would have sounded particularly Anglo-Saxon. Though alliteration is hardly unique to Old English and Anglo-Latin, it is particularly persistent in insular poetry

\(^{36}\) In *I Cn* 2.1, *geornost* is translated *propensius* (*Quad.*), *summa diligentia* (*Inst.*), and *diligencia dignissima* (*Cons.*); in *I Cn* 2.5, *georne* is translated *saltam* (*Quad.*), *super omnia* (*Inst.*), and *maxime* (*Cons.*); in *I Cn* 3, *georne* is translated *diligenter* (*Cons.*); in *I Cn* 4, *swiðe georne* is translated *tota devotione* (*Quad.*) and *semper diligentissime* (*Cons.*); and in *I Cn* 4.3, *geornlice* is translated as *cum devote Christum* (*Inst.*).
and prose, and thus would have made the texts seem more authentically "English" without detracting from their intelligibility.

The one aspect of the original that seems to be lost is the thought/word/deed motif; the Latin verbs do not maintain the secondary meaning of Old English hyran. However, there is some evidence for attention to the motif when the translations of I Cn 21 are compared to translations of the similar passage II Cn 84.1:

\[
\begin{align*}
\text{Nero A.I, 40r 16–19} \\
& \text{Eallum us is mycel ðearf þæt / we god } \textit{lufian}. \\
& 7 \text{ godes lage / } \textit{fylgean}. \\
& 7 \text{ godcundas lareo/wan geornlice } \textit{hyran}. \\
\end{align*}
\]

*For all of us, there is a great need that we love God, follow God's law, and earnestly obey devout teachers.*

This passage applies the thought/word/deed structure to a description of virtue more concisely, this time linking the three-fold model of devotion with the sound-patterning god lufian / godes lage / godcundas lareowan. The translations are as follows:

\[
\begin{align*}
\text{Quadripartitus} \\
& \text{Omnibus nobis magnum opus est, ut Deum uere } \textit{diligamus} \text{ et Dei legi } \textit{seruiamus}, \text{ sanctis doctoribus } \textit{deuote pareamus}. \\
\end{align*}
\]

*For all of us there is a great need, that we truly love God and serve the law of God, and obey holy teachers with devotion.*

\[
\begin{align*}
\text{Consiliatio Cnuti} \\
& \text{Omnibus nobis uehementer expedit, ut deum } \textit{diligamus} \text{ et Dei legem } \textit{sequamur} \text{ duinisque doctoribus } \textit{obediamus} \text{ dligenter}. \\
\end{align*}
\]

*For all of us it is intensely pertinent, that we love God and follow God's law and earnestly obey divine teachers.*

Though Wulfstan uses a different combination of verbs in the two passages, the same "D-" alliteration employed at I Cn 21 appears again, down to each translation using the same alliterative doublets to translate the compound godcundas, and making the same translations of geornlice. Further, the fact that Quadripartitus uses the same three finite
verbs in both translations of the same rhetorical pattern, even though *servire* is not a particularly precise translation of either *healdan* or *fylgean* (at least in comparison to the forms of *tenere* and *sequi* in the *Consiliatio Cnuti*) draws attention to the translator's attempt to formalize his text's rhetorical structures. Neither exactly word-for-word or sense-for-sense, these similar passages have been rendered pattern-for-pattern, and in the process their translators have generated new sound-linked rhetorical structures to accommodate the patterns found in the original Old English code. If Q's verbs *diligere/servire/parere* adhere less explicitly to the underlying thought/word/deed motif, they also emphasize the subjugation of the laity to the divine teachers even more insistently than *I–II Cnut*, and thus makes an even stronger claim for the political authority of bishops and preachers than Wulfstan.

Because the law codes of Wulfstan played such a central role in this larger political discourse, it is unsurprising that Wulfstan's influence would have transcended direct translations of Old English law to appear also in post-Conquest legal treatises. This is most clearly seen in a later work of Q, which goes by the modern title *Leges Henrici Primi* (Downer 1972, 42–4). Of the Latin texts with a firm basis in attested Anglo-Saxon law, the *Leges Henrici Primi* has been called the “most successful” in achieving its putative aim of systematizing England's pre-Conquest legislative heritage (Wormald 1994, 145). Henry Loyn has already suggested that Wulfstan's writing had an ideological influence on the basic program of the *Leges Henrici Primi*, and particularly its tripartite structure (Loyn 1992). In light of the discussion above, the archbishop seems to have exerted a stylistic influence as well.

*Legislation and Legacy: Wulfstan and the Leges Henrici Primi*
One persistent question for scholars who study the *Leges Henrici Primi* has been the exact nature of Q's occupation when he was making his translations. At the center of the question is a reference in the texts to “our” profession at *LHP* 8.7, emphasized below:

> Et si quidem *professioni nostre* congruum precedentium uel sequentium capitula docuerint, si[u]e iure naturali uel legali uel morali gaudeant instituto, et hoc licet multa circumpositorum uarietate minus plene peregerim, bonam saltem voluntatem ubique pretendo. (Downer 1972, 104–5)

*Whether or not the things expounded in the foregoing or following chapters teach anything relevant to our profession, or whether or not they show delight in the natural law or the civil law or moral ordinance, and although I may carry out this task less adequately because of the great diversity of relevant matters, at least I offer a universal expression of good will* (trans. Downer).

The exact nature of *professio nostra* has been a question of some controversy. Liebermann argued that Q must have held an official legal position, but Downer has soundly rejected his arguments for their speculative nature (Liebermann 1901, 44; Downer 1972, 38–42). Downer points instead to a parallel between three first-person interjections referring to *professores* (cited in full below) and similar uses of the term in the writings of Firmicus Maternus, where it has a sense of “persons claiming special skill or knowledge;” on this basis, he chose to translate the term (and identify Q's profession) as “lawyer” (Downer 1972, 313–4; Julius Fermicus Maternus 1992, vol. 1, 3.8; vol. 2, 30.14). Sharpe has also identified similar complaints about *iudices* or “judgment finders” in *LHP* 28.2, whose parallels to the passages about *professores* imply some connection between the two (Sharpe 1994, 159 n. 73). Wormald contends that Q can’t have been in the legal profession, because there was “no such thing;” however, he believes that Q “must have served in some judicial capacity”(Wormald 1994, 143–4). For similar
reasons, Sharpe has suggested the more general translation of *professor* as "practitioner" (Sharpe 1994, 159, 162).

Deserving of more attention here is the more common translation of these terms. *Professor* and *professio* both frequently connote people who have taken monastic vows. Another occurrence of the *professio* at LHP 9.8 is suggestive: “Personarum distinctio est in conditione, in sexu, secundum *professionem et ordinem*, secundum obseruatam legalitatem, que in agendis omnibus pensanda sunt iudicibus” (Downer 1972, 106, my emphasis). Downer translates: “The difference between persons lies in their status and their sex, and arises also from their *vocation and rank* and the maintenance of their standing before the law, matters which are to be duly considered by the judges in all legal proceedings” (107). Considering that in an ecclesiastical context *ordinem* could be translated “order” instead of the more general “rank,” then *professionem* here seems to carry a specifically religious connotation, as indeed is already implied by this reference to a "vocation" that would impact one’s legal standing. If the *professio nostri* of LHP 8.7 is similarly inflected, then its protest of humility may be only a monk’s expression of anxiety about studying law, when he ought to devote his time to spiritual reflection.

Meanwhile, the three references to *professores* in the *Quadripartitus* and *Leges Henrici Primi* need not refer to either professional lawyers or professed monks, as can be seen in the full passages cited below. For ease of comparison, I have left the noun in its original Latin form in the translations by Sharpe and Downer:

*Quadripartitus, Dedicatio 24:*

Vereor itaque futura de te iudicia, dum me talia professorum manus impure convenient et ad singula conclamabunt: ‘hoc ineptum est, hoc invalidum,’ vel quicquid ad eregendum dire mentis site petulantiam ledorie vel scommatum verbis aut motibus occurrerrit intempestum. (Liebermann 1903, 80–1)
And so I am fearful over future judgements about you, when the impure hands of [professorum] accost me [for having said] such things and shout at every point: this is incompetent, this is incorrect, or whatever untimely [thought] occurs to them to satisfy the petulance of their nasty minds with words or gestures of open reviling or taunting (Sharpe 1994, 159).

Quadripartitus, Dedicatio 38:
Cuius te dispensationis hortatorem secutus, iudicem quoque constituo, veniam postulans, ne prius hec patiaris grandia professorum debachationibus occupari quam tue nobilitatis et nostre dilectionis intuita superflua reseces, errata castiges, impleta confirmes, ut pax sit diligentibus legem tuam, et non sit offendiculum. (Liebermann 1903, 83)

Having followed you as my encourager in this undertaking, I now also make you its judge, begging indulgence, that you do not allow these important matters to be waylaid by the ravings of the [professorum] until, with the insight of your nobility and your love for us, you have cut back what is superfluous, mended what is incorrect, strengthened what is complete, so that peace have they that love your law, and to them there be not the least stumbling block. (Sharpe 1994, 162)

LHP 6.3:
Ipsum etiam iura comitatuum per prouincias plerumque dissentiunt sicut uidelicet cupiditas et maligna professorum detestanda studia graviora nocendi genera legalibus statibus adierunt (Downer, 98).

The laws of the counties themselves differ very often from shire to shire, according as the rapacity and the evil and hateful practices of [professorum] have introduced into the legal system more serious ways of inflicting injury (Downer, 99).

It is striking that in each of these three occurrences, the term professor is in the plural genitive form, and is attached to a plural noun that could function as its object (talia, grandia, and maligna respectively). One possible explanation is that in the search for references to a legal profession, the scholars cited above might rather have identified a persistent rhetorical trope. Particularly in the first instance, Sharpe’s translation of dum me talia professorum manus impure convenient as "when the impure hands of practitioners accost me [for having said] such things" assumes that the clause "for having said" is implied, when a more direct translation would be, "when the impure
hands of the ones who say such things accost me.” Thus *talia* would refer not to Q's good advice, never explicitly named in this particular sentence, but to the reviling and taunting paraphrased in the subsequent clause. Thus even though these *professores* are Q's fellow legal scholars, they do not necessarily represent a professional category into which Q would have placed himself; rather, “professor” seems to be a pejorative term for his potential detractors, implying that their arguments have no authoritative textual basis.

Stylistically, there are some signs that Q's own prose was influenced by Wulfstan's law codes. The narrator uses the plural first-person to make repetitive value statements, similar to Wulfstan's emphasis on the importance of moral teaching to the correct practice of law. More specifically, the unnecessary syntactic complexity of clause 24 is due to its heavily repetitive, homiletic character, underscored by an underlying appropriation of the expanded thought/word/deed motif. The "professors" accost Q with their hands, and shout out their untimely thoughts; meanwhile they satisfy their nasty minds with words and gestures. By appropriating the motif himself in an attack on the scholarship of his contemporaries, Q is able to implicitly link their ignorance of authoritative Old English and Anglo-Latin texts to a criminal moral failing, as their unwillingness to teach *godcundre lare* not only prevents the dissemination of *Godes lage*, but is itself a violation of that law.

In this light, it is worth taking a closer look at the clauses of the *Leges Henrici Primi* that follow the mention of the professors in 6.3 cited earlier:

6.4: Tanta quippe rerum peruersitas et malorum affluentia est ut definita legis uritas uel stabilis medicine prouidentia raro possit inueniri, set ad maiorem omnium confusionem nouus inplacitationis modus exquiritur, noua nocendi fraus inuenitur, tanquam parum noceat quicquid ante fuerit, et pluris esse iudicetur qui pluribus plus nocuerit. (Downer 1972, 98)
6.4: There is so much perversity in human affairs and so much profusion of evil that the precise truth of the law or a settled statement of the legal remedy can rarely be found, but to the greater confusion of all a new method of impleading is sought out, a new trick for inflicting injury is devised, as if too little damage follows from what has been done before, and he who does most harm to most people is valued the most highly. (Downer 1972, 99)

In other words, the methodologies of the courts are not firmly grounded enough in the written precedent of Anglo-Saxon law, the “definita legis ueritas” being obscured by the “nouus inplacitationis modus” or “noua nocendi fraus.”37 The passage is followed by a series of gnomic, homiletic statements that Downer identifies as having “much more the character of protest against any kind of immoral behavior, not only within the law” (Downer 1972, 42). I have marked the alliteration in bold:

6.5: Illis tantum reuerentiam et amorem stigia simulatione pollicemur quibus carere non possumus.

6.5: With odious hypocrisy we proffer respect and love only to those whom we cannot do without.

6.5a: Quicquid nostre crudelitati pari congressione non respondet nobis natum non reputamus.

6.5a: Whatever does not answer our own cruelty with matching accord we consider to be of no concern to us.

6.5b: Induimus animos tyrannorum, et o! rabiem nobis induxere diuitie.

6.5b: We assume the disposition of tyrants, and, alas, greed for riches has brought a frenzy upon us.

6.5c: Nemo quantum potest set ultra modis omnibus appetit insanire.

6.5c: No one strives to his fullest capacity, but pursues madness beyond all measure. (Downer 1972, 98–99)

37 This particular association between selfish, small-minded advisors who rely on new, fraudulent law instead of the true law of antiquity is remarkably similar to the criticisms of Mum in Mum and the Sothsegger; see chapter 5, 211-2.
As indicated by the italic letters above, three of the four phrases are built around pairs of alliterating verbs, a structure that echoes Wulfstan's signature two-beat phrase. It is also worth noting that 6.5a, b and c again echoes the thought/word/deed motif: “non respondet... reputamus,” “induimus animos tyrannorum," and “nemo potest.” The use of the first-person plural here, like Wulfstan’s in I–II Cnut, is more congregational than majestic. It is also the basis for identifying Q's professores with the professio nostra of LHP 8.7. Its meaning, however, extends beyond its specific syntactic context: where Wulfstan’s authority as a homilist and archbishop was vested in him by the “we” of the church, Q's authority to criticize his contemporaries is given to him by the “we” of Wulfstan’s text, namely the lareowan who teach the English people about the ancient principles according to which a Christian society ought to be governed. Though this passage has no identified source in any known text of Wulfstan, it nonetheless shows clear signs that Wulfstan’s homiletic rhetoric continued to be used in legal discourse.

There is a high likelihood that Q was a native speaker of French, and was thus either first-generation Norman-English or an immigrant (Downer 1972, 42–4; Wormald 1999, 473). Bruce Brasington’s recent study of canon law sources for the LHP, connecting the treatise to the libraries of Northern France, provides at least one reason to suspect the latter (Brasington 2006). Indeed, one relatively prosaic explanation for Q’s sensitivity to Anglo-Saxon sound-patterning is that he had difficulty with the language; imitating the sound of the laws was probably easier than translating their

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38 Animosity between English and Norman religious seems to have been the exception rather than the rule; see for example the case study of H. Tsurishima, “The Fraternity of Rochester Cathedral Priory about 1100,” Anglo-Norman Studies 14 (1992), 313–37.
Wulfstan’s restraint in employing his particular stylistic tics in *I–II Cnut* suggests that he would not himself have considered homiletic prose to have probative, legitimizing force in a secular legal context. However, his translators and imitators seem to have identified the rhetoric now typically described as Wulfstanian as being constitutive of authoritative Anglo-Saxon law. In some cases, such as the ones identified above, these readers employed a modified homiletic rhetoric to defend their scholarship as a representation of the “true” *geraednes* of the pre-Conquest kings of England.

The *Quadripartitus* was continuously copied throughout the remainder of the Middle Ages, and appeared in the *Leges Anglorum* collection of the fourteenth-century Andrew Horn, a “London businessman and worthy” who repopularized the text (Wormald *Making of English Law*, 238; Catto 1981, 386–7). The *Leges Henrici Primi* also survives in several fourteenth-century copies (Downer ed. 1972, 45–78). Anthony Musson has suggested that some version of *I–II Cnut* might have been “the law of Winchester” referred to in Wat Tyler’s demands; and though there is no “specific evidence as to the general awareness of this code” on which to base this association, the continued transmission of Q’s treatises provides some general evidence (“Appealing to the Past,” 175–8).

For the remainder of this chapter, I will connect the homiletic qualities of Anglo-Saxon law to Middle English alliterative poetry with a reading of the *First Worcester Fragment*. Michael Lapidge has pointed out that the poem is less concerned with nostalgia for England as a whole, than it is about the “glory days” of Anglo-Saxon ecclesiastical power (Lapidge et al. 2003, 712). In this sense, the poem is thematically

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related to the translations of Wulfstan's law codes. All of these texts evoked the cultural authority of pre-Conquest English literature in order to support political claims based in pre-Conquest English law.

The First Worcester Fragment

The Quadripartitus manuscript London, British Library, Additional 49366 contains a claim that the law code comes from an old Worcester book (Wormald 1994, 113). Given the disproportionate survival of vernacular Old English texts from the region, this attribution might well have been an authenticating gesture (Barrow 2005, 106; Treharne 2007, 19). Certainly, Worcester is a likely place for a political interest in Old English literacy to have persisted. When William the Conqueror transferred the resolution of tenant disputes to the monastic courts, the bishop of Worcester and abbot of Worcester priory was St. Wulfstan, the last Anglo-Saxon bishop. St. Wulfstan apparently had a great interest in preserving English texts, and thus is not likely to have implemented procedural reforms to eliminate established pre-Conquest practice (Orchard 2005, 40 n.10).40 St. Wulfstan and his successors also tended to transfer their minor and difficult-to-collect rents to the cathedral priory, so that by 1200 the monastery was “the city’s only great ecclesiastical landowner,” a situation that would have placed a significant administrative burden on the community if it were to make ends meet (Baker and Holt 2004, 261, 267–71). Tinti has argued that the monastic community’s self-identification as a “distinctive institutional body” separate from the diocese can be traced through the

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40 For a description of St. Wulfstan's conservatism in his own estate management, see Christopher Dyer, "Bishop Wulfstan and His Estates," St Wulfstan and His World, eds. Julia S. Barrow and N. P. Brooks (2005), 137–49.
continuous production of “Hemming’s cartulary” (Tinti 2002, 257). Thus Worcester’s institutional identity was particularly associated with Anglo-Saxon literature and law.

A pivotal figure in the study of Old English literacy in post-Conquest Worcester is the scribe often known as the “Tremulous Hand of Worcester” or simply the “Tremulous Hand.”41 The Tremulous Hand is so called because he seems to have had a degenerative condition, so that his later letter-forms are more erratically composed than the earlier ones. The evolution of the hand thus allows us to chart one scribe's evolution as a scholar of Old English literature, and hypothesize on this basis about the recognizability of earlier English dialects to his community of thirteenth-century readers. Collectively, this scribe's glosses constitute one of the largest bodies of evidence that anyone continued to read Old English into the thirteenth century, after Anglo-Saxon legal texts had lost much of its procedural usefulness.

Christine Franzen, in her book-length study of the scribe's glosses, argues that that the Tremulous Hand was relatively unusual for his interest in Old English manuscripts (Franzen 1991, 83, 106–7). Exemplary of her approach is her reading of the post-Conquest copies of Old English monastic charters found at Bury St. Edmunds. Though located at some remove from Worcester, the collection contains some particularly late copies of Old English texts, and thus contextualizes the Tremulous Hand's activities. Franzen argues that the failure of the Bury St. Edmunds scribes to correct errors when they made copies of Old English documents indicates that the texts were coped by rote, and that “perhaps as long as the essential items, such as the name

of the king and name of the estate being granted, or the features of the landscape in the bounds clauses, remained reasonably intelligible, the rest was of little interest” (Franzen 1991, 105–6). However, the presence or absence of scribal interventions must be contextualized in terms of the potential use value of the documents. Our modern scholarly distinction between a genuine archaism and an error is part of our particular historical configuration of the larger distinction between productive and unnecessary textual difficulties, in which the former are worthy of editorial preservation and the latter of correction, according to the needs of our interpretive methodologies. The potential for scholarly anachronism is particularly acute in a documentary context, where even “errors” can be crucial in establishing the originality of a text. Thus the failure of the Bury St. Edmund’s scribes to apply editorial methodologies like our own, which allow for the correction of spelling, is not necessarily a sign that the copyist was unable to read the text. On the contrary, the scribes’ faithfulness to their exemplars could suggest anxiety that any deviation from the original documents could have rendered the copies invalid.

In approaching the post-Conquest copies of Old English texts, then, we must remember that there is broad spectrum of understanding between ignorance of a language and confidently correcting a native speaker’s apparent errors. In the case of the Bury St. Edmund’s charters, the ambiguity is compounded by the likelihood that the scribes were not necessarily themselves the estate managers, and that the knowledge of the (relatively junior) professional who simply copied the documents need not correspond to the knowledge of the (relatively senior) professional who used them to make legal arguments. Even if Old English was not familiar to all of the monks of

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42 For a description of the ecclesiastical bureaucracy in Worcester a century after Laȝamon in the early fourteenth century, see Roy Martin Haines, The Administration of the Diocese of Worcester in the First Half of the Fourteenth Century (London: S.P.C.K, 1965). By this later period at least,
England, or even to all of the monks like the Tremulous Hand who worked regularly with
Old English texts, a greater, specialized facility with the language could still have existed
among those monks who occupied management positions in the administration of
monastic properties and privileges; at the very least, it would have marked them as
particularly appropriate candidates for those positions. The very fact that the Tremulous
Hand bothered to adapt existing English texts at all is evidence that vernacular texts
continued to be of some interest in the thirteenth century, though the practical uses of
legal texts in particular had been greatly diminished by Angevin institutional reforms.

Franzen speculates that the Tremulous Hand scribe annotated Old English
manuscripts in order to prepare a vernacular "handbook for priests, or a collection of
homilies for their use" (Franzen 1991, 193). This possibility reminds us that the glosses
need not reflect the Tremulous Hand scribe’s own ability to understand the text, but only
his presuppositions about what would work best for his intended audience. Franzen
herself identifies glosses made purely on the basis of interest, as the scribe is not likely
to have glossed the word *englisc* because he found its meaning difficult to understand
(Franzen 1991, 141). Further, she acknowledges the difficulty of distinguishing between
glosses made because of topical interest and those made because of a word's obscurity
(Franzen 1991, 141–2). Thus Franzen’s statement that the relatively unglossed portions
of the Tremulous Hand scribe’s manuscripts, including some of Wulfstan’s homilies,

43 The preaching focus of the Tremulous Hand is also discussed by Wendy Collier, "The
Tremulous Worcester Hand and Gregory's *Pastoral Care*," *Rewriting Old English in the Twelfth
Century*, eds. Mary Swan and Elaine M. Treharne (Cambridge: Cambridge University Press,
were ignored by the glossator because they were both “more difficult” to translate and “of less interest” to him is excessively speculative (Franzen 1991, 80). Given that the Tremulous Hand scribe is not likely to have glossed any texts unsuitable to his purpose, his failure to gloss Wulfstan’s texts therefore tells us only that he was not interested in them, and not necessarily that he could not read them.

In the case of Old English law codes, there is some reason to believe that its contents were relatively intelligible to the scribe, even beyond the existence of several Latin translations of the codes that he could easily have consulted. Three Tremulous Hand glosses appear in the Wulfstan law manuscript London, British Library Harley 55 (Wormald 1999, 188; Franzen 1991, 70). In one, he glosses the Old English *dolige* as *perdat* (“let him lose”), a word choice corresponding to the *Quadripartitus* translation of the term at *II Cnut* 61.44 Meanwhile, the term *dolian* also appears in the Tremulous Hand’s transcription of Ælfric’s *Grammar* (“Old English Web Corpus,” Accessed 05 March 2009), where it translates the more abstract Latin *carere*, meaning either “to lack” or “to absent oneself” (Ælfric *Grammatik und Glossar* 1966, 154, 250). The verb *tholen* also persists in Middle English, where it continues to have both the specialized legal meaning and the more general meaning (*MED*). Thus to the extent that the scant glosses tell us anything, they suggest that the scribe was able to understand the text well enough to know that the legally precise meaning of *dolian* was appropriate in the law code, and that an uninformed reader might accidentally read the word in its more common sense of suffering or doing without.

One of the few complete works copied by the Tremulous Hand of Worcester is
the so-called First Worcester Fragment, a brief poem lamenting the decline of English
literacy (Brehe 1990, 523). The manuscript also includes Ælfric’s Grammar and
Glossary, mentioned above, and a didactic Soul’s Address to the Body. 45 Franzen
speculates that the manuscript might have been produced by the Tremulous Hand to
teach both Latin and Old English (Franzen 1991, 84–5). 46 Brehe has characterized the
First Worcester Fragment as evidence “that the English viewed the cultural rupture they
suffered after the conquest as a spiritual loss” (Brehe 1990, 535), a characterization
whose political dimension I have explored above. The poem uses a loose, two-stress
homiletic prosody reminiscent of Wulfstan’s homilies, and makes similar complaints
against false teachers to those found in the Quadripartitus and Leges Henrici Primi:

[Nu is] þeo leore forleten. and þet folc is forloren.
Nu beo ðopre leoden þeo lærep ure folc,
and feole of þen lorþeines losiæp and þet folc forþ mid
(17–19, Brehe 1990, 530).

The emphasis on "now" is not only reminiscent of the poetic ubi sunt motif, but also the
"new" frauds and deceits lamented in the Quadripartitus and Leges Henrici Primi;
meanwhile, the emphasis on "folc" underscores that the loss of learning has practical,
political consequences for the populace at large. The implication is that Old English
language and culture was important to the church primarily as a means towards the end
of maintaining a social order like that of the Anglo-Saxon period in the face of recent
upheavals, which challenged the independence of ecclesiastical institutions. The lament

45 Worcester, Worcester Cathedral MS F.174, f. 63r; for a full summary of contents, see: N. R.
466–7.
46 A thorough survey of linguistic change as represented in these texts, presumably copied from
an Old English exemplar, is Douglas Moffat, The Soul’s Address to the Body: The Worcester
goes beyond a loss of ethnic heritage, to criticize the widespread ignorance of the underlying divine law that ought to govern the affairs of the English.

This inflection is visible in the examples of learning that the poem evokes:

Sanctus Beda was iboren her on Breotene mid us,  
And he wisliche [bec] awende  
Pet þeo Englise leoden purh weren ilerde.  
And he þeo c[not]ten unwreih, þe questiuns hotep,  
Pa derne diȝelnesse þe de[or]wurþe is.  
Ælfric abood, þe we Alquin hotep,  
he was bocare, and þe [fif] bec wende:  
Genesis, Exodus, Leuiticus, Numerus, Vronomius.  
Pu[rh] þeos were ilærde ure leoden on Englisc. (1–9, Brehe 1990, 530)

The poem begins with Bede, whose Historia ecclesiastica gentis Anglorum reveals in its very title the political institution considered by the author to hold the English nation together.47 Bede’s Historia ecclesiastica is also the only non-legal source to refer explicitly to existing law codes in the entire Anglo-Saxon period, and he explicitly mentions the favorability of those laws to the church.48 The poem then cites the Old English translations of the Pentateuch, a text whose relevance to the laws of Christian England could be inferred even if it were not explicitly discussed in the preface of Alfred’s law code.49 Brehe argues further that despite appearances, the poet has not necessarily confused Ælfric with Alcuin, but is perhaps using an honorific to distinguish the translator of Alcuin from other Ælfrics (Brehe 1990, 531). If correct, it is also an

48 Note also that Coleman, St. Wulfstan’s biographer, made one of his few signed notes in the Bede manuscript Cambridge, University Library Kk.3.18, which indicates his (and, perhaps, St. Wulfstan’s) particular interest in the text: Andy Orchard, “Parallel Lives: Wulfstan, William, Coleman and Christ,” St. Wulfstan and His World, eds. Julia Barrow and Nicholas Brooks, Studies in Early Medieval Britain (Aldershot: Ashgate, 2005), 39–59, 43–4.
honorific that ties Ælfric to one of the premier intellectuals of Charlemagne's court, who played an active role in political affairs. Taken together, then, these allusions imply that the poem summarizes a particular kind of lost knowledge, concerning those narratives that detail God's interventions in earthly affairs to reward righteousness and punish the wicked, as was revealed by the divinely inspired interpreters of God's law.

Another striking passage of the poem is the list of bishop-saints:


Brehe has pointed out how this list is geographically ordered, and more or less follows contemporary lists of Old English saints' resting-places (Brehe 1990, 532). Brehe believes that the poet selected these saints because “he associated each of these names in some way with the theme of his poem” (533). In this regard, it is notable that eight of the thirteen had, at some point in their career, occupied positions in the immediate vicinity of York (Wilfrid of Ripon, John of Beverly, Cuthbert of Durham, Aidan of Winchester, Paulinus of Rochester) or Worcester (Oswald, Ecgwine of Evesham, and Dunstan of Canterbury). Worcester and York were sees occupied in plurality by Archbishop Wulfstan. Moreover, the Old English list of saints most closely paralleled by the First Worcester Fragment is found in Cambridge, Corpus Christi College MS 201, the Wulfstan manuscript discussed in chapter 1 (Brehe 1990, 532). Some additional context is provided by a passage from the Wulfstanian law fragment Norðhymbra grind, appended

50 Characters in square brackets are obscured by manuscript damage.
51 Though Dunstan was most famous for being archbishop of Canterbury, he was also bishop of Worcester at one point of his career.
to the treatise *Grið* in the Wulfstan manuscript London, British Library Cotton Nero A.I (Wormald 1999, 394–5).\(^5^2\) This text also mentions Wilfrid of Ripon and John of Beverly in rhythmic apposition, in a poetic breaking of the syntactic flow of the sentence: “on Northumbrian law is sanctus Petrus [cyric]frið 7 sanctus Wilfridus 7 sanctus Iohannes binnan ciricwagum þreo hundred æt cwicum men, 7 æt deadum botleas” (*Norðhymbra grið* 1–5, Liebermann 1903, 1, 473; my emphasis).\(^5^3\) Here, the saints are evoked to designate a legal jurisdiction, which has its own particular way of dealing with violations of *cyricfrið*. *Grið*, to which *Norðhymbra grið* is appended, is also another example of a Wulfstanian legal text which laments the widespread ignorance of English history (*Grið* 3–4), and is among the texts translated in the *Instituta Cnuti* (Wormald 1999, 457).

Taken together, this evidence challenges Rollason’s assumption that saints’ lists like the one found in the *First Worcester Fragment* served no practical function (Rollason 1989, 85). They might have been useful to the monks as mnemonic devices, allowing them to generate a mental map of ecclesiastical England based on the names of holy men who typically presided over prosperous periods in their institutions’ histories. The popularity of saint-lists between the twelfth and fourteenth centuries, and their continued association with legal texts—examples of which span from the bishop list at ff. 105–16 of the *Textus Roffensis* (Ker 1990, 446) to the updated, fourteenth-century version of Nero A.I.’s list appearing in a Breviate of the Domesday Book (Blair 2002, 465)—suggests that


\(^5^3\) “In Northumbrian law, the penalty for violating the church-peace (*cyricfrið*) within the church walls of Saint Peter, Saint Wilfrid and Saint John is three hundred for living men, and unpardonable for the dead.”
if the lists had such a function, it survived the Norman Conquest by centuries. Thus the list in the *First Worcester Fragment* contributes to the poem's authorizing irony, namely that its lament for the decline of learning in Old English in the present demonstrates, with the specificity of its examples, that its speaker is knowledgeable enough about Old English to accurately assess the situation. This is, essentially, the same role played by the imitations of Wulfstan's homiletic style in the *Dedicatio* to the *Quadripartitus* and the *Leges Henrici Primi*: they perform the authority of their interpretations by making them sound like direct quotations from the text itself.

In the next chapter, I will place the *Brut* chronicle of Laȝamon in this discursive context, by reading it as a poem aimed towards the restoration of knowledge whose loss is lamented in the *First Worcester Fragment*. Laȝamon's home at Areley Kings lay within the diocese of Worcester, a fact that has inspired much speculation about possible connections between the chronicle-poet and the Tremulous Hand scribe.54 There is a good deal of circumstantial evidence that such a priest as the one described in the introduction of the *Brut*, who called himself “Law man” and studied in the vicinity of Worcester, would have encountered Old English literary culture through contact with its large and powerful community of monastic bureaucrats, for whom the continued use of that textual culture was identical to their right to self-governance.55 Like the translations of *I–II Cnut*, the *Brut* preserved historical data in order to maintain continuity with pre-Conquest practices. The poem also employs sound-patterns and rhetorical structures

54 Laȝamon places himself at Areley Kings in the introduction to the poem. For a summary of the discussion surrounding this locale, see John Frankis, "Towards a Regional Context for Lawman's *Brut."

55 Tatlock contextualizes the name “Law man,” arguing that it is itself an archaic term that was particularly associated with the Danelaw: John S. P. Tatlock, *The Legendary History of Britain: Geoffrey of Monmouth's Historia Regum Britanniae and Its Early Vernacular Versions* (Berkeley: University of California Press, 1950), 512–14.
closely related to Old English homiletic law, and is embedded with Old English words, seemingly only to capture the flavor of genuinely Anglo-Saxon texts. My comparison between the Brut and the law codes will begin by focusing on the relationship between the poem's two manuscripts, whose divergences reflect tensions similar to those found in the relationship between I–II Cnut and its Latin translations.
Laamon's Brut: Law, Literature, and the Chronicle-Poem

The thirteenth-century Brut is a poetic retelling of Geoffrey of Monmouth's legendary history of pre-Saxon Britain, the Historia regum Britanniae. The poem follows the Anglo-Norman Roman de Brut by Wace so closely it is essentially a translation, though the poet appears to have used supplementary sources as well (Le Saux 1989). The English Brut begins with a preface attributing the poem to a monk of Areley Kings named Laamon. The text survives in two manuscripts: London, British Library, Cotton Caligula A.IX, and London, British Library, Cotton Otho C.XIII.¹ The poem is of key importance to philologists and literary scholars as an unusually late witness of many Old English linguistic features.² Though loose and somewhat informal, the poem’s meter is nonetheless similar to the First Worcester Fragment, and the two are frequently cited as close prosodic analogues (Heningham 1940; Brehe 1990; Frankis 2002). The Brut also shares a strikingly similar confluence of themes, tropes, and formal qualities with Wulfsan's law codes and homilies, most obviously its two-beat meter, which makes a similarly omnivorous use of sound-linkages to connect its half-lines.

Robert Stein has argued that the Brut continues “the ideological work of the first phase of Anglo-Norman historiography” exemplified by the Historia regum Britanniae "into the conditions of Angevin state-making and in the process of recontextualization transform it" (Stein 1998, 105). In this chapter, I will build on Stein's observation to

² For a recent survey of the Old English language in the Brut manuscripts, see Charlotte Patricia England, "Layamon's Brut: Reading between the Two Manuscripts," PhD Dissertation, University of Toronto, 2006.
argue that the *Brut* translates Geoffrey of Monmouth's narrative into a vernacular idiom heavily influenced by homiletic Old English legal texts, in order to re-contextualize both the narrative and the idiom for the Angevin era. The variation between the Caligula and Otho manuscripts of the poem suggests that their various copyists applied different editorial philosophies in the furtherance of this goal, which anticipate later scholarly distinctions between historical documents and literary texts.

The fracturing of this text witnessed by the two versions evinces the increasingly rigid distinction between legal and literary forms that emerged in the same period, as the differences are insufficient to prove the existence of systematic editorial program(s), of one or two individual scribes who sought to mold the *Brut* in a particular way. Rather, the evidence suggests that a divergence between two different categorizations the *Brut* as a discursive object, with implications for the scribal methodologies for deciding which parts of the text should be preserved and which corrected. If the Caligula-text of the poem seems to witness more of the features that would be expected in Anglo-Saxon poetry and prose than are found in the Otho-text, then it only suggests that the scribes who produced the Caligula manuscript engaged in archival and scribal practices that were more closely related to those of the Anglo-Saxon era. But like the legal “forgeries” of the eleventh century discussed in the introduction, this appearance of age need not have been intended to fool historians; instead the *Brut* could have preserved (or interpolated) genuinely antique formal features as a means of conferring greater authority on the text's historical arguments, which articulate a philosophy of history that is deeply concerned with identifying the proper and improper ways of transferring property between political and religious entities.
The difference between the text as represented by the Caligula scribes and by the Otho scribes thus reflects a difference of opinion within a single continuum, between a mode of textual authorization that was relatively focused on authentic-seeming formal qualities, and one relatively focused on the readability of the text as a narrative. A reading of the Saxon conquest section of the Brut will show how the poem(s) attempt to transcend this nascent dichotomy, with reference to the pre-existing law of England encoded in the landscape itself.

*Introducing the Brut*

The different feel of the two witnesses of the Brut is apparent from the very beginning of both texts. The Otho manuscript of the Brut was heavily damaged in the Cottonian fire, but the first 37 lines of the poem were transcribed by Wanley; they are included in Brook and Leslie's edition, and cited below (Laamon 1978, x; citing Hickes 1705, 237). I have italicized the major variations from the Caligula-text, and indicated where full Caligula lines are missing from Otho with [...]:

A prest was *in londe*. Laweman. was hote. he was *Leucais* sone. lef him beo Drihte. He wonede at Ernleie *wid pan gode cnipte*. uppen Seurane. *merie* per him þohhte. *faste* by Radistone þer heo bokes radde. Hit com him on mode. 7 on his þonke. þat he wolde. of Engelond þe *ristnesse* telle. was *pe men* hi-hote weren. and wan[e]ne hi comen. þe Engleine lond ærest afden. after þan flode. þat fram *God* com. 10 þat al ere acwelde. *cwic* þat hit funde. bote Noe and sem. Iaphet and cam.

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3 This is an inversion of the traditional way of reading the difference, for example W.J. Keith’s description of the poetic Caligula scribes and historian Otho scribes: W. J. Keith, "La3amon's Brut: The Literary Differences between the Two Texts," *Medium Ævum* 29 (1960), 161–72, 172.

4 For simplicity's sake, I have followed Brooke and Leslie's edition by assigning the Caligula-text's line numbers to the corresponding Otho-text readings.
and hire four wifes. þat mid ham *pere* weren.
Loweman gan *wende* so wide so was þat londe.

[...]  
*and* nom þe Englisse boc. þat makede Seinte Bede.
Anóþer he nom of Latin. þat makede Seint Albin.
*Boc he nom pan priddie. an leide þar amidde.* 
þat makede Austin. þat follo[s]t bro[s]te hider in.

[...]  
Laweman þes bokes *bieolde. an þe leues tornde.* 
He ham loueliche bi-helde. *fulste God þe miþtie.*
Fepere he nom mid fingres. and *wrot mid his honde.*
and *þe sope* word sette togetere.
and *þane hilke* boc *tock us to bisne.* 

Nu bidde Laweman. echne *godne mon.*
*for þe mistie Godes loue. þat þes boc redep.*  

[...]  
þat he þis sofaste worde segge *togadere.*
*and midde for þe saule. þat hine to manne strende.*
and for his owene soule. þat hire þe bet bifalle. Amen.

The poem begins by indicating who its author is and the location in which he’s working, in a third-person description (1–3). His text is authorized by its incorporation of several authoritative sources, discussed below. The famous description of the poem’s composition that follows in lines 24–8, idiosyncratically described as a *scribal* practice, is thus an act of writing that proceeds from an act of reading, and makes stories about the heroes who lived in Britain’s remote past more accessible (7–13). The introduction concludes by asking the reader to turn the words written in the book into speech, so that “echne godne mon” will “þis sofaste worde segge togadere” (29–32). The poem was thus composed as a corrective to a situation like that lamented in the *First Worcester Fragment*; Laȝamon will instruct his readers in the history of Britain back to the flood, and teach them about the origins of English law in the process.

Below is the Caligula-text version of the passage, with different phrasing marked in italics, and whole lines absent from the Otho-text marked in bold:

An preost was on *leoden. Laȝamon wes ihoten.*
he was *Leouenadès* sone. liðe him beo Drihten.
He wonede at Ernle. At ædelene are chirechen.

vppen Seurane staþe. Sel þar him þuhte.
on-fest Radestone. þer he bock radde.

hit com him on mode. 7 on his mern þonke.
þat he wolde of Engle. þa ædelæn tellen.
wat heo ihoten weoren. 7 wonene heo comen.
þa Englene londe. ærest ahten.
æfter þan flode. þe from Drihtene com.
þe al her a-queilde. quic þat he funde.
buten Noe. 7 Sem. laphet 7 Cham.
7 heore fourwius. þe mid heom weren on archen.
La þamon gon liðen. wide þond þas leode.

7 bi-won þa æđela boc. þa he to bisne nom.
He nom þa Englisca boc. þa makede Seint Beda.
An-ófer he nom on Latin. þe makede Seinte Albin.

7 þe feire Austin. þe fulluht broute hider in.
Boc he nom þe pridde. leide þer amidden.
þa makede a Frenchis clerk.
Wace wes ihoten. þe wel couþe writen.
7 he hoe þef þare æđelen. Ælienor.
þe wes Henries quene. þes heþes kinges.
La þamon leide þeos boc. 7 þa leaf wende.
he heom leofliche bi-heold. liþe him heo Drihten.
Feþeren he nom mid fingren. 7 fiede on boc-felle.
7 þa sopere word. sette to-gadere.

7 þa þre boc. þrumde to are.
Nu þidde[ð] La þamon alcne æđele mon.
for þene almiten Godd.
þet þeos boc rede. 7 leornia þeos runan.
þat he þeos soðfaste word. segge to-sumne.
for his fader saule. þa hine for[ð] brouhte.

7 for his moder saule. þa hine to monne iber.
7 for his awene saule. þat hire þe selre beo. Amen.

(Caligula-text 1–35)

The differences between these passages provide a useful way of characterizing the divergences between the two witnesses of the Brut, most obviously in their different representations of their sources. In the Otho-text, Bede's Englishness is evoked only to establish the pertinence of his writing to the subject, paralleled by Austin's role in bringing Christianity to England (17–19). The Otho passage is also ambiguous about whether Englisse boc necessarily means "a book written in the English language," and not simply "a book concerning the English nation;" the next phrase, "anoþer he nom of
Latin," could similarly mean either "another book" or "another Latin book." In the latter case, the phrase of Latin could be explained as an unnecessary detail intended only to fill out the metrical structure of the line. Though Old English translations of Bede's writing did exist, there is little evidence that Laȝamon drew upon them, and less reason to presume that his actual sources were written in different languages.\(^5\) But even if the assignations of Englishness and Latinity to the texts do signal linguistic or cultural difference between his authors, the distinction is immediately undercut by the evocation of the third author, Augustine, whose role in bringing baptism to the English people is emphasized. Thus the citations assert the equivalency of Latin and English sources, in that both languages are spoken within the true community of Christian believers who currently inhabit the island of Britain.

In contrast, the Caligula-text conflates two of the Otho-text sources, so that Sts. "Albin" and "Austin" are represented as co-authors of a single Latin book. The Caligula passage also clearly contrasts Bede's Englishness and the saints' Latinity with the French author of a third book, Wace. In other words, where the Otho-text lists three authors in an assertion of transhistorical Christian continuity, the Caligula-text makes a more presentist appeal to contemporary political identities, by evoking the three authoritative cultures of England at the poem's particular moment. Though again these identities are not necessarily linguistic, they are almost certainly ethnic: Bede was clearly English, just as Augustine was a Roman representative of the papacy and Wace was French. Not equivalent, the nationalities of the authors are rather representative of the cultural perspectives of the groups with a stake in the history of England, and thus the Brut cannot be said to be biased in its representation of English history.

\(^5\) Laȝamon's uses of Bede are discussed more fully below: 143–4.
The widely shared presumption that the Caligula-text gives us the more authorial reading of this introduction seems to be based on the fact that Wace's *Roman de Brut* is clearly the actual source of the *Brut*. However, the very self-evidence of Wace's influence is a reason to doubt the authenticity of the Caligula manuscript's reading. The presence of historically verifiable facts in a charter is not itself proof that it is genuine, especially in the case of a text that seems to have been produced by an astute historian with access to a wide array of secondary materials. If we can recognize Wace's influence, then so could other readers; a Caligula scribe of the *Brut* might have altered the poem to identify the correct source, so that a knowledgeable, scholarly audience would not be immediately distracted by what could have seemed like an intentional misrepresentation of the text.

It must be noted further that the Caligula prologue is on shaky rhetorical ground, in equating Wace with saintly figures like Bede and Augustine. The poet's reminder that Wace presented his text to Queen Eleanor (31–3) was perhaps intended to bolster the authority of the text, by proxy of its illustrious audience. A similar motive seems to inform the dedication to Matilda appearing in some manuscripts of the *Quadripartitus* (II Pr. 14:1; Liebermann ed. 1903, 1, 543). The fact that Henry himself would have played a secondary role in this particular gesture is reason to question the argument that the *Brut* should be dated before 1216, which rests heavily on the potential for confusion between Henry II and Henry III in the Caligula-text of the poem (Le Saux 1989, 1–13, esp. 9). The ambiguity of “Henry” does have some rhetorical advantages. On the one hand, if a reader confused Henry II for Henry I, then the reader would also have to confuse Eleanor for the same Matilda from the *Quadripartitus*. Matilda was a direct descendant of Alfred.

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6 Compare for example Thomas of Marlborough: 175–81.
the Great, and her marriage to Henry unified the Norman and Anglo-Saxon royal lines of England; she would personify the authorizing political and cultural union symbolized by the citations. Further, the mistake would make Wace seem like an earlier (and thus more authoritative) author than he actually was.

On the other hand, if the poem were written after the ascendancy of Henry III, the ambiguity was perhaps intended as a political comment. During his reign, Henry III was criticized for instituting reforms that were a threat to ecclesiastical self-governance (Musson Medieval Law in Context, 72). The gift of Wace's text to Henry II placed the moral responsibility for changing the laws of England on the king himself, in that he could no longer plead ignorance of historical precedent; similarly, if the Brut's intended audience of "good" or "noble" men included the king, then Wace is not only a source but a precedent for Ladamon's poem. And indeed, there are any number of possible rhetorical reasons for the poet not to specify that Wace gave his poem to the wife of "Henry II," even beyond the consideration that it could have seemed unnecessarily pedantic to be specific about a recent ruler in a poem about English history from the great flood to the beginning of the Anglo-Saxon period.

But whatever the date of the Wace passage, its inclusion in the Caligula-text suggests that this version of the poem witnesses a greater anxiety about establishing authenticity on textual-critical grounds than the comparatively vague Otho-text. Another,

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7 On Matilda, see Lois L. Huneycutt, Matilda of Scotland: A Study in Medieval Queenship (Woodbridge: Boydell, 2003).
9 If Ladamon or the Caligula scribes intended to imitate Wace's gift, it is noteworthy that Henry III visited Worcester at least three times: the rededication of the cathedral in 1218, the Parliament of 1223, and Christmas 1232 (Collier, "'Englishness' and the Worcester Tremulous Hand," 41).
smaller difference between the Caligula- and Otho-text prologues underscores the point: the Caligula-text's poem is not simply true, but is a *sopere* ("more true") word, implicitly produced in competition with other, less-true versions of history (27). The problem of interpreting the reference to Wace points to the larger problem of determining whether one of these two versions of the *Brut* represents a more "authorial" version of the text. As the question of the Wace passage makes clear, the long-standing argument in favor of the Caligula-text on philological grounds, summarized below, is undermined when the political factors surrounding textual production and dissemination are taken into account.

The problem of identifying one manuscript as a "best" text is apparent not only in the substantial variations between the two passages, but also in some of the minor disagreements. In the passages cited above, Caligula-text uses the term *æðelen* where the Otho-text simply has *gode* (lines 3, 7, and 29) or omits the line completely (15, 22), and twice uses the older term *Drihten* instead of Otho-text's *God* (10, 25), so that these common English homonyms are almost entirely absent from the preface. One possible explanation for these variations is that an Otho editor replaced the less familiar terms with more familiar synonyms. However, the appearance of *Drihte* in the second line of the Otho version suggests that the editor would not have been scrupulously consistent in his emendations. In contrast, the single appearance of the word *God* in the Caligula-text, in the orphaned half-line at line 30, has a clear analogue in the Otho-text. Thus in this particular instance, one could plausibly argue that the poem's original words *God* and *gode* were replaced by a Caligula-editor in exchange for older-sounding synonyms; in this theory, the survival of an exception is less troubling, because it is supposed that either word would have been intelligible to the intended reader.
Further, if these variants are the result of a Caligula editor’s substitutions, then the single remaining Godd would look like an accidental copy of an orphaned half-line that was supposed to have been replaced by the Caligula-editor’s expansion of the b-line "þat þes boc redeþ" to "þet þeos boc rede. 7 leornia þeos runan." This would be consistent with the trend of orphaned half-lines in the text as a whole. England has noted that Otho's unpaired half-lines typically just "look like one half" of the corresponding Caligula line; meanwhile, only eighteen of the Otho readings parallel to the Caligula-text's 42 unpaired half-lines show evidence of the latter's direct influence (England 2006, 39). If it is presumed that hypermetric lines were rare in Laȝamon’s first version of the text, and thus that a significant percentage of the orphaned half-lines are evidence of scribal tampering, then the pattern suggests that the Otho editors tended to accidentally drop half-lines in their truncation of the text, and the Caligula editors accidentally added them through expansion and interpolation. Thus the presence of these lines in the Caligula-text of the poem are a reminder that it might only seem older to modern readers because the Caligula scribes not only preserved, but added older-seeming linguistic features into the text, to make it seem more authoritative.

10 raed and rune appear as alliterative pairs throughout the poem, typically in contexts describing the good advice given to a king. The pairing appears thirty times in Caligula-text (lines 180, 190, 209, 222, 435, 1166, 1596, 1623, 2244, 2645, 2732, 3259, 4917, 5797, 6583, 6748, 8483, 9600, 9650, 12063, 12420, 12642, 12646, 13548, 14318, 14327, 15303, 15775, 16033, 16039); eight of these occurrences do not appear in the corresponding lines witnessed by the Otho manuscript (435, 2244, 3259, 5797, 6748, 8483, 12646, 15775, 16033). See also Allen’s comparative metrical analysis of the manuscripts, which finds that the Caligula-text employs sound-linkages more frequently than the Otho-text, and (even more suggestively) has a much higher percentage of half-lines that are sound-linked in more than one way, for example by both alliteration and rhyme: Rosamund Allen, “‘Nv Seið Mid Loft-Songe’: A Re-Appraisal of Lawman’s Verse Form,” Laȝamon: Contexts, Language, and Interpretation, eds. Rosamund Allen, Lucy Perry and Jane Roberts, King’s College London Medieval Studies (London: King’s College London Centre for Late Antique and Medieval Studies, 2002), 66–78. It is certainly plausible that editorial interventions in the text are responsible for at least some of this redundancy, and perhaps for the addition of a raed/rune pairing here.
Another possible instance of this practice is found at lines 1476–7 of the Otho-
text. In this scene, King Leir “cleopede Gornoille his dohter þat was deore / ut of hire
bure to hire fader deore.” Shortly thereafter Leir tells Gornoille that she is “deore” to him,
and she says the same to him four lines after that (1480, 1484). In context, this
repetition suggests that the word “deore” is an object of exchange between the
characters, where Gornoille will receive a dearer gift if she holds her father more dear,
as is prefigured by the emphatic repetition of the word at the end of lines 1476 and 1477.
This is a close parallel to the way this exchange is represented in the \textit{Roman de Brut}
(1685–1705). In the Caligula manuscript line 1476 is different: “he clepede Gornoille
hes guðfulle dohtor.” This word \textit{guðfulle} is a \textit{hapax legamenon} in Old and Middle
English, glossed by Charlotte English as “warlike” (England 2006, 151 n.6). There is no
close parallel to this kind of adjective being applied to this character in either the Otho-
text or Wace’s poem. One possible reading of this change is that the Caligula-scribe or
one of his predecessors read “deore” here as OE \textit{deor}, defined in the \textit{Dictionary of Old
English} as “fierce, formidable, bold” (Healey, Accessed September 23 2008). But
whatever the motive for the change, the reading \textit{guðfulle} suggests that the scribe did not
stop at preserving the archaic diction of the poem, but also added to it.\footnote{Another possible explanation for Caligula-text’s reading here is that the line is an error, and perhaps the source read \textit{geoguðfulle} or “youthful.” England suggests “godful,” but points out that this is not the only peculiar \textit{guð-} word in the poem; however, there are no clear parallels to the variation between the manuscripts, as Caligula-text lines 799 (\textit{guð-strengðe}) and 12246–7 (\textit{guðinge}) are both missing from the Otho-text (England, “Layamon’s \textit{Brut}: Reading between the Two Manuscripts,” 151 n.6). Though plausible, neither explanation is necessary to account for the manuscript’s unusual but by no means inappropriate reading.}

\footnote{All references to Wace’s \textit{Roman de Brut} are from Weiss’ edition: Wace and Judith Weiss, \textit{Wace’s Roman De Brut: A History of the English: Text and Translation} (Exeter: University of Exeter Press, 1999).}
Mark Amodio has used the Caligula manuscript to illustrate the difficulty of identifying traces of "orality" in a culture whose only surviving monuments are written manuscripts. Though Laamon’s introduction describes his poetic process as the production of a document, his work nonetheless seems to show more signs of orality than the other major poem from the manuscript, _The Owl and the Nightingale_, despite the latter poem’s aesthetic superiority as an aurally performed text (Amodio 2004, 90–91). Paradoxically, these signs of orality are better seen than heard—_The Owl and the Nightingale_ is one of the first poems in Middle English to be “spatialized” as a poem lineated on the page, while the _Brut_ is written in _scripta continua_ that “recalls more the fluidity with which Old English verse was encoded than those conventions that developed to assist the visual decoding of written Middle English verse” (Amodio 2004, 91). Thus the language of the Caligula-text is not the only aspect of the poem that seems older than we know the manuscript to be, as its layout on the page encourages speculation that the poem’s author (who, according to the poem’s preface cited below, was also the original scribe) was not only familiar with Anglo-Saxon manuscripts, but was working out of Anglo-Saxon conventions for presenting poetry on the page. If this is the case, then the _scripta continua_ of the _Brut_ might reflect not only the decisions of the Caligula scribes, but their attempt to recreate what they saw in their exemplar, despite the alternatives for formatting poetry they used in the very same manuscript.\(^\text{14}\)

Imitations of formatting and script are common in post-Conquest "Golden Age" documentary forgeries.\(^\text{15}\) However, there is also a striking difference between the Caligula manuscript and Golden Age forgeries, namely that the antique formal qualities

\(^{14}\) The inclusion of both the _Brut_ and _The Owl and The Nightingale_ in the Caligula manuscript dates to its original production (Ker 1963, ix-xx).

\(^{15}\) See chapter 4: 163.
of the former have been much more successful in convincing textual critics of the text’s authenticity. For several decades, there was little resistance to the widespread presumption that the Caligula-text of the poem pre-dates the Otho-text, even after Neil Ker’s thirteenth-century date for the Caligula manuscript proved it to be roughly contemporary to the Otho manuscript (Ker 1963, ix-xx; Roberts 1994). The poem itself is typically dated before Henry III’s ascension in 1216, albeit on grounds I have called into question above (Le Saux 1989, 1–13, esp. 9). Thus despite a possible gap of fifty years between the poem’s original composition and both manuscripts, the Caligula manuscript’s authority continued to be held self-evident.

The most common reasons for doing so were influentially articulated in Eric Stanley’s essay, “Laʒamon’s Antiquarian Sentiments” (Stanley 1969). In its very title, this essay links the older language of the Caligula-text directly to the author’s intent. Stanley argues that Laʒamon wrote his poem in a self-conscious imitation of Anglo-Saxon literature, and employed antiquated forms of speech as “ye olde signs” to make the poem seem older (Stanley 1969, 30).

Stanley’s argument thus hinges on a recourse to aesthetic criteria, by which he determines that the Otho redactor gives himself away by not leaving in some of the best passages. The implication is that if the linguistic and codicological evidence cannot help us decide which manuscript is more authorial, we can rely on the critical consensus that the Caligula-text is the better poem.

In this argument, the archaic diction of the Caligula-text is still evidence for its proximity to the original, but for a reason that has nothing to do with the date of the manuscript: “The Caligula scribes after some vacillation near the beginning of their work seem to have recognized that the antique flavor was a part of the poem,” while “the Otho reviser cleansed the poem of poeticisms … because he was out of sympathy with the antiquarian modulation of the poet” (Stanley 1969, 29). That this poem uses more of the “older” English words rather than resorting to “newer” French loan words is part of the intended poetic effect, as the Caligula-text’s scribes were able to recognize. This reading leads Stanley into his biggest interpretive problem, which he is the first to point out: “Since Laȝamon eschewed French so, there is of course a certain irony in the fact that the work he chose to translate, Wace’s Roman de Brut, should be so very French” (Stanley 1969, 33). This “ambivalence” of the Brut about Britain's Saxon heritage will be explored in more detail below. For now, it is simply worth noting that the scholarly preference for Caligula-text readings is based on a presumption of that version's greater formal consistency that led, in the very article in which it was proposed, to a discussion of the poem's underlying ideological inconsistencies.

In the past two decades, Stanley’s arguments for the Caligula-Brut's superiority on the grounds of its antiquarianism have been called into question. Christopher Cannon, Elizabeth Bryan, and Lucy Perry have all come to the defense of the Otho manuscript as a text worthy of study in its own right. Though they do not directly challenge the textual criticism underlying the claim that the Caligula-text is more authoritative, they use the larger problem of the Otho manuscript to point out the limitations of critical methodologies that use aesthetic judgments as a basis for preferring any one version of a medieval text over another. Cannon reads the manuscripts as co-
existing in a productive tension, in which the Otho redaction constitutes an “embrace of new continental trends” in vernacular poetry in contrast to the Caligula-text’s “insular nostalgia” (Cannon 1993, 204).17 Bryan eschews the question of authorship entirely, in favor of a codicological reading of the Otho manuscript, an undertaking justified (among other reasons) by the principle that both witnesses ought to have equal weight, when there is no third manuscript to break the tie (Bryan 1999, 49). Perry builds on Bryan’s manuscript analysis to demonstrate how certain features of the Otho redaction could have been aesthetically or politically motivated (Perry 2000).

A complementary approach that focuses entirely on the textual criticism of the Brut is Charlotte England’s 2006 dissertation, which surveys the relationship between Otho-text and Caligula-text’s readings in great detail, and presents serious challenges to any arguments that either text represents an editorial agenda of archaizing or modernizing the language (England 2006). Though one could compile impressive statistics about the number of antiquarian linguistic features witnessed by the Caligula Brut that are missing from the Otho-text, the impact of the evidence is diminished by the length of the poem. When considered as percentages, the variants represent an “under exploitation” of the possibilities for revision (England 2006, 205–8). Each of these studies problematize the literary-critical impulse to privilege certain manuscript versions over others, especially on the basis of aesthetic preference.

But though it is unlikely that either the Caligula or the Otho manuscript witnesses a text comprehensively altered for a particular purpose, the variants between the two nonetheless create the impression that their compilers approached the text with different

presumptions. A hidden implication of Stanley’s original formulation is that Laȝamon and his scribes must be antiquarians, because there cannot be a very large gap between the date of his supposed original and the date of this manuscript if the apparent stability of its text is to make sense.  

Stanley’s recourse to the weak evidence of aesthetic value exemplifies the critical disquiet created by these manuscripts, articulated in Françoise Le Saux’s observation that Caligula-text’s “contrast with the modernized language of Otho is striking, and pleads strongly in favour of an authorial text which antedated the Caligula manuscript by several decades,” even though this suspicion “cannot be confirmed to any great extent, for our corpus of early Middle English texts is too limited to draw any precise conclusions from the linguistic or material evidence” (Le Saux 1989, 8–9). The reason that more evidence would be necessary to uphold her hypothesis is that one ought to doubt that a collection of well-known and ideologically loaded stories, easily corroborated or disputed by a widely available body of English, French and Latin texts (not to mention the personal knowledge or opinions of the scribe himself) should survive in a faithful copy transcribed several decades after the original poem was composed. The repeated passage of Caligula-text lines 13307–13317, noted as an unusually vivid example of Middle English orthographical carelessness and its implications for the meaning of the text, underscores the point.  

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19 On this passage see: Richard Dance, “Interpreting Laȝamon: Linguistic Diversity and Some Cruces in Cotton Caligula A. IX, with Particular Regard to Norse-Derived Words,” Laȝamon: Contexts, Language, and Interpretation, eds. Rosamund Allen, Lucy Perry and Jane Roberts, King’s College London Medieval Studies (London: King’s College London Centre for Late Antique and Medieval Studies, 2002), 187–202. 190–1; Frances McSparran, “Following the Scribal Trail: The BL Cotton Caligula A.IX Copy of Layamon’s Brut,” Rethinking Middle English: Linguistic and
However, there is no need to answer this disquiet with reference to the irrecoverable readings of a hypothetical "original," if the "antiquarianism" found in the poetic tradition is compared to the Anglo-Saxon legal-homiletic discourse described in the preceding chapters. Hiatt's comments on the similarly antiquarian practice of legal forgery are relevant here:

The antiquarian project of retrieval is predicated upon the survival of decontextualized fragments, relics of the past, around which (recontextualizing) histories can be written. The project of a forger of historical documents is to produce precisely such an artifact, a text which seems to narrate, more or less fully, its own context, which seems to invoke the story of its genesis (4).

It is not coincidental that the Brut retells Geoffrey of Monmouth’s Historia regum Brittaniae, a text whose reconstruction of British history from the fragments of existing (or fabricated) literary and historical texts evinces a clear political agenda, which is described by Francis Ingledew as a treatment "not of a non-Christian history, but of history constructed from another social starting point, that of the institutions of principality and aristocracy, with their interests in an emergent sense of nation" (Ingledew 1994, 680). Geoffrey's ideological historiography is contemporary to a more localized proliferation of charter-chronicles, which met the two-fold "need for written evidence not only of customs and privileges, but also [for] the context in which they were granted and confirmed" (O'Brien 1999, 10). Thus it seems that the synthesis of Anglo-Saxon form

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Literary Approaches, eds. Nikolaus Ritt and Herbert Schendl (Frankfurt am Main: Peter Lang, 2005), 42–66.

and Anglo-Norman content in the Brut attempts to reconcile two competing historiographic methodologies, reinscribing the accepted narrative of secular history in a way that reinvests (Anglo-Saxon) ecclesiastical charters and practices with the authority that had been undermined by the evolution of administrative practice, and principally the emerging (Norman) institutions of principality and aristocracy.

Connections between the various textual traditions of Geoffrey’s narrative and the post-Conquest survivals of Anglo-Saxon law are common. Particularly relevant here is the large chunk of the Instituta Cnuti appearing in Henry of Huntingdon’s chronicle, which in turn was one of Wace’s sources for the Roman de Brut (Liebermann 1893, 105). Geoffrey’s Historia regum Britanniae also appears in the manuscript London, British Library Cotton Titus A.XXVII alongside a copy of the Quadripartitus, a juxtaposition commented upon by scholars only to note that it is unsurprising (Hanna 2005, 82–3; Wormald 1999, 238). Perhaps more surprising is Musson’s tracing of passages from Geoffrey of Monmouth into the Magna Carta via the Leges Anglorum, a spurious “Anglo-Saxon” law code that also contains excerpts from Quadripartitus (Musson “Appealing to the Past” 2001, 169–70; Catto 1981, 386–7; Wormald Making of English Law 1999, 238). As Musson states, “literary sources stimulated by fictional history can thus be shown to have had a significant impact on legal and constitutional aspects” (Musson "Appealing to the Past" 2001, 170). Indeed, the very distinction between literary source and legal text implicit in this statement had only begun to emerge by the thirteenth century, so that the two do not cross-pollinate in the time of Laamon so much as they co-exist within the same political discourse.

In the next section, I will supplement this argument by identifying some of the connections between the Brut and post-Conquest survivals of Anglo-Saxon law. Above,
I questioned the usual reading of the divergence between the two *Brut* manuscripts, as an indication of the greater age and textual authority of the Caligula-version of the poem. I suggested that the features that seem older reveal only the Caligula-editors’ greater attention to relatively diplomatic strategies of textual authentication. However, as I will go on to show, the divergence between the Caligula and Otho manuscripts’ versions of the poem represents a paradox encoded within both texts, as the poem strives to be both a historical, legal record, and a literary, homiletic commentary on the nature of history and law. Though the divergence between the manuscripts illustrates the emerging categorical divide between literature and law, that categorical division is also represented within the texts, both in their divergences from each other and in their larger correspondences.

*The "Lawman" and the Law*

Both introductions to the *Brut* share a good deal in common with the poem’s contemporary legal texts, and in particular Hemming’s *Enucleatio Libelli* (282–6). The *Enucleatio Libelli* is referred to by Tinti as “possibly the most significant text in the cartulary, since Hemming composed it to tell his readers the specific aims of the composition as a whole” (241). Many of the parallels to the *Brut* can be seen in the first sentence of the latter:

Hunc libellum, de possessionibus huius nostri monasterii, ego Hemingus monachus et sacerdos quamvis indignus, et conservus servorum Dei habitantium in monasterio sancte Dei genitricis Marie, sito in urbe, que Anglica uigornaceaster nominatur, multeriorum antiquorum hominum, et maxime domini Wlstani episcopi, piissimi patris nostri, edoctus relatione, et corroboratus auctoritate, quedam etiam ex nostra memoria ipsemet, quibus aut interfui, aut que nostra etate facta sunt, intermiscui, ut pote de terris, quas Francigeni invaserunt, que omnia tanto certius dico, quanto ea nostra memoria recolit facta,
I, Hemming the somewhat unworthy monk and priest, slave among the servants of God living in the monastery of Mary, holy Mother of God that is situated in the city called "Worcester" by the English, composed this book about the possessions of our monastery, despite my unworthiness, having been informed by the testimony and corroborated by the authority of many ancient men, and especially by the great lord bishop Wulfstan, our most pious father; and I have mixed in certain things out of our very own memory concerning the lands that the French invaded, which either took place in our age or at which I was present, all of which I say so much more surely, to the degree that these deeds are recalled by our memory. I composed this book especially with the intention that it should clarify for our descendants which and how many possessions of lands are said to be attached to [the endowment of] our monastery, and clearly ought by law to provide sustenance (at the very least) to the monks serving God, and how they are plundered by unjust force and fraud.

Like La3amon (and many other historiographers) Hemming identifies himself, his location and his sources. He displays anxiety about his more recent sources; he emphasizes the great age of the men in question to give their testimony more credence.

But most importantly, the two statements account not only for the text that they produce, but the document itself – Hemming’s phrase “Hunc libellum … composui” implies not only a historian's compilation of relevant materials, but a scribe's assembly of a physical manuscript. Though Hemming’s rhetorical goals are much more explicitly political than the Brut's, both texts reveal in these prefaces that they are created for the long-term purpose of transmitting the claims of historical precedent from the specialized textual memory of learned clergymen into more accessible and secular contexts so that they may be acted upon. The validating procedures of both texts are of the kind that still
remain crucial to historians attempting to identify documents as genuine or spurious—in brief, that they were produced in X place, with Y people present, for Z reason—and the presence of these details suggests that the questions were anticipated by both authors.

While these introductions are paralleled also in the prologue to I–II Cnut, there are some important differences that reveal what has changed about authenticating gestures after the conquest:

[I Cnut, "Prologue"]

Dis is seo gerædnys, þe Cnut ciningc, ealles Englalandes ciningc 7 Dena cining mid his witenæ geðeaht gerædde, Gode to lofe 7 him sylfum to cynescipe 7 þearfe; 7 þæt wæs on ðære halgan midwintres tide on Winceastre.

[I Cn 1.1]

Ðæt is þonne ærest þæt hi ofer ealle opre þingc ænne God æfre woldan lufian 7 wurðian 7 ænne Cristendom anrædlice healdan, and Cnut Cingc lufian mid rihtan getrywþan.

This is the decree (gerædnys) that King Cnut, king of all England and king of Danes, decreed with the advice of his counselors, for the glory of God and for his own royal power and need. This took place during the holy midwinter season at Winchester.

Firstly, that over all other things, they would forever love and worship one God, and persistently (anrædlice) hold one Christian assembly, and love king Cnut with appropriate covenants.

All of the basic elements identified above are included in this prologue, but in a configuration whose contrast with Laȝamon’s introduction is indicative of how the context of his project differs from Archbishop Wulfstan’s. Laȝamon’s passage describes how and where he first “þuhte” and then “radde” books in order to produce the present text (4–5). The metrical parallelism of these lines, culminating in the finite verbs “þuhte” and “radde,” is similar to Cnut’s consultation of his counselor’s “geðeaht” before he “gerædde” his text, but with the important difference that Laȝamon’s “reading” is the

21 From the OE verb “þeahþian” (to counsel), not “þynanc” (to seem, appear). The former is not widely attested in Middle English: Middle English Dictionary, accessed July 24 2009.
private consultation of a written text, where the king publicly consults his wise counselors and then offers his own advice, which in this context is the more forceful “advice” of a ruling body to its subjects.22

In the first chapter, I showed how Wulfstan authorized his law code by making direct citations from Old English law codes, so that he reintroduced those texts into the discourse and practice of government, in the same way that bishops disseminate correct Christian teaching from the Bible to their congregations through their words and actions. Like Hemming, La3amon was writing at a time when the ecclesiastical bureaucracy was subject to greater competition from its secular counterparts, so that ecclesiastical legal texts had to argue more explicitly for their authority. And indeed, one theme consistently reinforced throughout the Brut tradition is its identification of textual knowledge as a function of the clergy (Wickham-Crowley 2002, 76). This emphasis is made problematic on the one hand by the insistence within Anglo-Saxon legal texts that they are validated by the wisdom of counselors and the oaths of prominent people, and on the other hand by an increasingly document-based practice of law in which oaths and wisdom are insufficient as a means of validation.23

There is, however, a way around this problem provided by the term ræd itself. Parkes has identified the term with rhetorical lectio, or “the process whereby a reader had to identify elements of the text—letters, syllables, words and sentences (discretio) in order to read it aloud according to the accentuation required by the sense (pronuntiatio)” (Parkes 1997, 1). Ræd in this sense is seen in the prologue to the Brut, in the apposition of “þeos boc rede” and “leornia þeos runan” (31). "Reading" the book and learning the

22 rædan retains its meaning as “counsel” elsewhere in the poem, for example in the Rowenna passages discussed below.
23 See chapter 2 for a survey of this transition.
letters are the same activity, interpretation reduced to a recognition of the marks on the page. Langamon’s intended rædership is thus only the means by which the written text of his chronicle can be transmuted into the collective speech of noble men—in other words, the collective "gerædnys" of Anglo-Saxon law, which then serves in the other sense of ræd, as a help or succour to the populace (MED). Rather than constituting nostra memoria in itself, then, the text is only the means by which memory is passed from the ædelæn in the true text of his sources to the ædele men of the present, so that they will be prompted by it to “segge” the “soðfaste” (and unaltered) "word" in both their adjudications on secular matters, and in their advice to the monarch. But though this shift in the meaning of ræd re-invests Anglo-Saxon legal discourse with purpose, it also marks a shift from Wulfstan’s more assertively probative legal text into a rhetoric with a more literary, persuasive function.

It is perhaps not coincidental that at the same time that this text moves into a discursive mode more closely analogous to modern “literature” than modern “law,” it applies a higher degree of formal consistency to the homiletic, rhythmic style witnessed by the Old English and Latin legal and homiletic texts discussed above, so that its sound-patterning can be unproblematically called a "meter." There have been many efforts to find parallels between this meter and Old English prosody since Oakden first noted the similarities in his formative survey of alliterative verse (Oakden 1968). For example, Mark Amodio has identified several features of the Brut indicating the influence of a surviving oral-performative matrix (Amodio 2004, 101–9, 113–28). Though many

compounds in the *Brut* are extremely unusual in Middle English, they do not appear in either manuscript with anything close to the frequency of Old English poets (Amodio 2004,103). The paucity of compound words in the *Brut* has been acknowledged since Oakden, and Charlotte England is right to remind us that this fact in itself already compromises any arguments that the poem’s “Old” English is either deliberately cultivated by its author or evidence of a continuous oral tradition. Still, the compounds are numerous enough to suggest more knowledge of Old English literary conventions by thirteenth-century poets and scribes than we might otherwise have reason to expect.

To date, the attempts to identify parallels between Laȝamon’s poetry and Old English literature have found themselves on the firmest ground in discussing the similarities between the *Brut* and Ælfric, whose homiletic work is among the most common Old English literature found in Post-Conquest manuscripts. One recent effort to establish continuity is the concluding chapter of Thomas Bredehoft’s *Early English Metre*. Building on the original hypothesis of N.F. Blake and the metrical analysis of Brehe, Bredehoft argues that the scansion of the *Brut* is not only a descendant of the “rhythmical prose” of Ælfric and Wulfstan, but also suggests first-hand knowledge of the poems of the *Anglo-Saxon Chronicle*. However, there are some indicators that

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25 Compounds occur in 2.5% of lines, as opposed to 33% of lines in the Old English poetic corpus (Amodio *Writing the Oral Tradition*, 103).
26 Of 411 compounds in the *Brut*, 228 do not occur in Old English, and 200 of these are unique to Laȝamon in Old or Middle English: Oakden, *Alliterative Poetry in Middle English*, 2, 130. See also Françoise H. M. Le Saux, *Laȝamon’s Brut: The Poem and Its Sources*, Arthurian Studies. (Cambridge: Brewer, 1989), 192.
27 On the post-Conquest collections of homilies see chapter 2: 65.
28 Bredehoft’s larger argument, which asserts that common metrical rules govern late Anglo-Saxon verse, Ælfric’s stressed prose, and Laȝamon’s meter, has not found wide acceptance; see for example the reviews by Thomas Cable (*Journal of English and Germanic Philology* 107.3, 394–7) and Donka Minkova (*Speculum* 83.3, 673–5).
specifically Wulfstanian influence on the Brut might have exceeded the Ælfrician. Out of Jost’s list of nineteen lexical preferences used to distinguish Wulfstan’s style from Ælfric's, fifteen of the pairs involve words that appear in La 3amon’s Brut, so that the similarities of usage can be assessed (Jost 1950, 155–7; Dance, “Sound” 43–5). As the following chart indicates, my count indicates that the preponderance of word-use in the Caligula Brut follows Wulfstan’s preference over Ælfric’s in ten of the fifteen indicators, goes against Wulfstan in three, and shows no clear preference in two:

<table>
<thead>
<tr>
<th>Wulfstanian (in Brut)</th>
<th>Preference</th>
<th>Ælfrician (# in Brut)</th>
</tr>
</thead>
<tbody>
<tr>
<td>dryhten (20+)</td>
<td>&gt;</td>
<td>hælend (1)</td>
</tr>
<tr>
<td>gebeorgan, gemiltsian (4)</td>
<td>&gt;</td>
<td>arian (0)</td>
</tr>
<tr>
<td>gebetan (4)</td>
<td>&gt;</td>
<td>cennan, acennan (1)</td>
</tr>
<tr>
<td>lagu (20+)</td>
<td>&gt;</td>
<td>æ (2)</td>
</tr>
<tr>
<td>gesælig (6)</td>
<td>&gt;</td>
<td>eadig (3)</td>
</tr>
<tr>
<td>gecnawan (8)</td>
<td>&gt;</td>
<td>oncnawan, tocnawan (0)</td>
</tr>
<tr>
<td>gegenge (14)</td>
<td>&gt;</td>
<td>preat, heap (5)</td>
</tr>
<tr>
<td>lac (2)</td>
<td>&gt;</td>
<td>onsægdness (0)</td>
</tr>
<tr>
<td>gebolian (5)</td>
<td>&gt;</td>
<td>forberan (0)</td>
</tr>
<tr>
<td>synn, misdæd, gewhyt (20+)</td>
<td>&gt;</td>
<td>gylt (4)</td>
</tr>
<tr>
<td>werian (7)</td>
<td>&lt;</td>
<td>gescyldan (9)</td>
</tr>
<tr>
<td>namian (12)</td>
<td>&lt;</td>
<td>hihtan (20+)</td>
</tr>
<tr>
<td>tallian (2)</td>
<td>&lt;</td>
<td>tellan (20+)</td>
</tr>
<tr>
<td>aginnan, onginnan (6)</td>
<td>=</td>
<td>beginnan (5)</td>
</tr>
<tr>
<td>gesamnian (20+)</td>
<td>=</td>
<td>gegaderian (20+)</td>
</tr>
</tbody>
</table>

Like La 3amon, Wulfstan’s rate of compounding is extremely low; like Wulfstan, La 3amon shows a preference for doublets over compound words. Both authors have a

small active vocabulary, especially considering their penchant for unusual words. And whatever his knowledge of Ælfric might have been, La3amon never uses the Ælfrician word *gelabung* in his many references to churches, though he uses dozens of words that are at least as obscure in Middle English. The non-occurrence of this word in Wulfstan's homilies is also a key distinguisher between his style and Ælfric's (Dance 2004, 48–9).

In particular, La3amon's overwhelming preference for Wulfstanian *lagu* over the earlier term *æ* bears comparison to the poet's uses of the legal term *grið*. *Grið* and the related verb *griðian* are Norse loan-words, commonly used in Wulfstan's writing; the words do not appear frequently in other Old English contexts (Pons-Sanz 2007, 125–58; Dance 2004, 51 n. 72; McKinney 1994, 86; Fell 1982, 90–2). A representative occurrence in the law codes is at *I Cn* 4: "Eallum Cristenum mannum gebyrað swiðe rihte, þæt hig haligdom 7 hadas 7 gehalgode Godes hus æfre swiðe georne *griðian* 7 *fríðian*, 7 þæt hi hada gehwylcne weordian be mæðe." Christine Fell has observed that Wulfstan's adoption of *grið* perhaps has more to do with its rhyme with *fríð* than any desire for greater legal precision (Fell 1982, 90–2), though Pons-Sanz maintains that precise differences did persist (Pons-Sanz 2007, 157–8). Meanwhile, La3amon uses *grið* many times, particularly in a formulaic phrase *zirne grið* that appears fourteen times in the poem, typically when a ruler desires to end a conflict with truce; this usage is

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30 By turning the poem into a word-list and eliminating exact repetitions, I have identified 10,236 individual words in the Caligula *Brut*. Presuming that two out of three of these words are different forms, variant spellings, or proper names (a conservative estimate on the basis of my samplings), then La3amon's active vocabulary includes roughly 3,400 individual headwords. Orchard and Dance put Wulfstan's vocabulary in the vicinity of 2,000: Dance, "Sound, Fury, Signifiers;" Orchard, "Wulfstan as Reader, Writer, and Rewriter," 321.

31 "It is quite rightly befitting to all Christian men, that they always quite earnestly protect and make peaceful sanctity and the offices and the hallowed house of God, and that they reverence each office according to degree."
consistent with the term’s original Norse meaning. However, as with *lagu*, this overwhelming preference is actually weak evidence for influence, as Wulfstan’s own preference prefigured the trend in usage that would become common after the Conquest; in both instances, Laʒamon might simply be following standard Middle English practice. Indeed, given the apparent popularity of Wulfstan’s legal writing, the overwhelming preference for these terms might even reflect the influence of Wulfstan’s style on Middle English legal discourse generally.

Of course, not every Wulfstanian usage that appears in the *Brut* is a likely candidate for such larger influence. One notable exception is the word *wiðersaka*, defined generally as “heathen” or “pagan.” Bredehoft identifies this term, along with a handful of poetic compounds and phrases, as evidence that the *Brut* compilers knew the *Anglo-Saxon Chronicle* (115–6). Bredehoft argues that Laʒamon could have found this unusual word in Wulfstan’s *Chronicle* entry from Annal 975D, and that therefore the poet might have known poems like the *Battle of Brunanburh*. There are ten different *wiðer*-x compounds in the *Brut*, that collectively occur 30 times in the poem (England 2006, 200). *Wiðersaka* is unique to Laʒamon in Middle English, and four of the other compounds—*wiðer-uehte, wiðer-craftes, wiðer-deden, wiðer-gome*—are unique to Laʒamon in both Old and Middle English. The Old English association of *wiðersaka* with heathendom seems to characterize the other uses of the *wiðer*-x compounds. The six points in the text at which these compounds are missing from the apparently redacted Otho

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32 At Caligula lines 3644, 4219, 5135, 5377, 5917, 5935, 7365, 7503, 9275, 11111, 12010, 13141, 13959, and 14455.
manuscript are all in passages where the compound adds little in terms of content, but expands descriptions of criminal activity.\(^{33}\)

The heathendom of the *wiðersaka* is implicit in the *Chronicle* entry, but is made explicit in another Wulfstanian use of the word, at *II Cnut* 4.1: “And we beodað þæt wiðersacan 7 utlagan Godes 7 manna of eardæ gewitan, butan hig gebugan 7 geornor gebetan” (Liebermann 1903, 1, 312).\(^{34}\) This is an addition to the legal source material by Wulfstan, and is appended to a list of criminals conventional in his writing, itself based in the Pauline scriptures (Whitelock 1948, 434; Wormald *Making of English Law* 1999, 357).\(^{35}\) Further, the word is kept untranslated in the *Quadripartitus* Latin translation of *II Cnut*, where it is glossed in the manuscript as *apostate*: “Precipimus etiam, ut *wiðersacan* et *utlage* Dei et hominum patriam exeant, nisi resipuerint et digne peniteant” (Liebermann 1903, 1, 313).\(^{36}\) There is a parallel between the language of these passages and that of Caligula-text lines 5269–74. Again, I have marked the phrases missing from the Otho-text in bold:

Carrais nom his sonde & sende yeond þisse londe.
*bad ælcne yungne mon þe weorces nalde yeomen.*
& æuere-ælcne *ut-laye* þe his lond hadde bi-boyen.
& æuereælcne *cnihes sune* þat his main wolde cuðen.
*and ælcne wiðerfulne mon þe god wolde biwinnen.*
*þat him to scolden comen for* golde and gæirsume. (my emphasis)

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\(^{33}\) In the Caligula manuscript line 391, the “wiþer-winnan” are slain by Brutus; 3431, Enmaunus is so “wiþerward” that he drives away England’s rightful inhabitants; 5273 and 5276, discussed below; 5471, Coel tells Custance that through Asclepidiot’s “wiþer-lagen,” Custance has slain his own kin; 8143, Hengest and Horsa brag that their “wiþer-deden” are widely known.

\(^{34}\) “And we command that apostates and outlaws of God and men depart from the land, unless they convert and earnestly repent.”

\(^{35}\) Wulfstan’s use of the list is discussed in chapter 1: 39–41. Another Middle English analogue is found in the *Ormulum*: Audrey L. Meaney, "'and We Forbeodaß Eornostlice Ælcne Hæðenscipe': Wulfstan and Late Anglo-Saxon and Norse 'Heathenism'," *Wulfstan, Archbishop of York: The Proceedings of the Second Alcuin Conference*, ed. Matthew Townend, Studies in the Early Middle Ages (Turnhout: Brepols, 2004), 479–81.

\(^{36}\) "We order therefore, that apostates and outlaws, from God and men, should leave the country, unless they atone and earnestly repent."
The Otho-text’s lines 5269–74 read: “Carais sende his sonde. þeond alle þisse lond. / And bad alle þe utlawes þat pais wolde habbe. / and alle þe cnihtene sones. þat wolde habbe garisome.” Lines 5270 and 5273 of the Caligula-text turn Otho’s parallelism into a repetitive, anaphoric list, based around the archaic term ælcnæ. Both passages abridge a much longer list of unsavory characters found in Wace’s Roman de Brut (Wace 5401–10).

The Caligula lines parallel Wulfstan’s list of heathen exiles, to drive home the point that they should not be permitted to enter England. Along with the “ut-laye”\(^{37}\) and the “wiðerfulne mon,” we have the “cnihtes sune.” Despite its generic appearance, this last phrase only appears in the Brut in reference to pagans and criminals.\(^{38}\) The implicit suggestion that a man who self-identified in terms of his inherited nobility was for that reason an apostate was certainly consistent with the demonization of self-interested, secular lords in the Leges Henrici Primi.\(^ {39}\) The Quadripartitus passage cited above provides a possible context for this identification: if the juxtaposed words hominum patriam appeared in some variant version of the text as hominem patrium, then it would provide an authoritative statement that a “father’s son” was worthy of exile from a Christian nation. If such a substitution existed, and if the transliterated word utlage was read as a singular form, then the phrase translating “apostates and outlaws, from God and men, should leave the country” would read "apostates, such as both the outlaw from

\(^{37}\) On Wulfstan’s uses of utlage, and their concentration in texts dating to the reign of Cnut, see Pons-Sanz, Norse-Derived Vocabulary, 80–3.

\(^{38}\) In Caligula-text line 5249, the treacherous Carnais refers to himself as a “cnihtes sune” in addressing Basian; 6983, Hengest and Horsa are “cnihtes suxes;” 7143, Vortigern’s knight Kederic explains the custom of Saxon “cnihtes suxes” according to which the evil Rowenna offers him a drink (discussed below); 8780, Passent tells Gillomar that “cnihtes suxes” will come to kill Aurelius.

\(^{39}\) See chapter 2: 94–7.
God and the man of his father, should leave." Such an interpretation of the passage would also give it a stronger structural parallel to Wace's list, as the two pairs of doublets sound-linked by the alliteration on *utlage* and *hominum* would become a single, anaphoric doublet linked by *et*, which moreover was a list of hateful criminals.

But whether the passage is read as an allusion to the *Quadripartitus*, the appearance of a *wiðer-X* compound in the Latin treatise reminds us that La3amon and his scribes need not have read much Old English at all to know obscure Old English words, and to be influenced by Wulfstan's homiletic writing. As I stated above, the principle difficulty in identifying the direct influence of Wulfstanian law on the *Brut* is that the versions of *I-II Cnut* are so central to the post-Conquest Anglo-Saxon legal discourse that La3amon could have felt the archbishop's influence through any number of channels (Pons-Sanz 2007, 231–60).

In the remainder of this chapter, I will apply a theory of Wulfstanian influence on the two versions of the *Brut* to a reading of the witnesses in tandem, to identify the underlying ideological concerns common to both. As I will demonstrate, the apparent ambivalence of the text about the ancestors of the English people masks a deeper discursive coherence, as the poetic tradition presents the example of the Saxons to argue for the importance of a powerful, autonomous church to counteract the corrupting influences of immoderate, sinful advisors.

*Law, Land and Language: Brut's Saxon 'Ambivalence'*

Robert Stein has argued that the *Brut* "converts succession narratives into stories of alliance," so that "the substantial identity of blood is preserved by being transferred from time to space in the identification of legitimate sovereignty with a racially pure
territoriality" (Stein 1997, 110). This transference of historical truth from time to space produces the formal divergence within the text, manifested in the divergence between its witnesses; if the Caligula editors depended more heavily than the Otho editors on documentary authenticating strategies with their basis in the Anglo-Saxon law, they were encouraged to do so by the text's thematic obsession with territorial definition. Further, the Otho text can hardly be said to fully abdicate these strategies, in that the archaic language and verse form are also apparent in its version of the poem. A closer reading of the so-called "Saxon" section of the poem, where both versions witness the most extensive additions to the narrative of the *Roman de Brut* (Le Saux 1989, 31–2), shows how the discourse of Anglo-Saxon law clarifies the poetic tradition's rhetorical goals. The ideal "racially pure territoriality" that the *Brut* tradition gestures towards is the trans-racial Christian community, within which political and ethnic divisions are purely administrative.

Christopher Cannon's reading of the *Brut* provides another way of representing the poem's emphasis on geography. Cannon subsumes the tension in the "form" of thirteenth-century English literature, between the poem as aesthetic object and the poem as historical object, under the larger Hegelian headings of idealism and materialism. In his words: "*form is that which thought and things have in common*" (Cannon 2004, 5, his emphasis). Within this framework, Cannon argues that Laȝamon and his contemporaries chose the English language as a poetic medium only to differentiate themselves from existing Latin and Anglo-Norman literary norms. "In their splendid isolation from vernacular inspiration, early Middle English writers learned to see the creative potential in the rich world of *all* forms," not only literary and documentary, but also in the physical and natural world (11, his emphasis).
On this basis Cannon argues that the *Brut* is “chorographic,” or more concerned with mapping the territory of Britain than it is with telling a story; the chaotic history of Britain merely demonstrates, by contrast, the stability of the island’s landscape itself (54–5). As it states plainly in the Caligula manuscript: “la þen beoð an ærde” (9676).

Cannon argues that thirteenth-century English land law was “no more than the name given to the land in its formal aspect, the idea that the land has and is capable of sharing in so far as its structure is actively perceived” (Cannon 2004, 76). This concept of the law persists in the poem despite the documentary evidence that the laws of Britain had, in fact, changed, because in this formulation the true law resides in the land, and the changes documented in the law codes simply reflect the inadequacy of human rulers—the only proof necessary that the ideal laws of Britain continue to exist despite the legacy of abuse is the continued existence of Britain itself (Cannon 2004, 74).

This attitude would explain one of Laȝamon’s alterations of his sources, to insist more emphatically that King Alfred’s Mercian law was originally written by the British queen Marcia (3143–50).40 Emphasizing that the greatest lawgiver of the Anglo-Saxon period was actually a law finder, and further that these laws dated to before the arrival of Augustine, is a compelling example of the poem’s theory of law. I would add that this invocation of specifically Mercian law, which would have applied in Laȝamon’s own locale, suggests that this claim might have had more pragmatic implications as well.41 The ideological question of ethnic identity was important, but ultimately secondary to the more practical necessity of maintaining the laws that were favorable to the ecclesiastical institutions of the diocese of Worcester.

41 Charters witnessed by Alfred that appear in “Hemming’s cartulary” include S 218 and 346.
Cannon substantiates his argument by noting the number of times that the Brut appears to expand on Wace’s mentions of law and land. There are only six references to “law” in the Roman de Brut, compared to seventy-six in the Brut.\(^{42}\) Eight of these seventy-six references to law appear in the context of a formula used to describe good kings, both that they keep the old laws of their ancestors, and that their own laws are kept by their followers.\(^{43}\) It is also noteworthy that eighteen of the “new” mentions of law occur in the Caligula-text between 6947 and 8461, or roughly 40% of the occurrences in less than 10% of the poem.\(^{44}\) These fifteen-hundred lines correspond to the portion of the Brut describing the invasion of Hengest and Horsa.

Laȝamon’s elaborations in this part of his narrative are generally critical of the Saxons, a stance that seems out of step with the apparent “Englishness” of his poem. Noble summarizes the most obvious causes of the poem’s negative tone: the Brut adds eight references to the Saxons being not only heathen, but “hæðene hundes;” it mentions the treachery at Amesbury on six occasions not found in Wace; it expands greatly on lists detailing crimes of the Saxon hordes; and it employs a structural motif of poisoning as occasions to emphasize further the treachery of the Saxons (Noble 1994, 172–4).\(^{45}\) To this evidence can be added the observation that the only appearance of the phrase “hæðene hunde” in Old English poetry is in Judith, where it describes the pagan

\(^{42}\) Twenty-seven of these new occurrences do not appear in the Otho-text. The lines omitted are Caligula-text lines 1404–5, 3117, 3506, 3569, 5022, 5057, 6021, 6947, 7041, 7071–2, 7210, 7278, 8378, 8388, 8461, 9676, 11046, 11470, 14083, 14171, 14275–6, 14351–2. Lines for which the reading in the Otho-text is impossible to determine because of manuscript damage are 14717, 15599, 15984, 16089.

\(^{43}\) Three of these references are unique to Caligula-text: lines 5022, 8461, 14351–2.

\(^{44}\) The same pattern follows the Otho MS’ omissions: 36% of the law references missing from Otho-text occur between 6947 and 8461.

invader Holofernes; this in turn echoes the *wodfreca werewulf* evoked near the end of *I Cnut* (108–9, Dobbie and Krapp 1931, 4; Healey 2004, Accessed 18 September 2008).\(^{46}\)

Thus the *Brut* appears to be drawing on a conventional poetic association between heathen tyrants and dogs or wolves.

Noble argues that this “ambivalence” towards the Saxons actually functions as an implicit critique of the Normans (Noble 1994, 178–9). Hengest and Horsa are invaders before they are ethnic forbears; conversely, the arrival of the Anglo-Saxons to Britain at the end of the poem is not a conquest at all, but rather an acceptance of an invitation to settle. Part of the evidence offered by Noble is his reading of a passage from the *Brut* at lines 1019–36, where he lists the various names that have been held by the city London. As the narrator editorializes: “pus is þis eit-lond i-gon from honde to hond” (1033).\(^ {47}\)

Noble argues further that the *Brut* moralizes Anglo-Saxon colonialism by explaining it as a penalty for the sinfulness of the subjugated people, as seen in Wulfstan’s *Sermo Lupi ad Anglos*.\(^{48}\) As he points out, there is “nothing in this passage suggestive of providential dissatisfaction with a divine intervention in the cyclical pattern of arrival and settlement that constitutes the history of Britain” (Noble 1994, 177).

This argument can be taken a step further: there is nothing in the passage suggesting that the narrator finds the historical upheavals that caused the name

\(^{46}\) See chapter 1: 60.

\(^{47}\) Cannon adds that the couplet employed here, *lond/hond*, is used by Laȝamon 192 times in contexts not paralleled by Wace. On this basis, he argues that the pairing “neutralizes the sense that conquest causes change”: *Grounds of English Literature*, 62.

changes to be as worthy of attention as the changes themselves. As Noble points out, Lines 1019–36 is only the first of two meditations on the changing names of the city of London. In the second, at lines 3545–55, the tone changes, and the Normans are chastised:

Seoððen comen Sæxisce men & Lundene heo cleopeden.  
þe nome ileste longe inne þisse londe.  
Seoððen comen Normans mid heore nið-craften.  
and nemneden heo Lundres þeos leodes heo amærden.  
Swa is al þis lond iuaren for uncúðe leoden.  
þeo þis londe hæbbeð bi-wunnen and eft[t] beoð idriuen hennene.  
And eft hit bi-ȝetten oðeræ þe uncúðe weoren.  
7 faldene þene ælden nomen aefte heore wille.  
of gode þe burʒen 7 wenden heore nomen.  
swa þat nis her burh nan in þissere Bruttene.  
þat habbe hire nome ælde þe me arst hire on-stalde.

Noble argues that Laʒamon represents the Normans here “as modern-day equivalents of the Saxons” (Noble 1994, 178). I will return to this argument in a moment; for now, I would add that this passage also happens to occur roughly thirty lines before the arrival of Julius Caesar (3588), which is also the event that begins Laʒamon’s other extant cited source, Bede’s Historia ecclesiastica gentis Anglorum. Tatlock has argued that Laʒamon used Bede’s text to correct the place-names found in Wace, though Le Saux is right to remind us that this kind of evidence is “notoriously inconclusive” (Tatlock 1950, 488; Le Saux 1989, 17). However, if the poet did make this use of Bede, then this passage occurs immediately before Laʒamon has a reliable basis for corroborating Wace’s spelling for the various names of the city of London. Given the context, the lament is perhaps more indicative of the historian's anxiety about the quality of his scholarship than it is of the Englishman's anxiety about his ethnic identity. After all, the

49 The absence of the Danish invasion from this account might reflect a conflation of men from the North and the Normans.
nið-craften ("hateful arts") of the Normans are specifically identified with the uncuðe ("ignorant") renaming of a city that already had several names.

Stein summarizes the passage as a statement that "posterity... is nothing but discontinuity and transformation; nothing remains identical to itself, and there is no historical memory" (Stein 1997, 109). If this is read as an institutional criticism rather than a philosophical lament, then Cannon's argument about the chorographic nature of the poem can be taken even further: perhaps Laȝamon was so interested in the representation of English political boundaries in his source narrative, that he was relatively indifferent to the narrative itself. Thus the political upheavals that changed the place-names are only interesting insofar as they help us establish boundaries in the present, and help the present rulers of the country to identify all of the names that London might have once been called. This memory, in turn, is a means towards uncovering the ancient law that continues to persist in the land itself, and in particular the laws governing the assignation of property to its rightful owners.

On the particular relevance of the Saxons to this rhetorical purpose, Noble's analogy to the Sermo Lupi ad Anglos is instructive.50 In a scholarly debate echoing the question of Laȝamon's ambivalence, there has been some discussion of the exact character of Wulfstan's racial politics, as he demonizes the Danish invaders in his sermon even though appears to be responsible for legislation that made unprecedented concessions to the autonomy of the Danelaw.51 Hadley has argued that the apparent contradiction might be a critical invention, reflecting anachronistic concepts of ethnic

50 See also Kelley M. Wickham-Crowley, Writing the Future: Laȝamon's Prophetic History (Cardiff: University of Wales Press, 2002), 53–55.
identity (Hadley 2000, 303–4). The inhabitants of the Danelaw may have had Danish
ancestors and relative autonomy, but their laws were a part of English law, and therefore
they were, as a people, essentially English. Foreign invaders may be similarly called
Danes, but the distinction between them and the local “Danes” does not seem to have
posed a conceptual problem: there is a clear difference between occupying a slightly
different category within the law, and living entirely outside the law.

Wulfstan’s use of hæðen-x compounds demonstrates the implications of the
implicit association between foreignness, paganism and lawlessness in his writing.
Though these compounds are primarily used to describe foreign pagans, they are also
included in lists of criminals who could be either pagan or Christian (Meaney 2004, 479–
80). The compounds’ occurrences in the Sermo Lupi ad Anglos are paralleled by Il Cnun
5.1, in an injunction to Cnun that appears to be intended to drive a wedge between the
king and his pagan followers (Meaney 2004, 478; 2006). The passage states:

Hæðenscipe byð, þæt man deofolgye weorðige, þæt is þæt man
weorðige hæðene godas 7 sunnan oððe monan, fyr oððe flod,
wæterwyllas oðða stanas oððe æniges cynnes wudutrewa,
oððon wiccecræft luﬁge oððon morðweord gefremme on ænige
wisan, oððon on blotæ oððon fyrhte, oððon sylcra gedwimera
ænig pingc dreoge.

**Heathenship is when a man worships false idols, which is to say
a man worships heathen gods and the sun or moon, fire or
ocean, waterfalls or stones or any kinds of trees, or loves**

52 On Wulfstan and the Danes, see also Jonathan Wilcox, “The St. Brice’s Day Massacre and
Archbishop Wulfstan,” *Peace and Negotiation: Strategies for Coexistence in the Middle Ages and
53 But see Sashi Jayakumar, “The ‘Foreign Policies’ of Edgar ‘the Peaceable’,” *Haskins Society
Journal* 10 (2002), 24 n. 38. A full discussion of medieval concepts of ethnicity is Susan
Reynolds, *Kingdoms and Communities in Western Europe, 900–1300*, 2nd ed. (Oxford:
Clarendon, 1997).
54 The passage is also paralleled by Wulfstan’s *Canons of Edgar*, 16: Wulfstan, *Canons of Edgar*,
ed. Roger Fowler (Early English Text Society o.s. 266. London: Oxford University Press, 1972),
4–5.
For Wulfstan, crimes like witchcraft and murder, of which Englishmen could stand accused, are as constitutive of heathendom as worshipping the moon or a tree would be. This passage occurs in the *Cnut* codes as part of the same conventional list of criminals that included the term *wiðersaka*, cited above (*II Cn* 4.1–7). Wulfstan’s larger project of fitting together the English church and state into a single Christian entity explains why he would see pagans from other Germanic cultures and native criminals as being equally worthy of banishment; both are dangerous for the same reasons.

This implicit analogy opens up a reading of the *Brut* in which the ethnic and cultural identity of the heathens is a secondary, more metaphorical aspect of their occurrence in the narrative. A key point of comparison is Hemming’s *Codicellus possessionum* (Hearne 248–91). The *Codicellus possessionum* is like the *Brut*, in that its narrative describes the theft of land rightfully belonging to Christians. Though the properties described in the *Codicellus possessionum* are only lost to the one monastery, the three categories of culprits identified by Hemming (the Danes, the corrupt reeves and tax-gatherers, and the Normans) similarly identifies invaders with native criminals, though in this case he explicitly includes corrupt servants of the king in the latter category (Tinti 2002, 239). If the symbolic equivocations made by Wulfstan, Hemming, and La3amon are united into a single symbolic structure, then, a rhetorical motif begins to emerge: the failure of corrupt royal officials to respect the tenurial rights and administrative autonomy of monastic institutions reveals them to be not only criminals, in their unlicensed invasion of lands given to the church by the great monarchs of the Anglo-Saxon age, but also heathens, whose larger project of eradicating the influence of religion from the practice of government is an affront to God.
The treatment of the Saxons in the *Brut* reflects this rhetoric. Before they become invaders, Hengest and Horsa are corrupt royal servants, who give the king advice that suits their own selfish ends instead of the larger good of the kingdom. As noted previously, their crimes are linked over and over again in the *Brut* with poisoning, and in particular the poisoning of kings. There is a similar use of this metaphor in *Institutes of Polity* 18, “Ad sacerdotes,” in favor of confession: “Ne ænig man ne mæg synna butan andetnesse wel gebetan, þe ma þe se mæg wel hal weorðan, þe unlibban gedruncen hæfð, butan he þæt attor aspiwe.”

Rather than providing a means of removing the venom from the king, as a bishop would, the secular, pagan Saxons only add poison to the body politic. Arguably the poem’s most dramatic example of this motif is the poisoning of Vortimer by Rowenna, in a hundred-line passage covering two lines in Wace.

Laȝamon deviates from Wace and every other attested source by having Rowenna poison Vortimer herself, in a repetition of the *wassail* scene in which she seduced Vortimer’s father Vortigern and in the process introduced him to the customary exchange “wæs hail, “Drinc hail” (7152).

It must be noted that the poem treats this Saxon custom with surprising reverence: Vortigern’s trusted adviser Keredic, “a cniht swiðe sellic,” tells the king that “þis beoð sele laȝen inne Saxe-londe” (7145, 7156). The violation of the friendship ceremony perpetrated by Rowenna is thus not an indictment of Saxon customs, but on the contrary a violation of them. Similarly, Laȝamon’s moralizing of Rowenna’s

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55 “Nor may any man fully amend sin without confession, no more than he may become fully healthy, who has drunk poison, unless he spit out that venom.” See also Karl Jost, *Wulfstanstudien*, Schweizer Anglistische Arbeiten (Bern: A. Francke, 1950), 170–1. This passage is found in Oxford, Bodleian Junius 121, a Worcester manuscript (Jost, *Wulfstanstudien*, 12–13).

56 My citations of the passage below are from the Caligula-text, as there are few differences between the two versions.
seduction is less critical of the Saxons than it is of the British: “ðan kinge hit was
[icweme] he imaked heo to quene. / al after þan lægen þe stoden an hæðe[ne] dæʒen” (7178–9). The Christian laws that would have prevented Vortigern’s inappropriate marriage in the first place were not yet practiced at the time.\(^\text{57}\) Vortigern’s failure to implement those correct laws led to invasion and ruin. This causality is ironically articulated in a speech by Hengest:

\[
\begin{align*}
\text{þu hæuest mine dohtor þæt me is swiðe deore.} \\
7 \text{ich æm þe an folke swa ich þi fader weore.} \\
\text{Hærcne mine lære heo sculleð þe worden leofue.} \\
\text{for ich wulle hæhliche to helpen þe læden.} 
\end{align*}
\]

(7211–5, my emphasis)

By opening himself up to sharing the ties of kinship with heathens who do not even respect their own laws, Vortigern has initiated not only his own destruction, but that of his three children, who suffer from the lack of a positive female role-model: “Heore moder was þa dæd þer-uore heo hafden þe lasse ræd” (7195).

The long-term impact of this unraedness is perhaps part of why Vortimer is taken in so easily by Rowenna’s lie that she wishes to be baptized. The poem repeatedly asserts his innocence, in terms that recall the Brut’s prologue: “þa waes Uortimer þe king blibe þurh alle þing. / he wende þat hit weore soð þat þeo scâðe sæide” (7455–6, my emphasis). The fault here is not Vortimer’s, but Vortigern’s, for putting his son in a position where a treacherous pagan would be a family member, and therefore one of the people that he most ought to have been able to trust. Vortimer’s actual poisoning is thus only a delayed reaction to the metaphorical “poison” allowed into the body politic by Vortigern, in the form of his intermarriage with the Saxons that allowed heathen criminals to participate in government.

\(^{57}\) A noteworthy parallel to the criticisms of Vortigern’s allowance of heathendom is found in the Anglo-Saxon Chronicle poem in the entry for 959 DE, which uses similar language to criticize King Edgar: Bredehoft, Early English Metre, 118.
The emphasis here on Vortigern’s crime in marrying a pagan is best explained in terms of the Brut’s sympathies with the ecclesiastical order. As I argued in my first chapter, Archbishop Wulfstan made similar rhetorical use of marriage law to assert his episcopal authority before the king in I–II Cnut. Idolatry and adultery were associated as analogous crimes at least since Tertullian’s De Idolatria (1.2). La3amon’s fixation on Rowenna is therefore an expansion of the self-authenticating strategies already identified in the poem’s prologue. The Saxon invasion is an exemplum of the dangers posed to the body politic by false advisers, whose self-interested hypocrisy leads to the dispossessing of England from its rightful Christian owners. However, given that wickedness is only to be expected in a fallen world of sinners, the treachery of individual pagans is less disappointing than the failure of royal authority to follow the laws explicitly designed to keep out treacherous pagans in the first place. By linking this failure to sexual lust, not properly held in check by “þan laȝen þe stoden an hæðe[ne] dæȝen,” the poem transforms this episode into an historical precedent that proves the importance of the church in English government, whose administration of the rite of marriage ensures that the people who inherit the positions of highest authority are deserving of their power.

A useful point of comparison in Wulfstan’s writing is a passage from the version of the Sermo Lupi ad Anglos found in Cambridge, Corpus Christi College 201. This passage makes another use of his conventional list of crimes to describe how the Anglo-Saxons brought about their own downfall, and that further thematically links these crimes to the failure of the nobility to observe the bonds of comitatus:

Forðam her sind on lande ungetriwða micle for Gode 7 for worlde, 7 eac her sind on earde ealra mæst hlafordswice se bið on worlde þæt man his hlafordes sawle beswice. And ful micel hlafordswice eac bið on worlde þæt man his hlaford of life
In this passage, the false advisers forrædde their lords in order to bring about the loss of land (repeatedly invoked throughout the passage) and the murder of a king. The term hlafordswice also appears at II Cn 64, where it is called a bottleas (“unpardonable”) crime, as part of a larger theme in Wulfstan's writing about the importance of respecting distinctions of social rank (Liebermann 1903, I, 352; Wormald 1999, 462–4). The repetition of the word swice in this passage also parallels its repetition in the Rowenna passage, where it occurs alone or in compounds seven times, clustering in the lines immediately before the poisoning itself. In chapter 1, I discussed how Wulfstan's “witnessing” of the crimes of the English amounted to the assumption of a secular legal role under his religious purview, so that he could pronounce not only on Christianity but “Englishness.” Similarly, Laʒamon's witnessing of the crimes of Rowenna, which are also perversions of her own Saxon customs, represents her as emphatically not English.

A key elaboration of the Rowenna episode found in the Brut is its statement that Rowenna's professed desire to convert to Christianity was the occasion for the banquet; the Vita Merlinit's characterization of Rowenna as “protectaque fraude” is the closest

58 Caligula lines 7446, 7462, 7468, 7470, 7471, 7475, 7485. Wickham-Crowley identifies Laʒamon's persistent use of this term as symptomatic of his relatively oral concept of law, and the importance of trustworthiness: Wickham-Crowley, Writing the Future: Laʒamon's Prophetic History, 36–55.
equivalent to this detail found in any known source for the episode (Le Saux 1989, 173; Geoffrey of Monmouth 1973, 108–9). Thus in this scene, the Rowenna of the Brut commits three crimes: an insincere baptism, the offering of treacherous advice, and murder. These are crimes of thought, word and deed. Rowenna's crime is in this sense a parodic inversion of the three duties of Wulfstan's godcundre lareowan, namely to hold the true Christian faith, teach the law correctly, and act appropriately, a motif that also casts the king as a hapless victim. When Rowenna tells the king she wishes to see him, the narrator interjects: “Wale þat þe gode king of hire þonke nuste na-þing / þat he nuste þene swikedom þe þohte þa luðere wimman” (7445–6). Ten lines later, the idea is repeated in slightly different terms: “…wæs Uortimer þe king bli þe þurh alle þing / he wende þat hit weore soð þat þo scade sæide” (7455–6). Then, finally, after ten more lines, the poisoning itself is described, with a clustering of finite, active verbs, describing the action of murder in great detail:

& heo gone screnchen; on þas kinges benche.
Pa heo isæh hire time; heo fulde hir scale of wine.
& at-foren al þan dringe; heo eode to þan kinge.
& þus hailede him on; þe swic-fulle wimman. (7465–8)

This passage of the Brut is thus a parodic inversion of the ideal retainer/lord relationship, which particularly emphasizes both the importance of divine sanction for marriage, and the ignorance of a king who is not appropriately informed. In other words, the story is a warning of what could happen to a king who does not listen to the church, in which the ethnic identity of the villain is far less important than her heathen lawlessness.

Thus the arguments which have focused on La3amon’s apparent “ambivalence” about his Anglo-Saxon heritage perhaps read the Saxon passages of his poem too literally. Rather the poem's expansion of Wace's narrative of the Saxon invasion might only be an elevation of a motif found in Anglo-Saxon legal and homiletic materials, in
which the secular interests competing with the Church for political power are equated with ignorant, murderous, heathen hordes. Eric Stanley has read Laȝamon’s self-portrait in the first lines of the Brut as implying that the author considered his role as a cleric to be more important than his role as a poet, the use-value of his text as a sacred history of England exceeding its entertainment-value as a good story (Stanley 2002, 153). As the analysis above makes clear, this clerical role is also a political one, the sacred history of England serving as a reminder to the monarch that the administrative prominence of ecclesiastical institutions is an important ingredient for ensuring the spiritual well-being of the country.

There are two occurrences of the word loft-songe in the Brut, both particular to the Caligula text (Allen 2002, 253–6). The first is a reference to the poem as a whole, made in a transition from the prologue to the narrative: “Nv seid ðið mid loft-songe þe wes on leoden preost. / al swa þe boc speked þe he to bisne inom” (36–7). The second describes how “mid muchele loft-songe” Vortimer returned to England to reclaim it from Hengest and Horsa (7308). Brehe argues that these two references to archaic songs associate the term with specifically poetic, alliterative meter, particularly of a kind appropriate for “important and dignified contexts” (Brehe 1994, 78). However, there is also a more context-specific reading of this word suggested here: the loft-songe of Vortimer accompanied the triumphant return of legitimate royal authority to a land that had been overrun by heathen criminals, whose crimes also happen to be a primary narrative focus of the larger loft-songe of the poem, and particularly its Caligula-text witness. If the loft-songe of the Brut is similarly written on behalf of rulers vulnerable to poisoning at the hands of treacherous heathen advisors, then the juxtaposition becomes

59 The Otho-text in this line uses the term “louesange.”
all the more loaded. Like good alliterative poems, good laws are not only able to stand the test of time, but prove their quality by their ability to do so. Further, both laws and loft-songes exist in order to teach their readers that it is the duty of Christian citizens to uphold these time-tested laws, and resist the criminals who derive their authority not from divine right (as sanctified by the ecclesiastical order) but from their swikedom and unræd.

It is not surprising that the term loft-songe only appears in the Caligula manuscript. As I have shown above, the tension between the two witnesses of the poem serves as a kind of microcosm of the growing division between documentary and literary authenticating strategies in the social and political context of the poem's composition and dissemination.60 The prologue to both texts signals to its readers that La3amon produced not only a series of words, but a physical document; the critical response to this description of the work is complicated by the fact that in the evidence as it survives, there are actually two such documents. The basic ambivalence of the Brut tradition is thus not encoded in its narrative of its poet’s ethnic heritage, but rather in its manuscripts’ “re-presentation” of their textual heritage, as each poem undertakes to both translate and repair the discourse of English law based in the practices of Anglo-Saxon government. In this sense, the poem straddles a tension contained within the Middle English vernacular itself, between the specialized language of ancient boundary markers and the informal language of everyday life. That one of the poem’s witnesses makes more of an effort to revive the former and the other should make more of an effort to

60 A similar reading that focuses on literary forms is Cannon, "The Style and Authorship of the Otho Revision of Layamon's Brut." xref
speak in the latter is an accident of the poem’s survival; however, it is a useful one, that makes this tension in both versions particularly apparent.

In the next chapter, I will discuss the implications of these different kinds of variation in an edition of the *South English Legendary* “Life of St. Egwine.” Because the versions of Egwine’s hagiographic narrative are so thematically invested in political concerns and closely interconnected with legal documents attributed to Egwine himself, the edition provides a unique opportunity to take a "disjunctively" literary and diplomatic approach to the tradition, and to explore some of the practical implications of the larger theoretical issues raised by the thesis as a whole. The edition will thus serve as a test-case for one of the questions suggested by the preceding analysis: how should the editor proceed, when there is a distinct possibility that altering the text in both form and content can be more in line with its original purpose than reproducing its exact readings? Is there a middle ground between the diplomatic presumption that each document is unique, and the literary presumption that each manuscript imperfectly witnesses a transcendent "text"? The various versions and recensions of *SEL* "Egwine" and its potential sources begin with a *Vita Ecgwini* written by Wulfstan’s contemporary Byrhtferth of Ramsay, based on a charter that was in all likelihood a forgery, albeit not necessarily Byrhtferth’s (Lapidge 90–1). The *South English Legendary* has been connected to the *Brut*, and is thought to have been a major stylistic influence on the first versions of *Piers Plowman*, and thus is an important text for studying the emergence of vernacular versification in later medieval England (Lawton 1980). Meanwhile, "St. Egwine" is an example of how the simultaneous use of both literary and diplomatic forms of validation and identification can let us rethink the evidentiary basis for editorial decisions. My basic question is how so-called “diplomatic” editing, with its emphasis on
formulaic comparison and discovering the efficacy and function of a document in its
original historical context, can help to reinvent the “literary” editorial practices currently
applied to these texts, with their goal of reconstructing a singular “text” that precedes or
otherwise transcends the manuscript.
The **South English Legendary** “Life of St. Egwine”:
Document, Poem and Editorial Practice

The **South English Legendary** is a widely copied vernacular hagiographic
collection from the thirteenth century. Görlach identifies thirty-four "complete"
manuscripts, nineteen fragments and eighteen miscellanies containing single items
(Görlach 1974, viii-ix). However, any distinction between complete and fragmentary
versions of the SEL is inherently tenuous, as no two witnesses of the collection present
the same texts in the same order. Indeed, as Thomas Liszka has argued, the very idea
of a single "South English Legendary" is an editorial invention (Liszka 2001). The edition
by D'Evelyn and Mill, presented as the "earliest orderly" version of the text (SEL ed.
D'Evelyn 1956, x), was derived from two relatively authoritative (though damaged and
incomplete) manuscripts, London, British Library MS Harley 2277 (H, c.1300) and
Cambridge, Corpus Christi College MS 145 (C, s. xiv¹), and supplemented with
additional material found in both Oxford, Bodleian Library Ashmole 43 (A, s. xiv¹) and
London, British Library MS Cotton Julius D.IX (J, s. xv; see below).² Though "The Life of
St. Egwine"³ appears in the J manuscript, it was excluded by D'Evelyn and Mill from this
canon because damage to the relevant section of the A manuscript leaves open the

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¹ On the **South English Legendary** (SEL) as a whole see: O. S. Pickering, "The South English
Legendary: Teaching or Preaching?," *Poetica* 45 (1996). and Anne B. Thompson, *Everyday
Saints and the Art of Narrative in the South English Legendary* (Aldershot: Ashgate, 2003). A
recent survey of Middle English hagiography is Sarah Salih's introduction to a collection of
(Woodbridge: D.S. Brewer, 2006).
² Dates for manuscripts H, C and A are from *The South English Legendary*, ed. Charlotte
Press, 1956), x. The most important edition previous to this is *The Early South-English
Legendary*, ed. Carl Horstmann, Early English Text Society os. 87 (Millwood: Kraus Reprints,
1973), which is based instead on the earliest surviving manuscript, Oxford, Bodleian Laud 108.
³ I have followed J's spelling in the name "Egwine" when referring to the SEL text or its
protagonist, but follow the Old English "Ecgwine" in reference to the historical figure or the
character in the SEL's possible sources. I follow the same practice later with the spelling of
Kenred/Coenred and AtheldredÆthelred.
question of whether the poem would have appeared in the missing folios (D'Evelyn 1956, 8–9). “The Life of St. Egwine” has been edited once, in a volume produced by the Benedictines of Stambrook; however, this transcription of the so-called “Old English” poem is not a scholarly edition (Stanbrook Abbey 1904, 167). The present edition is therefore a necessary step in the on-going process of making all of the SEL accessible to modern scholars.

In each of the previous three chapters, I have engaged with the readings made possible when a manuscript tradition's literary or diplomatic critics rethink their interpretive methodologies in light of the evidence presented by variant readings. The present edition, of a text drawing from Anglo-Saxon legal documents that were continuously copied and modified from the early eleventh century to the beginning of the fourteenth, will provide a necessary corollary to this developing theoretical argument. Lewis has compellingly argued that the modern disciplines of history and literary criticism arose in part as an explicit rejection of hagiography as a valid historical genre, a rejection that has skewed subsequent textual criticism of hagiographic texts (Lewis 2006, 123–6). Exploiting the tension between literary and historical methodologies therefore allows the scholarly editor of hagiographic material to move into a fuller engagement with the kinds of information that these traditions actually contain, and in particular what they can say about the historically determined prejudices that underwrite modern critical methodologies.

Perhaps more crucially, the SEL “Life of St. Egwine” participates in the same shared Anglo-Saxon legal-homiletic discourse traced through the preceding chapters. The conventional SEL meter bears a close resemblance to that employed by the verse-

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chronicler Robert of Gloucester (Lapidge et al. 2004, 745). In his chronicle, Robert quotes Laamon directly and seems to have borrowed from the SEL “Life of Kenelm;” he has even been identified as one of the SEL’s possible poets, though the relatively workmanlike quality of the verse makes this conjecture difficult to substantiate (Görlach 1974, 40–45; Lawton 1980, 391). Given the combination of this formal association with the origins of the “Life of St. Egwine” in a narrative tradition originating in Anglo-Saxon-era documentary culture (discussed below), the poem is a natural place to look for evidence of the continued influence of Anglo-Saxon documentary culture on poetic practice.

As Jill Frederick has argued, the South English Legendary evinces a clear investment in local politics, particularly in its lives of Anglo-Saxon saints (Frederick 2000, 57–74). The edition below supplements Frederick’s argument by focusing on the more specific context of thirteenth-century Evesham, where the efforts to “consolidate the boundaries of England” are significantly more localized (72). One limitation of Frederick’s survey of Anglo-Saxon saints is her focus on the texts found in D’Evelyn and Mill’s edition, so that she leaves out the many Anglo-Saxon saints’ lives excluded by


their criteria. In light of Görlach’s argument that these lives are associated with an SEL collection produced in the vicinity of Worcester (Görlach 32–7), the present analysis of “The Life of St. Egwine” will help contextualize these texts, so that their ideological implications can be read in light of the political circumstances of their production.

One reason for supposing that a “Z-version” of the SEL could have been produced in Worcester is the anti-Norman sentiment expressed in lines 8–15 of “The Life of St. Wulfstan,” which parallels Laȝamon’s outburst against their nið-craften (Görlach 1974, 34; citing Braswell 1965, 146–7). But again, the Normans are not the only culprits; others from "The Life of St. Wulfstan" include the Danish King Harald, who took the crown “wip traison” (61), and the “Englisse barons,” who “bycome somme vntriwe and fals also” (81). The identification here of English nobility and foreign interlopers, insofar as both are land-stealing criminals, overlaps with those listed in Hemming’s Codicellus possessionum, as discussed in chapter 3 above. Further, as Michael Lapidge has pointed out, there is a substantial overlap between the saints in the SEL and those listed in the First Worcester Fragment (Lapidge et al. 2004, 712–3). Of the

9 This passage of the Brut (Caligula-text line 3548) is discussed in chapter 3: 142–3.
10 See chapter 3: 146–7.
lives appearing in D'Evelyn and Mill's edition, Alphege, Aldhelm, Cuthbert, Dunstan, and Swithun also have lives attested in surviving SEL collections, and Aidan dominates the SEL "Life of Oswald the King;" besides Egwine, there are also attested SEL lives of Birin, Oswald and Athelwold. The three saints listed in the fragment without surviving SEL lives (Wilfrid of Ripon, John of Beverly, and Paulinus of Rochester) were all bishops of York, and thus perhaps no longer of local interest in the Southwest Midlands. Thus there is some relationship between some versions of the SEL, the First Worcester Fragment, and the (perhaps contemporary) Brut, so that all of them appear to occupy a similar discourse combining politics and hagiography. Certainly, such a use of hagiography would have been nothing new (Waters 2006, 70–86).

"The Life of St. Egwine" is particularly explicit in its political agenda. Görlach speculates that the SEL poem was produced by an Evesham monk, because of "the stress laid on the privileges" in the text (36). Evesham after the Conquest was in constant conflict with the see of Worcester over its privileges, as Hemming discusses at length (Herold 2008, 234). Evesham was ultimately successful in its suit, and not only became "one of the richest monasteries in England," but also acquired a seat in Parliament for its prior (Boureau 2000, 30). Given this political tension between the monastery and the bishop, then, there was a clear motive in ensuring that a popular local

12 Görlach dates the original Z-compilation of the SEL to 1270–85 (Görlach, The Textual Tradition of the South English Legendary, 37–8).
hagiographic collection which included Lives of Wulfstan and Oswald should also include a Life of Ecgwine.¹⁴

I will begin my argument about editorial methodology with a survey of the "Life of St. Egwine" manuscript tradition. This tradition will then be placed in the context of the poem’s possible sources, so that the trends in textual variation between the SEL poem’s witnesses can be seen as an extension of the revising practices found in the Latin. These practices in turn were shaped by the anxiety surrounding the increasingly reified distinction between literary and diplomatic texts. The character of these changes, which suggest that deviation from historical sources can represent an underlying faithfulness to the authenticating strategies of those sources, will justify what is perhaps the most non-traditional aspect of this edition, namely my choice of the latest and most idiosyncratic manuscript as a base-text.

¹⁴ Lapidge et al. explore the possibility of common authorship of these Lives, but concedes that the conventionality of the verse leaves little room for arguments on stylistic grounds (Lapidge, Crook, Deshman and Rankin, The Cult of St Swithun, 708–15). On the sources of "Wulfstan" and "Oswald," see Görlach, The Textual Tradition of the South English Legendary, 136–7, 146–7. In this regard, it is also noteworthy that one apparent departure from the source of "Wulfstan" identified by Görlach (137) is an emphasis on the crowd's response to the saint, an expansion paralleled in "Egwine" lines 39–40.
The “Life of St. Egwine” Manuscripts

E (LONDON, BRITISH LIBRARY, EGERTON 1993, FF. 221V.–222V.) S. XIV

The manuscript was written by a single scribe and contains only the SEL; its dialect has been localized in North Gloucestershire. A damaged, but still mostly legible version of “The Life of St. Egwine” is included in an appendix to its version of the collection, which is otherwise organized according to the calendar of feast days. The paleographic evidence is uncertain, but a mid-fourteenth century date for the manuscript seems the most likely.16

Throughout the manuscript, the text is heavily damaged and illegible in parts. The E version of "The Life of St. Egwine" (hereafter distinguished as E-Egwine) witnesses this damage, and also contains some apparent transcription errors, most notably one probable case of eyeskip at lines 31–40. E-Egwine is closely related to S-Egwine, discussed below.

J (LONDON, BRITISH LIBRARY, COTTON JULIUS D.IX, FF. 266V.–268R.) S. XV

Dated to the early fifteenth century, this is the latest manuscript of "The Life of St. Egwine." Its close affiliation with A gives the "J collection" of the SEL a strong claim for importance, despite its many “misreadings” and “errors easily recognized” (Görlach 87). “The Life of St. Egwine” appears in an appendix to this collection, and contains several passages not witnessed in the poem’s other manuscripts. For reasons that will be

15 Descriptions can be found in Görlach, The Textual Tradition of the South English Legendary, 80; Horstmann, The Early South-English Legendary, xviii; Braswell, "Saint Edberga of Winchester: A Study of Her Cult, A.D. 950–1500, with an Edition of the Fourteenth-Century Middle English and Latin Lives,” 319f; Nagy, “Saint Æpelberht of East Anglia in the South English Legendary,” 165; Lapidge, Crook, Deshman and Rankin, The Cult of St Swithun, 718.
16 Horstmann says c. 1320 (xviii), but the consensus is rather later; see Görlach, The Textual Tradition of the South English Legendary, 245, n. 40.
17 Descriptions include Görlach, The Textual Tradition of the South English Legendary, 6, 86–7; D’Evelyn and Mill, The South English Legendary, 1, 8–9.
discussed more thoroughly below, this longest version of the poem has been chosen as the base-text for the present edition.

One of the most noteworthy features of this manuscript is the J-scribe’s failure to distinguish orthographically between “d” and “p,” in any position, in both "The Life of St. Egwine" and the collection as a whole. A. J. Bliss discusses this orthographic feature most thoroughly, as well as the occurrences of unetymological “ʒ,” which combination only appears in two surviving manuscripts; the other, London, BL Cotton Caligula A.II, is a collection of vernacular romances also dated to the fifteenth century (Bliss 1957). Though Bliss makes a tentative claim that the orthography reflects a Kentish dialect, there is simply too little evidence to allow for any definite conclusions.

An alternative explanation is suggested by the most broadly identifiable result of this orthographical tendency, that “p” and “ʒ” appear on the pages of the J manuscript with great frequency. These very characters were already disappearing in the fifteenth century, as a part of the transition from Middle to Modern English orthography. A similar confusion between “d” and “ð” is a common feature of the variable orthography in the Brut’s Caligula manuscript, itself produced when “ð” was falling out of usage (Le Saux 1996, 11–20). Perhaps in both the Caligula Brut and the J collection of the SEL, these puzzling orthographical features reflect the cultural rather than linguistic values of these letter-forms, and appear as a scribal performance of “Englishness” to confer paratextual authority on the contents of the manuscripts. English scribes continued to employ insular script (with varying degrees of success) in the surviving forgeries and copies of Anglo-Saxon charters from the period between the Conquest and the composition of the

19 Görlach argues that this is likely to be a feature of the text inherited from J’s source (248, n 74).
SEL (Sayers 1988, 377). More generally, there is no reason to expect that the J-scribes were not sophisticated enough in their textual criticism to know that antiquated vernacular letter-forms tend to occur in manuscripts with older exemplars. Thus they could not have accordingly manufactured orthographical features to make their texts seem older and more authoritative. Indeed, these manuscripts might only be among the most easily identifiable examples of what would be, from the perspective of modern paleographical scholarship, a virtually untraceable practice.

QA (LONDON, BRITISH LIBRARY ADD. MS 10636, F. 7A; INCOMPLETE.) S. XIV

This manuscript is one of several fragments identified by Görlach collectively as a "Q" collection of the SEL. One of its parchment folios includes “The Life of St. Egwine” to line 47. Görlach argues that the fragment's scribal hand is similar to that witnessed in manuscript "Y" (Oxford, Bodleian Library, MS Additional C.38), and on this basis, he dates Qa to the late fourteenth century or circa 1400 (Görlach 1974, 96). He argues further that the attribution of the manuscript's dialect to North Wiltshire does not help to localize its production, as the scribe seems to change orthography to imitate his exemplars. The manuscript generally follows the text of V-Egwine, though it is too short to witness the major differences between V-Egwine and the other versions of the poem.

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20 Some examples found in Keynes' facsimile edition of charters include his 25 (S 794, s. xi); 33 (S 553, s. xi); 35 (S 1026, s. xi-xii); 36 (S 1450, s. xii); 38 (S 1043, s. xii); 41 (S 349, s. xiii); and 42 (S 1033, 1227 A.D). Simon Keynes, Facsimiles of Anglo-Saxon Charters, Anglo-Saxon Charters Supp. (Oxford: Oxford University Press, 1991).

21 Descriptions include Görlach, 95–6; Carl Horstmann, Altenglische Legenden. Neue Folge. Mit Einleitung Und Anmerkungen Herausgegeben (Heilbronn: Gebr. Henninger, 1881), xxviii-xxx; Lapidge, Crook, Deshman and Rankin, The Cult of St Swithun, 719. Q is discussed also in Liszka, "The Dragon in the South English Legendary," 51.
S (LONDON, BRITISH LIBRARY, STOWE 949, FF. 142V.–144R.)\textsuperscript{22} S. XIV

Dated to the last quarter of the fourteenth century, this manuscript appears to be the second volume of a larger SEL collection. Again, “The Life of St. Egwine” appears in an appendix. Görlach attributes the text generally to an “indistinctive ‘A’ tradition” of the collection, and identifies the dialect as East Gloucestershire (99). This version of the poem appears to be closely related to \textit{E-Egwine}, and follows its omission of several passages found in the versions of the poem witnessed by J and V. The only edition to date of ”The Life of St. Egwine” (cited above) is transcribed from this manuscript.

V (OXFORD, BODLEIAN LIBRARY, MS ENGLISH POETRY A.1, FF. 52V.–53R.)\textsuperscript{23} S. XIV

The so-called “Vernon Manuscript”\textsuperscript{24} is a large, elaborate production, dated to the end of the fourteenth century and containing hagiography, romances, and the A-version


of Piers Plowman. Its SEL collection is the manuscript’s first item (ff. 1–80). The Vernon manuscript is written in a West Midlands dialect (Blake 1990, 46; Doyle, 1987, 11; Lapidge et. al. 2004, 720), and there are indications that it was intended as a display book. Thus the apparent “mania” for altering the SEL texts included in the volume noted by Görlach might simply reflect its use-value (103). Görlach identifies V-Egwine as the best text, for reasons that I will call into question below.

Sources

The earliest surviving Vita S. Ecgwinì is anonymous in its only surviving manuscript, London, British Library, Cotton Nero E.1, ff. 24v–34v (Worcester, xi5). However, the text has been convincingly attributed to the pre-Conquest eleventh-century author Byrhtferth of Ramsey by Michael Lapidge, and thus was written well after Ecgwine’s death in the early eighth century. The text is written in the florid, “hermeneutic” Latin of the Anglo-Saxon period, and includes several long digressions

25 The Piers Plowman section is described by Kane and Donaldson, A-version, 17. They place is “closer to 1400 than 1380,” deviating from Skeat’s 1370–80 (Langland, The Vision of William Concerning Piers the Plowman in Three Parallel Texts; Together with Richard the Redeless. vol. 1, xv). Görlach identifies the “accepted” date as 1390 (102).
26 P.R. Robinson, ”The Vernon Manuscript as A "Coucher Book"," Studies in the Vernon Manuscript, ed. Derek Pearsall (Cambridge: D.S. Brewer, 1990). Görlach claims that “scribal corruptions” prove that this revising was not done by the V-scribe, but this argument is inherently conjectural and cannot be applied to every alteration. Complaints about the inaccuracies of ornate manuscripts date back at least to St. Jerome’s Vulgate preface to Job: Biblia Sacra Iuxta Vulgatam Versionem, Roger Gryson ed. (Stuttgart: Deutsche Bibelgesellschaft, 2007), 732.
27 For a description of this manuscript see Byrhtferth of Ramsey, The Lives of St. Oswald and St. Ecgwine, ed. Michael Lapidge (Oxford: Oxford University Press, 2009), xciii-ix.
that seem to have been added to fill out the story of a man mostly forgotten by local lore and barely mentioned in the historical record (Byrhtferth 2009, lxxxiii-iv; Lapidge 1993, 293–315). Besides the evidence that this Vita drew on local oral traditions about Ecgwine, it seems that the only documentary sources that Byrhtferth had at his disposal were several charters for which the saint was a witness. Of these, the most important is the document later assigned the Sawyer number 1251, a first-person account by Ecgwine describing how Evesham monastery came to be founded. The charter is paraphrased in Byrhtferth’s text; for reasons that will become clear below, the paraphrase will be referred to henceforth as “B-1251.” In this account, Ecgwine recounts his vision of the Virgin Mary in the woods near the Avon river, and how she demanded that he build Evesham monastery there in her honor. As Lapidge points out, “it is clear that Byrhtferth was paraphrasing, not quoting verbatim,” as B-1251 contains Byrhtferth’s characteristic stylistic elements, for example its adverbs ending in “-iter” (Lapidge 1993, 305). B-1251 goes on to include a list of Evesham’s possessions, followed by an account of how Ecgwine had his plans approved by the relevant authorities, including the Pope in Rome.

As this summary should make clear, the text’s claims for Ecgwine’s sanctity seem to be inextricably linked to Evesham’s claims on its properties, even before we consider the striking fact that Byrhtferth’s account of one of Ecgwine’s miracula happens

29 Another, more successful example of this practice is the cult of St. Swithun; see Lapidge, Crook, Deshman and Rankin, The Cult of St Swithun.
30 Authentic charters by Ecgwine include S 64, 102, 1177 and 1252; spurious ones include S 22, 54, 78, 79, 97, 248, 1174, 1175, 1250 and 1251, the last two of which are discussed in more detail below.
31 Alfred Smyth goes so far as to argue that Byrhtferth invented the document entirely, and further implies that Byrhtferth was a pathological falsifier of historical data: "for Byrhtferth, forgery would seem to have provided an end in itself.” Alfred Smyth, King Alfred the Great (Oxford: Oxford University Press, 1995), 307. For a full summary of Byrhtferth’s style, see Byrhtferth of Ramsey, Lives of St. Oswald and St. Ecgwine, xliv-lxv.
to be the only existing description by a pre-Conquest author of an Anglo-Saxon-era land
dispute between a monastery and its tenant (Byrhtferth 2009, IV.10). From the very
beginning of Ecgwine’s hagiography, it is difficult to untangle the literary text from its
documentary function; Byrhtferth’s Vita includes the charter of St. Ecgwine not only as
evidence for the veracity of what Byrhtferth writes, but also to reinforce the charter’s
claims for divine validation.

Byrhtferth’s Vita was heavily revised after the Conquest by Dominic of Evesham,
into a version upon which all subsequent accounts of Ecgwine are based, including that
found in the South English Legendary. Dominic’s version exists in the manuscripts
Dublin, Trinity College 172 (s. xiii) and Hereford, Cathedral Library P.7.vi (s. xii²).
Lapidge dates Dominic's text to just after the Norman Conquest (1977, 72–3). In
accordance with Norman tastes, Dominic eliminates the hermeneutic Latin from the Vita
and most of the digressions, and also alters details to historicize the text's claims
(Lapidge 1977, 85). For example, Dominic follows Byrhtferth’s text when he says that
Ecgwine’s journey to Rome for the Pope’s signature was a part of the famous pilgrimage
taken by the two Kings Coenred and Offa, but he adds to his sources (and to the
importance of Ecgwine) by locating the saint’s meeting with Coenred and Offa at
Aldhelm’s funeral (I.9.43–51).

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32 On the relevance of this scene to Old English legal history, see Wormald, Making of English
Law, 158–61.
33 The edition is Michael Lapidge, "Dominic of Evesham: Vita S. Ecgwini Episcopi Et
34 Lapidge, "Dominic of Evesham: Vita S. Ecgwini Episcopi Et Confessoris," 70.
35 Again, the Vita is anonymous in the manuscripts, and the attribution is Lapidge’s.
36 See also William of Malmesbury's similar treatment of Coleman’s Vita Wulfstani: Orchard,
"Parallel Lives: Wulfstan, William, Coleman and Christ."
37 For a fuller discussion see Lapidge, "Dominic of Evesham: Vita S. Ecgwini Episcopi Et
Confessoris," 72–3.
The changes to B-1251 made by Dominic in his own citation/paraphrase of of Egwine's charter (here “D-1251”) similarly appear to be his own additions, rather than corrections with reference to a lost original. For example, one phrase from his version of the charter, \textit{in posterum eidem ecclesie omnimodam libertatem ab episcoporum exactionibus obtinere satagebam},\textsuperscript{38} uses a language to describe exemption that it is "very unlikely to belong to 714" (Sayers 1988, 375). D-1251 is filled out with details found in the literary narrative, even as it eliminates some of the “silly anachronisms” of B-1251 noted by Lapidge (Lapidge 1977, 84). Lapidge has also noted that Dominic undertook this project during the “Golden Age” of English forgery, at a monastery that has become particularly notorious among modern historiographers for its forged documents (Lapidge 1978, 100 n. 9.1).\textsuperscript{39} Ancient deeds of privilege were by this time “essential” for maintaining rights, and a charter written by a recognized local saint would have been especially useful in this capacity (Sayers 1988, 374).\textsuperscript{40}

The three other major Latin versions of the \textit{Vita Ecgwini} are redactions of Dominic’s text:

1) The “Digby/Gotha recension” of Oxford, Bodleian Library, MS Digby 112 (Winchester xii\textsuperscript{1}) and Gotha, Furschungs-Bibliothek, MS I.81 (English s. xiv\textsuperscript{1}).\textsuperscript{41} This is a

\textsuperscript{38} “I was able to obtain for that church every kind of liberty from episcopal taxation.”
\textsuperscript{39} As Lapidge points out, Hart argues that Evesham forged “an extensive group of charters … during the abbacy of Walter at the end of the eleventh century,” specifically 1097 to 1104, a time period that corresponds with Dominic’s literary activity: Hart, \textit{The Early Charters of Northern England and the North Midlands}, 63.
\textsuperscript{40} Compare St. Wulfstan’s promotion of the cult of St. Oswald, and its probable relation to the claims for Worcester’s exemption from royal oversight under Oswaldslow, argued for in “Hemming’s Cartulary”: Wormald, \textit{Legal Culture}, 313–32; Tinti, “From Episcopal Conception to Monastic Compilation: Hemming’s Cartulary in Context”; Baxter, "Archbishop Wulfstan and the Administration of God's Property.”
major redaction of Dominic’s text that leaves only four chapters intact: 14, and 17–19 (Lapidge 1977, 86). The absence of several details indicates that this is not likely to have been a direct source for the SEL “Life of St. Egwine,” at least not without supplementation. Most importantly, the SEL poem does not minimize Brihtwold’s involvement in the endowment of the monastery. The Digby/Gotha emphasis on Coenred's authority in this matter is identified by Lapidge as the version's most important distinguishing characteristic (Lapidge 1977, 87; 147–50). The Digby/Gotha version of Dominic's text is in turn “drastically abbreviated” in Cambridge, Emmanuel College, MS 27 (I.26), ff. 12v–14 (Lapidge 1977, 88).

2) Thomas of Marlborough’s version, which prefaces his History of the Abbey of Evesham in Oxford, Bodleian Library, MS Rawlinson A.287 (xiii)'. Thomas rewrites the Vita Ecgwini extensively, adding and changing substantive details in both the prose narrative and the charter (Lapidge 1978, 75). These changes will be discussed in more detail below.

3) A version found in John of Tynemouth's Sanctilogium. This collection was edited by Horstmann as the Nova Legenda Anglie, and is referred to hereafter by Görlach’s abbreviation NLA (Horstmann 1901, 370–8; Lapidge 1977, 90). The NLA Vita Ecgwini appears to have drawn from both Dominic’s and Thomas’ versions. Görlach


says that the direct source of the SEL "Life of St. Egwine" could have "been identical with, or very similar to, the NLA text" (216). This is an overstatement of the parallels.

Below are two examples of specific passages from the SEL version that are translations from Dominic, but do not appear in the NLA; the parts missing from the NLA are designated by italics in the Latin, and by bold in the English translation.

"Life of St. Egwine" 45–48
Po he was to Rome icome, wonþer þer was y nou;
To Seinte Petres cherche Seint Egwyne ferst drou,
for he hadde y wilne longe ilke cherche to se.
Po he was þere afore þe anter, adon befel akne

Dominic 6.12
Denique uir sanctus, secundum apostolum "stigmata Iesu Christi in corpore suo portans,"43 in conspectu populorum ferro unctis pedibus Romam ingreditur, quod maxime quesierat, in ecclesia beati Petri apostolorum principis, ad orationem prosternitur.

And so the holy man, who was (as the apostle says) "carrying the signs of Christ on his body," entered Rome in the sight of the people, with his feet chained in iron, and—as he had dearly wished—he prostrated himself to pray in the church of Peter, prince of the apostles.

"Life of St. Egwine" 112–4
Pe ioie pat him þoþte of þe song telle ne mai no tonge.
As he stod and bihuld hom faste, he miste whare hi bicome.
Gret wonþer þoþte Eoues þerof, and of þat he sei er some.
To þe bischop he wente stilleliche, and tolde him al þen ende;

Dominic 8.14
Expauit Eoues, hebetatus tam chorusca uisione; nec ferens celestia conspicere, tacitus ac tremebundus domum rediit; que uiderat uiro Dei per quendam prepositum suum intimare curauit.

Eoves was terrified, stupefied by such a gleaming vision; silent, trembling, and not daring to look at the heavenly things, he returned home. He made sure to tell what he had seen, through his same superior, to the man of God.

43 Quoting Galatians 6:17.
These departures indicate that the source of the "Life of St. Egwine" was not identical to the NLA Vita Ecgwini. However, it is noteworthy that these discrepancies are relatively few, until the narratives abruptly diverge in their account of the second trip to Rome; in the NLA version, Ecgwine performs a miracle unattested in the "Life of St. Egwine" (NLA 374, 8–14). It is suggestive that this miracle is preceded in the NLA Vita Ecgwini by a heavily truncated version of the charter, NLA-1251. The "Life of St. Egwine" includes several details contained in D-1251, but missing from NLA-1251; for example, the poem explains that Æthelred abdicated to "bicom monc at Bardeneye and holiman bicom" (135). Thus even if the "Life of St. Egwine" had a single source which was closely related to the NLA Vita S. Ecgwini, this source appears to have either included some fuller text of the charter S 1251 than appeared in the NLA Vita, or to have employed details from the document in a separate paraphrase. At the very least, it is clear that the narrative of the "Life of St. Egwine" was shaped by the same interrelationship between legal document and hagiographic text which characterized the textual tradition of the Vita S. Ecgwini. The relationship between the various versions of the charter and their surrounding hagiographic texts must be examined in more detail, in order to characterize this interrelationship more precisely.

**Variation and Authentication: S 1251**

There are some important discrepancies between the representations of Ecgwine’s charter found in the literary editions of Ecgwine’s Latin hagiography, and its characterization by legal historians. The historians agree that the first-person narrative

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44 See the version of "S 1251" in the on-line revised Regesta Regum Anglorum ("Regesta Regum Anglorum," Accessed 21 September 2008) and the description in the Electronic Sawyer ("The
charter S 1251 is an expansion of the similar Evesham charter S 1250. S 1251 alludes to properties given to Ecgwine by King Æthelred, including Stratford-upon-Avon, the fort (castellum) of Chadbury, the monastery (vetus monasterium) of Fladbury; the charter also lists the eighty-four hides of Evesham, on both sides of the Avon, and twenty hides from Twyford (Marlborough 2003, 32–5).45

Finberg argues that S 1251 contains a “more convincing account of the benefactions” than the S 1250 (Finberg 1961, 89), because it states that Fladbury was exchanged at a later date for properties in Stratford that were illegally held (iniuste occupauerat) by the subking Æthelheard of the Hwicce; Hart, however, points out that S 1251’s account is most likely based on a misreading of the charter S 1252 (Finberg 1961, 89–90; Hart 1975, 74–5). Finberg accepts S 1251’s account in part because it bolsters a larger argument about the charter genre. Though the surviving charters S 1251 and S 1250 inspire “little” and “less” confidence in Finberg respectively, he nonetheless claims that a valid text might underlie them, and alludes to the account in the Life of Wilfrid quoted in the introduction to the present study, of that saint’s solemn performance of a list of his monastery’s possessions.46 As Finberg notes, “a Testament left by the founder would serve this purpose very well, if only as the beginning of a memorial or register to which additions could be made from time to time” (Finberg 1961, 214). Finberg has argued on this basis that the charter’s use of the first person does not make it ipso facto a forgery, a possibility that Lapidge concedes, though there are other


features of the charter that mark it as spurious (Lapidge 1993, 206–7). According to this argument, then, the lost charter S 1251 (and by implication, the various versions of it appearing in Egwine's hagiography) appears to have been used as a quasi-homiletic text, originating in a genuine historical text.47

The charter's own account of its creation provides further reason to read it as a homiletic text. Ecgwine says that "cartam .cxx. mansarum et loci libertatem que hic continetur super altare posuimus" ("we put the charter that held the rights to 120 hides on the altar") and follows with a brief dedication that is extremely homiletic in its sound-patterning and themes:

Domine Deus, qui in celis habitas et omnia creasti, conserua illum qui locum istum pacificabit et conseruabit, et hanc Dei hereditatem et hanc libertatem confirmabit quam Deo optulimus. Nos etiam precipimus in Dei omnipotentis et omnium uirtutum celestium nomine, ut neque rex, neque princeps, neque minister, nec uullius ordinis homo, id presumat ut locum istum sanctum diminuat, aut sibi in priuatem potestatem aliquid uendicet, set sit locus hic, ut nos optamus, gregibus et Dei pastoribus eiusdem loci in usum, et bene dispositus in potestate proprii abbatis secundum regulam Dei et beati Benedicti . Si autem aliquis—quod absit—auaritie spiritu arreptus uertere uelit, iudicetur ante tribunal Dei, et nunquam in Christi ueniat memorIAM, sed nomen ejus deleatur in euum de libro uiuentium, et ligetur eternarum penarum nodis in inferno, nisi in hac uita penitens emendet. Si quis autem has res bene conseruare uoluerit , Dominus Deus et omnes sancti ejus consequent eum, et letificent animam eius in terra uiuentium, et dent eternam mercedem in hac uita et in futuro. (I.32)

Lord God, who livest in the heavens and hast created all things, preserve the man who will protect and keep this place safe, and who will confirm this inheritance of God and this liberty which we have offered to God. We further direct, in the name of almighty God and all heavenly virtues, that neither king, nor nobleman, nor official, nor man of any rank, should dare to take anything away from that holy place, or claim for himself any part of his for his personal property; but let this place be, as we desire it, for the use of God’s flock and pastors in this place, and be properly

47 See also the discussion of the charter S 1166 in the introduction: 13–22.
maintained under the rule of its own abbot in accordance with the rule of God and of the blessed Benedict. But if anyone, God forbid, seized with a spirit of greed should wish to change this, let him be judged before God’s judgement-seat, and never be remembered by Christ; rather let his name be deleted for ever from the Book of Life, and he be confined in Hell with the bonds of eternal punishments, unless he repent and reform in this life. But whoever is willing to preserve these things virtuously, may the Lord God and all His saints preserve that man, give his soul joy in the land of the living, and grant him an eternal reward in this life and in the life to come (Sayers and Watkiss, 39)

The homiletic feel of this passage (imitated by the translators’ King James English) results from its soundplay, for example the doublets linked by homoeoteleuton

*(pacificabit et conservabit, hanc Dei hereditatem et hanc libertatem, gregibus et Dei pastoribus)* and the repetitive anaphora (*neque rex, neque princeps*...). The quote from Psalm 68 states explicitly that Evesham’s exemption is guaranteed by the same eternal, written word of God whose space it shares on the altar.

As a heavily-altered redaction, Thomas of Marlborough’s revised *Vita S. Ecgwini* could not possibly be considered the “best” witness of Dominic’s text, much less of Byrhtferth’s. Thus Sayers and Watkiss’s edition of Thomas’ *Vita S. Ecgwini* collates T-1251 against D-1251, along with the rest of the text that Thomas borrowed from Dominic. However, T-1251 is considered the most “complete” version of Byrhtferth’s source text S 1251 by historians because it is the most documentary, in that its transcriber apparently took greater care to employ the appropriate forms and make the document’s claims seem more historically plausible (Marlborough 2003, 32 n.1). Hence the confusing discrepancy, that in the on-line "Electronic Sawyer" catalogue, the earliest witness of S 1251 is T-1251.48 Because B-1251 and D-1251 seem to modern editors to look less like *transcriptions* than *paraphrases*, they do not qualify as charters for the

purposes of cataloguing. In other words, even though Dominic and Thomas’ versions of
the *Vita S. Ecgwini* are considered by their literary editors to be witnesses of the same
text, the portions of those texts that quote or paraphrase the document "S 1251" have
not historically been considered by their diplomatic editors to be witnesses of that
document.

The methodological divide created by the text’s generic ambiguity
illustrates the paradox imposed on this hagiographic tradition by modern scholarship: if
T-1251 is a literary text, then an editor ought to make some reference to the readings of
D-1251, because it is the source of Thomas’ larger text. The literary scholars who use
the edition will consider this information of primary importance, because it allows them to
distinguish between Dominic’s contributions and Thomas’. However, if we consider T-
1251 to be a documentary text, then this importance is diminished. Even if the
discrepancies between T-1251 and D-1251 are Thomas’ revisions, their greater
consistency with the rest of the historical record is a reason to prefer them, as
corrections made by an historian who seems relatively scrupulous, and whose firsthand
knowledge of Evesham abbey trumps our own, not least because he might have been
able to consult the original copy of the charter that Dominic seems to have altered so
freely. And indeed there are some correspondences between T-1251 and B-1251
suggesting that Thomas’ revisions are corrections with reference to Byrhtferth's *Vita*, for
example that T-1251 changes D-1251’s identification of the subking who donated the
twenty hides at Twyford from Oshere to Osweard, which matches B-1251 (Giles 1967;
Marlborough 2003, 34, n.6.) For the diplomatic editor, the question of where Thomas
found ‘Osweard’ is secondary to the question of whether the subking actually was
Osweard, and whether an error on this point would have invalidated the document; from
this perspective, the combination of Thomas’ agreement with Byrhtferth and his greater
credibility in general gives scholars a reason to prefer T-1251 to D-1251, even though
the former is clearly based on the latter.

Thus an exclusive focus on either the text’s creative debt to its sources or on its
commemoration of historical events will necessarily the evidence provided by the various
versions of this document. In this particular instance, the plausibility of Thomas’
narrative encourages readers to downplay the likelihood that T-1251 was not corrected,
but was simply changed.\textsuperscript{49} Thomas was the chief litigant in a legal battle between
Evesham and the see of Worcester over monastic privileges, a dispute that he ultimately
won by arguing on the basis of his detailed textual analysis of T-1251 and similar
documents (Boureau 2000, 59–60).\textsuperscript{50} He was also a member of the new generation of
Bologna-trained canon lawyers, whose sophisticated grasp of the textual features
required by a papal court to verify a document’s claims would have given him both the
means and motivation to generate a formally consistent text. There is ample evidence
that Thomas edited the text for just such a legal audience, most obviously in the
moments where his text transposes events from Dominic’s \textit{Vita} into the portion of it
allegedly quoting the document. For example, Ecgwine’s journey to Rome is referenced
in T-1251, though it appears only in the narrative portion of Dominic’s \textit{Vita} (Thomas of
Marlborough 2003, 40–1). T-1251 also replaces a mention of St. Wilfrid Archbishop of
York (\textit{Wilfrido Eboracensi archiepiscopis}) in D-1251 with “Bishop Wilfrid” (\textit{Wilfridus
episcopus}) (10.32; Lapidge 1978, 88). Here, T-1251 also contradicts B-1251, who also

\textsuperscript{49} Sayers and Watkiss list the changes: Marlborough, \textit{History of the Abbey of Evesham}, xxxi.
They speculate that he must have made them because the privileges otherwise were “not precise
enough” (xxxix).
\textsuperscript{50} On Thomas of Marlborough’s dispute, see also Jane Sayers, “‘Original,’ Cartulary and
Chronicle: The Case of the Abbey of Evesham,” \textit{Fälschungen im Mittelalter. Internationaler
Kongreß Der Monumenta Germaniae Historica, München, 16–19 September 1986}, Monumenta
Germaniae Historica 33 (Hanover: Hansche Buchhandlung, 1988), 371–95, and Clanchy, \textit{From
Memory to Written Record}, 324–5.
refers to Wilfrid as Archbishop of York (archipresbytes Eborace civitatis) (Byrhtferth 2009, III.4).

As Lapidge notes, the claim that St. Wilfrid of York was present at the synod described in the various versions of S 1251 is highly suspect (Lapidge 1978, 102). First of all, York only become an archbishopric in 735, and thus could have no "archbishop" before that date. Secondly, Wilfrid died in 709, the same year as Aldhelm; there was not time for Ecgwine and Coenred to leave Aldhelm's funeral for Rome and return before Wilfrid's death (William of Malmesbury 2007, V.231). Given that Thomas corrected the text in order to bolster the document's validity, there is little reason to hypothesize that a "Wilfridus episcopus" should have appeared in a hypothetical original copy of the charter; given that Thomas' alteration of the passage keeps the famous name while still avoiding potential criticisms from a well-informed legal opponent, it gives us the most strategic version of the evidence and not necessarily the most accurate.51

The value of considering the difference between diplomatic and literary uses of the charter is that the comparison reminds us that even obvious interpolations are not by definition distortions or pollutions of some original text. On the contrary, Thomas alters the charter so that it can better serve its primary function, of confirming that Evesham’s rights are what Evesham believes them to be. In this sense, then, no single witness of the text can be considered the "best" or most "complete" version, neither by historians nor literary critics, even when an original copy survives; each of the witnesses are manifestations not of a text, but of a claim, which can be furthered in later copies both by preserving specific readings and by altering them with reference to a wider body of

51 Sayers and Watkiss argue that this Wilfrid must be the bishop of Worcester chosen to succeed Ecgwine during his lifetime identified by John of Worcester: Thomas of Marlborough, History of the Abbey of Evesham, 20, n.4. The NLA author apparently disagreed, modifying this to "sanctum Wilfridum episcopum" (Horstmann, Nova Legenda Anglie, 18).
available facts. The tradition as a whole reveals how each of these witnesses individually reflect particular opinions at particular moments about how those claims would be best substantiated in future legal disputes. The fact that this practice originates in the criticism of Anglo-Saxon legal texts, and moreover parallels the revisionary practices seen in Wulfstan’s law codes, *The First Worcester Fragment*, and Laȝamon’s *Brut*, provides further evidence for the existence of a rhetorical mode particularly associated with the textual criticism of Anglo-Saxon documents and law codes, as traced throughout the preceding chapters of this dissertation. As another witness of Evesham’s continuing claims to properties and exemptions, then, the *SEL* version of the “Life of Egwine” should be expected to alter the specifics of the text to adapt its purpose to a new context, a feature of the tradition that poses particular problems to an editor trying to choose between the multiple available readings. For the remainder of this chapter, I will explore the implications of this for the manuscripts of the "Life of St. Egwine."

**The Choice of Base-Text**

Because the J manuscript's witness of the "Life of St. Egwine" (hereafter "J-Egwine") is the fullest version, it is therefore particularly useful as a base-text for demonstrating the evidence that diplomatic considerations influenced the poem’s textual tradition. However, to call attention to the unstable nature of the tradition as it survives, I will reverse the standing practice to indicate with italics and bold-face to indicate the from J-Egwine that are missing from the other manuscripts; this will signal the differences more dramatically than a traditional apparatus criticus. The unique readings of this version can be included in the main body of the edition, then marked with bold and italic type, to indicate when they are missing, and from which witnesses. Below, I will present a broad overview of the most substantial variations among the witnesses of this poem, to
highlight the relevance of this ongoing process of redaction and revision to an understanding of the text.

As mentioned above, the E and S manuscripts' witnesses of the “Life of St. Egwine” (*E-Egwine* and *S-Egwine*) both seem to bear witness to a separate branch of the poem’s tradition than *V-Egwine* and *J-Egwine*, in which passages with clear analogues in the Latin sources have been eliminated. *Qa-Egwine*, meanwhile, is incomplete and scattered in its correspondences to the other texts. In his interpretation of this evidence, Görlach asserts that *V-Egwine* is the "best" version of the poem, for two reasons: firstly, that in this manuscript the poem appears in its "original" position within the *SEL*'s calendar year arrangement, and not in an appendix; secondly, that the additional lines found in *J-Egwine* are “obviously unoriginal” (216). As I stated above, my own selection of *J-Egwine* as a base text is not an argument for their "originality;" indeed, its particular suitability is its usefulness for signaling the changes to the text as it is transmitted. Nonetheless, Görlach’s argument merits a detailed refutation, especially as it provides a way of demonstrating how certain readings of the evidence are made possible when critical methodologies are differently applied.

In response to Görlach's first argument, it must be noted that *V-Egwine* includes the date of the saint’s feast within the body of its text (156). The poem's correct position in the calendar year of the V collection of the *SEL* would therefore not be strong evidence of the originality of any particular readings of the *V-Egwine*, even if it were accepted that there ever was a single *SEL*, which was ordered in a particular way. But even operating within Görlach's presumptions, his larger claims contradict his argument in this particular case. If, as Görlach speculates, the J collection of the *SEL* represents a purer, older form of an *SEL* tradition that was later "contaminated" in the A manuscript with reference to other traditions, and if it is thus inferred that the ordering of the texts in
the A collection of the SEL is less "original" than that of J collection, then the position of J-Egwine in the "appendix" of the J collection is suggestive of its earlier date; the "Life of St. Frideswide" is “moved” from the J collection’s appendix to its correct calendar position in the A collection’s ordering, but there is no corresponding example of a text that moves from the correct calendar position into the appendix (Görlach 1974, 87; D’Evelyn and Mill 1956, vol. 3, 9). The instance is a reminder that calendar position does not provide much evidence that can help a reader to assess when a particular text may have come to be associated with a particular SEL.

Görlach’s second point, that the additional lines of J-Egwine are interpolations, bears closer examination. There are 14 lines unique to J-Egwine, divided into three passages: 35–8, 41–6, and 89–92. Though these three passages might be additions to the text, none of them are as obvious as Görlach suggests. Only 41–44, mentioning his visit to Aldhelm’s funeral, is substantial; the other two are rhetorical elaborations, roughly equivalent to the potential sources, though not definitively so. But while lines 35–8 do not match the content of Dominic’s Latin, they perhaps parallel the function of the corresponding moment, of rhetorical elaboration. The J-Egwine passage is quoted in context below. The lines unique to J-Egwine are marked in bold; as the italics indicate, these lines include one of the few occurrences of four continuously rhyming lines in the poem:

Egwine 31–40, 45–50
His leggs wit strong feteris hi gyuepe faste,
and þe keie biside Euesham in þe water of Hauen caste.
Al y gyneþ he wente ford in sorue and pynes stronge;
to Rome he com, wit alle wo, þei hit were er longe.
þou esi wei he hadde on nymeþ god gome
to wende from Euesham al yfeterþp to rome

52 Lines 45 and 46 are variations of two lines found in the other manuscripts, perhaps added by the J-scribe to create a 4-line rhyme scheme like those discussed below.
for miste his leggis ake he spurude eft lome he aboste heuene somedel dere ar he þuper come.
Po þat folc y seie him come y uetereð so faste, for wonder hi come abouten him and wer somedel agaste; [...] 53
po he was to Rome icome, wonþer þer was y nou;
To Seinte Petres cherche Seint Egwyne ferst drou.

Because the passage is contained within a larger omission from E-Egwine and S-Egwine of lines 32 to 40, in what appears to be an instance of eyeskip, their exclusion of the lines does not bolster the argument in favor of V-Egwine's reading. Meanwhile, the lines correspond to a relatively purple passage in Dominic's Latin, marked in bold below. This homiletic aside makes an ornamental use of anaphora and homoeoteleuton, indicated by italics:

Dominic of Evesham, Vita S. Ecgwini 5.23–29, 6.1–15
Et quamuis coram hominibus se immunem ab illatis sciret et confiteretur, tamen—quia coram Deo peccatis se obnoxium esse non diffitebatur—proficiscendo tamen in superni arbitris et diuini examinis iudicio necnon et pro peccatis populi sui, pedes suos vinculis ferreis astrinxit que claue poterant ligari et reserari, ipsamque clauem in fluuium Auen proiecit.


53 Lines 41–44 of the J-version of the poem are not witnessed in the Latin, and are discussed below.
54 Quoting Galatians 6:17.
Although the man of God had confessed and knew he was immune to accusations in the presence of men, nonetheless—because he was unable to deny in the presence of God that he could be guilty of sin—with approaching judgment in accordance with divine judgment and heavenly witnesses, and also for the sins of his people, he girded his feet with iron chains, which could be bound and unbound with a key, and he threw that same key into the Avon river.

Chained therefore by Jesus Christ our Lord, and emulating Peter walking on water and Paul glorying in chains, Ecgwine arrived with much difficulty and many labors at the apostolic city, which indeed triumphed in the apostolic chains. **Oh bravest victor over toils! Oh disdainer of human reproach! Oh man admirable to men and angels, and deed spectacular to so many peoples and nations! Oh man imitable to all men; neither shaken by fears, nor seduced by flattery, nor conquered by labors; who, with pressures and humiliations upon your body, neither strived after worldly praise, nor rejected the gazes of men!** And so the holy man, who was (as the apostle says) "carrying the signs of Christ on his body," entered Rome in the sight of the people, with his feet chained in iron, and—as he had dearly wished—he prostrated himself to pray in the church of Peter, prince of the apostles.

Four-line repetitions of rhyme-endings are not uncommon in the SEL, and in at least some cases seem to be intended as moments of heightened ornamentation. A particularly clear example is the concluding passage of the *Banna Sanctorum* prologue, where three successive four-line rhymes mark a bombastic transition into the collection:

```plaintext
Of here louer ensample i nome & flecchi nolde hi no ʒt
Pə e apostles ne ʒe martirs ar hy were to depe броʒt
Wel aʒte we louie Cristendom ʒat is so dure броʒt
Wiŋ oure Louerd is heorte blod ʒat ęe sper haŋ ysogʒt

Men wiŋep muche to hure telle of bataille of kynge
And of kniʒtes ʒat hardy were pat muchedel is lesynge
Wo so wiŋep muche to hure tales of suche ʒinge
Hardi batailles he may hure here ʒat nis no lesinge

Of apostles & martirs ʒat hardy kniʒtes were
ŋat studeaus were in bataille & ne fleide noʒt for fere
ŋat sofferde ŋat luŋer men al quik hare lymes totere
Telle ichelle bi reuwe of ham as hare dai væŋ in ʒe ʒere (55–66, my stanza-breaks)
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In a representative sampling of 1,450 lines from the lives of Anglo-Saxon saints appearing in D'Evelyn and Mill's edition, 160 lines witness rhymes extending over more than two lines, or just over 10% of the total; these passages tend to be spread throughout the texts. In the present instance, the correspondence of a four-line rhyme to the ornamental Latin passage suggests that the ‘content’ of the passage imitated by the translator was in fact its ‘form;’ both passages use the occasion of the saint’s triumphant entry into Rome to rhetorically emphasize his holiness, and thus call attention to the divine (and apostolic) authority underlying any charters that list him as a witness.

Some corroborating evidence for this reading is presented by another extended rhyme, witnessed in multiple “Life of St. Egwine” manuscripts, which corresponds to the appearance in Dominic's *Vita S. Ecgwini* of the words of Ecgwine himself. At lines 15–20, there is a six-line rhyme describing Egwine’s skills as a preacher. Below, I have also quoted the corresponding passage from Dominic, with the ornamental passages marked in bold:

**Life of St. Egwine 15–20**
Po he was bischop y mad, suiue wel he dupe his *depe*,
wit preching and god ensample *pat* folc to god to *lede*.
Debonere he was to godemen, *pe luper he wit *sede*
and chastephe hom of hor synne; he ne sparepe for ne *dredhe*.
Perfore were *pe* shrewen wrope, and nome hom to *rede*
to belye pis holiman for over al his falshepe.

**Dominic of Evesham, Vita S. Ecgwini 3.16–20, 4.16–24**

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Positus igitur in pontificio, statim diuini uerbi factus est inclitus predator, bonisque exinde actibus omni conamine operam dedit, tanto humilior quanto altiori sullimatus erat officio. [...]

Verum quadam die, multa ex uicinis et longinquis uillis, castellis, oppidis multitudine populum utriusque sexus ad eum collecta, prius quidem de memoratis sceleribus et erroribus atque illicitis copulationibus duriter eos increpans, et amplius talia perpetrare interdicens et Deum ista dampnare asserens, de die iudicii in quo hec punirentur inter cetera sic exorsus et prosecutus esse perhibetur: "Dico, inquam vobis, Iudex adueniet sua premia reddere cunctis Et quam mira prius fient ostensa, retexam."

Placed therefore in the role of bishop, the renowned preacher became a skilled orator of the divine word, and conducted himself with great exertion on behalf of good deeds; the higher his office became, the greater was his humility. [...] On a certain day, speaking strongly before a great multitude of people of both genders, collected from the villages, towns, castles near and far, about related crimes and errors, and about illegal couplings, and stating moreover how often such crimes are perpetrated, and assuring them that God will damn those responsible, he is held to have begun and followed thus, on the topic of the day of judgement on which they will be punished, among other things: "I say to you, The judge approaches to repay all of your gifts, And I will unravel the amazing sights that will manifest first."

The poetic sermon continues for seventeen more lines, most of which are taken from Bede’s De Die Iudicii (Byrhtferth 2009, 226–7n.).

Bede’s poem was a common school text that travelled with the Disticha Catonis, and was translated into Old English poetic and homiletic forms (Lendinara 2007, 186–92). Lapidge speculates that the liberties taken by Dominic in revising the passage from Byrhtferth suggest that he might not have recognized the poem as Bede’s (Dominic 1978, n. 4.42). Here, the six-line rhyme corresponds to the appearance of a poetic text in Dominic’s Vita S. Ecgwini; if the extended rhyme was intended to be a moment of

56 The omitted passage elaborates further on the greatness of Ecgwine’s preaching; it is heavily truncated in the NLA version of the Vita.
heightened poetic effect, its use here was perhaps determined by the passage’s correspondence to an actual poem in its source. The clustering of extended rhymes in the SEL "Life of St. Egwine" at these narrative moments might suggest that the persuasive force of the original Latin exerted some influence on the poem’s composition. But to return to the specific question at hand, the fact that J-text’s lines 35–8 do not precisely translate the meaning of the corresponding Latin passage does not sufficiently disprove its "originality."

The second unique passage in the J-text is its lines 89–92:

and þat lond was wel y wist poron hor beire wissinge,  
and þat was beter þan to be in contac for lesing;  
and he þat made þe contek nadde nopong for his dede.  
Of þe toun of Euesham somwhat we mote rede.

Again, these lines are not closely matched by surviving Latin versions of the Vita S. Ecgwini. However, they do not contradict the possible sources either. Given that they simply summarize the moral import of the poem’s first half, they might only reflect the poet’s response to a section break in his exemplar—after all, he does return to the narrative with the phrase “somewhat we mote rede.” In any event, this passage constitutes a moment of transition, into which lines could have been added or removed at any stage of the poem’s transmission; thus there is little basis for any argument either for or against their inclusion on the grounds of their "originality."

57 A third passage of four-line rhyme in the "Life of St. Egwine," lines 129–32, describes the foundation of Evesham abbey. Unlike the other two passages, the Latin is not obviously ornamental at this point of the narrative (though it does mark another intrusion of Ecgwine’s voice, this time in the form of the charter S 1251). In this third passage, the poet may have simply used a four-line rhyme because of the importance of the narrative moment; other passages in the SEL that use four-line rhymes to describe the construction of ecclesiastical buildings include lines 19–22 of the "Life of St. Alphege" and 31–4 in the "Life of St. Wulfstan."
The most likely interpolated passage witness by \textit{J-Egwine} is the passage at lines 41–44, describing Egwine’s decision to stop at Aldhelm’s funeral on his \textit{first} journey to Rome in chains:

\begin{verbatim}
And çut, y uetereþ as he was, un euen wei he nom.
From þe toun of Evesham by Malmesbur he com.
Seint Aldelme he fond do deþ, þe masse he song do,
and bureþe þen holiman ar he wolde from him go.
\end{verbatim}

This detail is directly contradicted by Dominic’s version of events, in which Ecgwine’s \textit{second} trip, following his vision of the Virgin, begins with Aldhelm’s funeral.\textsuperscript{58} As mentioned above, Ecgwine travels to Rome with the two kings in Byrhtferth’s \textit{Vita} to confirm the privileges of the monastery of Evesham (III.3). According to the \textit{Historia ecclesiastica gentis Anglorum}, Aldhelm died in 709 A.D., the same year as the trip to Rome by the kings Coenred and Offa (Bede 1969, V.19). Thus if Egwine went to Aldhelm’s funeral on his \textit{first} trip to Rome as described in the \textit{J-Egwine} passage, then it would mean that he got to Rome, experienced the miracle, befriended the Pope and advised him in everything, came back to England, had the vision of the Virgin, and returned to Rome with Coenred and Offa within a single year.

From a literary-critical perspective, then, the passage thus seems to have been added to \textit{J-Egwine} by a scribe who was not familiar with any version of St. Ecgwine’s hagiography and its supporting documentation, but who wanted to reconcile the poem with the \textit{SEL} “Life of St. Aldhelm,” where Egwine comes to the more famous saint’s funeral in chains:

\begin{verbatim}
So þat þe bissop of Wircestre . seint Edwine þo com
Al yue[te]red toward Rome . and þere uorþ þene wei nom
And seint Aldelm at Malmesburi . faire an eorþe broþþe
and supþe wende forþ to Rome . & deore þane wei aboʒte
\end{verbatim}

\textsuperscript{58} For a recent summary of Aldhelm's career, see Michael Lapidge, "The Career of Aldhelm." \textit{Anglo-Saxon England} 36 (2007),15–70.
This passage, which bears a close resemblance to *J-Egwine* lines 41–44, is based in turn on William of Malmesbury’s assumption that Egwine went to Rome with Coenred and Offa *before* he went to Aldhelm’s funeral, an emendation perhaps based on William’s belief that Coenred and Aldhelm died in the same year (William 1998, V. 231). This dating is further corroborated by John (Florence) of Worcester, who puts the date of Egwine and Coenred’s trip to Rome in 708, and both Aldhelm and Coenred’s death in 709 (John of Worcester 1995, 2, 164–7).

However, as outlined above, it cannot be presumed that consistency with the source narrative is strong evidence for the ‘originality’ of any reading of this poem. In fact there are discrepancies between all of the poem’s witnesses and their putative sources, which allow for alternative ways of reading these unique *J-Egwine* lines. In fact, there are historical discrepancies between the various Latin versions of the *Vita S. Ecgwini* and the standard authoritative historical sources. For example, they all claim that Coenred returns to England with Egwine to sign the charter. Meanwhile, according to Bede, the king stayed in Rome “ad ultimam diem” (Bede 1969, V.19). Thus the version of events found in the “Life of St. Egwine” perhaps witnesses an attempt by the translator to account for this apparent discrepancy between its sources. The poem’s deviation from its Latin sources is inspired by the insufficiency of those sources to fully validate their central claim with reference to known historical data.

In this regard, it is striking that virtually all of the major variations among the witnesses of the “Life of St. Egwine” appear in the first half of the poem, while the

relatively consistent second half deviates the most from all of the possible sources. For example, every version of the “Life of St. Egwine” fails to mention Offa; Egwine travels to Rome with King Kenred alone. The "Life of St. Egwine" claims further that this happened when Kenred was a “newe kinge” (139). Æthelred abdicated in 704; it’s debatable whether his successor Coenred would still be a “newe” king five years into his reign. And as I said earlier, the poem includes the detail that Kenred’s predecessor Atheldred gave up his throne to become a monk at Bardeneye, at a point in the narrative parallel to the inclusion of this detail in the charter.

A closer look at the “Life of St. Egwine” reveals a comprehensive, if subtle, shift in the narrative structure. In the versions of the charter, Ecgwine first tells the story of the miracle. He then describes the possessions Atheldred gave him before his abdication, as well as those given to him by his successors and other regional kings. Then, two years after the last of the endowments described, Ecgwine meets Coenred and Offa at Aldhelm’s funeral (l.29, 34–5). Implicitly, then, a good deal of time elapses between the vision and the endowment.

In the SEL, on the other hand, only Atheldred’s donations are mentioned, and they seem to happen immediately after the miracle:

\[
\begin{align*}
&\text{to he hadde iseie } \text{þe suete si} \text{ste and } \text{þere maidens } \text{þenne wente,} \\
&\text{þe bishop } \text{þonkeþe } \text{Iesu Crist, } \text{þat such holi si} \text{ste him sente.} \\
&\text{To } \text{þe king he wente, Apeldrep, } \text{þat king was } \text{þe sut } \text{þo} \\
&\text{and ar he } \text{æeue him } \text{þilke place from him he nolde go. (125–8)}
\end{align*}
\]

60 The exception is the E-redaction’s movement of lines 135–8 to the end of the first section, discussed above.
61 I follow the SEL in spelling Kenred and Atheldred in naming the characters in the SEL, and the standard Coenred and Æthelred in discussing the historical figures and characters in the Latin vitae.
62 Though Dominic’s version of the charter specifies that Aldhelm died only two years after Coenred became king. Further, his claim that Ecgwine and Coenred’s trip to Rome was “non multus tempus” after the funeral indicates that the reason for the discrepancy is most likely that Dominic’s date for Coenred’s ascendancy was 707 (I.9.52). However, the SEL poet is not likely to have followed the charter on this date, for reasons explained below.
This is indicative of the *SEL*'s shortening of the timeline in this episode, so that the miracle, Athelred’s abdication, and the trip to Rome with Kenred seem to happen in relatively rapid succession, and thus reach their conclusion more quickly. Given that Coenred did not come back from Rome in 709 and thus could not have witnessed the charter S 1251 in 714, the translator could have decided that the discrepancy was caused by the accidental conflation of two separate trips by the king; once at the beginning of his reign, and once in 709 at the end. This would provide a motive for speeding up the events of the timeline. The earlier in Kenred’s reign that the first trip could have taken place, then the more plausible it seems that he could have come back to England and decided to take the second. Given, then, the instability of the narrative surrounding Egwine’s two trips to Rome, highly suggestive of tampering with the narrative of the Latin sources, the movement of the episode at Aldhelm’s funeral to the first half of the poem no longer seems like such a blatant example of interpolation. With a source as authoritative William of Malmesbury making it quite clear that Ecgwine attended the funeral in chains, the transposition of the event might rather be another attempt to reconcile the irreconcilable historical sources.

There are several instances in the *SEL* where political concerns seem to affect deviations from a text’s historical sources. For example, Görlach notes a similar “revision” in the “A” version of the *South English Legendary* "Life of St. Dunstan," again with reference to a decontextualized statement from William of Malmesbury (Görlach 43–4). Görlach’s hypothesis that an A-redactor simply “misunderstood” the poem’s sources bears re-evaluation in light of the above argument, especially considering that the misunderstanding in question makes Glastonbury seem older and therefore more established in its property claims.
A similar “error” is noted by Braswell in her edition of the SEL “Life of St. Edburga.” Events from Alfred’s reign are given dates that sometimes do not match any known sources, and sometimes conform to the Annales de Wigornia (326 n. 19, 23–4). According to the "Life of Edburga," Alfred reigned 31 years and died in 880; this would start his reign in 849, the year of his birth. This "mistake" might have been perpetrated because of political pressure to rewrite history to fit the dates found on important but spurious legal documents. For example, the charter S 343 of Athelney Abbey, proven spurious by its claim to have been witnessed by Alfred in 851, would be authentic if the dates given by the "Life of St. Edburga" were correct (O'Donovan 1973, 204). If a similar document existed in the Worcester region, then the "Life of St. Edburga"-poet might have followed its dates, rather than risk opening up the messy question of whether or not the document ought to be considered valid.

An example of a more fundamental narrative alteration is found in the SEL “Life of St. Æthelberht,” where the fault for the murder of the saint is transferred from King Offa to his wife. Nagy observes: “if Offa’s only crime was his ignorance or his gullibility, then the churches, abbeys, and monasteries that he endowed would suffer no contamination through their association with him” (164). This can be taken a step further. The attribution of the crime to the “luiper rede” of Offa’s wife is parallel to the elaboration of Rowenna’s crime found in the Brut, while the false “baronie” responsible for making Æthelberht look for a wife in the first place play a role much like Hengest and Horsa. Thus the “Life of St. Æthelberht” both rehabilitates the patron of ecclesiastical institutions, and holds both kings up as examples of how great rulers can be misled by

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secular advisors. As these examples demonstrate, a fuller study of the “distortions” found in the various texts associated with the SEL would be a useful corollary to the ongoing attempts to identify particular versions with particular regions, as the relevance of these alterations to specific political controversies might be detected.

The relationship between the SEL "Life of St. Egwine," the Latin versions of the *Vita S. Ecgwini*, and the witnesses and paraphrases of the charter S 1251 provide further evidence of the strategies of the archivists, forgers and poets who adapted charters created for a homiletic, performative context to meet the needs of later text-based bureaucracies. The “Life of St. Egwine” provides us with a way of tracking how the uses of this fictive orality came to influence the emerging vernacular English poetic tradition. Unlike the Brut or the First Worcester Fragment, the *South English Legendary* was probably intended for a general audience, and as such it is as close to representing a survival of medieval popular culture as any text existing.64 Anne Thompson has noted that while the SEL narratives were probably written for purposes of religious instruction, exposition was typically downplayed by the poets in exchange for narrative concision and character development (Thompson 2003, 78). These attributes of the SEL refine strategies already present within the tradition of hagiographic literature into a form that can be appropriately called, in the sense described in the introduction to the present study, “literary.” Although the SEL “Life of St. Egwine” shares in the ideological purpose of the original Anglo-Saxon charter, it continues only the literary aspects of it, asserting the sanctity of Evesham’s first abbot and his role as a kingly adviser without bothering to enumerate the specific legal claims that took his sanctity as their basis (85–8, 133–4, 141). However, the narrative nonetheless retains within it the traces of that original act

of preaching, and continues to assert the holiness of Evesham monastery, and by implication its rights to its properties.

Thompson concludes her study by noting that the “intersection of the secular and the religious” seen in the SEL’s mixture of poetic and didactic techniques “offers risky knowledge insofar as it points away from the clearer separations of the early medieval world, but is a knowledge that points towards the future, in terms of both life and literature” (187). As my above analysis has demonstrated, the separation of secular and religious spheres was decidedly unclear in medieval England, either rhetorically or politically, as the relationships between secular and religious political entities on a local level were fluid and heavily contested. However, their “mixture” in the *South English Legendary* does indeed point towards the “future,” or at the very least, our present, in that it marks an earlier stage in the development of the modern critical distinction between legal and literary texts. The charters and *Vita* of St. Ecgwine do not respond easily to purely literary-critical or purely diplomatic practices of reading; however, we can see in their adaptation for the *South English Legendary* that their survival in the broader cultural discourse was bound up with their involvement with increasingly literary concerns, as the *story* of the saint came to be more important than the spurious legal documents claiming him as a witness.
The poetic fragment *Mum and the Sothsegger* survives in only one manuscript, London, British Library Additional MS 41666, whose nineteen deteriorated paper folios are held together by the binding of what must have been a significantly larger volume.\(^1\) The fragment can be tentatively designated a debate poem or a dream vision, though it does not exactly conform to either genre; perhaps the most precise description is to call it simply "Langlandian," for reasons discussed below.\(^2\) The surviving fragment begins with a meditation on the dangers posed to the kingdom by untrustworthy advisors. The narrator's fear of speaking out against powerful officials is personified by Mum, literally "silence," who interrupts to argue that the narrator should keep quiet rather than risk his livelihood. Sensing that he has an ethical obligation to speak nonetheless, the narrator travels through the secular world to find a *sothsegger*, or "truth teller," who would provide a viable alternative to making a choice between honesty and solvency. This quest includes visits to Oxford, the friars, parish churches, and various other institutions both religious and secular; the narrator criticizes what he sees, and converses with Mum again.

When the narrator finds a *sothsegger*, the latter is wounded and silent, exactly as Mum had described. Demoralized and "reedeless" (843), the narrator goes to sleep. He promptly has a dream, in which a bee-keeping franklin tells him that he must write a poem to say what he has seen. After the dream, the narrator informs us that he has


\(^2\) For simplicity's sake, I will refer to the characteristic rhetorical features of surviving *Piers Plowman* manuscripts as "Langlandian," though there are many problems with attributing several versions of the text to a single author William Langland. See below: 198.
discovered a bag of books that had been hidden by Mum, which includes written
evidence for a wide variety of injustices. The fragment ends after several hundred lines
interpreting these documents, in a scene not unlike Hemming’s self-description in the
*Enucleatio Libelli* of taking old documents out of the *scrinium* in order to proclaim them to
the world at large (Hearne 1723, 1, 282). Given that the search for a *sothsegger* ends
immediately before the "bag of books" section, then, it is implied that the narrator has
himself become a *sothsegger* when he begins to interpret the texts for us, and tells us
the knowledge they contain.

In her study *Documentary Culture and the Making of Medieval English Literature*,
Emily Steiner argues that both *Mum and the Sothsegger* and *Piers Plowman* “construct
ideals of public writing from documentary culture, and particularly from those strange
intersections between documentary practice and literary form” (Steiner 2003, 143). But
where Steiner reads *Piers Plowman* as a response to the political realities of its time and
place, she argues that *Mum and the Sothsegger* responds rather to the *representations*
of documentary culture found in the various versions of *Piers Plowman*, so that the
fragment applies the tradition’s symbolic matrix to address the more specific problem of
bringing about social reform through the parliamentary Commons (Steiner 2003, 177–
92). Steiner’s reading of *Mum and the Sothsegger* focuses particularly on the "bag of
books" section. The narrator tells the reader that he is summarizing the contents of the
bag “forto conseille the king,” an activity already identified in the poem with saying the

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3 On *Mum and the Sothsegger* and parliamentary politics, see: Matthew Giancarlo, *Parliament
and Literature in Late Medieval England* (Cambridge: Cambridge University Press, 2007), 238–
Press, 2007), 105–6. On *Piers Plowman* as social critique, see for example Anne M. Scott, *Piers
Plowman and the Poor* (Dublin: Four Courts Press, 2004); Justine Rydzeski, *Radical Nostalgia in
the Age of Piers Plowman: Economics, Apocalypticism, and Discontent* (New York: P. Lang,
1999); and Myra Stokes, *Justice and Mercy in Piers Plowman: A Reading of the B Text Visio*
(London: Croom Helm, 1983).
sothe (1343). If this section of *Mum and the Sothsegger* makes “more forceful claims about the relationship between poetry and documents than *Piers Plowman* can sustain,” it nonetheless does so as a part of a tradition coming from *Piers Plowman* that treats the previous text more like a documentary template than a poem (Steiner 2003, 165).

This astute reading of the text has larger implications for the genre of the *Piers Plowman* tradition, when considered in the context of the Anglo-Saxon legal-homiletic tradition. As I said in the introduction, *Piers Plowman* tradition constitutes a unique subgenre of late-medieval alliterative poetry, both because of its erratic approach to meter (Cable 1991, 83) and because of the ambiguous interrelationship between its various manuscripts. I will argue that the symbolic treatment of documents within *Mum and the Sothsegger* are thus part of a larger discursive strategy, which critiques the problems of fifteenth-century government not only *thematically* but *formally*, by employing strategies of textual authentication which assert the text’s continuity with the eternal, divine law that adheres to England itself. I will ground this reading by comparing Mum and the Sothsegger to the poetic, homiletic and legal texts surveyed in the preceding chapters. Though there are some continuities between the political positions advocated in *Mum and the Sothsegger* and the political interests of English monasteries, so closely identified with the Anglo-Saxon legal-homiletic texts surveyed in the previous chapters, at this point the rhetoric seems to have moved beyond the political boundaries of the west Midlands monastery to speak rather from the margins of courtly society. The

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performance of authoritative knowledge implicit in the knowledgeable identification of what exactly the populace has forgotten, identified in chapter 2 in both the *Leges Henrici Primi* and *The First Worcester Fragment*, are here divorced from their specific political implications, to be applied rather to a significantly broader and more secular-minded critique. Before I can make this reading of the text, however, I must first situate *Mum and the Sothsegger* within the *Piers Plowman* tradition of manuscripts and interrelated texts.

**Defining the Piers Plowman Tradition**

In the recent study *Public Piers Plowman*, C. David Benson attempts to supplant the eponymous scholarly consensus of "Langland studies," that William Langland wrote an original poem and revised it twice. Benson calls this belief “the Langland myth” (3–14), and argues that its premises are accepted only because of editorial necessity:

> Although it was once assumed that better editions of *Piers Plowman* would solve the authorship question, we have come to understand that the editing of *Piers Plowman* can only proceed *after* a decision has already been made about who wrote it (a myth or working theory about a poet) and of the number and order of its versions (a myth or working theory about the poem). (Benson 2004, 11, his emphasis)

Thus the need to present the poem in a modern edition has encouraged the enshrinement of certain readings and variants as authorial and others as scribal interpolations and/or separate works by other authors.\(^5\) Further, this has focused

scholarly attention on the variant readings that seem authorial, and left insufficiently addressed the question of what this apparently large body of imitators was trying to achieve. Benson suggests that “rather than attempting to make absolute verdicts about what in the Piers Plowman manuscripts is by the author and what is not, it might be useful to adopt the practice of art history and use such phrases as the workshop of William Langland or the school of Langland” (Benson 2004, 65).⁶

Mum and the Sothsegger was clearly a product of this school. Mum and the Sothsegger not only uses "Langlandian" metrical and thematic structures, but it directly borrows specific phrases and patterns of association from attested witnesses of Piers Plowman.⁷ Mum and the Sothsegger is even more closely related to another Langlandian fragment, Richard the Redeless. The two fragments were printed together in Day and Steele's EETS edition Mum and the Sothsegger (1971), and Kane and Donaldson apply this title to Richard the Redeless in their description of its manuscript (Langland 1975, 4). Dan Embree (Embree 1975) argues convincingly that the fragments are not parts of one poem, though Helen Barr (Barr 1990) used statistical analysis to argue that the two fragments at least share the same author. In the most recent approach to the question, Simon Horobin agrees with Barr on the basis of dialect (Horobin 2004). But the most compelling evidence linking Mum and the Sothsegger to Richard the Redeless is the evidence that they shared a transmission history. John Bale, following Nicholas Brigham, cites a poem in his Index Britanniae Scriptorum called

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⁶ This is not only the practice of art historians, but also of Anglo–Saxonists. See, for example, the distinctions between the signed poems of Cynewulf and those written by his school: S.K. Das, Cynewulf and the Cynewulf Canon (Calcutta: University of Calcutta, 1942); Claes Schaar, Critical Studies in the Cynewulf Group (Lund: C.W.K. Gleerup, 1949).

⁷ For the fullest enumeration of the specific parallels between Mum and the Sothsegger and Piers Plowman see: Alcuin Blamires, "Mum and the Sothsegger and the Langlandian Idiom," Neuphilologische Mitteilungen 76 (1975), 583–604.
“Mum, Soth Segger,” and provides a Latin translation of its first two lines, which actually corresponds with those of Richard the Redeless.\(^8\) Meanwhile, on the back cover of the Mum and the Sothsegger manuscript, there is a fifteenth–century inscription labeling it “the lyff off kyng Rychard the ij” (Day and Steele 1971, ix). Though these coincidences do not conclusively prove that the two poems were originally part of the same work, they do suggest that the two fragments were grouped together by at least some of their medieval scribes.

Richard the Redeless survives only in Cambridge University MS Ll.4.14, where it appears directly following a copy of the B–version of Piers Plowman. Both texts are written in the same scribal hand.\(^9\) There are six blank pages in this manuscript after the end of Richard the Redeless that could have been intended for at least part of Mum and the Sothsegger. Meanwhile, the codicological evidence suggests that the Mum and the Sothsegger fragment could have been preceded by as many as 1,104 lines of poetry, 247 lines more than Richard the Redeless (Benson and Blanchfield 1997, 46; Day and Steele 1971, xviii). Skeat even went so far as to include Richard the Redeless in his edition of Piers Plowman as an appendix, and argued that it was the work of Langland in his old age.\(^{10}\) Thus if the ambiguous interrelationship between the two fragments suggests that Richard the Redeless and Mum and the Sothsegger might have been part

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\(^8\) This was first observed by Henry Bradley, "The Misplaced Leaf of 'Piers the Plowman' " Athenaeum (1906), 481. See also Day and Steele, Mum and the Sothsegger, ix n. 3.


\(^{10}\) Skeat’s argument is highly subjective: “An imitator of William might have copied his phrases, but how was he to attain his genius?”: William Langland and Walter W. Skeat, The Vision of William Concerning Piers the Plowman in Three Parallel Texts; Together with Richard the Redeless (Oxford: Clarendon, 1886). vol. 2, lxxxv.
of the same text, the circumstances of their survival further suggests that they might have also been interpolations into the larger text *Piers Plowman*.

Helen Barr’s edition of *Mum and the Sothsegger, Richard the Redeless*, and the similarly alliterative poems *The Crowned King* and *Pierce the Ploughman’s Crede* is titled “the *Piers Plowman* tradition” (Barr 1993). However, as she acknowledges, the direct echoes of *Piers Plowman* found in these poems and fragments are not allusions of a kind that implicitly engages in dialogue with an *auctor* predecessor, as when Hoccleve echoes and eulogizes “My maistir Chaucer, flour of eloquence” in the *Regiment of Princes* (1962). Barr explains: “The discussions about poetry in *Piers Plowman* centre not on the anxiety of influence, but on the anxiety of the spiritual worth of the activity of writing and the social consequences of its reception” (Barr 1994, 7). As Anne Middleton observes, *Piers Plowman’s* early readers typically quoted the title character rather than the poet Langland, suggesting that the character played a more crucial authorial role than the author (or authors) who created him (Middleton 1990, 16). Thus Barr uses the word “tradition” only in a general sense, to characterize the way these poems “respond to *Piers [Plowman]* primarily as a social document” (Barr 1994, xi). *Mum and the Sothsegger* establishes its relationship to the previous text “not by reference to dead poets with illustrious names but with reference to standards of legal propriety and truth” (Barr 1994, 9).

As an example, Barr identifies an interpolated Passus XII, found in three A–version manuscripts and signed by “John But,” as a part of the *Piers Plowman* tradition.

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Like *Mum and the Sothsegger*, this Passus XII seems to take quotations from the different “versions” of *Piers Plowman* and mix them with otherwise unattested material to produce a text similar in spirit to the original poem, but more specifically political in its implications. In the present case, Passus XII’s mention of Richard II is one of only three references to contemporary political figures in any version of *Piers Plowman* (Barr 1994, 22 n. 92). Barr argues that the Passus constitutes a “new poem” (Barr 1994, 19), and thus that the tradition poems differ from Passus XII and other interpolations primarily in degree rather than kind. Indeed, even this distinction is perhaps too strong; Passus XII, after all, is the text explicitly attributed to an author besides Langland, while the other fragments are all anonymous in their surviving form.  

With the lack of firm distinctions between textual variants, interpolations, and imitative poems in *Piers Plowman* and its affiliated tradition, it is difficult for textual critics to apply clear distinctions between cases where the manuscripts witness different versions of one text, and cases where the manuscripts witness separate texts, some of which are merely imitating others. If an editor took the leap to argue that *Richard the Redeless* and *Mum and the Sothsegger* are continuations of *Piers Plowman*, then these "fragments" of imitative poems could be recategorized as "interpolations" in the poetic tradition they imitate, much as Passus XII is categorized now. To respect the ambiguity

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12 Oxford, University College MS 45, Pierpont Morgan Library MS M818, and Oxford, Bodleian Library MS Rawlinson Poetry 137, the last of these being the fullest version and the one that includes But’s signature; Helen Barr, *Signes and Sothe: Language in the Piers Plowman Tradition*, (Cambridge: D.S. Brewer, 1994), 18 n. 82.

of the evidence, then, I would like to confine my use of Helen Barr's term "Piers Plowman tradition" to refer to an interrelated textual tradition, of manuscripts witnessing an identifiable Langlandian discourse characterized in part by its re-use of existing Langlandian verse. The question of Langland's personal responsibility for writing the text is therefore put aside, so that any text which demonstrably imitates some versions of *Piers Plowman* is considered to be a "part" of the poem itself, unless it makes some kind of explicit differentiating gesture.

This decidedly broader definition of the text is justified by an analogy to the similarly porous and interrelated versions of the law code *I–II Cnut*, and its surrounding tradition of affiliated "Wulfstanian" legal and homiletic texts. Though Felix Liebermann took a very different approach to *I–II Cnut* in his *Die Gesetze der Angelsachen* than his contemporary Walter Skeat took to *Piers Plowman*—Skeat's textual criticism founded the "myth" identified by Benson, that there are three authorial versions of the poem, while Liebermann placed the different witnesses and translations of *I–II Cnut* in separate columns, with variations in the substance of the legislation marked in bold—their different methods conceal an underlying similarity of the traditions they attempt to represent. And in fact Skeat's synthetic method would have been arguably more appropriate to *I–II Cnut* than *Piers Plowman*, and vice versa. Given the evidence cited in chapter 1, future editors of *Cnut 1018* and *I–II Cnut* would be well within their rights to re-name the texts *Cnut* "A–version" and *Cnut* "B–version." Unlike the "myth of


15 See above: 35–7.
Langland," the theory that Wulfstan wrote both of these versions is well–substantiated by both the surviving manuscripts and the historical record. More importantly, the implicit generic distinction between "poetic" and "legal" text which informed the editorial methodologies of Liebermann and Skeat has obscured their many similarities. It is striking, for example, that the voice attributed to Langland by Skeat should share so many features with the homiletic voice of Wulfstan:

He shows himself to us ... with strong views on the duties of a king towards his subjects, together with a feeling of deep reverence for the kingly character, fearless, unprejudiced, and ever willing to be taught. He does not write to please, but to express earnest and deep convictions, and from a love of contemplating the great problems of life; and there is much that may teach a reader to be earnest, pure, loving, and simple–minded, much that may profit all such as care to be instructed in such things. (Skeat in Langland 1886, xxxviii)

Though Wulfstan's voice is discernible in I–II Cnut, there is no evidence of thematic concern within the law code of Wulfstan's creative debt to earlier legislators; indeed, the rubrication of the manuscripts suggests that Wulfstan's authorship was incidental to the purpose of the text.16 If the laws in I–II Cnut were nonetheless called the laws of Edgar, it was because they articulated Cnut's desire to live according to the standards of legal propriety that existed in Edgar's time. Similarly, Mum and the Sothsegger never topically addresses the anxiety of influence because the fragment rather applies the spirit of Piers Plowman to his own historical context.

The analogy to Wulfstan will provide a more nuanced explanation for the looser approach to poetic authority witnessed in the Piers Plowman tradition. Though Hoccleve might have been a named poet who explicitly discussed his relationship to the preceding poet Chaucer, his formulary letters tend to hide (though not eliminate) self–references, a

16 See chapter 1, 44–51.
feature of his writing that suggests he "comes to autobiography by way of bureaucratic hide–and–seek" (Knapp 2001, 33–4). The tensions identified by Knapp, between Hoccleve’s poetic narratorial voice and his bureaucratic self–effacement, do not manifest on the discursive level of *Mum and the Sothsegger*, despite the apparent biographical similarities between the two poets. The difference between authorial practices in *Mum and the Sothsegger* and the poetry of Hoccleve is perhaps best considered a *generic* one, both in the sense of their different categorization as kinds of discursive objects, and in the sense of their genetic descent from different predecessors.

Below, I will offer a reading of *Mum and the Sothsegger* which takes these observations about its "Langlandian" genre into account. In the process, I will provide further evidence to corroborate my analogy between *Mum and the Sothsegger* and the post-Conquest continuations of Anglo-Saxon legal-homiletic discourse, and identify some of the ways that the tradition had changed in the centuries following the Norman Conquest. As I will show, *Mum and the Sothsegger* does not so much apply the quasi-legal, quasi-poetic "template" of *Piers Plowman* to a new context as it adds to it, generating a new *exemplum* for socially conscious participation in the parliamentary process in order to update the text as a whole for a Lancastrian socio–political climate.

**Text, Gloss, and Genre in Mum and the Sothsegger**

Richard Firth Green reads *Mum and the Sothsegger* as a critique of a larger social ill he identifies in the fourteenth and fifteenth centuries, concerning "the dislocation caused by a powerful centralized authority employing a highly literate bureaucracy to

enforce a common law still profoundly local and oral in its structural assumptions” (Green 1999, 124). Green maintains that one constant of late–medieval England was that government had not reconciled the “folklaw” as practiced orally in smaller, local courts with the “king’s law” as administered centrally on a national level. As the bureaucracy grew, personal knowledge and common sense became supplanted by an administrative reliance on legal texts, even though a nation–wide infrastructure capable of producing and storing reliable legal texts did not yet exist. These abuses are explicitly addressed near the beginning of Mum and the Sothsegger, when the narrator speaks directly to the various servants of the legal system:

    Have pitie on the penylees and thaire pleynte harkeneth,  
    And hire thaym as hertly as though ye hure had,  
    For the love of Hym that your life weldeth;  
    And graunteth thaym for Godis sake and with a good chiere  
    The writing of writtz and the waxe eke;  
    And thay wil love you for the lawe as liege men aughte,  
    More thenne for mayntenance that any man useth,  
    Or for any frounting for faute of the coigne (21–8).

The poor are disenfranchised because they cannot afford the documentation that would protect them in an equitable manner. They plead their cases to the officials, who are urged by the narrator to “harkeneth,” but their communal, oral knowledge has no official recourse before a document–based system of law. Thus the documentary poetic of Mum and the Sothsegger provides a way of representing what Green calls the “institutional schizophrenia” of late medieval England (Green 1999, 124).

I will respond to Green’s argument shortly. For now, it is worth observing that the terms of this critique are similar to those found in post–Conquest Anglo-Saxon legal treatises, for example in the homiletic Leges Henrici Primi passage quoted in chapter 2:

    6.3 Ipsorum etiam iura comitatuum per prouincias plerumque dissentiunt sicut uidelicit cupiditas et maligna professorum detestanda studia graviora nocendi genera legalibus statibus adiecerunt (Downer, 98).
6, 4: Tanta quippe rerum peruersitas et malorum affluentia est ut definita legis ueritas uel stabilis medicine prouidentia raro possit inueniri, set ad maiorem omnium confusionem nouus inplacitationis modus exquiritur, noua nocendi fraus inuenitur, tanquam parum noceat quicquid ante fuerit, et pluris esse iudicetur qui pluribus plus nocuerit.

6.3 The laws of the counties themselves differ very often from shire to shire, according as the rapacity and the evil and hateful practices of professors have introduced into the legal system more serious ways of inflicting injury.

6, 4: There is so much perversity in human affairs and so much profusion of evil that the precise truth of the law or a settled statement of the legal remedy can rarely be found, but to the greater confusion of all a new method of impleading is sought out, a new trick for inflicting injury is devised, as if too little damage follows from what has been done before, and he who does most harm to most people is valued the most highly.

(Downer 1972, 98–99)

The primary difference between this passage and Mum and the Sothsegger is the object of its appeal. The Leges Henrici Primi lament a state of affairs, while the fragment is more pro–active, urging the bureaucrats responsible for the problem to change their ways. Both texts represent the greed of legal professionals as constituting a major cause of social injustice.

A central irony in Mum and the Sothsegger is that the character of Mum or “silence” speaks extensively throughout the poem, while a sothsegger appears only briefly and says nothing at all. For this reason Mum seems to represent not a literal but an essential silence, the failure to communicate meaningfully rather than the failure to speak. In the context of the poem's political critique, Mum is an allegorical representation of the social forces that fragment administrative practice, by preventing co–operation between its constitutive forms of communication (spoken, written, heard or read) and thereby reducing the practice of government to a competition between self–interested parties. A sothsegger, on the other hand, is someone who attempts to unify
government, so that all of the various hands that operate the machinery of justice can know what all of the other hands are doing, and coordinate their efforts accordingly.

Mum selfishly promotes local and personal interests, while the sothsegger speaks for the collective welfare. In other words, the "sothe" is not only the written text, but the text as it appears in the context of its proper use. Over the course of this reading, I will show that the contrast between Mum and sothsegger emphasizes the moral responsibility of the people who read the documents over the validating procedures of the documents themselves, and in this sense recalls the relatively "oral"\(^{18}\) anxieties witnessed by Anglo-Saxon legal texts in a more "literate" context.

The fragment frequently references the dichotomy between text and gloss, and identifies the sothsegger with the former and (by implication) Mum with the latter. A common trope in medieval Christian literature, the text/gloss dichotomy is particular charged in Middle English, where the verb glosen also means “to falsify” ("Middle English Dictionary" 2001, def. 2).\(^{19}\) A representative use of the trope appears in a lament near the beginning of the poem, indicated below by italics:

```
But the king ne his cunseil may hit not knowe
What is the comune clamour ne the crye nother,
For there is no man of the meeyné, more nother lasse,
That wol wisse thaym any worde but yf his witte faille,
Ne telle thaym the trouthe ne the texte nothir,
But shony forto shewe what the shire meneth,
And beguile thaym with glose, so me God helpe,
And speke of thaire owen spede and spie no ferther,
But ever kepe thaym cloos for caicching of wordes.
(158–64, my emphasis)
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\(^{18}\) See the introduction: 25–9.

\(^{19}\) The appearance of this term here is a part of Barr's argument that Mum uses Hudson's Lollard vocabulary: Barr, Signes and Sothe: Language in the Piers Plowman Tradition, 100, citing Hudson, "A Lollard Sect Vocabulary?," 178–9. The term also occurs in the prologue of all three versions of Piers Plowman in association with the friars, which parallels Mum and the Sothsegger's anti–fraternal rhetoric (A 57, B 60, and C 58; Joseph Wittig, Piers Plowman: A Concordance). See also Amanda Walling, "Friar Flatterer: Glossing and the Hermeneutics of Flattery in Piers Plowman," Yearbook of Langland Studies 21 (2007), 57–76.
The narrator accuses wealthy people of using their power to “beguile” the king and his chief advisors "with glose" in order to obscure the "trouthe" of “what the shire meneth,” which is to say the text. Further, this practice is related to their localized and personal mindset, that they “speke of thaire owen spede and spie no ferther, / But ever kepe thaym cloos.” The universality and accuracy of the text is contrasted with the selfish specificity of the gloss, which allows the wicked counselors to exploit the text for personal agendas.

A similar criticism is leveled against the compilers’ intellectual rivals in the

*Dedicatio* of the *Quadripartitus*:20

Vereor itaque futura de te iudicia, dum me talia professorum manus impure convenient et ad singula conclamabunt: ‘hoc ineptum est, hoc invalidum,’ vel quicquid ad eregendam dire mentis site petulantiam ledorie vel scommatum verbis aut motibus occurrerrit intempestum. (24; Liebermann 1903, 80–1)

And so I am fearful over future judgements about you, when the impure hands of those who say such things accost me, and they shout at every point: this is incompetent, this is incorrect, or whatever untimely [thought] occurs to them to satisfy the petulance of their nasty minds with words or gestures of open reviling or taunting.21

Both Q and the narrator of *Mum and the Sothsegger* represent their texts, which are based in the actual recorded precedent of English law, as counteragents to the selfishness and shortsightedness of wicked royal advisors. The *Quadripartitus* passage is also paralleled in *Mum and the Sothsegger* by the first interruption of the character Mum, who uses "words and gestures of open reviling or taunting" in a dramatization of

20 The *Dedicatio* to the *Quadripartitus* is also discussed in chapter 2: 95–7.
21 This translation is based on Richard Sharpe’s, as discussed in chapter 2: 97.
the situation imagined in the *Quadripartitus* that echoes its thought/word/deed structure.\(^{22}\)

> But I dreed me sore, so me God helpe,  
> Leste covetise of cunseil that knoweth not hymself  
> (Of sum and of certayn, I seye not of alle)  
> That of profitable pourpos putteth the king ofte,  
> There his witte and his wil wolde wirche to the beste –  
> "Nomore of this matiere," cothe Mum thenne,  
> "For I mervaille of thy momeling more thenne thou wenys.”

(227–33, my emphasis)

This passage also witnesses a collocation of thought, word, and deed to describe a relationship between king and advisor: the false *counsel* of Henry's untrustworthy royal advisors prevents the king from having the correct disposition of *wit and will*, which would allow him to *work* as he ought. The narrator's speculation that this could potentially happen occasions the interruption of Mum, which distracts the narrator from providing the corrective counsel that would, by implication, lead to appropriate thoughts and deeds.

Q expresses similar worries at a later moment in the *Dedicatio* of the *Quadripartitus*, where he urges the king not to allow the words of treacherous advisors to pollute his mind and actions:

> Cuis te dispensationis hortatorem secutus, iudicem quoque constituo, veniam postulans, ne prius hec patiaris grandia professorum debachationibus occupari quam tue nobilitatis et nostre dilectionis intuita superflua reseces, errata castiges, impleta confirmes, ut pax sit diligentibus legem tuam, et non sit offendiculum. (38; Liebermann 1903, 83)

*Having followed you as my encourager in this undertaking, I now also make you its judge, begging indulgence, that you do not allow these important matters to be waylaid by the ravings of the professors until, with the insight of your nobility and your love for*

\(^{22}\) A penitential use of the thought/word/deed motif appears in the B–text of *Piers Plowman*, in Repentance's absolution of the Deadly Sins:  "have ruthe on thise ribaudes that repenten hem soore / That evere thei wrathed Thee in this world, in word, thought or dede!" (B.5.505–6).
us, you have cut back what is superfluous, mended what is incorrect, strengthened what is complete, so that peace have they that love your law, and to them there be not the least stumbling block. (Sharpe 1994, 162)

This network of thematic parallels between the Quadripartitus, Leges Henrici Primi, and Mum and the Sothsegger reveals a unity of rhetorical purpose underlying the texts. But where the Quadripartitus rhetorically evokes the possibility of interruption by the professores in order to set them aside, Mum literally interrupts the narrative of Mum and the Sothsegger, so that the relatively conventional scholarly anxiety of the treatise is replaced by the discursive instability of an allegorical, literary text.

It is noteworthy in this regard that, in the Mum and the Sothsegger lines 227–33 quoted above, Mum interrupts immediately after the narrator expresses his "dreed" for what will happen. "Dreed" is itself personified later in Mum and the Sothsegger. When the narrator does finally locate a sothsegger, he is told by “a eldryn man” that the sothsegger in question has given up his efforts:

... the Sothesigger
Dyneth this day with Dreede in a chambre,
And hath ydrunke dum–seede, and dar not be seye
Sith Mum and the mayer were made suche frendes. (837–40)

Here, Dreede's poison does not kill the sothsegger so much as it prevents him from speaking. The association between silence and poison here is related to a “venom” motife occuring throughout fragment23 in the metaphor of the body politic:

For as I herde have, [boils] helen wel the rather
Whanne th'anger and th'attre is al oute yrenne,
For better were to breste oute there bote might falle
Thenne rise agayne regalie and the royaulme trouble. (1125–8)

23 For example line 1035, where the franklin explains that the king of the bees has no stinger, because "venym doeth not folowe hym, but vertue in alle workes."
Revealing the problems of the realm cures them, in the same way that puncturing a boil and draining its poison heals it. As we saw in Mum's interruption, however, the dread that poisons the sothsegger and prevents him from speaking the truth ultimately poisons the king, in that he is no longer able to act against the poison administered by treacherous advisors like Mum, which festers and threatens the entire kingdom. This symbolism is consistent with the motif of poisoning also found in the Brut, discussed in chapter 3.24

However, Mum and the Sothsegger takes a much more ambivalent view of the situation than that seen in the poisonings of the Brut. Mum distinguishes himself from the sothseggers as follows:

[The king's] wille ne thaire wordes I withseye never
But folowe thaym in thaire folie and fare muche the bettre,
Easily for oyle, sire, and elles were I nyce.
Thus leede I my life in luste of my herte,
for my wisedame and witte wone I with the beste,
While sergeantz the sechith to saise by the lappe
For thy Wilde wordes that maken wretthe ofte. (245–51).

Mum has a reputation for "wisdame and witte," earned through his tacit agreement with whatever the king says or does. The alliteration calls attention to Mum's ironic inversion of the "wilde wordes" of sothseggers, which prevent them from acquiring a good reputation.

The narrator responds to Mum:

"Now to this altercacion," cothe I, "an answere behoveth,
For I fele by thy fabelyng thou art felle of werkes
And right worldly wise of wordes and deedses,
And ever kepis thee cloos for casting bihinde" (263–6).

The "wisdame and witte" of Mum described above translate into "worldly" words and deeds, because his silence is selfishly motivated. In the last line, Mum's lack of moral

24 See above: 143, 148–51.
fortitude is associated with his desire to keep up with the most recent trends, lest he fall behind. This criticism draws attention to a key practical difficulty that comes from identifying the sothsegger with the true text and Mum with the false gloss. This problem becomes apparent immediately after the narrator's conversation with Mum, when he looks over the textual authorities available to him for arguments against Mum’s position:

I bablid on thoo bokes that thoo barnes made,  
And waitid on thaire wordes aswel as I couthe,  
But of the matiere of Mum might I nought finde,  
Ne no maniere nyceté of the newe jette,  
But al homely usage of the olde date,  
How that good gouvernance gracieusely endith. (308–313)

Though the equivocation between Mum and the “nicete of the newe jette” is clearly intended as a criticism, the “homely usage of the olde date” is not necessarily a preferable alternative. Good governance is obviously good, but how specifically should Henry IV govern well at his particular historical moment? It is striking that one of the most concrete, procedural critiques of silence in this poem so deeply concerned with procedural injustice comes from Mum himself, in lines 715–66. This knowledgeable speech is prefaced with the admonition of the narrator: “For though thou shuldes thyself be a sothesigger, / Thou has no cleere conceypt to knowe alle thaire workes” (717–8). The implication is that Mum does have a "cleere conceypt" of their "workes," and for that reason is capable of the virtuous thoughts and deeds necessary to become a sothsegger, even if he chooses not to actually think, speak, and act accordingly.

The problem is also illustrated by Mum’s use of quotations from textual authorities like Cato:

And cleerly Caton construeth the same,  
And seyth soethly, I saw hit in youthe,  
That of "bable" cometh blame and of "be stille" never –
Nam nulli tacuisse nocet, nocet esse locutum (289–92).25

The generalized applicability of textual authority, so broad that it can even be applied to prove that it has no applicability at all, is the very source of its truthfulness; after all, Mum actually *does* have a point, and Cato confirms it. Thus perhaps the real reason that the *sothsegger* has been poisoned by *dum–seede* is that the very idea of “saying” the truth is a contradiction in terms. As soon as the text is applied, it loses the universality that is the essential quality of its truthfulness.

In order to resolve this paradox, the poet resorts to the device of the dream vision. The next time that Cato appears in the poem, at line 875, the pagan *auctor* is superseded by the greater authority of the prophet Daniel:

> But sum of the silde–couthes I wol shewe hereafter,  
> For dreme is no dwele by Danyelis wordes,  
> Though Caton of the contrarye carpe in his bokes.

This subversion of a secular, pagan authority to a religious, prophetic one signals a larger bracketing–off of the poem’s central paradox by the sudden interruption of a dream vision. However, the dream’s resolution of the conflict is undercut by the narrator’s preceding examination of the poet’s political context, which represents the difficulty of being an ethical advisor so compellingly that only a complete retreat from political reality can authorize a pronouncement in favor of *sothe*–saying. Frank Grady, for whom the principal difference between Lancastrian and Ricardian poetry is that the former “trades dreams for documents,” reads the intrusion of the dream vision into this

poem as evidence of its discursive failure, undermining the apparent triumph of sothe–
saying and text–telling that constitutes the last several hundred lines of the poem (Grady
2002, 206). Simply put, the dream vision’s outmoded and deliberately enigmatic
narrative form draws the reader’s attention to the fact that the narrator does not literally
represent the actual contents of the obscured texts, but only gives us his interpretive
“gloss” of them, presented in poetic form (Grady 2002, 214–22).

In the following section, I will respond to Grady's reading, and argue that the
poem's legal-homiletic idiom provides another way of reading the text. Literary dream
visions recall the modes of textual fluidity found in the Anglo-Saxon legal tradition, in
their reliance on the reliability of the speaker over the veracity of specific narrative
details.26 A.C. Spearing is worth quoting at length:

    Compared with other poems, [the dream vision] makes us more
    conscious that it has a beginning and an end (marked by the
    falling asleep and waking of the narrator); that it has a narrator
    whose experience constitutes the subject matter of the poem; that
    its status is that of an imaginative fiction (whether this is
    conceived as a matter of inspiration, or of mere fantasy, or
    somewhere between the two); in short that it is not a work of
    nature but a work of art. It is a poem which does not take for
    granted its own existence, but is continuously aware of its own
    existence and of the need, therefore, to justify that existence
    (since it is not a part of the self–justifying world of natural objects).
    (Spearing 1976, 4–5)

Dream poems, like legal documents, are ostensibly records of an actual event or
experience; however, given that the texts are themselves the principle evidence for the

26 On dream visions, see also Steven F. Kruger, *Dreaming in the Middle Ages*, Cambridge
Studies in Medieval Literature (Cambridge: Cambridge University Press, 1992), 123–65 and
Kathryn L. Lynch, *The High Medieval Dream Vision: Poetry, Philosophy, and Literary Form*
(Stanford: Stanford University Press, 1988), 22–76. For text and gloss in the dream visions of
Chaucer, see Martin Irvine, "Bothe Text and Gloss": Manuscript Form, the Textuality of
Commentary, and Chaucer's Dream Poems," *The Uses of Manuscripts in Literary Studies: Essays
in Memory of Judson Boyce Allen*, eds. Charlotte C. Morse, Penelope Reed Doob and
Marjorie Curry Woods, Studies in Medieval Culture (Kalamazoo: Medieval Institute Publications,
1992), 81–119.
events or experiences they describe, their truthfulness paradoxically precedes and even creates their credibility. The dream vision is thus a mode of validation that transcends the literature/law dichotomy, in that the creative influence of the dreamer cannot be parsed out from his accurate commemoration of his dream.

As I have shown throughout this dissertation, "documents" are just as categorically treacherous as dreams, if not more so; the poem does not so much trade one for the other as it combines them, to create a documentary dream vision based on the idiom of Langland, which in turn witnesses evidence of influence from an English legal-homiletic idiom inherited from the Anglo-Saxon period. In order to see this happening in Mum and the Sothsegger, we must turn to its final section, where the narrator engages with documents directly, as symbolic objects, in order to authorize his critique of procedural injustices intrinsic to a document–based system of law.

How to Solve a Problem Like Genghis Khan

One important parallel between I–II Cnut and Mum and the Sothsegger is the political circumstances in which the texts were written. In both cases, a new monarch had recently seized the throne after a war against an unpopular king. I have shown above how Wulfstan co–opted the voice of communal memory as a legitimate protocol for offering advice to a monarch, and evoked Æthelred as a negative example. The probable overlap in the transmission history of Mum and the Sothsegger and Richard the Redeless, combined with the narrative emphasis of the latter on the danger of untrustworthy advisors, underscores the implication that Henry's predecessor Richard

provided a negative example of what can happen if flatterers are given too much free rein. Both Cnut and Henry IV were taught by their predecessors that the right to kingship is based on the perception of his subjects that he act in accordance with their expectations. Accordingly, both texts represent their contents as the ræd that the previous monarch lacked, by formally representing their contents as disinterested citations of universally accepted principles.

If Mum and the Sothsegger is intended to counsel the king, then the narrator's examination of 24 so-called “comunes of culmes” (1388), recording gossip and slander, is particularly problematic. In the course of his reading, the narrator digresses to suggest that Genghis Khan’s order to his nobles that they kill their first children and give up their lands was a good kingly decision (1414–1443). Grady argues that this passage reveals the poem’s appeals to history to be “fundamentally ironic” (Grady 2002, 221). What worked for the pagan despot of thirteenth–century Mongolia could never work for the Christian king of fifteenth–century England, and suggesting the Khan as a model of kingship only draws attention to the Lancastrian crisis of legitimacy. The poet has no choice but to represent Henry IV as a justified usurper, a paradox so charged that it becomes an aporia in the poem undermining its self–representation as an airing of the

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28 The parallel between the nickname “Æthelred the Unready” and the poem Richard the Redeless is underscored by the similar criticisms applied to each king, that their greatest sin was their failure to maintain productive relationships with the nobility. For Æthelred and his nobility, see John Damon, "Advisors for Peace in the Reign of Æthelred Unræd," Peace, Negotiation, and Reciprocity: Strategies of Co–existence in the Middle Ages and Renaissance, ed. Wolfthal (Turnhout, Belgium: Brepols, 2000), 57–78; Alice Sheppard, "Noble Counsel, No Counsel: Advising Ethelred the Unready," Via Crucis: Essay on Early Medieval Sources and Ideas in Memory of J. E. Cross. Eds. Thomas N. Hall and Thomas D. Hill (Morgantown: West Virginia University Press, 2002), 393–422; Simon Keynes, "The Declining Reputation of King Æthelred the Unready," Ethelred the Unready: Papers from the Millenary Conference, ed. David Hill, British Archaeological Reports 59 (1978), 227–53. For Richard the Redeless' representation of poor counsellors, see for example lines 86–105. On some of the shifting connotations of the words ræd and rædan, see chapter 3: 132–4.
truth, so Mum himself assumes the role of “Henry’s alter ego” (Grady 2002, 218). Grady reads the Genghis passage as an example of the poet’s failure to create “a new ‘documentary poetic’ that does not simply tell truths but endows them with the formal properties and performative powers and ‘material solidity’ of rolls and testaments” (Grady 2002, 227).

In this last point, Grady echoes Richard Firth Green’s argument that the “material solidity” of the documents in the bag of books is an “ironic counterpoint” to the larger social problem that the poem addresses, namely the “unholy alliance between unprincipled authority and literate technology” (Green 1999, 281). For both Grady and Green, the fragment’s distinctions between truthful text and beguiling gloss are ultimately impossible to transform into valid poetic practice, precisely because of the unworkable bureaucratic system of the poem’s political context. Implicit in both of these arguments is Green’s formulation of the way oral “folklaw” and literate “king’s law” existed in tension with each other throughout the late Middle Ages. Green sees the introduction of literate technology to England after the reforms of Henry II as having the disastrous effect of allowing “litigation to be removed from its context:”

We tend to assume that liberty to appeal to a higher, more remote court must inevitably serve the interests of objective, detached judgment… and that those who complained about such liberty did so because the threat to local prerogatives weakened their freedom to pursue private ends. But the advantages of disinterestedness will only count for something when the higher court can bring superior forensic techniques to bear on a case; when both share jural assumptions evolved in a local context, the distant court may well lose in procedural equity whatever it gains in judicial detachment (Green 1999, 127).

Green continues by claiming that the extent to which this problem has been solved in subsequent centuries has been through the development within English common law of systems of proof comparable to Roman law (Green 1999, 128). His formulation thus
privileges the rules of evidence practiced by the modern jury system as being inherently more just than the practices of medieval courts.29

The problem with applying this framework to *Mum and the Sothsegger* is that the poem does not represent the "king's law" as being detached and objective. If anyone in this poem represents "local prerogatives," it is Mum and the other corrupt royal servants. Green's historical paradigm thus needs modification, as his evolutionary model does not quite capture the complexity of the political situation represented by this poem. Firstly, Green's argument that *Mum and the Sothsegger*’s criticisms of the legal class reflect genuine shortcomings of the government has not gone unchallenged. Anthony Musson argues that the late–medieval literature of complaint against lawyers reflected only the natural anxieties caused by the emergence of a new and powerful class (Musson *Medieval Law in Context* 2001, 69–75; Musson and Ormrod 1999, 190–2). Musson reads the *Mum and the Sothsegger*–poet’s familiarity with the specifics of English government as suggesting that his works are probably a “reappropriation of Langland’s polemic by the establishment,” and he argues that *Mum and the Sothsegger* and *Richard the Redeless* “were intended not to discredit the structures of government but, more particularly, to remind men of middling and high status that they had a public responsibility to assist in the task of upholding the law and maintaining good governance” (Musson *Medieval Law in Context* 2001, 174). In other words, the poem can only be certainly said to address the possibility or perception of corruption, not necessarily corruption itself.

Secondly, as Elizabeth Fowler points out in her review of *A Crisis of Truth*, Green’s division of England’s administration into oral “folklaw” and literate “king’s law” ignores the question of canon law and church courts entirely (Fowler 2003, 180). This is a crucial oversight, as the established ecclesiastical institutions played an important role in traditions of local governance. The reintroduction of the church into the equation complicates any simple dichotomies between local and national law: on the one hand, the interests of the English crown were literally parochial from the perspective of the transhistorical, transcontinental Church; on the other, entrenched ecclesiastical institutions were among the oldest institutions in England, and thus among the most structurally resistant to centralization and administrative reform. But most fundamentally, Green’s argument leans too heavily on the idea that the growth of the royal bureaucracy replaced a set of actually oral practices; as I have argued throughout this study, the alternative to the royal bureaucracy is rather the nominally or apparently oral practices of smaller ecclesiastical institutions, which were relatively "oral" only insofar as they based their political claims in the religious, moral authority of older documentary forms. Considering, then, that the actual procedural equity of fifteenth–century England's various governing bodies could not be determined even if there were a way to measure "equity" as a feature of particular political systems, we are thus deprived of an historical basis for asserting the tenability of *Mum and the Sothsegger*’s authorizing procedures.

There is, however, another way of reading the Genghis Khan passage that does not require us to speculate about the shortcomings of fifteenth–century government practice. The "comunes of the culme" that occasion the digression are themselves spurious, in the sense that they served private rather than public interests. Steiner notes that the *Mum and the Sothsegger*–poet is “very careful” in this passage “to distinguish documentary poetry from the unsubstantiated complaint of the commons. It is as if he is
worried that broadsides and documents, because they disclose the condition of the realm, might seem to be issued by the commons at large" (Steiner 2003, 185, her emphasis). Thus the narrator glosses the “comunes of culme” so problematically because the documents themselves are so problematic. As records of gossip, they are gossip, and are therefore both evidence of abuse and instances of abuse themselves.  

This tension between their documentary and discursive functions (how they are usefully “told” by the narrator as opposed to what they harmfully “say”) renders them problematic to the would-be sothsegger. The Genghis story resolves this tension by providing an alternative model for communication between king and subject:

Thus proved this prince his peuple and thaire hertz,
And to feil of thaire fiance ful felly he wroughte.
And whenne he wiste that his wil was not encountrid,
But that he had thaire hertz al hoole at his wil,
He forgafe thaym thaire graunt and goodely thaym thanked.
Thenne clepid he to cunseil knightz and other,
And wroughte alle with oon wil as wise men shuld,
And wanne wisely agen withynne a while after
The lande and the lordship that thay loste had,
And conquerid cuntrées, as Cathayis lande,
That is the richeste royaulme that reyne over hoveth.

Ecce quam bonum & quam iocularum habitate fratres in vnum (1446–56) 

Through his harsh decree, the Khan learns the true “hertz” of his followers, which allows him to accept the "cunseil" of the knights, so that they "wroughte alle with oon wil as wise men shuld." The severity of the injunction is thus dramatically important, because it underscores the basic point, that the Mongolian nobles cannot possibly have been motivated by selfish reasons. If impracticable by a Christian king, the story of an arbitrary

30 The poem’s description of the “lesingz” contained in these documents as both “swifte as a swalue” and “as falsly forgid as though a frere had made thaym” (1403–4) should be read in light of the poem’s thematic association of fraternal preaching and vagrancy, described below (234–5). On gossip in late medieval England, see: Susan E. Phillips, Transforming Talk: The Problem with Gossip in Late Medieval England (University Park: Pennsylvania State University Press, 2007).

31 "Behold, how good and how pleasant it is for brethren to dwell together in unity" (trans. Dean).
ruler demanding the sacrifice of children and property nonetheless has Old Testament analogues, in both *Job* and the story of Abraham and Isaac; the quotation from Psalm 132 that concludes the passage above underscores the parallel.\(^{32}\) We have already seen the *Mum and the Sothsegger*—poet fall back on the Old Testament to justify his recourse to dream vision when the pagan Cato’s books failed him before. And while Grady is certainly right that this passage manifests the text’s underlying anxieties, it is also premature to categorize its attempt to represent desirable government policies as a failure on its own terms. The aporia does not surround the king of the *present*, then, but rather the irrecoverability of the simpler *past* documented in scripture, in which kings could truly know their subjects’ hearts.

Giancarlo identifies the bee-keeping franklin in the narrator’s dream, whose speech finally provides the narrator with outside confirmation that truth-telling is better than keeping mum, as a “fantasy of effective and licit parliamentary power” (Giancarlo 2007, 246). The narrator justifies this fantasy after the dream with another reference to the Old Testament, specifically the stories of Daniel and of Joseph, and in the process he conflates oral and written modes of communication: “Genesis thou saye / (The Bible bereth witnesse, a boke of bilieve)” (1313–1314). The Bible is personified, addressed in the second-person and asked to bear witness in a legal sense. The conflation of spoken and written discourse also occurs in both of the Biblical allusions in this speech: Daniel’s miracles consisted of correctly identifying the hidden text of one king’s dream before interpreting it, and reading the original writing on the wall; and Joseph, whose undressing by his siblings provides a biblical analogue to the poem’s theme of the “servilesse” *sothseggers* (44), foresaw in a similar vision that he would reveal the

\(^{32}\) The same quotation from Psalm 132 appears in *Piers Plowman* at A.11.192, B.18.423, and C.20.466.
treachery of his brothers, and provide for the sustenance of his people. Thus the living, speaking text of scripture validates the text of the poem’s dream, in which the franklin gives him spoken advice, that he should not only write a book but make it, “til hit be complete to clapsyng,” creating in this sense a direct line of validation from the stories in scripture to the specific volume that we are either reading from or having read to us (1282).\(^{33}\)

These exact same allusions to Cato, Daniel and Joseph appear in a similar justification of the dream–vision form in all three versions of *Piers Plowman* (A.8.133–47; B.7.155–72; C.9.303–17). The parallel reveals the sequence of allusions to be a kind of authorizing formula, which borrows from the authority of the larger poetic tradition to validate the specific claims made in the dream–vision section of *Mum and the Sothsegger*. Thus the dream vision does not *precede* the document section, but rather *initiates* it, and invests the "Langlandian" voice of the poem with the authority necessary to revivify the books' contents without devolving into mere gloss.

At this point, it is worth returning to the dream, to look at the beekeeper's specific injunction to the narrator:

\begin{quote}
Sith thou felys the fressh, lete no feynt herte
Abate thy blessid bisynes of thy boke–making
Til hit be complete to clapsyng, caste aweye doutes
And lete the sentence be sothe, and sue to th’ende;
And furst feoffe thou therewith the freyst of the royaulme,
For yf thy lord liege allone hit begynne,
Care thou not though knyghtz copie hit echone,
And do write eche word, and wirche thereafter (1280–1287).
\end{quote}

This passage consists of two parallel four–line commands: first, that the narrator not allow inward faintness of heart slow his book–making process, and second, that he give his book to the most powerful person that he can find, to make sure that it has the desired effect. The juxtaposition between the private act of composition and the public act of presentation demonstrates the poet's relatively "literate" anxiety about the unbridgeable gap between a writer's intention and a reader's interpretation. Both of these four–line injunctions conclude with a reference to the act of writing itself: “lete the sentence be sothe,” and “do write eche word and wirche thereafter.” With the poison of dread removed, the narrator can now actively speak his truthful words and bring his thoughts and deeds into alignment, so that he may take upon himself the role of sothsegger.

This passage is closely paralleled by the description of book–making in the preface to the Brut, cited in the previous chapter:34

La þamon leide þeos boc. 7 þa leaf wende.
he heom leofliche bi–heold. līpe him beo Drihten.
Feþeren he nom mid fingren. 7 fiede on boc–felle.
7 þa sopere word. sette to–gadere.
7 þa þre boc. þrumde to are.
Nu bidde[ð] La þamon alcne æðele mon.
for þene almiten Godd.
þet þeos boc rede. 7 leornia þeos runan.
þat he þeos soðfaste word. segge to–sumne. (Caligula–text 24–32)

Again, a description of a truth–telling book's production is bisected into a description of composition and a description of audience reception. La þamon's “þa sopere word sette to–gadere” is very similar to Mum and the Sothsegger's “lete the sentence be sothe, and sue to th'ende;” so are the “æðele mon” and the “lord liege” who make up the ideal audience. The most striking difference between the passages is their tone. The narrator

34 See chapter 3, 114–7.
of *Mum and the Sothsegger* is urged by the beekeeper to write a poem against his instincts for self-preservation, and then to aggressively circulate it among the most powerful readers he can find. By contrast, the *Brut*’s composition is a serene, even leisurely process, undertaken with little anxiety for its author’s livelihood. The discrepancy reflects the difference in context. Laȝamon wrote his *Brut* in a vernacular idiom based the actual practice of law in his region. In contrast, the Langlandian idiom of *Mum and the Sothsegger* never made claims to procedural relevance, but rather authorized a critique of bureaucratic procedures from an outside perspective. The narrator’s self-consciousness in *Mum and the Sothsegger* is therefore a reminder that even though this text employs a form based in a commemorative mode, it does so as part of a larger creative strategy, to make a statement about the world that is more than just a commemoration of particular things that have happened in it.

As the above analysis indicates, Frank Grady’s claim that “*Mum and the Sothsegger* wants to be one of the ‘books’ in the bag,” but that this is “generically impossible,” depends on suppositions about both the poem’s genre and the formal qualities of medieval documents which are not supported by the evidence (Grady 2002, 227). *Mum and the Sothsegger*’s documentary poetic originates in the *Piers Plowman* tradition’s continuous action of poetic production, an activity that creates a conceptual space in which the text can exist both fully in the timeless universality of the written page, and fully in the transitory specificity of the spoken word. If this self-representation can be called “utterly utopian,” it is only because its idealization of textual authority does not commonly find expression in the topoi governing the political discourses of the twenty-first century (Grady 2002, 227).

Emily Steiner responds to Grady’s reading of the dream vision scene by arguing that “*Mum and the Sothsegger* does not just substitute documentary culture for the
dream vision which it ‘remembers’ yet chooses to put aside; rather it extracts from Langland’s dream–vision the operative mode of public writing” (Steiner 2003, 184). This argument can be taken a step further. By offering itself as evidence that the dream vision is a valid mode of connecting the earthly to the divine, *Mum and the Sothsegger* argues that the narrative form of *Piers Plowman* transcends the earthly dichotomy between contextualized, instantaneous speech and abstracted, durable texts. The “homely usage” of scripture and the “new jet” of the poem’s political context are each incomplete without the other. Only the book of the poem, which reads and hears the former while it writes and speaks to the latter, can bring them together in ideal harmony.

The above discussion has focused primarily on the formal strategies by which the poem authenticates its social critique. What remains to be discussed is the exact nature of the critique itself; is the poem simply asking its readers to be thoughtful and moral people, or does it advocate something more radical? The question has implications for the text’s “documentary poetic.” After all, the professionals who staffed the royal and ecclesiastical bureaucracies shared their intellectual community with secular poets exemplified by Chaucer and the Chaucerians; if a poet wanted to write a satire or social critique, there were presumably models closer to hand than the quasi-documentary homiletic idiom influenced by Anglo-Saxon legal texts (Knapp 2001, 30, citing Catto 1985, 80; Galloway 1997, 291–318). Perhaps the poet decided to smuggle out his ideas by anonymously interpolated his ideas into the existing social document of *Piers Plowman* because the author feared reprisal for his heretical or revolutionary beliefs. This common reading of the poem is certainly consistent with its thematic ambivalence about the consequences of social critique, discussed above.  

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35 For this reading of *Mum and the Sothsegger*, see: Judith Ferster, *Fictions of Advice: The*
the remainder of this chapter, the mere anonymity of the text is not enough to overcome its ultimately pragmatic conservatism. Though the poem does topically address both heresy and church corruption, I will show that it does so primarily out of an anxiety generated by its quasi-homiletic idiom, which had less to do with the possibility of seeming too radical than it had to do with the appearance of assuming any kind of partisan position at all.

The remainder of this chapter will re-evaluate the common reading of *Mum and the Sothsegger* as a Wycliffite text. Wycliff's program for ecclesiastical reform was clearly contrary to entrenched ecclesiastical interests, in that it both favored the transfer of administrative authority from church to state, and encouraged stricter distinctions between authoritative written records and more interpretive, "glossing" pronouncements. But even though *Mum and the Sothsegger* uses strong anti-clerical rhetoric, these passages fit within the symbolic structure of the poem described above, and help to authorize the poem's claims to objectivity, in a way that rather suggests a fear that the text will appear too sympathetic to the church.

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Out of the Frying Pan: Anti–fraternalism and Lollardy

Perhaps the most transgressive of the surviving "Langlandian" texts are the letters by the revolutionary preacher John Ball, identified by Helen Barr as an example of the “incipient Piers Plowman tradition” (Barr 1994, 12–13). These letters combine quotations from Piers Plowman with explicit calls for revolutionary action.³⁷ Steiner expands on Barr's argument, to claim that “the rebel letters put into circulation the very text that Langland advertises as a model of public writing but never acknowledges as his own: not the historical legal document but the fictive legal document, the legal document as poetic form” (Steiner 2003, 173). Ann Astell has argued convincingly that the Langlandian imagery of the letters is intended to evoke a higher, moral authority for the extra–legal activities of the revolutionaries (Astell 1999, 44–72). Astell’s reading is based in turn on Steven Justice’s Writing and Rebellion, where he argues that changes in the dialects of the surviving versions of Ball's letters suggests that they must have been “copied and recirculated by rebels other than [Ball] himself” (Justice 1994, 45). Like the Piers Plowman tradition, then, it is impossible to distinguish between Ball's own words and the interpolations written by his followers. Also like Piers Plowman, the letters' openness to revision contributes to the criticism of the strictly controlled procedures for document production which contribute to social inequality.

If these letters are pure-documentary members of the *Piers Plowman* tradition and are therefore cousins of *Mum and the Sothsegger*, then it stands to reason that the *Mum and the Sothsegger*—poet might have been motivated by a similar revolutionary fervor. Ball's letters are preoccupied with uncovering a documented “trewthe” hidden by corrupt authorities, a metaphor not unlike *Mum and the Sothsegger*’s hidden bag of books. The imagery is appropriate: the actions of revolutionaries are not justified by existing laws, but by internal convictions. Like Hemming copying charters in the hope that one day the monastery will be able to use his cartulary to re-assert its claims, the letters of Ball anticipate a validity that has yet to be authorized by the hypothetical or "fictive" legality of revolutionary action, which can only become truly legal after the revolution has been won. However, unlike the cartulary, John Ball’s letters were used as evidence for his involvement in a criminal conspiracy, for which he was executed.

Thus the question can be rephrased more specifically: should we read the Langlandian idiom of *Mum and the Sothsegger* as an indication of the fragment's radical politics? And more generally, had the idiom of Anglo-Saxon law been so divorced from the actual practice of government by the fifteenth century, that the only kinds of claims it could authorize were revolutionary?

There is a tendency in recent historiography to read *Mum and the Sothsegger* as witnessing sympathies with the fourteenth- and fifteenth-century religious movement

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39 A possible analogue here is the rhetorical association between counterfeiting and Lollardy, as practices that undermine government stability—see Paul Strohm, "Counterfeiters, Lollards, and Lancastrian Unease," *New Medieval Literatures* 1 (1997), 31–58.
loosely identified by modern scholars as Wycliffism or Lollardy. The best evidence supporting this reading is an acrostic in the fragment that identifies the four fraternal orders with the biblical figure Cain:

For who writeth wel this worde and withoute titil,
Shal finde of the figures but evene foure lettres:
C. for hit is crokid, thees Carmes thou mos take,
A. for thees Augustines that amoreux been ever,
I. for thees Iacobynes that been of Iudas kynne,
M. for thees Menours that monsyd been thaire werkes. (499–504)

D.A. Lawton was the first to point out that this acrostic is associated with Wycliffite writings, including the *Piers Plowman* tradition poem “Pierce the Ploughman’s Crede” (Lawton 1981, 785). Lawton also sees evidence of Lollardy in a scene halfway through the narrator’s journey, where Mum, holding a mitre, warns the narrator to stop his search. The narrator tells us:

I doutid of [Mum's] deedes, for his delectacion
Was more in his mynde thenne the masse–bokes,
And boode til a baron, blessid be he ever –
His name is ynempnyd among the seven ordres –
Sente a saufconduyt so that I wolde
Maynteyne no matiere to amende myself,
Ne caicche no colour that came of my wittes,
But showe for a souvrayn to shewe hit forth after. (582–9)

The narrator doubts Mum’s deeds because his “delectation”—a pun on *legere’s* other sense, to read—is more in his glosing mind than it is in the words of the mass–books. The safe–conduct document permits the narrator to travel through the secular world without “catching the color” of false imagination. Lawton argues that this scene, in which the ecclesiastical Mum is opposed by a God invested with baronial authority, authorizes the armed revolt of righteous laymen against the church (Lawton 1981, 791). Though

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Lawton stops short of claiming that *Mum and the Sothsegger* advocates heretical positions or revolution, he does argue that the historical context of the poem’s composition was so polarized that even hinting at these opinions is enough to place the poem on the Lollard side of the political divide, if not necessarily the theological one (Lawton 1981, 792).

This argument does not fully account for the complexities of the larger picture. Firstly, though Wycliff might have vehemently castigated the fraternal orders, his fixation on the temporal powers of the secular clergy was far more unusual (Szittyia 1986, 153). Of particular relevance to the current comparison is Wycliff’s two-fold proposal for reforming the ecclesiastical courts: first, to remove Justinian civil law from religious education, and restart from scratch on a purely theological basis; and second to try all civil cases on the basis of English common law, rather than the law of heathens (Gilbert 1981, 54–6). In this sense the purgation of secular matters from ecclesiastical administration was secondary to the larger goal of eliminating Roman law entirely from the medieval English justice system. Wycliff says in his *Tractatus de Officio Regis*:

> Non credo quod plus viget in Romana civilitate subtilitas racionis sive iusticia quam in civilitate Anglicana, et cum sit per se notum quod quecumque lingua, latina greca vel alia, sit impertinens clerimonie vel racioni, cum racio sit ante linguam, patet quod non pocius est homo clericus sive philosophus in quantum est doctor civilitatis romane quam in quantum est iusticiarius iuris Anglie (Wycliffe 1966, 193–4)

_I do not believe that there thrived in the Roman civil law greater subtlety of reason or justice than in the English civil law; and the discussion about whether [law] is in Latin, Greek or whichever language is irrelevant to justice or reason, because reason is before language, and it stands that a teacher of Roman civil law is as much a cleric and philosopher as a justiciar of English law._

Though the argument suggests equality between Roman and English law—that reason precedes language, and therefore all law are created equal—this amounted to an
argument in favor of English lawyers and legal concepts. And indeed, Wycliff seems to have enjoyed a wide following among English lawyers who worked in the common law system (Jurkowski 1997), not to mention his support by John of Gaunt (Hanna 2005, 235–6, 311; Justice 1994, 86–90); whatever Wycliff's intentions, his proposed reforms would have increased the power of the royal courts considerably.41

Thus if *Mum and the Sothsegger* advocated Lollard reforms, as Lawton suggests, then the poem should also follow the core Lollard principle of advocating the king's law over ecclesiastical courts and institutions. However, the poem's narrator contradicts Wycliff's position on civil law quite explicitly:

> But pouaire of prerogatife that poynt hath reservyd  
> That every fode have fredome to folowe unypunysshid.  
> But Civile seith us not so, that serveth for al peuple  
> That habiteth undre heavene, hethen men and other.  
> And Cristis lawe is ycanonized Canon, yf thou loke,  
> And eek the glorious Gospelle, grounde of alle lawes,  
> Techeth us a trewe texte that toucheth this ilke matiere.  
> For in my conscience ne in my credo yit couthe I never vele  
> But that oure lawe leneth there a lite, as me thenketh.  
> (1617–25)

The narrator tells us about the "pouaire of prerogatife," that all people have the freedom to prosecute cases without being punished. In the course of disagreeing with this principle, he tells us that it is contradicted by civil law, which serves for all people, even Christians, despite its heathen origins. Canon law, meanwhile, is the same as the law of Christ in the Gospel, and they both agree with civil precedent on this matter. For this reason, both canon and civil law are preferable to "oure lawe" in England.

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The narrator strikes a very different tone here than is typically seen in Wycliffite writing about the pope's canon law and the emperor's civil law, for example in the Wycliffite Sermon no. 36/15: "Pese dowble mennys lawes, þe popis and þe emperowres, letten [hinder] Godis lawe to growe, and gnare [choke] þe chirche as taris gnaren corn and lettup hit to þryve [prevent it thriving]" (Hudson 1988, 378 n.101, citing Hudson 1983). As Anne Hudson summarizes: "Can on law is seen throughout [Lollard texts] as designed primarily to bolster the power of the pope and his minions; it often contradicts itself; the only language that its practitioners understand is that of money" (379). Hence if a Wycliffite poet did agree with canon and civil law on a particular point of procedure, it is unlikely that he would state this preference in the bald, general terms evident in *Mum and the Sothsegger*, which seems rather to use the specific point to muster a defense of canon and civil law generally.

Barr has noted that many arguments about procedure found in *Mum and the Sothsegger* are supported with references to civil law and ecclesiastical law, compared to the few references to the common law of England (Barr 1994, 141). If this unequal knowledge was professional, then the full enactment of the Lollard reforms would have meant the end of the poet's livelihood. Barr has also argued that *Mum and the*...
Sothsegger espouses a theory of natural law, by definition transnational and cosmopolitan, which originates in juristic commentary traditions (Barr 1992, 63–8). Thus unlike the Wycliffite sermons, whose pro–royal, proto–nationalist tendencies were not wholly imagined by their Reformation readers, the critiques articulated in Mum and the Sothsegger seem to call for a more rigorous applications of the learned principles of Roman law than were currently practiced, not for their replacement.

But while the passages identified by Lawton do not provide any convincing evidence of Wycliffite sentiment, they do provide further evidence of the fragment’s symbolic representations of truthful text and untruthful gloss described above. When the narrator begins his quest to determine if Mum or the sothsegger is the better model for public service, his first stop is to visit the scholars of Oxford. The clerks are unable to help the narrator because their fidelity to the text means that they are incapable of responding creatively: “For whenne thay knowen the scripture they construen no ferther / Forto soutille ne to siche no side–ways” (369–370). The only specific advice offered by the scholars is the university chair’s recommendation to visit the friars:

\[
\begin{align*}
\text{Whenne thay have loked the lettre and the lyfez over} \\
\text{Of alle the seven sciences, or sum as thaym liketh,} \\
\text{Thay walken fourth in the worlde and wonen with lorde,} \\
\text{And with a covetous croke Saynt Nicholas thay throwen,} \\
\text{And travaillen nomore on the texte, but tournen to the glose,} \\
\text{And putten thaym to practike and plaisance of wordes.}
\end{align*}
\]

(384–9, my emphasis)

She points out that John Trevisa, whose work as a translator clearly influenced Mum and the Sothsegger, was a parish clerk in Gloucester at the time; Trevisa is himself a possible interpolator into Piers Plowman, and thus provides a useful point of comparison (David C. Fowler, The Life and Times of John Trevisa, Medieval Scholar (Seattle: University of Washington Press, 1995), 241–7).

\(^{44}\) That Wycliff himself was both a scholar of Oxford and a strict reader of texts is possibly a coincidence, but it is not one that speaks strongly for the poem’s sympathy with Wycliffite beliefs. See also Ralph Hanna’s argument that Oxford was a center of Lollard book production: Ralph Hanna, "Two Lollard Codices and Lollard Book Production," in Pursuing History: Middle English Manuscripts and Their Texts (Stanford: Stanford University Press, 1996), 48–59.
The appearance here of the text/gloss trope provides us with a way of reading the anti-fraternal passages within the larger symbolic context of the poem. The scholars and friars are another manifestation of the duality between the “homely usage” of the authoritative text and the “new jet” of Mum's gloss. The distinction is symbolized by their geographic positions. The scholars are as encased in their school as they are in their texts, while the mendicant preaching friars "walken fourth in the worlde" and wander away from both.

The CAIM acrostic and the baronial safe-conduct scene are both elaborations of this theme. Paul Szittya has noted that Cain is associated with the mendicant orders because he was a vagrant, condemned to wander the Earth in Genesis (Szittya 1986, 230). The analogy to Cain is consistent with the widely-circulated ecclesiological critique of the fraternal orders, which claimed that they had no official place in the established church hierarchy. Scattergood was the first to tie this representation of friars within the poem to a contentious legal issue, that the friars were exempt from the stringent regulation applied to other preachers (Scattergood 1971, 238–9). And indeed, if anything, Mum and the Sothsegger's argument against the fraternal orders is aimed at curtailing heresy and sedition, as could be potentially spread by friars who were not sufficiently regulated.45 Similarly, Emily Steiner reads the safe-conduct scene as another manifestation of the author’s anxiety about its wandering narrator (Steiner 2003, 179–81). Steiner argues that the safe-conduct passage encodes the narrator’s assurance that his imagination will not run away with him; if God has to assume the role

of a divine baron to give him this authority, it is part of the extended metaphor suggested by the documentary form of the safe–conduct itself. Anne Middleton and Ethan Knapp both identify the same anxiety about the literary motif of narratorial wandering in *Piers Plowman* and Hoccleve's *Regiment of Princes* respectively; the latter in particular can hardly be read as a Lollard text (Middleton 1997; Knapp 2001, 129–37). Thus Lawton's choice of evidence is constitutively ironic: in context, the two "coded" instances of Lollard tendencies in the poem also emphatically distinguish the narrator from heretical friars and, by extension, “Lollard” preachers.

The anxiety in *Mum and the Sothsegger* about the difference between its own quasi-homiletic rhetoric and the rhetoric of actual homilies manifests most clearly in the narrator's visit to a parish church. Here, the narrator employs the rhetorical techniques of anaphora and double–alliteration to parody the priest in the pulpit, listing all of the things that his parishioners could give him to pay their tithes:

He taughte thaym by tyme thaire tithing to bringe  
Of al manier grene that growtheth uppon erthe  
Of fructe and of floxe in felde and in homes,  
Of polaille and of peris, of apples and of plummes,  
Of grapes and of garlik, of gees and of pigges,  
Of chibollz and of chiries and of thaire chese eke... (600–5)

The implication is that the repetitive, ornate passage sounds like a preacher addressing his flock, but the exhortations themselves are inappropriate to the function of his office. The narrator explains what is wrong with this sermon by co–opting the preaching voice himself to compare priests in the present to the martyrs of the early Church:

For clerucz were not knowe by thaire clothing that tyme,  
Ne by royal raye ne riding aboute,  
Ne by service of souverayns, so me God helpe,

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46 Anaphora is also a technique particularly common to Wulfstan's homilies: see Don William Chapman, "Stylistic Use of Nominal Compounds in Wulfstan's Sermons," PhD Dissertation, University of Toronto, 1996, 49–51.
This second list negates the materialism of the preacher’s sermon by again drawing a comparison between the wickedness of the present and the virtue of the past, as seen in scripture. Its form also recalls the repetitive listing technique seen in Wulfstan’s homilies and laws, and articulates an ecclesiastical nostalgia parallel to that in the *First Worcester Fragment*. As the analogy to the latter text illustrates, the narrator’s ability to speak in an alliterative homiletic idiom ironically distances himself from the state of affairs he describes, as it proves the narrator to have the knowledge which the preacher himself does not.

Even this brief appropriation of a more "purely" homiletic voice is so problematic, that the passage abruptly ends with Mum’s second interruption of the poem. Mum advises the narrator to give up on his quest, on the basis that the church has given him no evidence of a sothsegger (674–700). The narrator replies by explicitly drawing a distinction between a virtuous preacher and a sothsegger:

> For prestz been not perillous but pacient of their werkes,  
> And eeke the plantz of pees and ful of pitie ever,  
> And chief of al charite ychose afore other.  
> Forto fighte ne to flite hit falleth not to thaire ordre,  
> Ne to prece to no place there peril shuld be ynne. (702–6)

The poem here alludes to the standard medieval division of society into three "estates" or "orders," the bellatores, oratores, and laboratores.\(^{47}\) The passage identifies the

\(^{47}\) The classic summary of this political theory is Georges Duby, *The Three Orders: Feudal Society Imagined* (Chicago: University of Chicago Press, 1980); see also Giles Constable, "The Orders of Society," *Three Studies in Medieval Religious and Social Thought: The Interpretation of Mary and Martha, the Ideal of the Imitation of Christ, the Orders of Society* (Cambridge:
advisory role with "fighte" and "peril," an association implying that saying sothe is in the province of bellatores or noblemen. 48 Priests, in contrast, should be "the plantz of pees." Thus the symbolic exile of the sothsegger from the “dwelling” of truth in lines 1262–6, with its potential analogy to the exile of Cain and the friars, is rehabilitated by the fact that the sothsegger is not an orator, however it may seem, but rather a bellator whose enemies are false advisors and whose weapons are words. This is certainly in accordance with the rhetoric of knights who emphasized that militare meant not only "to fight" but also "to serve" (Duby 1981, 175; Baker 1984, 26). But if the poet must go out of his way to emphasize that he is not a preacher, it is at least in part because his documentary poetic draws upon an idiom that had its roots in homiletic literature, and that historically represented the political interests of ecclesiastical institutions. Indeed, a possible explanation for the anti–clericalism of Mum and the Sothsegger is that it plays the same rhetorical role as Wulfstan’s relatively subdued legal style, in that it helps him to make political claims that combine religious and secular discourse without seeming to prioritize the former over the latter.

Helen Barr supplements Lawton’s arguments for the Lollardy of Mum and the Sothsegger with her reading of another anti–fraternal passage:

I cannot reede redily of what reule [the friars] been,  
For hooly churche ne hevene hath not thaym in mynde,  
Save in oon place thaire office and ordre is declarid:  
I sawe hit in a ympne and is a sentence trewe,  
And elleswhere in hooly writte I herde thaym ynempnyd.  
Auferte gentem perfidam. Credentium de finibus;

Barr points out that this passage strongly implies that the "the 'oon place' to which the friars are condemned is Hell" (Barr 1994, 128). Barr reads this passage as an expression of the Lollard view that the "true" church consisted of only the community of the saved. In this line of thinking, the harshness of this criticism thus suggests a more general rejection of the temporal authority of the church. But again, the context allows for an alternative reading. The phrase Deleantur de libro vivencium, quoted from Psalm 68, appears in the Anglo-Saxon charters as an anathema. These include the Ecgwine charter S 1251 cited in the last chapter; S 210, S 402, and S 1187 from the Liber Wigorniensis; and S 926 from the Textus Roffensis (Herold 2008, 102 n. 73). A book–of–life anathema does not appear in Byrhtferth’s paraphrased “original” of S 1251, but can be found in S 80, an “obvious forgery” from the Evesham cartulary London, British Library Cotton Vespasian B.24 (Cox 1975, 42–3). Its appearance in the Ecgwine charter could thus be one of the many additions to the text by Dominic or Thomas, in their attempts to construct a text which witnessed the necessary formal qualities. Meanwhile the phrase lifigendra boc, the Old English translation of liber vivencium, only appears outside of the glosses and translations of Psalm 68 in the Wulfstanian homily Napier 45, where it is used three times. Napier 45 is a homily titled Sermo angelorum nomina, and warnings against "deletion" appear in first–person statements by Jesus demanding

49 "Let him carry off the treacherous people, of the believers in the last things; / Let them be blotted out of the book of the living, and with the just let them not be written" (trans. Dean).
50 Barr identifies the first quotation as a line from the hymn for the Vespers of All Saints 'Placare Christi servulis,' and the second as Psalms 68:29 (128).
51 See also Helen Barr, Socioliterary Practice in Late Medieval England (Oxford: Oxford University Press, 2001), 158–87.
52 See chapter 4: 175–9.
correct behavior from Christians in proscriptive, even legal terms (Wulfstan 1883, 226–32).54

Meanwhile, the same Latin quotation from Psalm 68 appears in all three of Skeat's "versions" of *Piers Plowman* (A.7.67–9, B.6.75–7, C.8.77–9), in a list of criminals reminiscent of Wulfstan's homilies and law codes. The list describes all of the people to whom Piers will not offer charity, and in the C–version of the poem it even includes the Lollards:

Y shal fynde hem fode þat fayfulleche libbeth,
Save lacke þe iogelour and lonet of the styues
And danyel the dees playere and denote þe baude
And freye faytour and folk of pat ordre,
That lollares and loseles lele men holdeth,
And Robyn the rybauder for his rousty wordes.
Treuthe tolde me ones and bad me telle hit forth:
*Delectantur de libro viuencium*; y sholde nat dele with hem
For holy chirche is holde of hem no tithe to aske,
*Quia cum iustis non scribantur* (C.8.70–78a)

The appearances of the phrase in the *Piers Plowman* tradition thus appear to share the same punitive, legal inflection found in Old English documents and homilies. Thus the appearance of the phrase in *Mum and the Sothsegger* need not have the ecclesiological implications argued by Barr; indeed, the rhetoric arguably reinforces a concept of the

54 In Napier ed., 229, line 30, with the relevant phrases italicized: "Ic hate and ic halsige, þæt ge on sunnandæge eowre heafdu ne þwean ne eower fex ne efeþan; and gif ge swa doð, þonne beo ge *adilegad*, ge and eowre sawle, of *lifigendra bocum*" ("I say and adjudicate, that on Sunday you neither anoint your head nor cut your hair; if you do so, then you and your soul shall be deleted from the book of the living"); at 230, line 2: "And gif ge nyllæð healdan eower word and eower wedd, ge þonne beð ðe *adilegode* of ealra *lifigendra bocum*" ("And if you will not keep your word and vow, you will then by deleted from the book of the all living"). The third occurrence (231 line 28) parallels the passage in *Mum and the Sothsegger* in its castigation of failed preachers: "And swa hwylc mæreþpreost, swa hæbbe þis gewrit and nellæ cyðan godes folce, þonne ceð se hæþend, þæt his sawel waaræ awerged, and his nama bið *adilegad of lifigendra leofra bocum*" ("And so each priest, insofar as he has this written text and will not relate it to God’s people (the Lord then said) after that his soul will be damned, and his name will be blotted out from the book of life"). Compare also the Paris Psalter's Psalm 68: "Syn hi *adiligad* of gedefra eac / þæra *lifigendra leofra bocum*" (Dobbie and Krapp, *The Anglo–Saxon Poetic Records: A Collective Edition*, v.5, 84–5). "Dictionary of Old English Old English Web Corpus," accessed 04 January 2009.
church’s secular authority which would have been diametrically opposed to the Wycliffite position. Taken together, then, the anti–fraternal passages of Mum and the Sothsegger articulate an extended metaphor between vagrants who wander around the countryside, heretics who wander away from the truth of the text, and kingly advisers who do not recognize the truth of the English law. The symbolism in this sense recalls the similar conflation of heathens, invaders, and royal servants traced through the preceding chapters, here removed from the specific political context of ecclesiastical bureaucracies, and applied rather to a condemnation of heretics and friars which has the additional effect of distinguishing the Langlandian poetic idiom from other vernacular, homiletic discourses, among which is the rhetoric of the Wycliffites.

For the reasons described above, then, it seems that parallels between the Mum and the Sothsegger and Wycliffite rhetoric surely have more to do with each tradition representing nuanced, intelligent responses to the same social problems from similar socio–economic perspectives than with any shared revolutionary politics or theological beliefs. Though it is possible and even likely that the Mum and the Sothsegger–poet owes an artistic debt to Lollard preachers and poets, at least for the CAIM acrostic, the coincidence alone is not proof that the Mum and the Sothsegger–poet chose his anonymous poetic to avoid punishment for his Lollard beliefs.\textsuperscript{55} If anything, given the many attempts to distance the narrator from Wycliffism enumerated above, the poetic appears to have been chosen despite the danger that it might inadvertently identify the poet as a Lollard; and certainly, the formal similarity of the poem to "Piers the

\textsuperscript{55} Particularly if, as some recent studies have suggested, the scholarship has tended to overemphasize the importance of Wycliffite Lollardy as a discourse in the fourteenth and fifteenth centuries, at the expense of other heretical and quasi–heretical movements. See for example Richard Rex, The Lollards; Kathryn Kerby–Fulton, Books Under Suspicion: Censorship and Tolerance of Revelatory Writing in Late Medieval England (Notre Dame: University of Notre Dame Press, 2006); Andrew Larsen, "Are All Lollards Lollards?"
Ploughman's Crede" has contributed substantially to the tendency of modern scholars to make exactly this identification.

Meanwhile, to contextualize the poem's anti-clericalism, we need look no farther than Chaucer's *Canterbury Tales*. As Musson has pointed out, Chaucer's royal officials like the Sergeant of Law and the Franklin are significantly more sympathetic as characters than their ecclesiastical counterparts like the Summoner and the Pardoner (Musson and Ormrod 1999, 191–2). Further, the strongest anti-fraternal invectives in Chaucer's poem are put in the mouth of the Summoner, who virtually personifies the ecclesiastical corruption that the Wycliffites condemned (Chaucer 1987, III.1665–2294). In comparison to Chaucer's poem, *Mum and the Sothsegger* seems more like an invective against Sergeants of Law and Franklins that is briefly side-tracked by anti-clerical themes, perhaps only to maintain credibility with an increasingly anti-clerical audience.

Richard Firth Green has argued that Wycliff's heresy, particularly his skepticism about transubstantiation, was shaped by the emergence of vernacular literacy. Green characterizes the doctrine of consubstantiation as representing Wycliff's literate mindset, in that he can clearly visualize the distinction between signifier and signified (282–92). *Mum and the Sothsegger* is clearly sophisticated enough to recognize this distinction; and yet, in its constant modelling of ideal, truthful text and poetic speech as coterminous, and yet, in its constant modelling of ideal, truthful text and poetic speech as coterminous,


it is also invested in an attempt to rejoin the signifier and signified, and in this sense to
reinvent transubstantiality so it can first acknowledge and then transcend the
signifier/signified dichotomy. This can be seen clearly in one early description of a
sothsegger:

He can not speke in termes ne in tyme nother,
But bablith fourth bustusely as barn un–ylerid;
But ever he hitteth on the heed of the nayle–is ende,
That the pure poyn tricketh on the sothe
Til the foule flessh vomy for attre. (49–53)

The speech of the sothsegger is utterly formless, taking no authority from any kind of
formal learning. However, this lack of knowledge is an asset, because it allows a
simultaneous act of exposing a problem and correcting it, symbolized by the boil whose
puncture both reveals what it contains and begins the healing process. In other words,
the signification or representation of the problem, which the sothsegger does not even
seem to accomplish self–consciously, is identical to the solution it makes possible, thus
sharing with it a single “substance.” If this conceptualization of signifier and signified is
linked to a vernacular literary tradition, its contrast with Wycliffite vernacular literacy
deserves fuller exploration.

This theological analogy to the Eucharist is useful, in that it helps to historicize the
difference between the Mum and the Sothsegger–poet and Wycliff from the
perspective of modern criticism: the “success” of consubstantiation in England after the
fifteenth century tells us more about the doctrine’s role in the political history of the
Anglican church than it does about its objective superiority as a way of understanding
the miracle of the Eucharist. If Wycliff became a hero of the Reformation while Mum and
the Sothsegger would only survive as a forgotten fragment, it is only because of the
historical accident that England came to be controlled by political entities who put
reforms into effect that closely resembled the proposals of Wycliff. In contrast, Mum and
the Sothsegger resists any reading that would localize it within any identifiable political group. Indeed, the toll of the conflict between self–interested political groups within England is perhaps the social ill that the poem criticizes most successfully. Like the treacherous pagans and wicked advisors demonized in Wulfstan's laws, the Brut, and the South English Legendary, Mum personifies the negative consequences that arise when a secular authority oversteps its bounds and no longer governs with reference to the one true law of the Gospel. And though the poetic fragment is best categorized as a work of literature, the genre of Mum and the Sothsegger has its roots in a documentary practice literally as old as the recorded history of medieval England, whose continued impact on both the law and literature of the English–speaking world has yet to be fully assessed.

Conclusion

In Mum and the Sothsegger, the last item to be described from the bag of books is a document from the recent present that reminds the narrator of the distant past:

Yit sawe I there a cedule soutelly indited
With tuly silke intachid right atte rolle–is ende,
Ywrite ful of worde of woundres that han falle,
And fele–folde ferlees wythynne these fewe yeris,
by cause that the clergie and knighthoode togedre
Been not knytte in conscience as Crist dide thaym stable.
For who so loketh on the lawe may lerne, yf hym like,
Thayre ordre and office and how thay ought wyrche.
For thay folowe no foote of thaire forne–fadres,
I do hit on thaire deeth–day, and deme no ferther,
For seurly sumtyme I saw hit not late
Yn cronicle of clernez and kingz lygnées
How prelatz of provinces pride moste hatid
For the theme that they taughte was tachid on thaire hertz.
Thay preched the peuple and provyd hit thaymself
And were lanternes to lewed men to lyve thaym after. (1736–49)
In light of the preceding discussion, the narrator’s twin evocations of “the lawe” on the one hand and of a “cronicle of clerucz” on the other, in a lament that “the clergie and knithoode togedre / Been not knytte in conscience,” are suggestive of texts like *I–II Cnut* and the *Brut* respectively. Though “knytte” can be read as *MED* definition 4a, “to make hard, firm or compact,” the dominant senses of fastening (def. 1, 2) or uniting (def. 5a) would allow us to read this line not only as “the clergy and knights are not well–established in conscience,” but also as “the clergy and knights are not *joined in one conscience*;” in other words, have not successfully created the consensual, mutually supportive society that government should ideally create (“Middle English Dictionary 2001). This reading underscores the shared discursive goal of *Mum and the Sothsegger*, the *SEL*, the *Brut*, and the various versions of *I–II Cnut*, as each textual tradition attempts to bring the nobility and the Church into conscientia (literally “shared knowledge”) of the history and laws of England.

Though perhaps only an accident of the text’s survival, it is appropriate that *Mum and the Sothsegger* concludes with an acknowledgement of these predecessors, in its lament for a past when leaders were virtuous in thought, word and deed, and improved the lives of their subjects through personal example: “For the theme that they taughte was tachid on thaire hertz, / Thay preched the peuple and provyd hit thaymself / And were lanternes to lewed men to lyve thaym after” (my emphasis). The narrator does not specify that the history described here is specifically the history of England; however, the parallel between this identification of virtuous leadership with not only the knowledge of history, but also specifically with the examples of “prelatz of provinces” like the bishop–saints evoked in the *First Worcester Fragment*, encourages a reading of this passage as a thematic treatment within the poem of the parallel texts identified above. That said, the feature of this passage that most closely aligns it with
these earlier texts is its wistful nostalgia for an era when Christian truths were held self-evident, and not concealed by ignorance as they are in the present.

In the passage quoted above, the poet begins with a diplomatic reading of the cedule, describing the document's physical form and contents in order to assess its validity as a commemoration of the disasters of recent history. However, the meaning of those contents cannot be assessed without reference to the principles exemplified by virtuous ancestors, found in his reading of the older, relatively literary texts of law and history, in which readers can find "thayre ordre and office and how thay ought wyrche.” This characterization of political truth as pertaining specifically to a person's "ordre and office" is paralleled in Wulfstan's Sermo Lupi ad Anglos, in its similar linkage of the social problems it witnesses to the failure of the English people to recognize their proper place.58 However, the fact that the Sermo Lupi ad Anglos also parallels the content of the poem's cedule, and further that the versions of the homily are read as frequently by modern historians as they are by modern literary critics, reminds us that Mum and the Sothsegger is hardly the first text to combine these features. Rather, the difference between the poem and the sermon is that the former re-combines strategies which had originally joined together under the larger umbrella of his archbishop's voice.

The contingent polyvocality of Wulfstan's legislation was radically transformed after the Norman Conquest by the texts' various translators. The homiletic features of Wulfstan's text were imitated and even emphasized in the Instituta Cnuti, Consiliatio Cnuti and Quadripartitus, in order to reinvest the text with authority in the bureaucratic upheavals of the eleventh and twelfth centuries. Though hindsight might allow us to clearly distinguish between the political and fiduciary interests of particular English

58 See chapter 1: 56–8.
ecclesiastical institutions and England's status as a Christian nation of laws, these legal texts employed the quasi-homiletic idiom of the Anglo-Saxon legal text to assert that the latter depended on the former. Given that the genuine historical texts which supported their argument were frequently written in Old English, it is thus unsurprising that Old English literacy should have persisted in established ecclesiastical institutions such as Worcester. The *First Worcester Fragment*, whose nostalgia is again echoed by *Mum and the Sothsegger* in lines 1736–49 quoted above, is one of the earliest surviving texts where the Old English homiletic idiom of the law codes abandons its probative functions for a more general discursive sphere of lament and social critique.

As intermediary points that indicate the discursive trajectory that led from *I–II Cnut* to *Mum and the Sothsegger*, the *Brut* and the *South English Legendary* "Life of St. Egwine" suggest that there was a shift in the practice of documentary poetics in this time from an emphasis on strategies of preservation into an emphasis on strategies of interpolation. Though these latter strategies (insofar as they are witnessed by these texts) seem to be primarily inspired by the kinds of political reasons that led to the development of the modern diploma, the paradoxical result is a movement towards the literary side of the equation, so that the methodologies of self–authentication become increasingly self–conscious of themselves as rhetorical constructs, in response to the corresponding emergence of paratextual, allegedly non–rhetorical formal qualities which authenticated diplomatic texts.

Though the *Brut* is an ideosyncratic survival from the thirteenth century, its placement within this context provides clues for some of its more ideosyncratic characteristics, most notably its unusual prologue, its narrative focus on the Saxon invasion of Hengst and Horsa, and the choice of a mostly alliterative but highly inconsistent meter. The divergences between the two witnesses of this text are
symptomatic of the contradictions inherent in its stated purpose. On the one hand, the poem imitates not only the narrative but the purpose of Wace's *Roman de Brut*, in order to make the lessons of history accessible to England's secular leaders. On the other, the antiquated Anglo-Saxon usages suggest a simultaneous effort by the poet to make the text more authoritative by making it seem older and more English. The latter effect was generated by the poet's reference to an Old English legal idiom that was still familiar to the monastic communities and ecclesiastical institutions, though it was losing its procedural relevance. This effort can perhaps be characterized as the last major instance in English literature of a poet attempting to create a text that was both fully a practical, legal text and fully a rhetorical, literary one; the manifestation of the schismatic tension in the variation between its two witnesses is proof that both of these functions were at work simultaneously.

An analogous historical trajectory can be traced between the *Vita S. Ecgwini* by Wulfstan's contemporary Byrhtferth of Ramsey and the "Life of St. Egwine" found in the *South English Legendary*. Byrhtferth's literary text provided a supplement to the documentary record, that first took the charters of Ecgwine as its evidentiary basis, and then became evidence itself for those charters' validity, by listing the miracles that proved the privileges and land grants given to the saint were corroborated by the will of God. In an opposite development from the translators of Wulfstan's laws, however, Dominic of Evesham recognized the idiosyncratic authorial style of Byrhtferth as a feature of the text that detracted from its transparency, and thus he systematically eliminated the hermeneutic features of the text as he adapted it to his own uses. The appearances of Egwine's story in Thomas of Marlborough's *History of the Abbey of Evesham* and the *South English Legendary* respectively are a more extreme example of the schism in the *Brut* between the Caligula and Otho manuscripts, as the former
adapted the charter for the papal courtroom, and the latter adapted the narrative for vernacular instruction and entertainment. However, as the juxtaposition of these versions makes clear, the traces of both purposes found in Byrhtferth’s original continue to exist in its later witnesses, and seem to impinge on the scribal and editorial interventions in their dissemination.

A phrase recurring throughout the texts studied above is the alliteration of *segge* and *sothe*; besides the *sothsegger*, the two words are linked in the preface to the *Brut* and also in the common Wulfstanian formula “Soð is þat ic segge,” itself reworked in the first line of the *Sermo Lupi ad Anglos*.\(^{59}\) Scott Rabin suggests that Wulfstan used this phrase to evoke a specifically textual, Biblical authority, as both this formula and the similar "soð is þæt ic cueðo" were common translations for Christ’s *Amen dico vobis* (Rabin 2006, 412 n.104; Healey et. al. 2004).\(^{60}\) The *sothsegger* and Wulfstan's *godcundre lareowan* are thus both at the end of a discursive practice that can be traced through textual precedent and apostolic succession respectively back its original instance in the person of Christ himself, and the book of the Gospel that provided the means by which his *sothe* continued to be said. This ongoing process of interpretation and renewal forms the crucial connection between the texts of the past and the scholarship of the present, as each deepens our understanding of how the other attempts to "teche treuly the texte as hit standeth" (*Mum and the Sothsegger* 477).

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\(^{59}\) See also Orchard, “Re–Editing Wulfstan: Where's the Point?,” 65 on occurrences of this phrase in Wulfstan.

Appendix:
The South English Legendary “Life of St. Egwine”


Though this edition is a single-text edition of J, I have signalled the major differences between the manuscripts in the text itself. Lines that are missing from E-Egwine are indicated in italics; lines that are unique to J-Egwine have been highlighted in bold. Stanza breaks follow the paragraph marks in the manuscript; punctus and punctus elevatus indicating half-lines are found in all the witnesses besides J, but as they are inconsistent I have followed J-Egwine and not included them. I have also stayed as closely as possible to J’s orthography, including its confusion of “d” and “þ”; my emendations are indicated in square brackets “[ ]” and indicated in the apparatus criticus.

I have silently expanded abbreviations, capitalized proper nouns and the first words of sentences, and added modern punctuation. Readings in curved brackets “{ }” are witnessed in the text, but appear to be ungrammatical. As minor orthographical variations among the witnesses are common, I have only noted them in the apparatus when they affect scansion.

The Edition
Seint Egwine þe holiman was here of Englonde.  
Bischop he was of Worcestre, as ich unþerstonde.
Of kings kunde he was icome, god man he was ynou;
fro þe time þat he couþe wit to godnesse he drou.
In þe contre he was of Worcestre, þo þe king Aþeldreþ
king was of þe march of Walis, and þe king{s} Kenred.
Al his richesse he forsoc and to pouerte him nom.

To ordres he wente, ech after oþer, so þat he prest bicom.
So holi lif he ladde and clene þat me[n] spec þerof wide,
al þe contre was glad of him about in ech side.
So þat þe bischop of Worcestre as god wolde was deþ,
to be bischop was Egwine ichose, as me nom sone red.
Þat aȝen he was wit al his miȝte, ac for noȝt he was so;
for Aþeldred, king of þe march, wit strengþe him nom þerto.

lines 1-8: JESVQa
1 of] in Qa. 2 ich] ich am ES.  he… Worcestre] of Wincetre he was Qa. 3 kunde] kinne V.
5 he… worcestre] of Wircestre he was V.  po] om. S. 7 his] þis S.  and to] into E.  him] om. E;
he SV. 8 to] and to E: and to þe S.  he] om. E.
II. 9-10: JvQa
II. 11-14: JESVQa
12 to… egwine] Seint egwine bischop was ESQa; Seint Egwynye was sone to Bisschop V.  me…
sone] heo nomen here E: heo alle nomen heore V; þey nom or Qa. 13 þat] þer S.  for noþt]
Po he was bischop y mad, suípe wel he duípe his dépe,
wit preching and god ensample þat folc to god to lede.
Debonere he was to godemen, þe luþere he wit sede
and chasteþe hom of hor synne; he ne spareþe for ne drede.
Perfore were þe schrewen wroþe, and nome hom to rede
to be lye þis holiman for oueral his falsheþe.
Hi bilowe him to þe king, and to þe pope also sente
þat luþerman he was asyne, and his bischopriche schente.

Þe king and alle heïemen were wit him wroþ y nou,
and putte him out of his bischopriche, wit gret schemnesse and wo.
To Rome he was y somneþ ek, to ansuere of his trespas.
Þe godeman sede, in al his wo, þat wel more wordi he was.
He nom hit al in pacience, and cride Godes ore
and þoȝte, þei he were annyd, þat he aguste our Lord more.

To Rome he moste, to ȝiue ansuere of þat he hadde misdo;
for his sinne he nom þen wei, and for his parsche also.
His leggs wit strong feteris hi gyueþe faste,
and þe keie bísíde Euesham in þe water of hauen caste.
Al y gynþe he wente ford in sorue and pynes stronge;
to Rome he com, wit alle wo, þei hit were er longe.

Un esi wei he hadde on nymeþ god gome,
to wende from Euesham al yfetereþ to Rome;
or miȝte his leggis ake, he spurnde ek lome
he aboȝte heuen somedel dere ar he þuþer come.
Po pat folc y seie him come y uetereþ so faste,
for wonder hi come abouten him and wer somdel agaste;
And ÿut, y uetereþ as he was, un euen wei he nom.
From þe toun of Evesham by Malmesbur he com.
Seint Aldelme he fond do deþ, þe masse he song do,
and bureþe þen holiman ar he wolde from him go.
Þo he was to Rome icome, wonþer þer was y nou;
To Seinte Petres cherche Seint Egwyne ferst drou,
for he hadde y wilneþ longe þilke cherche to se.
Þo he was þere afore þe anter, adon befel akne
and longe rede his orisones, and supþe wente an hei
and re[ue]steþe him and song his masse, as þat folc ysey.
His men wente ford þe while and his mete boþte.
Hi boþte ferst an grete uisch, and þis holiman broþte.
Þo hi openeþe þis fisch, in his wombe hi founde
þe keie of his feteris þat he caste in Hauen grounde.
Þe keie þat was in Hauen icast, here in Englonde,
In a fisch was ifounde at Rome; þer was Godes sonde.
In Rome in þe water of Tibre þe fisch was y nome;
nadde neuer þe keie so fer, wit oute miracle, icome.
Seint Egwine unlek his gynes biforn hom echoun.
For wonþer, þat folc aboute him þikke com anon.
Glad was þat miȝte wit him speke, oþer eues him ise,
and gladder þat miȝte his blessing haue oþer nei him be.

Glad was þat miȝte wit him spoke, oper eues him ise,
and gladder þat miȝte his blessing haue oper nei him be.
To þe pope com þe tiding aȝen him and he ȝede, 65 [267v.]
and afeng him wit gret honor and gret loue him gan bede.

To his paleis he ladde him ford and sette him on his se, 66
and sede he was betre wordi to sitte þer þan he
and beþ him ȝiue him his blessing and asoili him also.

“A sire, merci,” quaþ þis oþer; “moche ic haue mis do. 70
Perfor ich am hiper icome to be asoileþ of þe.”

“Hit is beter riȝt,” quaþ þe pope, “þat þou asoili me.”

þe pope dude þis holiman gret honour and pritte, 71
and long him huld þer wiþ him, and ȝut him þoȝte al to litte.

Ate laste, þo he nolde abide no leng for no þing, 75
 gode letteres þe pope him made forto bere þe king,
þat he let him be bishop as he was, and graunteþe him also
gret pri[ul]elige and franchise þat in his lettres were ido, 76
and sente him aȝen in to Englonde, wit honor and pritte inou. 77
Þo he com ferst to Englonde, to þe king ferst he drou. 78
Pe king afeng him suiþe faire, for nede he moste so,
and, þo me tolde him þe miracle þat was at Rome ido, 79
he honoureþe him faire y nou and bed him forʒuennesse, 80
and made him bishop as he was, wit gret pritte and richesse,
and graunteþe al þe franchise þat þe pope him hadde ido,
and in his chartre þuper sente and ȝef him mo þerto, 85
and made him al his conseiler and nolde no dede
þat scholde torne to eny nede bote hit were be his rede. 86
Þis holiman to alle gode þe king Aþeldred radde, 87
so þat king and ek þe bischop swiþe clene lif ladde
and þat lond was wel y wist þorwh þe holy monnes lore. 88
and þat was beter þan to be in contac for lesing;
and he that made þe contek nadde noþong for his dede.
Of þe toun of Euesham somwhat we mote rede.

Evesham þat is a toun and abbeie of gret richesse
was þo bote as a wilde stude, and as a wildernesse.
 Pikke of þornes and of boskes as hit were a wode forlete,
an abbeie þat was suþþe arerd þoron þor miracles grete.
Echome was þe stude icleped, and Euesham þere ȝut noȝt;
herkneþ nou in which maner he was suþþe to abbey ib[roȝt]
To Echome þilke wildernesse scheperdes ofte þer c[om],
to wite hor schep and oper orf þo seie hi þer lome.
gret liȝt be niȝte, and ofte a day, and oper miracles also
þe scheperdes to se þis wonþer þe eftre come þerto.

Eoues het þis o scheperde þat al hor maistre was,
þat mest was in þilke stude, and oftest isei þat cas.

After him was þilke stede i clupeþ ferst Euesham.
Þis Eoues ofte, as ich ȝon sede, to þis stude cam.
He sei þer ofte fair miracle, and at o time he gan ise
þre maidens go op and don, fairor ne miȝte be.
þe fairost of alle ȝede amidde, þat þoȝte as heo were
hor lady and hor maistresse, none fairor neuer nere.
Pe ladi bar an boc an honde, suiþe merie hi songe;
þe ioie þat him þoȝte of þe song telle ne mai no tonge.
As he stod and bihuld hom faste, he miste whare hi bicome.
Gret wonþer þoȝte Eoues þerof, and of þat he sei er some.

To þe bischop he wente stilleliche, and tolde him al þen ende;
wit þre men al priueliche þe bischop gan þuþer wende.
Pþo he com almost to þe stude, ford alone he wente
and cryde ȝerne on Ihesu Crist þat he som grace him sente,
þat he som insiȝt miȝt ise what were such tokin{g}ge.
Ententifliche þis he bad, wit gret sor and wepinge

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so that our lord hurde his bone. He sei alle þre
þe maidens go, as hi dude er, ne miȝte none fairor be.

Pe ladi þat ȝede amidde hom þre, þat was our ladi suete.
A cros of golde heo bar an honde; þe maidens hire gonne grete.
Po he hadde isieþe þe suete siȝte and þere maidens þenne wente,
þe bischop þonne þe lesu Crist, þat such holi siȝte him sente.
To þe king he wente, Aþeldreþ, þat king was þe ȝut þo
and ar he ȝeue him þulke place from him he nolde go.
Po he hit hadde igraunteþ him aȝen he wente anon
þe boskes þat þere stode þikke he let more op echone,
and let þere rere a noble cherche, of lym and of ston,
þat is nou a fair abbei, as men iseþ moni on.

Pe king Aþeldreþ wel holi lif and wel clene ladde,
and to alle godnesse drou, as Seint Egwine him radde,
and bicom monc at Bardeneye and holiman bicom.
Po was Kenred his cosyn eir of þe kingdom,
and was king imad after him of þe march of Wal[is],
so þat bi hor beire daie seint Egwine was i wis.

Pe king Kenred þoȝte wel, þo he was newe king,
þe newe cherche of Euesham bring to god ending,
and Seint Egwine him radde þerto so hi biseie hom beine
forto wende þerfore to Rome and dude hom in þe weie.
Constantin hi founde pope þo hi þuþer come.
Al hor demmande he graunteþe hom er hi wente fro Rome,
to arere þe abbei of Euesham, and grete hous and bolde,
and moni franchises ȝef hem ek þat ȝut beþ iholde.

Seint Egwine and þe king aȝen wente wit god pas
to þe erchebischop of Caunterber, Briȝtwold þat po was,
and he let holde þe pope dede and ȝef more þerto
and let halwi þilke holi stude and conferm{ī} also.
Þis gode king and Seint Egwine an abbeie let þere arere,
gret lond þe king þef þerto þat hi holdeþ ȝut þere.

Seint Egwine bileueþe al þen worl[d]e, and monc þer bicom
and bigan þus þere þe ordre and monkis to him nom,
and in godes serui se þer bicon al his lif bileue
and deide þere in midwinter a Seint Siluestres eue;
þenne me hast ȝut his dai as hit falt in þe þere.
Moni fair miracle þer comp of his bodi þat liþ þere.
Nou Ihesu, for þe loue of Seint Egwine, lat ous such lif led
þat we mote to heuen come and forȝif ous our misdede.
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