Early Medieval English Saints' Lives and the Law

by

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ABSTRACT

This dissertation examines the relationship between secular law and Old and early Middle English hagiography in order to illustrate important culturally determined aspects of early English saints' lives. The project advances work in two fields of study, cultural readings of hagiography and legal history, by arguing that medieval English hagiographers use historically relevant legal concepts as an appeal to the experience of their readers and as literary devices that work to underscore the paradoxical nature of a saint's life by grounding the narrative in a historicized context.

The study begins with a survey of the lexemes signifying *theft* in the 102 Old English saints' lives in order to isolate some of the specific ways legal discourse was employed by early English hagiographers. Specialized language to refer to the theft of relics and moral discourse surrounding the concept of *theft* both work to place these saints lives in a distinctly literal and culturally significant idiom. Picking one of the texts from the survey, the following chapter focuses on Cynewulf's *Juliana* and argues that the characterization of the marriage proposal at the center of the poem is intended to appeal to a specific audience: women in religious communities who were often under pressure from aggressive, and sometimes violent, suitors. The next chapter addresses Ælfric of Eynsham's *Lives of Saints* and discusses his condemnation of the easy collaboration of secular legal authorities and ecclesiastics in his "Life of Swithun" and his suggestion in the "Life of Basil" that litigiousness is itself a fundamentally wicked characteristic. Lastly, the project turns to the *South English Legendary*'s life of Saint Thomas

Becket. Rather than a straightforward translation of the Latin source, the *South English Legendary* life is significant in the poet's inclusion of a composite version of the Constitutions of Clarendon, demonstrating the author's apparent interest in shaping the reception of legal culture for his or her readers and emphasizing the bureaucratic nature of Becket's sanctity.

In sum, the study shows that the historicized legal material that appears in early medieval English hagiography functions to ground the biographies of holy men and women in the corporeal world.

for Sara

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ABBREVIATIONS

AASS	*Acta sanctorum*
Anglia	*Anglia: Zeitschrift für englische Philologie*
ASE	*Anglo-Saxon England*
BHL	*Bibliotheca Hagiogaphica Latina*
CH I	*Ælfric's Catholic Homilies: The First Series*, ed. Clemoes
CH II	*Ælfric's Catholic Homilies: The Second Series*, ed. Godden
CH, *Commentary*	*Ælfric's Catholic Homilies: Introduction, Commentary, and Glossary*, ed. Godden
CSASE	Cambridge Studies in Anglo-Saxon England
Councils I	*Councils & Synods with Other Documents Relating to the English Church*, eds. Whitelock and Brooke
DOE	*Dictionary of Old English*
DOEC	*Dictionary of Old English Corpus*
EETS	Early English Text Society
EHD I	*English Historical Documents* I, *c. 550–1042*, ed. Whitelock
Fontes	*Fontes Anglo-Saxonici: World Wide Web Register*
Genesis	Ælfric's Translation of Genesis, ed. Marsden, *The Old English Heptateuch* (chs. 1–22 translated by Ælfric), 8–48
Gesetze	*Die Gesetze der Angelsachsen*, 3 vols., ed. Liebermann
HE	Bede, *Historia ecclesiasticae gentis Anglorum*, eds. and trans. Colgrave and Mynors
LgA	*Legenda Aurea*
LS	*Ælfric's Lives of Saints*, 2 vols., ed. Skeat
MED	*Middle English Dictionary*
Mombritius	*Sanctuarium seu Vitae sanctorum*, ed. Boninus Mombritius
MTB	*Materials for the History of Thomas Becket Archbishop of Canterbury*, 7 vols., ed. Robertson
n.s.	New Series

o.s.	Original Series
PL	*Patrologia Latina*
Robertson	*Anglo-Saxon Charters*, ed. A. J. Robertson
S	*Anglo-Saxon Charters*, ed. Sawyer
SEL	*The South English Legendary*
s.s.	Supplemental Series

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CHAPTER ONE

INTRODUCTION

The medieval English cult of the saints and secular law seem like strange bedfellows. Hagiography's familiar depiction of a typical saint, resolutely looking heavenward in an athletic imitation of Christ, might not appear to have much to do with the mundane and often arcane machinations of England's medieval legal system. Yet, as it will become clear in the course of this dissertation, secular law plays an important role in the lives of saints written in early medieval English and the interaction between saints and the law helps to illuminate the function of hagiography for its medieval readers. Secular legal themes help us see the tension in the life of a saint between a holy person's spiritual athleticism and the fundamental role of the mundane, secular, and temporal world that engenders it. Although it is not a piece of hagiography, the Anglo-Saxon charter S1467 is a useful starting point for this study of the seemingly unlikely interaction between English saints' lives and the law because the document raises the question at the heart of this dissertation: what is the function of the saints as they are depicted interacting with the secular legal system in early English hagiography?

Following the death of King Æthelred "Unræd" ("the uncounseled" or, more famously, "the unready") in 1016, the great Danish king Cnut assumed the throne of England. After his ascension, Cnut spent a period of roughly two years killing off his rivals and securing his newly won position of power.[1] As part of an

[1] M. K. Lawson, *Cnut: The Danes in England in the Early Eleventh Century* (London: Longman, 1993), 81–116.

effort to shore up his political influence and build goodwill in the county of Kent, Cnut gave two important and valuable gifts to the local cathedral, the first church established in Anglo-Saxon England, Christ Church, Canterbury.[2] In 1023, the king personally oversaw the translation of the relics of the late Archbishop Ælfheah, who had been martyred at Canterbury in 1012 by a Scandinavian army (possibly associated with Cnut's father), from Saint Paul's in London to Christ Church at Canterbury.[3] A few years later in 1029 or 1031, Cnut made another gift to the cathedral and granted it rights over the port of Sandwich, including "all the landing-places pertaining to it, rights of ferry and toll, and the water dues from both sides of the mouth of the River Stour," specifically, as far as a "taper æx" ("small axe") could be thrown ashore from a small boat in the mouth of the river at high tide.[4]

According to a record that survives in a single-leaf charter (S 1467), which now resides in the British Library, Christ Church did not enjoy the lucrative port-

[2] The church was established by Saint Augustine of Canterbury sent by Gregory the Great himself on the famous mission to England. The pre-Conquest cathedral and most of its monastic buildings were destroyed in 1067 by a fire; see Nicholas Brooks, *The Early History of the Church of Canterbury: Christ Church from 597–1066* (Leicester: Leicester University Press, 1984), 37.

[3] Lawson, *Cnut*, 140–2 and Brooks, *Early History of the Church of Canterbury*, 291–92.

[4] Timothy Graham, "King Cnut's Grant of Sandwich to Christ Church, Canterbury: A New Reading of a Damaged Annal in Two Copies of the Anglo-Saxon Chronicle," in *Unlocking the Wordhoard: Anglo-Saxon Studies in Memory of Edward B. Irving, Jr*, eds. Mark C. Amodio and Katherine O'Brien O'Keeffe, 172–90 (Toronto: University of Toronto Press, 2003), at 174 and 182. For the significance of these kinds of locally significant boundary markers, see Nicholas Howe, *Writing the Map of Anglo-Saxon England: Essays in Cultural Geography* (New Haven, CT: Yale University Press, 2008), esp. 29–46.

tariffs for long.[5] S 1467 (*c*. 1038), which was drafted after Cnut's death in 1035, explains that his son Harold Harefoot seized control of the port and its revenue for about a year following the death of his father, during which time he donated a third penny's share[6] of its revenue to Christ Church's local competitor, Saint Augustine's Abbey.[7] The historical record hints that Saint Augustine's abbot, Ælfstan, was an aggressive fundraiser and labored vigorously to obtain assets for the abbey. Notably, Ælfstan had recently waged a hard-fought campaign to obtain both the relics of Saint Mildrith in 1035 and the land associated with her cult from Minster-in-Thanet, to the bitter and loud resentment of the saint's original custodians on the island.[8] S 1467 goes so far as to claim that Abbot Ælfstan was

[5] S 1467 survives in London, British Library, Cotton Augustus ii. 90. The charter is edited and translated in Robertson as no. 91 (174–79) and Wormald includes it as no. 83 in his "Handlist of Anglo-Saxon Lawsuits," *ASE* 17 (1988): 247–81. See also, the *Electronic Sawyer*, http://esawyer.org.uk/charter/1467.html# (accessed 20 September 2011). The document has been of interest to paleographers because its scribe is the same one who drafted an authentic writ of William I. For more on the paleographical features and a partial facsimile, see T. A. M. Bishop and P. Chaplais, eds., *Facsimiles of English Royal Writs to A.D. 1100 presented to Vivian Hunter Galbraith* (Oxford: Clarendon press, 1957), pl. 4b.

[6] The "third penny's share" is the traditional percentage of a royal tax that was due to the official who actually enforced the tariff. For the development of taxation on trade in Anglo-Saxon England with a focus on its relationship with continental practice, see Neil Middleton, "Early Medieval Port Customs, Tolls, and Controls on Foreign Trade," *Early Medieval Europe* 13 (2005): 313–58.

[7] Brooks, *Early History of the Church of Canterbury*, 293–93.

[8] Ann Williams, "The Anglo-Norman Abbey," in *St Augustine's Abbey, Canterbury*, ed. Richard Gem, 50–66 (London: B. T. Batsford, 1997), at 62–64; Richard Emms, "The Early History of Saint Augustine's Abbey, Canterbury," in *St Augustine and the Conversion of England*, ed. Richard Gameson, 410–27 (Stroud: Sutton, 1999), at 419–20; and S. E. Kelly, *Charters of St Augustine's Abbey Canterbury and Minster-in-Thanet*, Anglo-Saxon Charters 4 (Oxford:

corrupt and obtained the third penny from Harefoot by bribing one of Harold's councilors ("rædesmann").[9]

The charter explains that when he learned of the loss of the revenue, which was "entirely against the will of God and all of the saints who rest within Christchurch [*sic*]" ("… eall ongean Godes willan . 7 agen ealra þara halgena þe restað innon Cristes cyrcean"),[10] the archbishop dispatched a monk to discuss the matter with the erring Harold, who had evidently fallen ill as a result of the misdeed. After speaking with the monk, Harold recognized his error and restored Christ Church's rights to the port. Later, when the scheming Abbot Ælfstan discovered that his abbey had lost its ill-gotten source of revenue, he unsuccessfully petitioned Christ Church itself for the same right of a third penny that had just been recovered by the cathedral community. Failing to secure a percentage of the port of Sandwich's tariffs from Christ Church, Abbot Ælfstan hatched an entrepreneurial plan and attempted to excavate a competing harbor at Ebbsfleet. With the construction project proving yet another failure, the abbot left his capitalistic endeavors and dropped his claim against the cathedral, and Christ Church took firm possession of their rights "on Godes gewitnesse 7 sancta Marian 7 ealra þara halgena þe restað innan Cristes cyrcean . 7 æt sancte Augustine" ("in

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Oxford University Press, 1995), xxx–xxxi. Thanet remained an island off the eastern coast of Kent until the seventeenth century, after which the channel that separated it from the mainland finally silted close.

[9] Robertson, 174.

[10] Robertson, 174.

the witnessing of God and Saint Mary and all of the saints who rest in Christ Church and at Saint Augustine's").[11]

Looking past the most evocative details of the dispute, such as the clarification that Harold Harefoot held the port for a full twelve months, or even as long as "twegen hæri\n/gc timan" ("two herring seasons"),[12] and the claim that the ill king "asweartode eall" ("grew all black") when he learned the rights to Sandwich had been wrongfully taken from Christ Church,[13] the charter twice mentions Christ Church's local saints. In the first case, they were opposed ("agen") to Saint Augustine's appropriation of the port tariff and in the second, they sanctioned the restoration of Christ Church's rights with their "witnessing" ("gewitnesse"). It may be easy to glance past mention of holy underwriters of the charter, but a second look and attention to the historical moment reveals that the reference to the saints is not merely a passing statement. It is significant to the charter that Christ Church and Saint Augustine's had just acquired the relics of the Saints Ælfheah and Mildrith in the years immediately preceding the dispute. Rather than an appeal to distant and ancient holy men and women for boilerplate approval of their claim,[14] S 1467's reference to the two saints in both Christ Church and Saint Augustine's is an appeal to the spiritual and political potency of

[11] Robertson, 178.

[12] Robertson, 174.

[13] Robertson, 176.

[14] Referring to the saints in this way is not a legal formula. Cf., however, the invocation of Saint Æthelthryth in S 779 (the "Ely Privilege").

two English saints whose worldly remains had only recently been interred in the disputing churches.

Although S 1467 is decidedly not a piece of hagiography, the lives of the saints quietly inform how the document can be read. Seen in context, S 1467's appeal to the saints is not merely a reference to a general sense of spiritual righteousness, but an appeal to popular local saints whose political and spiritual importance was immediately current to the historical moment. In one respect, for example, the charter may demonstrate the value of a saint as a witness or piece of evidence that helps to advance a legal argument. Although the recently martyred Ælfheah is not mentioned by name, the reference to the bodies of the saints in the cathedral, which would have included the corpse of the saint, can be seen as evoking an analogy to Christ Church's rights to the port. The body of the saint and the tariff-rights were recent gifts to the cathedral from the late king Cnut. In another respect, the charter can be read as a moral argument, chastising the overly ambitious abbot of Saint Augustine's, who had only just received the land associated with Mildrith, which had itself been chartered by divine intercession.[15] Rather than representing a fleeting and unimportant reference, the local saints mentioned in the charter indicate a meaningful intersection between the lives of the saints and the law—an intersection that is significant and, when examined closely, reveals a localized and specific cultural role for the saints in early medieval England.

[15] The original land granted to the cult of Mildrith had been measured out by the course ran by a miraculous hind. For details, see Rollason, *The Mildrith Legend*, 11.

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Historically, readers have been interested in the role of saints as abstract and timeless models of spiritual righteousness, but more recently, scholars have begun to give deserved attention to the function of holy people in their cultural contexts. It has long been apparent to hagiographers and readers alike that saints' lives have a double goal: "celebration and edification."[16] In some respects, however, the first part of this formula—celebration—is dependent on the value that hagiography provides as an object of edification and contemplation. Saints were generally culted only after they succeeded in inspiring local devotion and contemplation. The didactic function of meditating on the lives of saints has been traditionally focused on the role of the saints as models of spiritual athleticism. In the *Dialogues* of Gregory the Great (*c*. 540–604), an early and foundational collection of hagiography, the pope's interlocutor explicitly describes the value of hagiography as exemplary, in contrast with the exhortatory function of homilies: "Et sunt nonnulli, quos ad amorem patriae coelestis plus exempla, quam praedicamenta succendunt," ("And there are not few whom exemplary deeds more than preaching kindle with a love of heaven").[17] To another important early hagiographer, the singular nature of this *exemplum* was particularly significant. In the prologue of his *Vita Patrum*, Gregory of Tours (*c*. 538–594) stresses the

[16] Alison Goddard Elliot, *Roads to Paradise: Reading the Lives of the Early Saints* (Hanover, NH: Published for Brown University Press by University Press of New England, 1987), 3.

[17] PL 77, 153a.

significance of the singular "life" demonstrated by the collective lives of the saints: "et quaeritur a quibusdam utrum Vitam sanctorum, an Vitas dicere debeamus … manifestum est melius dici Vitam Patrum quam Vitas: quia cum sit diversitas meritorum virtutumque, una tamen omnes vita corporis alit in mundo" ("And some ask whether we ought to refer to *lives* of the saints or the *life* … it is better to say *life* of the fathers than *lives*, because although they show a range of merits and virtues, nevertheless, one life of the body [i.e. the incarnation] nourishes all in the world").[18] Even though medieval hagiographers take care to include the details of a given saint's life, the collective lives of saints were understood by early writers as an imitation of the ideal life—the life of Christ. Contemplation of, and devotion to, local saints, therefore, worked to focus the devotee's mind on the singular life the saints had labored to imitate with their good works and martyrdoms.

Formal academic study of hagiography started in the late-sixteenth century with the exhaustive archival work of the Jesuit Bollandists and the research of related scholars like Hippolyte Delehaye, whose interpretive methods operated within a similar critical framework as that established by Gregory the Great and who understood the lives of the saints as primarily figural *exempla*, whose historical details are often less important than the spiritual ideals they point

[18] PL 71, 1010; my translation and clarification. See also, Elliot, *Roads to Paradise*, 5–6. For a discussion of the rhetorical function of Gregory's insistence on the singular, see Thomas J. Heffernan, *Sacred Biography: Saints and their Biographers in the Middle Ages* (Oxford: Oxford University Press, 1988), esp. 3–10.

toward.[19] Delehaye, who was a historian of the first order, was quick to argue that the details that may localize a saint were legendary, in the sense that they associated "fanciful stories" to the historical people who were to become saints. Delehaye's method acknowledges the variety of different holy men and women who would become saints, but downplays the significance of their individual details.

The critical approach taken in this dissertation is more focused on the specific cultural and historical circumstances of the writing of hagiography and the lives of the saints they chronicle than on the generic aspects of the genre. Many readers turned their attention to specific cultural dimensions of saints' lives following the influential work of Peter Brown, who personalized and, ultimately, sought to place the saints and their hagiography into historical and social contexts.[20] Brown emphasized the fact that although the soul of a saint like Martin of Tours had been accepted into the hands of God, his eternally incorrupt body on earth was a deeply important aspect of the saint's function as an intercessor.[21] However much Martin aligned himself with the ideal, singular *vita* when he

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[19] Whether or not a saint's life contained historical material, Delehaye argued that the most salient feature of hagiography was its "religious character and aim at edification," in *The Legends of the Saints*, trans. Donald Attwater (New York: Fordham University Press, 1962), 3.

[20] Peter Brown's essay on the "Holy Man" in late Antique Rome was seminal for the cultural turn in the study of hagiography. See "The Rise and Function of the Holy Man in Late Antiquity," *Journal of Roman Studies* 61 (1971): 80–101, repr. in *Society and the Holy in Late Antiquity* (Berkeley, CA: University of California Press, 1982), 103–52.

[21] Peter Brown, *The Cult of the Saints: Its Rise and Function in Latin Christianity* (Chicago: University of Chicago Press, 1982), 4.

charitably gave a beggar half of his soldier's cloak, his specific, physical presence in the French countryside cutting down pine trees is an integral aspect of his sanctity. Brown's work helped to ground the careers of the saints in their cultural context and paved the way for both historical and literary studies of hagiography, which have been receptive to the idea that specific and local trends can be detected in the lives of the saints. André Vauchez's massive and influential historical study, for example, focuses on the development of the canonization process and the ritual's complicated relationship with the holy men and women who were to become saints.[22] Vauchez took something of a sociological approach and his collection of a huge amount of data allowed him to argue that the ways people became saints varied across Europe and changed at different periods of time.[23] In a seminal study with a different methodology, but similar emphasis on cultural context, Patrick J. Geary's fascinating work on *furta sacra*, or the practice of religious communities taking relics from one another, worked to illuminate the seemingly odd behavior by examining how the practice functioned for religious

[22] André Vauchez, *Sainthood in the Later Middle Ages*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1997).

[23] The sheer volume of Latin and vernacular hagiography from the medieval period has encouraged scholars like Vauchez to conduct studies that compile and analyze large amounts of data about the genre. For other examples, see Donald Weinstein and Rudolph M. Bell, *Saints & Society: Christendom, 1000–1700* (Chicago: University of Chicago Press, 1982), who make a sociological argument, and Pamela Gehrke, *Saints and Scribes: Medieval Hagiography in Its Manuscript Context*, University of Califonia Publications in Modern Philology 126 (Berkley: University of California Press, 1993), who surveys the codicological situation of saints' lives.

communities themselves.[24] Caroline Walker Bynum is often credited with spearheading the study of one of the most intimate conceptual localities—gender—in constructing sanctity, and this critical framework has proven one of the most fruitful approaches to hagiography for a generation of scholars.[25] Recently, the work of Aviad M. Kleinberg has taken the study of the development of sanctity and the steps a holy person would take to achieve sainthood to an almost individual level. Kleinberg's research concentrates on the actual function of an aspiring saint, such as Christina of Stommeln, in his or her community and has brought close attention to the most immediate circumstances of a holy person's life on earth and the men who promoted his or her cult and composed his or her *vita*.[26] Moving away from figural readings of the saints toward culturally specific approaches to this literature has engendered many important extended studies that look at hagiography from a variety of angles.[27]

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[24] Patrick J. Geary, *Furta sacra: Thefts of Relics in the Central Middle Ages* (Princeton, NJ: Princeton University Press, 1978).

[25] Caroline Walker Bynum, *Holy Feast, Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley, CA: The University of California Press, 1987).

[26] Aviad M. Kleinberg, *Prophets in their own Country: Living Saints and the Making of Sainthood in the Later Middle Ages* (Chicago: University of Chicago Press, 1997).

[27] See, to name only a few, David Rollason, *Saints and Relics in Anglo-Saxon England* (Oxford: Blackwell, 1989); Thomas Head, *Hagiography and the Cult of the Saints: The Diocese of Orléans, 800–1200* (Cambridge: Cambridge University Press, 1990); Karen A. Winstead, *Virgin Martyrs: Legends of Sainthood in Late Medieval England* (Ithaca: Cornell University Press, 1997); John Kitchen, *Saints' Lives and the Rhetoric of Gender: Male and Female in Merovingian Hagiography* (Oxford: Oxford University Press, 1998); John Edward Damon, *Soldier Saints and Holy Warriors: Warfare and Sanctity in the*

The presence of legal themes in English hagiography has not typically been of great interest to legal historians. Critics have long recognized the important interaction between English literature and the law, and the unique development of English common law in the Middle Ages, largely independent of civil law, has given scholars much to study. As Richard Firth Green has pointed out, the study of medieval English law and literature is typically focused on the institution of law itself and has generally taken two forms. Scholars are often either interested in the literary quality of legal writing or look to literature for evidence of legal culture or legal themes.[28] Both methods have proven effective ways of entering the subject, as bibliographies demonstrate,[29] but Emily Steiner and Candace Barrington have recently raised a critique of these hermeneutic methods. In the introduction to a recent collection of essays, they argue that too

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Literature of Early England (Aldershot: Ashgate, 2003); Jonathan Good, *The Cult of Saint George in Medieval England* (Woodbridge: Boydell, 2009); and most recently Rachel Koopmans, *Wonderful to Relate: Miracle Stories and Miracle Collecting in High Medieval England* (Philadelphia: University of Pennsylvania Press, 2011).

[28] Richard Firth Green, "Medieval Literature and Law," in *The Cambridge History of Medieval English Literature*, eds. David Wallace, 407–31 (Cambridge: Cambridge University Press, 1999). It should be noted that the scope of this particular book, which does not include Old English literature, raised the hackles of some Anglo-Saxonists. See, for examples, Nicholas Howe, "The New Millennium," in *A Companion to Anglo-Saxon Literature*, Blackwell Companions to Literature and Culture 11, eds. Phillip Pulsiano and Elaine Treharne, 496–505 (Oxford: Blackwell, 2001), esp. 498–99.

[29] See, for example, John A. Alford and Dennis P. Seniff, eds., *Literature and the Law in the Middle Ages: A Bibliography of Scholarship* (New York: Garland Publishing, 1984) and Richard Allen, "Writings in the Medieval Period," in *English Legal History: A Bibliography and Guide to the Literature*, ed. W. D. Hines, 9–36 (New York: Garland Publishing, 1990).

often "law and literature are assumed to be separate disciplines" and it is more likely that medieval readers and writers did not distinguish between the two as starkly as modern scholars tend to.[30] Rather than searching for evidence of the legal in literature and the literary in legislation, they advocate for a view of law and literature that seeks to understand their discursive worlds as being much more intertwined than both literary and historical studies have tended to view them.

Despite the long history of the academic study of law and literature, few scholars have been interested in the interaction of law and hagiography.[31] Both Alford and Seniff's and Hines's bibliographies record no major study of law in hagiographic literature. The few shorter articles on the depiction of law in hagiography tend to be efforts to discern historical legal practice in a given saint's life. This is particularly the case with Anglo-Saxonists, who sometimes look to depictions of law in the lives of the saints for evidence describing Anglo-Saxon

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[30] Emily Steiner and Candace Barrington, "Introduction" to *The Letter of the Law: Legal Production and Literary Production in Medieval England*, eds. Emily Steiner and Candace Barrington, 1–11 (Ithaca, NY: Cornell University Press, 2002), at 2.

[31] An important *caveat* needs to be made for the study of the canonization process. As Vauchez's work has shown, the canonization of saints became increasingly complicated and bureaucratic as the Middle Ages progressed. This, unsurprisingly, had an effect on hagiography, which began to include information that would be useful in canonization inquisitions. Because this phenomenon is specific to canon law and concerned only with the canonization process, it will not be discussed here. For more, see Michael Goodich, "The Judicial Foundations of Hagiography in the Central Middle Ages," in *Scribere sanctorum gesta: Recueil d'édutes d'hagiographie médiévale offert à Guy Philippart*, Horologia-Etudes sur la Sainteté en occident 3, eds. Etienne Renard, Michel Trigalet, Xavier Hermand and Paul Bertrand, 627–44 (Turnhout: Brepols, 2005).

legal culture, for which there is often little other evidence.[32] The dearth of major studies of law and hagiography is not surprising. On the one hand, the cultural turn in the study of hagiography has only recently begun to make the genre appear appropriate for historical and literary inquiry, and on the other, hagiography has traditionally been seen by historians as too legendary or fantastic to be a good source for hard evidence.

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This dissertation seeks to examine the depictions and descriptions of secular legal culture in hagiography written in English from the Anglo-Saxon to the early Middle English periods. The historical range covered here provides a valuable opportunity to explore ways religious vernacular writers conceived of a legal system that was in the early stages of its development. The focus of the study is sufficiently early that a professional legal class did not yet exist, which suggests that both religious writers and their audiences had more direct connections with the legal system than they sometimes did in later periods.[33] In my attention to the earlier period of English legal and literary history, I have striven to keep Steiner and Barrington's critique of historical writing about the

[32] See, for example, Dorothy Whitelock's essay on Wulfstan Cantor below at page 92, note 22. A similar approach is taken to the life of Cecilia in the *Second Nun's Tale* by Paul Beichner in his essay "Confrontation, Contempt of Court, and Chaucer's Cecilia," *Chaucer Review* 8 (1974): 198–204.

[33] Paul Brand has shown that the specialization of the legal profession developed slowly over the course of the thirteenth century in his important study *The Origins of the English Legal Profession* (Oxford: Blackwell, 1992).

law in mind and think of a genre like saints' lives as a viable venue for hagiographers to discuss legal issues and problems in a straightforward way. Further, their argument also opens up the possibility, considered seriously here, that religious writers used legal discourse to their own rhetorical ends.[34]

Although the primary goals of a given saint's life are to provide an object of edification and contemplation, attention to the legal themes in the hagiography investigated here reveals two significant tendencies in the way the law is depicted and discussed in early English hagiography. The first, and primary object of study here, is a tendency to discuss the law in immediate, local, and literalistic ways. The interaction saints have with the law is often characterized in ways that reflect contemporary usage and concerns. The second and, in this investigation, ancillary tendency is a trend for depictions of the law in English saints' lives to hover around issues of the body. Taken together, the law in early English hagiography helps to underscore an important aspect of the cult of the saints that is easily overlooked: hagiography's function for drawing the mind toward spiritual contemplation and abstraction is simultaneously grounded in immediate, historicized, and fundamentally corporeal experience.

I offer a generalized entry point to the discussions of specific saints lives in the chapter to follow by taking a philological turn and describing, in rough terms, the amount of legal language in a corpus of easily searchable early English

[34] Although the essays in Steiner and Barrington's collection are focused on the later period of medieval literature and none address hagiography, their emphasis on the blurring of generic boundaries is useful for this study and borne out by the evidence presented below.

hagiographic texts. In that chapter, I conduct an extensive survey of *theft*-lexemes in 102 Old English saints' lives in order to locate and compile a list of each of their occurrences in the vernacular texts, which I then pair with each text's Latin source. The resulting list appears as a useful appendix in its own right and an example of the value of conducting wide-ranging thematic searches of medieval literature. The survey, which uses the concept of "wrongful taking" as an analogy for legalistic language more generally, demonstrates that even a narrowly defined legal concept like *theft* appears surprisingly often in Old English hagiography. Having collected a large amount of textual information, I then use a statistical method and conduct a correspondence analysis on the data compiled in the sample in order to highlight patterns in textual and lexical affiliation that are not readily apparent from other vantage points. The analysis reveals a significant grouping of texts surrounding the word *for-stelan*. Examined in context, the word *for-stelan* appears to have been particularly productive in Old English hagiography for describing the theft of relics and holy bodies. Further, attention to instances where Old English hagiographers add references to *theft* in their translations indicates that discussions of the law were useful for making moral arguments about issues only tangentially connected with *theft*. Specifically, it is apparent that both Cynewulf's poem *Elene* and Ælfric's "Life of Saint Clement" use the concept of *theft* to criticize the desire for worldly goods that the fear of being robbed implies. The two discussions pulled from the larger collection of texts also illustrates two principles that can be seen working in the more specific and impressionistic

chapters to follow: an emphasis on local, immediate, and contemporary concerns and a focus on the role of the body, in both legal and hagiographic situations.

Chapter Three turns toward another poem, like *Elene* briefly discussed in Chapter Two, from the Cynewulf group and one of the earliest pieces of hagiographic writing addressed at length in the dissertation—*Juliana*. Although it has been argued that Cynewulf reworked the poem's trial scene in order to make the story better align with typical Anglo-Saxon legal practices, I challenge this reading and argue instead that Juliana's potential marriage suit is a much more significant aspect of the poem's legal tenor. Rather than referring to strict legal statute, I argue that Cynewulf appears to construct the marriage suit posed to Juliana in ways that would resonate with contemporary Anglo-Saxon audiences. Furthermore, rather than simply wishing to bring the poem into line with contemporary legal practice and custom, Cynewulf seems to be constructing the proposed marriage in a way that has a practical didactic function. The wedding suit in the poem could likely have served as a warning to cloistered religious women who sometimes found themselves threatened by aggressive suitors. Rather than merely reproducing cultural practice, the changes employed by the poem were likely intended to advance a contemporarily relevant moral lesson.

Chapter Four addresses the work of Ælfric of Eynsham, whose writing constitutes the bulk of texts investigated in Chapter Two. Scholars have begun to recognize Ælfric as more of an engaged cultural observer than he was thought to be in the past and much recent work has been done to excavate his works for historical evidence about the political, ideological, and even legal situation of late

Anglo-Saxon England. This chapter looks to Ælfric's *Lives of Saints*, his pastoral letters, and historical legal documents, arguing that the abbot was deeply anxious about the proper relationship between the clergy and secular law, as well as the increasing litigiousness of the world he was living in. Ælfric demonstrates in his writing a programmatic effort to construct hagiography that worked to argue his ideological agenda: the clergy should avoid interacting with secular law, and there is something morally suspect about litigious behavior in general. Ultimately, Ælfric appears to have been a hopeless reactionary in the face of the fact that his fellow church authorities were involved in secular matters at the time he was writing and would increasingly be so for the ensuing centuries.

After providing a survey of hagiographic literature in English from the end of the Anglo-Saxon period to the thirteenth century, Chapter Five looks outside the easily surveyed corpus of Old English literature in Chapter Two to the late-thirteenth-century *South English Legendary* (*SEL*) life of Saint Thomas Becket of Canterbury. In a striking example challenging the notion that early post-Conquest legal documentation appeared entirely in French or Latin, the *SEL* life of Becket contains a translated list of laws composed of selections of the Constitutions of Clarendon and, more importantly, an obscure royal decree of 1169 that was once thought to have been spurious. Besides presenting one of, if not the, earliest comprehensive pieces of royal legislation to appear in Middle English, the list represents a deliberate hybridization of two distinct pieces of legislation from different stages of the Becket controversy. A remarkable innovation in its own right, the hybrid list also works both to highlight Becket's most important

achievement in his conflict with the crown—the protection of felonious clerks from royal judicial prerogative—and to change the characterization of the saint's sanctity itself. Rather than a generalized representative of the church defending against the encroachment of royal prerogative, the *SEL*'s list of legislation characterizes Becket as a holy litigant or bureaucrat engaging directly with the law itself. Instead of taking a critical stance toward an ecclesiastic authority engaging actively with the legal system, the *SEL* author depicts Becket's litigiousness as a salient feature of his holy career.

In sum, this dissertation demonstrates two tendencies of the depiction of legal themes in early English hagiography. Rather than merely using legal themes as useful details that brought their narratives in line with contemporary and local practice, early medieval English hagiographers engaged with and explored moral aspects of secular law and employed its imagery and language to effective ends. The invocation of legal details by English religious writers works to ground the lives of the saints in their immediately cultural situations. A secondary characteristic that appears in each extended example is a tendency for legal issues to be associated with the role of the body. The practice of medieval law to enact punitive justice and burdens of proof on the living bodies of the accused in many ways mirrors the experience of martyr saints, whose bodies are the instruments of their spiritual athleticism. Ultimately, the emphasis placed on the immediate details of the law as it is depicted in early English hagiography conjures one of Augustine's revelations in his *Confessions*. During an excursus on his newly realized love of God, Augustine explains that his early spiritual searching

overlooked the fact that the divine was everpresent in the physical world around him: "Et ecce intus eras, et ego foris, et ibi te quaerebam; et in ista formosa quae fecisti, deformis irruebam. Mecum eras, et tecum non eram. Ea me tenebant longe a te, quae si in te non essent, non essent" ("And I searched for you outside myself and, disfigured as I was, I fell upon the lovely things of your creation. You were with me, but I was not with you. The beautiful things of this world [i.e. "ea"] kept me far from you and yet, if they had not been in you, they would have no being at all").[35] The historicized, culturally relevant legal details we find in medieval English hagiography function like Augustine's "formosa," drawing the reader's mind toward the vital role of the fallen, temporal, and material world in the biography of a holy person. Rather than representing superfluous detail, legal themes are essential for fleshing out the world away from which a saint is to transcend.

[35] PL 32, 10.27; trans. R. S. Pine-Coffin, *Saint Agustine: Confessions* (London: Penguine, 1961), 231–32.

CHAPTER TWO

THE LANGUAGE OF *THEFT* IN OLD ENGLISH SAINTS' LIVES

Legal themes and courtroom dramatics have been an important part of hagiography since the early stages of the genre's development. Although persecution of Christians during the first four centuries following the Passion was mainly spurred by the general Roman population's distrust and hatred of them, some imperial responses to the new religion, such as Decius's third-century edict requiring all citizens to sacrifice to the gods, meant that early Christians sometimes found themselves on trial and under official forms of persecution.[1] Legends of the early martyrs' *passiones* are particularly dependent on depictions of persecution and an early saint's *passio* typically concludes with the late-antique or early-medieval version of the courtroom drama.[2] In many versions of the stock scene, a virgin martyr, defiantly resisting a local government official's sexual advances and demands that she perform sacrilege and heathen sacrifice, finds herself standing trial before a ruthless, imperial judge. Following the pious heroine's stalwart response to an aggressive inquisition, she is subjected to a gruesome and extensive set of tortures, after which she may give an evangelical speech to onlookers. When the wicked judge eventually becomes frustrated with the saint's stubbornness and perhaps the conversion or accidental death of his

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[1] Gillian Clark, *Christianity and Roman Society* (Cambridge: Cambridge University Press, 2004), 38–53.

[2] For an overview of martyrs' narratives, see Alexandra Hennessey Olsen, "'De Historiis Sanctorum': A Generic Study of Hagiography," *Genre* 13 (1980): 407–29, at 413–15.

henchmen, the virgin is decapitated and her soul is accepted into the open arms of a heavenly host, which has been inspiring the young woman during the onslaught. Besides providing a lurid and entertaining story, the generic scene performs several didactic functions. As a legalistic drama, it offers an opportunity for the seemingly disadvantaged Christian to engage in intellectual debate with representatives of the Roman state and demonstrate the rhetorical and philosophical sophistication of the new religion. As a religious drama, the scene suggests an anagogical allegory of Doomsday, depicting the deliverance of the righteous from the hands of secular persecutors and the victory of the faithful over worldly nonbelievers. As *imitatio Christi*, the saint acts as a model of faithful behavior to be admired and emulated by the reader.[3]

Beyond the language associated with tropes inherent to the genre, a few critics have noticed that early English hagiography sometimes depicts legal scenes and themes in ways that reflect contemporary practices and concerns. Lenore MacGaffey Abraham argued in a 1978 article that Cynewulf altered scenes from his Latin exemplar in the composition of his poem *Juliana* in order that they conform to local, Anglo-Saxon trial procedures.[4] Apparently following up on Jane

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[3] For a discussion of the *imitatio* scene as emblematic of the spiritual utility of "*res*" versus "*verba*," see Thomas J. Heffernan, *Sacred Biography: Saints and Their Biographers in the Middle Ages* (Oxford: Oxford University Press, 1988), esp. 3–37.

[4] Lenore MacGaffey Abraham, "Cynewulf's *Juliana*: A Case at Law," *Allegorica* 3 (1978), 172–89, reprinted in *Cynewulf: Basic Readings*, ed. Robert E. Bjork, 171–92 (New York: Garland Publishing, 1996). Both Abraham's argument and Cynewulf's *Juliana* are discussed at length in chapter three below.

Roberts's comments about the "legal" vocabulary in *Guthlac A*,[5] Scott Thompson Smith argues in his unpublished 2007 doctoral dissertation on language associated with land in Old English, that the poem invokes "tenurial issues and language" and effectively "conflates land tenure and salvation at a site of territorial dispute."[6] More recently still, Catherine Cubitt has used the anonymous Old English *Legend of the Seven Sleepers* to challenge the idea advanced by Patrick Wormald that local Anglo-Saxon judges and government officials were largely illiterate and uninterested in written records, arguing that the trial scene in the legend serves as evidence that legal textbooks may have been used in local Anglo-Saxon criminal trials.[7] Critics' attention to legal themes in saints' lives written in Old English probably has something to do with the fact that Anglo-Saxon legislation and charters were written in the vernacular. Discussions of the law in early Middle English saints' lives, likely made difficult by the complicated position of English following the Conquest, are virtually nonexistent.[8]

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[5] Jane Roberts, *The Guthlac Poems of the Exeter Book* (Oxford: Oxford University Press, 1979), 50–51.

[6] Scott Thompson Smith, "Writing Land in Anglo-Saxon England," (PhD. dissertation, University of Notre Dame, 2007), 218.

[7] Catherine Cubitt, "'As the Lawbook Teaches': Reeves, Lawbooks and Urban Life in the Anonymous Old English Legend of the Seven Sleepers," *English Historical Review* 510 (2009): 1021–49. For Wormald's arguments against the use of written materials in Anglo-Saxon legal practice, see "*Lex scripta* and *verbum regis*: Legislation and Germanic Kingship, from Euric to Cnut," in *Legal Culture in the Medieval West: Law as Text, Image, and Experience* (London: Hambledon Press, 1999), 1–41, at 18–19.

[8] I am personally unaware of any extended critical investigations into the law in early Middle English saints' lives.

Helpful as these arguments are at focusing narrow attention on legal themes in individual texts, they raise several questions about depictions of the law in early English saints' lives. Was representation of and concern with secular law a widespread phenomenon in early medieval English hagiography? To what extent did hagiographers actively insert secular legal material into their translations of Latin saints' lives? Are there any trends for the use of legal themes in hagiography? If so, does the way hagiographers discuss the law affect how we might read their texts? Considering the huge amount of material there is to sift through in order address these kinds of questions in a comprehensive way, this chapter examines a large sample of texts from an easily searchable corpus in order to provide an entry point for the more granular discussions of specific texts to be found in rest of the dissertation. In particular, this chapter begins with a survey of the language surrounding *theft* in 102 Old English hagiographical texts in an effort to isolate and examine patterns or trends in the use of legal themes in a large number of texts. After isolating words associated with *theft* in the sample of texts, I then approach data collected in the survey with a statistical tool often used in the social sciences—correspondence analysis.[9] Although correspondence analysis is not a hermeneutic method in its own right, the analysis of the texts and lexemes in the survey does help to reveal a significant pattern of textual affinity in the sample surrounding the word *for-stelan*. The second half of the chapter proceeds with a discussion of this significant grouping of texts and a discussion of

[9] An explanation of this method of statistical analysis appears below on pages 33–36.

the meaningful way Old English hagiographers employ the language surrounding *theft* and thieves in moral discourse. Texts including the word *for-stelan* indicate that the generalized term was especially productive in the narrow genre of hagiography for a distinct connotation: the theft of bodies and abduction. Beyond expected condemnations of *theft* as an immoral act itself, the survey reveals two significant instances, in the work of Cynewulf and Ælfric, where the language of *theft* has been added to translations of Latin saints' lives in ways that work to criticize the desire for worldly wealth. Taken together, the chapter illustrates two important principles for thinking about the law in early medieval English hagiography that the more detailed discussions in the rest of the dissertation will make more apparent: a tendency for the law to be discussed in localized and immediate ways and an emphasis on the role of the body.

Texts

Defining the corpus of hagiographical texts in Old English to be examined for this study is, initially, a relatively straightforward task, in so far as it is not difficult to collect a large number of sample texts. I begin with hagiographic poems. Although they outnumber secular heroic poems, there are only five poems in Old English that deal explicitly with the saints: *Juliana*, *Elene*, *Andreas*, *Guthlac A and B*, and *Fates of the Apostles*. There are considerably more prose Old English saints' lives and actually locating them can be difficult because they are spread across the entire corpus of Anglo-Saxon saints' lives and homilies. The task of going through this mountain of prose, however, has been made easy

thanks to the list of Old English saints' lives compiled by E. Gordon Whatley in his contribution to a recent handbook on the subject.[10] Adding the abovementioned five poetic saints' lives to Gordon's list of prose hagiography produces a total of 102 separate texts, which serve as the sample investigated here.[11] The entire sample, keyed to Cameron numbers, is listed as Appendix I.[12]

The sample of texts that serves as the basis of this study is not without complications. The loss of manuscripts over the course of history necessarily means that the sample is not comprehensive and, therefore, can only serve as an approximate account of Anglo-Saxon hagiography, but any claim to a comprehensive sample of early medieval texts in any vernacular language would be to overstate the case. Because of this, it is unreasonable to make overly precise claims about the material. Nevertheless, the sample is a large enough collection to

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[10] E. Gordon Whatley, "An Introduction to the Study of Old English Prose Hagiography: Sources and Resources," in *Holy Men and Holy Women: Old English Prose Saints' Lives and their Contexts*, ed. Paul E. Szarmach, 3–32 (Albany, NY: State University of New York Press, 1996). Whatley's list is indispensible, *sed caveat lector*: the Cameron numbers for Margaret (i) and Paulinus need to be amended to B3.3.14 and B3.3.31 respectively.

[11] Whatley compiled his list in order to illustrate individual saints' lives. Individual lives, however, sometimes appear in the same text indicated by a given Cameron number. In order to both make my list compatible for searching the *DOEC*, make distinctions between individual *vitae*, and present the texts in a usable fashion, I have referred to both Whatley's alphabetical list of saints and Cameron numbers in Appendix I. The reference here to "texts" are to the delimitations made by Cameron. "Lives" or "*vita*" are used in order to refer to the narratives of individual saints. Interested as I am in hagiography as a long-form narrative genre, the *Old English Martyrology* and litanies go unmentioned here.

[12] In order to present the texts covered here in a coherent and usable format, I have keyed all of them to Frank and Cameron's plan, *A Plan for the Dictionary of Old English*, eds. Roberta Frank and Angus Cameron (Toronto: University of Toronto Press, 1973).

allow for generalized statements and, moreover, observations more comprehensive than the sorts of single, anecdotal examples focused on individual texts that appear in subsequent chapters of this dissertation. The question of genre also puts strain on the collection. Although the term "hagiography" at its most basic denotes "writings about the saints,"[13] collections of saints' lives often include material that does not fit this strict definition. In terms of the prose lives, Whatley acknowledges that some of the texts that he includes in his list are not "hagiographical" in the purest sense of the word—the material on the Virgin and the Maccabees presenting the clearest examples of this generic ambiguity. The inclusion of narratives concerning ancient Hebrew characters vexes the notion that hagiography only deals with the lives of Christian saints. The feasts of the Virgin are movable, thus destroying an easy demarcation between the *temporale*, or the holy days associated with the movable feasts of the life of Christ, and *sanctorale*, or the unmovable feasts of the saints. Nevertheless, I have accepted Whatley's judgment to admit these texts on the generic fringe of hagiography and have only supplemented his list with the five poems that clearly present the matter of the saints.[14]

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[13] Thomas Head, "Introduction," to *Medieval Hagiography: An Anthology*, ed. Thomas Head, xiii–xxxviii (New York: Routledge, 2001), at xiv.

[14] My list is conservative. A case could be made for including *Judith*, which has been regarded by some readers as a hagiographic poem. See, for example, Marie Nelson, "*Judith*, *Juliana*, and *Elene*: Three Fighting Saints, or, How I Learned that Translators Need Courage Too," *Medieval Perspectives* 9 (1994): 85–98.

A final complication in the sample of texts is the overwhelming presence of the writing of Ælfric, whose texts represent 59 among the 102 Cameron numbers used in the initial search.[15] Although it might be possible to omit sections of the work of Ælfric in order to make the number of his texts in the sample more proportionate to those from the anonymous Old English hagiographers, I have thought it better to take the situation as it stands and keep in mind that any investigation of Old English prose hagiography will necessarily reflect the idiolect of the prolific abbot.

Theft-Lexemes

For the purposes of the study at hand, and the dissertation more generally, it can be difficult to identify references into what might actually represent local, English legal practice and custom or references to legal issues that would have been of immediate interest to medieval hagiographers and their contemporary readers. This is due in part to the fact that a legal scene described in a given saint's life might not have been reworked to reflect English cultural practice, and instead, had been merely translated from an exemplar. As the anecdotal description of a "typical" life of a martyr above indicates, courtroom scenes and the language of judgment are characteristics of the genre. Subsequently, it can be difficult to sort out common characteristics of the genre from what might be indications of local, secular Anglo-Saxon law or other significant uses of legal concepts by hagiographers. In addition to descriptions of the legal troubles

[15] The Cameron numbers indicating Ælfrician texts all begin with "B1."

encountered by individual legendary martyrs and the apostles, judgment and law are obviously key aspects of the Judeo-Christian tradition, which hagiographers and homilists often comment upon. In other words, any search for general "legal themes" in the corpus of Old English hagiography would be impractical because of the sheer amount of vaguely legal language. Therefore, it has seemed best to limit this investigation to a specific category of legal discourse in order to constrain the search to legal language that might be more local and immediate, or at least more specific than the cosmic judgment of all humankind.

There are several reasons why restricting focus to the lexicon surrounding the concept of *theft* is a particularly good way to locate and discuss secular law in the corpus of Old English hagiography.[16] For one, it restricts the search to a concept that is distinctly legalistic. Unlike transgressions like unlawful killing or other types of violence, *theft* is a concept describing a wrong that assumes some sort of legal apparatus should protect property rights.[17] That is, searching for lexemes referring to murder and killing would not be specific enough to find only references to killings that might be punishable by law. *Killing*-lexemes could refer to any number of situations such as the deaths that might occur during the course

[16] J. R. Schwyter, *Old English Legal Language: The Lexical Field of Theft* (Odense: Odense University Press, 1996). Although Schwyter's interests are linguistic and he focuses only on the body of extant Anglo-Saxon legal documents (legislation and charters), his monograph was extremely helpful for my discussion.

[17] It would be possible to consider Locke's argument about the role of the state in protecting private property here, but this is not necessary. Even the Decalogue bans theft after murder, presumably because theft is a more abstract crime than direct bodily harm.

of war, however just or unjust; the killing of Christians during times of persecution (as opposed to their trials); or even to metaphorical deaths. *Theft*, on the other hand, has a fairly specific connotation defining an action that takes place under a presupposed legal system. The *Thesaurus of Old English* succinctly interprets *theft*-lexemes as signifying "wrongful taking."[18] Moreover, extant Anglo-Saxon legislation suggests that lawmakers were preoccupied with punishing *theft*. It has been observed that Anglo-Saxon law, which concerns itself primarily with wrongs, divides its focus between harms on people and harm against property or theft.[19]

The words searched in the present study were selected from two sources: J. R. Schwyter's helpful monograph of *theft*-lexemes appearing in the corpus of Anglo-Saxon legal documents and Roberts and Kay's *Thesaurus of Old English*.[20] Schwyter, interested in exploring the lexical field of theft, narrowed his search to legal documents in order to make an argument about the actual connotations, forms, and functions of *theft*-lexemes in the context of legislation and historical

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[18] *Thesaurus of Old English in Two Volumes*, I, eds. Jane Roberts and Christine Kay, with Lynne Grundy (Amsterdam: Rodopi, 2000), 621. The *Thesaurus of Old English* has recently been made available online at <http://libra.englang.arts.gla.ac.uk/oethesaurus/>.

[19] At the exclusion of nearly all other types of law, Anglo-Saxon legislation is primarily concerned with mitigating or preventing harms. See Schwyter, 41.

[20] J. R. Schwyter, *Old English Legal Language: The Lexical Field of Theft* (Odense: Odense University Press, 1996). Although Schwyter's interests are linguistic and he focuses only on the body of extant Anglo-Saxon legal documents (legislation and charters), his monograph was extremely helpful for my discussion.

legal disputes. To Schwyter's list, I have added the lexemes that appear in section 14.02.01.02 of Roberts and Kay's *Thesaurus* in order to search for words that may refer to theft outside of the technical context of written legislation and charters, with an eye toward widening the search and including literary language.[21] A few words that can be used to refer to *theft* were deliberately omitted from my search. Words with general meanings like (*ge*-) *niman*, *for-niman*, *a-sittan*, (*ge*)-*winnan*, and *here* were omitted because they refer only to *theft* or troops of thieves in context. Searching out each generalized term to check its connotation in context exceeds practicality. For example, the word *niman* is particularly problematic because it simply means "to take" and connotes *theft* only when modified either by a prepositional phrase, such as *mid unrihte*, or merely by context. Schwyter's narrow focus on legal documents allowed for inclusion of these types of lexemes in his study because their context of legislation nearly always assumes lawlessness.

Not all the difficulties in narrowing down the group of lexemes to search are a result of excluded words. I include one *theft*-lexeme, *for-þrycnes*, because of its significant use in poetry. In prose, the word can connote either *theft* or oppression,[22] but its appearance in poetry is noteworthy because it occurs only in formulaic phrases. In *Elene* (1276a), *Juliana* (520a), and *Guthlac* (1198a) it appears in the phrase "þream forþrycced (forþrycte)" ("oppressed by torments")

[21] I have followed the practice used by Roberts and Kay of counting related nouns and verbs as separate lemmata (e.g. *stalu* and *stalian*) as well as nouns derived from verbs like participles.

[22] See, for example, "Judex" in *Gesetze* II, 474–76.

and always in the "a" part of the line.[23] Although the word may not connote *theft* in these examples, it is worth including in the sample because it helps illustrate the fact that lexemes that have *theft*-connotations are sometimes used in formulaic ways in poetic texts. Each *theft*-lexeme that was used in the survey appears in Appendix II along with its appearance in context.

Latin Sources

Any investigation into the use of specific Old English lexemes in a corpus of translated and adapted literature requires comparison with the Latin sources. Fortunately, nearly all of the likely Latin sources for the Old English saints' lives have been identified. Patrick H. Zettel's work has been particularly important in identifying the closest extant manuscript tradition of the Latin legendary that Ælfric used as a source for the *Lives of Saints*: the Cotton-Corpus Legendary.[24] Malcolm Godden's massive *Commentary* to both series of *Ælfric's Catholic Homilies* provides updated and detailed information about the likely sources for

[23] Formulaic phrases in prose are also revealed by the search. Ælfric twice uses the phrase "reafigende wulfas" (Mark 119 and Martin 1336) (see also "be reaflace swa reaflace swa reðe wulfas" in his life of Alban 155).

[24] Patrick Zettel, "Saints' Lives in Old English: Latin Manuscripts and Vernacular Accounts: Ælfric," *Peritia* 1 (1982): 17–37. Most of the saints' lives of the Cotton-Corpus Legendary now exist in two manuscripts: Cambridge, Corpus Christi College 9 and London, British Library, Cotton Nero E.i. Peter Jackson and Michael Lapidge provide a useful discussion of the Legendary in "The Contents of the Cotton-Corpus Legendary," in *Holy Men and Holy Women: Old English Prose Saints' Lives and Their Contexts*, ed. Paul E. Szarmach, 131–46 (Albany, NY: State University of New York Press, 1996).

the saints' lives that appear there.[25] Recent editions of the individual anonymous lives also include reliable and updated information about sources, and the *Fontes Anglo-Saxonici* online database of the written sources used by Anglo-Saxon authors has almost completed the task of identifying all the sources of Old English hagiography.[26]

Method of Compilation and Correspondence Analysis

After compiling a list of the 102 hagiographic texts to be surveyed and the list of 31 *theft*-lexemes to look for, I searched each individual text in the electronic *Dictionary of Old English Corpus* for each *theft*-word. Care was taken to search the variant spellings available for each word.[27] The results are recorded in Appendix II, arranged alphabetically according to each lexeme searched. Appendix II also includes extracts of the textual context for each Old English *theft*-word that was found during the search. Each Old English passage witnessing a *theft*-lexeme is also paired with an extract of its closest Latin source, which is placed below the Old English extract within the list for easy comparison. The bibliography for the Old English texts where *theft*-lexemes were found and their

[25] For the history of work done to identify Ælfric's sources for the homilies, see page 96, note 4 below.

[26] The *Fontes Anglo-Saxonici* site is free to use and may be accessed at http://fontes.english.ox.ac.uk/. The only source not readily available was that for *Vita Patrum*, which my own investigation suggests was based on Alcuin's *De virtutibus et vitiis liber ad Windonem comitem*, cap. 30, PL 101, 0634B.

[27] Because the *DOE* is only up to the letter <g> at this point, BT was used to identify variant spellings.

Latin sources may by found in Appendix III, arranged as they appear in Appendix I according to Cameron number.

In terms of sheer numbers, several observations may be made about the appearance of *theft*-language in the sample. It is apparent that *theft*-lexemes do not populate Old English hagiography in overwhelming numbers. Nevertheless, as an analogy for thinking about legal language in general, their occurrence is frequent enough to suggest that secular legal themes occupy a meaningful position in saints' lives. Among the 102 texts searched, 45 (or about 44 percent) give witness to at least one *theft*-related lexeme. A reader of Old English hagiography will encounter a word that connotes *theft* nearly half of the time he or she picks up a text. Among the 45 *theft*-lexemes that appear in the survey, 20 have no apparent antecedent in their Latin sources.[28] Although the increase does not represent an obsession with *theft*, the addition of 20 *theft*-related words to Old English translations of Latin texts does represent a significant increase and suggests that these additions are meaningful. As we will see below in the second part of this chapter, one reason Old English hagiographers appear to have added legal language to their work is as a strategy for making moral arguments about the sinfulness of lusting after worldly wealth.

After collecting these data, I conducted a series of correspondence analyses on the sample in an effort to look for patterns in the use of *theft*-lexemes

[28] The words, which may be found in Appendix II, are æt-bredan × 2, be-gitan, be-reafian, for-stelan, for-þrycnes, gripend, hereteam, herung, reafere, reaf-lac, sceaþa × 5, þeod-sceaþa, þeof × 2, and wæl-reaf.

across the sample of texts.[29] Although correspondence analysis is more often used in the social sciences, digital humanists have argued recently that there is value in using this kind of computer analysis in the study of literature for its capacity to highlight and visually chart patterns in texts that may be obscure in other hermeneutic methods.[30] Geoffrey Rockwell, John Bradley, and Patricia Monger argue, for example, that the "rhetorical effects of graphical representation" like correspondence analysis can facilitate the perception of "patterns and anomalies" in textual information that are more difficult to recognize when data are arranged in other formats.[31]

In simple terms, correspondence analysis is a mathematical technique for visually portraying relationships and patterns in data points that have been mapped in a two-way contingency table, such as the table produced by charting the frequency of *theft*-lexemes in my sample of texts shown below as Figure 1 on pages 36–37. After arranging the sample texts and *theft*-lexemes along the *x* and *y* axes of the table and recording the frequency of each occurrence of the *theft*-

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[29] I am grateful to Christopher Roberts for help with setting up this part of the study and interpreting the results. For an accessible explanation and an example used in a textual study, see Xiaoguang Wang and Mitsuyuki Inaba, "Analyzing Structures and Evolution of Digital Humanities Based on Correspondence Analysis and Co-word Analysis," *Art Research* 9 (2009), 123–34.

[30] See, for example, Stéfan Sinclar, "A Gentle Introduction to Correspondence Analysis," available online at http://stefansinclair.name/correspondence-analysis/ (accessed on 3 November 2011).

[31] Geoffery Rockwell, John Bradley, and Patricia Monger, "Seeing the Text Trough the Trees: Visualization and Interactivity in Textual Applications," *Literary and Linguistic Computing* 14 (1999): 115–30, at 16.

	æt-bredan	be-gitan	be-reafian	be-reafigend*	be-ripan	be-stelan	for-stelan	for-þrynes*	(ge-) gripan*	gripend*	herehyþ+	hereræf+	hereteam*	hergiend*	hergung*	hlop*	of-adrifan	ofgan*	realere	(ge-) reafian	reafiend*	reaf-lac	sceaþa*	sceaþan*	stalu	(ge-) stelan*	(ge-) strydan*	þeod-sceaða	þeof	under-fon*	wæl-reaf	TOTAL
A2.1			1										1											2							1	5
A2.2																														1	1	1
A2.6			1					1					1														1					3
A3.2								1								1							1			1						4
A3.5								1								1							1									3
B1.1.5					1																		1					1				3
B1.1.31			2															1														2
B1.1.33									1																							1
B1.1.39	1		1																1				1									4
B1.1.40			1		1																	2										4
B1.2.3																							1									1
B1.2.10	1																		1				1									3
B1.2.11			1																													1
B1.2.25									1							1														1		2
B1.2.31						1																										1
B1.2.34																							1									1
B1.2.41			1																													1
B1.2.42																							5		1							5
B1.3.3																	1															1
B1.3.4					1																											1
B1.3.6					1																											1
B1.3.15																												1				1
B1.3.16																					1											1
B1.3.17																						1			1							1

Figure 1, Texts, Theft Lexemes and their Frequency. Part 1.

	æt-bredan	be-gitan	be-reafian	be-reafigend*	be-ripan	be-stelan	for-stelan	for-prynes*	(ge-) gripan*	gripend*	herehyþ+	hereræf+	hereteam*	hergiend*	hergung*	hlop*	of-adrifan	ofgan*	realfere	(ge-) realfian	realfiend*	reaf-lac	sceaþa*	sceaþan*	stalu	(ge)-stelan*	(ge-) strydan*	þeod-sceaða	þeof	under-fon*	wæl-reaf	TOTAL
B1.3.20	1																					1	6									10
B1.3.22			1			1													1						1							4
B1.3.25			1									1												1								4
B1.3.28			1									1																				1
B1.3.29						1																										1
B1.3.30			1			1															1		2						1			6
B1.3.31														1	1										1			3				6
B3.3.5																							2									2
B3.3.7			1																													1
B3.3.8	1		2								1				2																	7
B3.3.10		1															1															2
B3.3.13			1																													1
B3.3.23			1	1																												2
B3.3.24																													1			1
B3.3.25										1																						1
B3.3.26							1																									1
B3.3.29			1				1																									3
B3.3.30							1																									1
B3.3.32							1																									1
B3.3.34		1					1																						1			3
B3.3.35									1							1																2
TOTAL	4	2	16	1	4	2	7	3	3	1	1	2	2	1	3	3	2	2	2	1	2	5	22	3	2	2	1	1	11	1	1	

Figure 1, Texts, Theft Lexemes and their Frequency. Part 2.

words in the field of the table, I input these data into PAST, a statistics program, and ran a series of correspondence analyses on the sample in an effort to highlight patterns in the texts.[32] In one step, the computer program uses an algorithm that places the information arranged in the two-dimensional matrix on an additional, third-dimensional axis according to the data's level of correspondence. The program then creates an image that depicts the statistical correspondences among the texts, lexemes, and the frequency of each lexeme's appearance in each text by representing them as dots on a two dimensional plane called a "scatter plot" or "data mosaic."[33] After several rounds of analysis designed to eliminate statistical outliers, I identify one particularly noteworthy grouping of lexemes and texts in the sample: saints' lives that use the word *for-stelan*.

The first round of correspondence analysis, which was conducted with all of the texts and lexemes in the study, renders the scatter plots labeled Figures 2 and 3 below on pages 39 and 40. The placement of the dots in these images indicates that both the lexemes and the texts indicated by the ovals in the extreme corners of the two images are anomalous, which forces a cluster of texts with

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[32] Although there are many computer programs that can run a correspondence analysis, I used Øyvind Hammer's PAST, or PAleontological STatistics version 2.12, available for download from http://folk.uio.no/ohammer/past/ (accessed 4 November 2011). Hammer's software allows for customization of the types of data that can be used in the analysis. An easy-to-use correspondence analysis tool designed by Stéfan Sinclar specifically for texts may be found at http://voyeurtools.org/ (accessed 4 November 2011).

[33] Software more powerful than PAST is able to produce three-dimensional images that represent the same organization of data as the two-dimensional scatter plots.

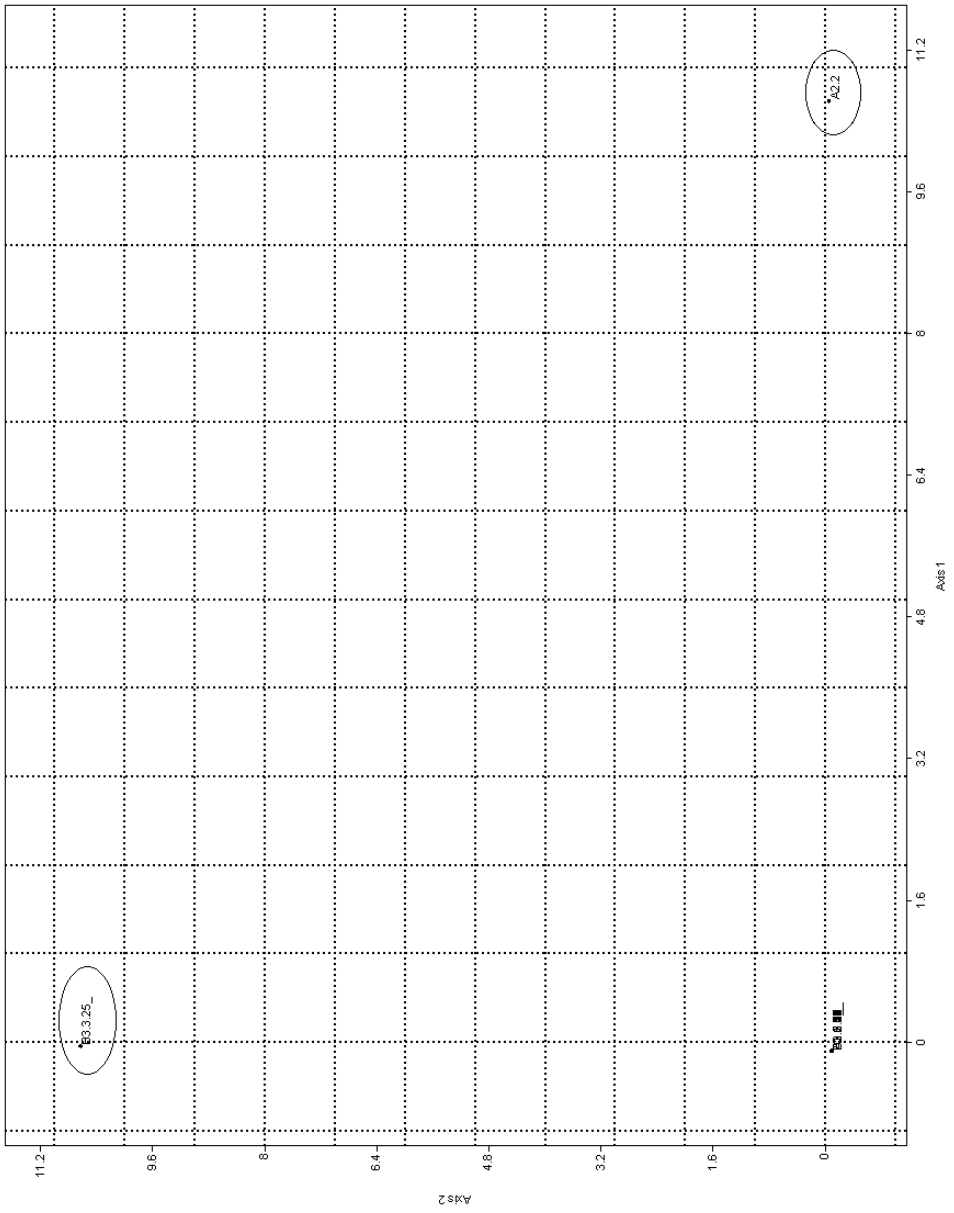

Figure 2. Correspondence Analysis Round 1: Texts.

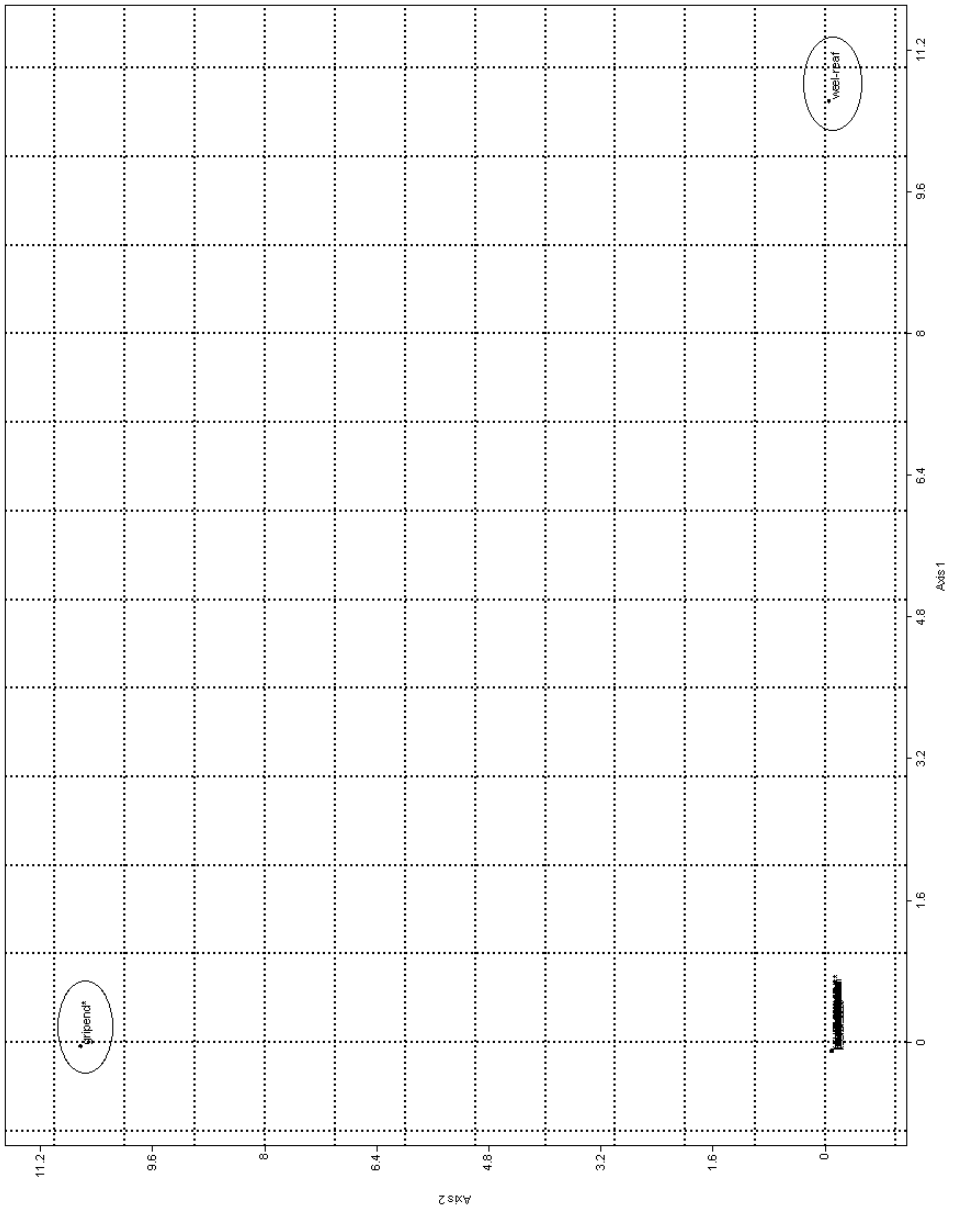

Figure 3. Correspondence Analysis Round 1: Lexemes.

greater correspondence to appear as a group at the lower-left hand corner of the diagrams. A2.2 and B3.3.25 are in fact uncharacteristic of the other texts in the sample in that they both contain only one *theft*-lexeme apiece and both words are unique to the sample: *gripend* and *wæl-reaf*. Although both of these texts represent interesting additions to their Latin sources, they make it difficult to detect patterns in the greater part sample and were removed from the data set for the second round of correspondence analysis, which renders the scatter plots depicted in below as Figures 4–6 on pages 42–44. Similar to the image produced by the first round of analysis, the diagrams produced by round two also reveal statistically anomalous texts and lexemes that obscure patterns in the bulk of the data. The three texts and three lexemes that appear on the outermost margins on the upper right and lower left of Figures 4 and 5 are statistical outliers. This is made particularly clear by their placement in Figure 6, which casts an oval around the data with 95 percent of correspondence. Omitting these outlying texts for a third round of analysis reveals the value of this kind of interpretive tool—a particularly strong grouping of texts and lexemes emerges in the scatter plots, indicated by the oval in Figure 7 on page 45.[34] Although there are some groupings of texts on the left-hand side of the graph, the group represented by the oval on the right is a particularly tight grouping and upon examination, all of the texts in this group share some significant features. Specifically, the analysis reveals a striking characteristic of these texts that is easily overlooked when the texts

[34] Round three omits B1.1.33, B1.2.25, B1.3.3, *underfon*, (*ge-*) *gripan*, and of-*adrifan*.

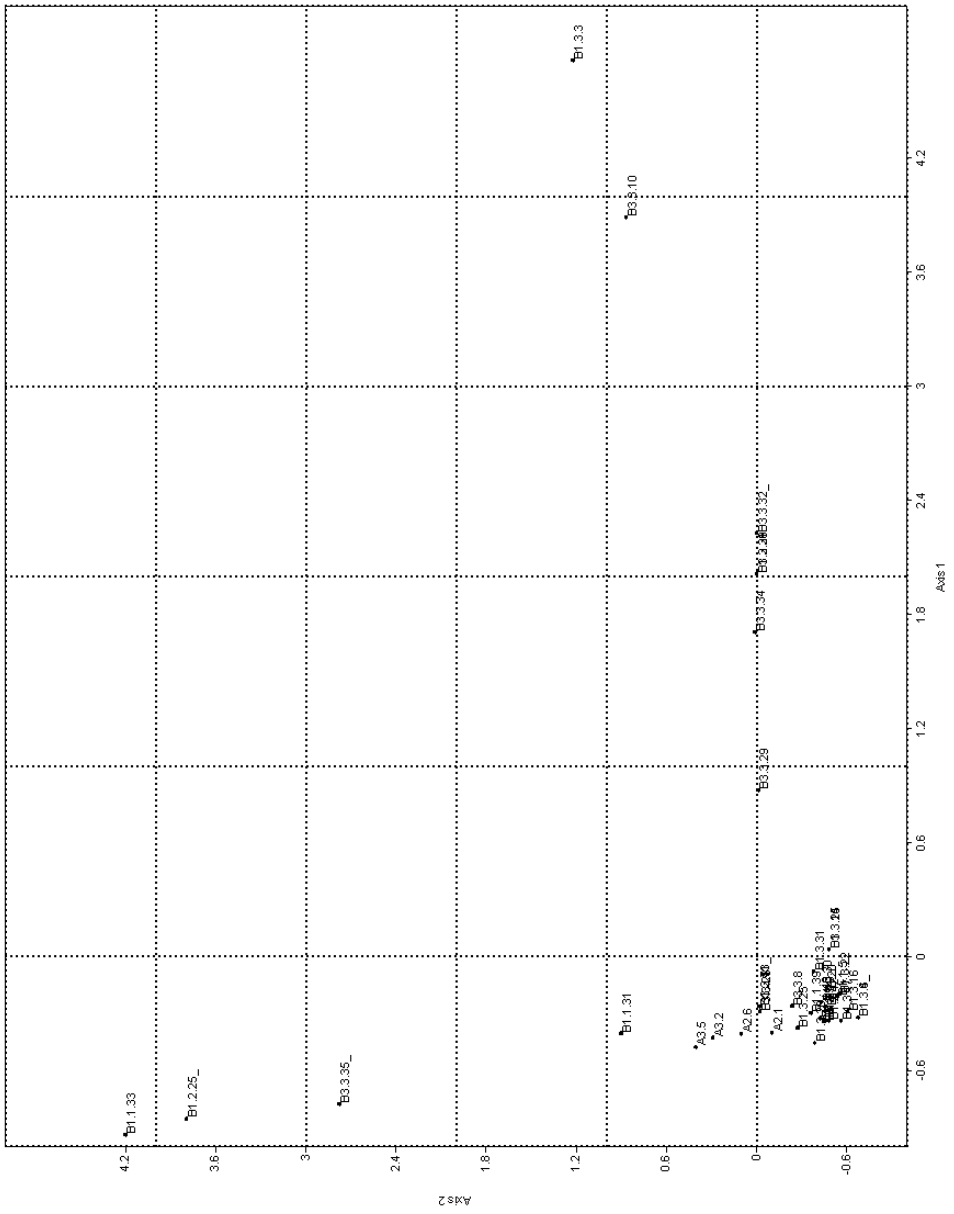

Figure 4. Correspondence Analysis Round 2: Texts.

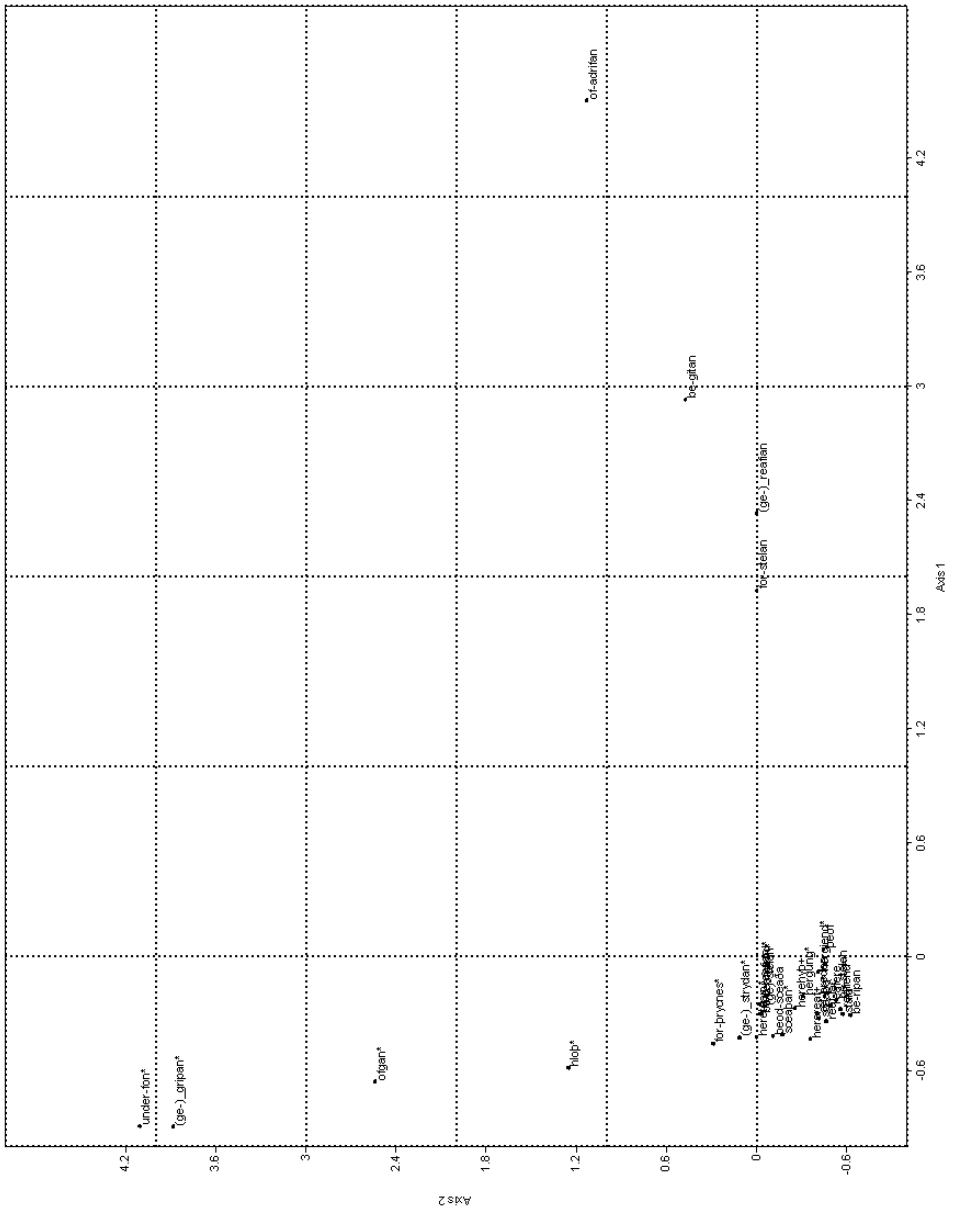

Figure 5. Correspondence Analysis Round 2: Lexemes.

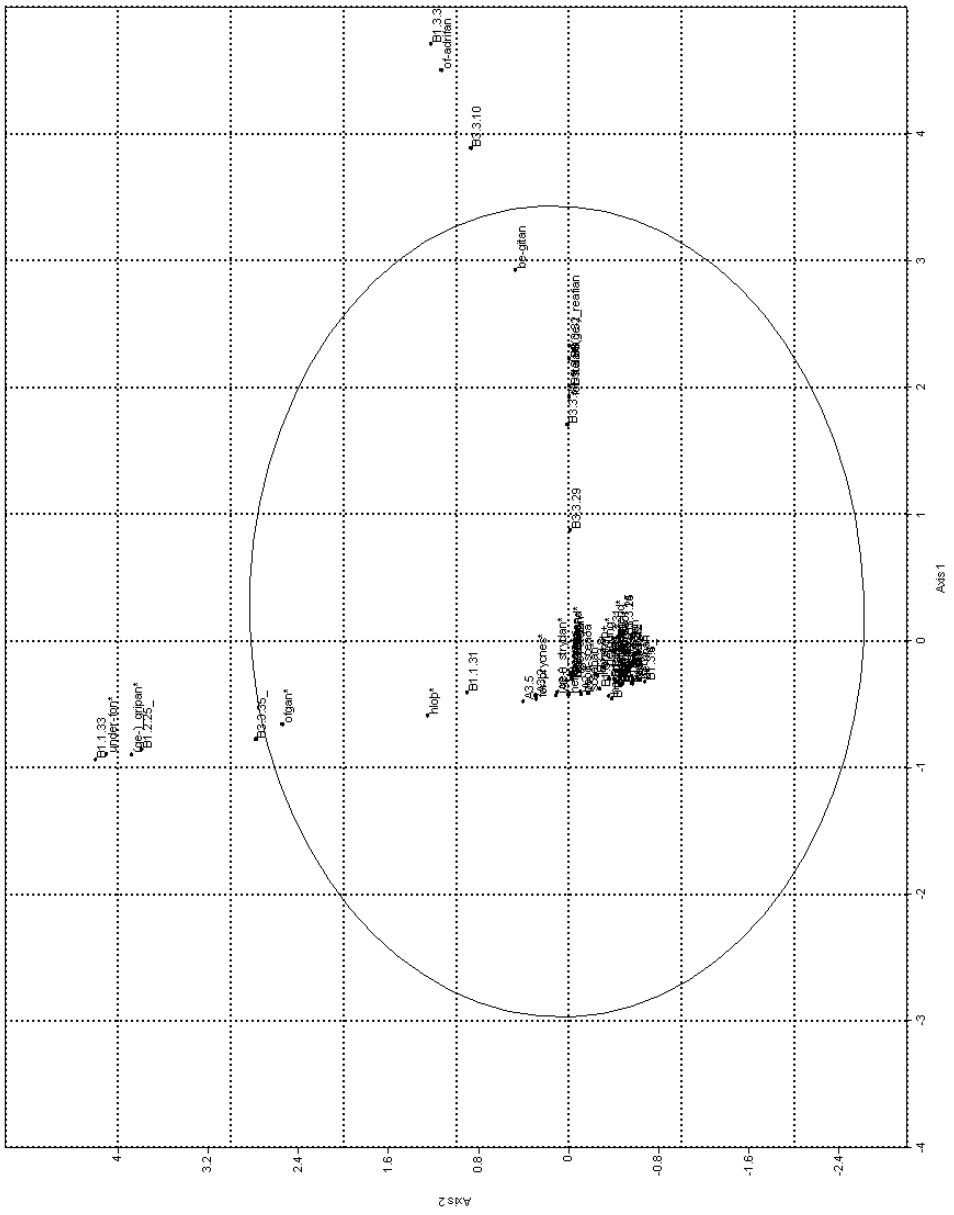

Figure 6. Correspondence Analysis Round 2: 95th percentile.

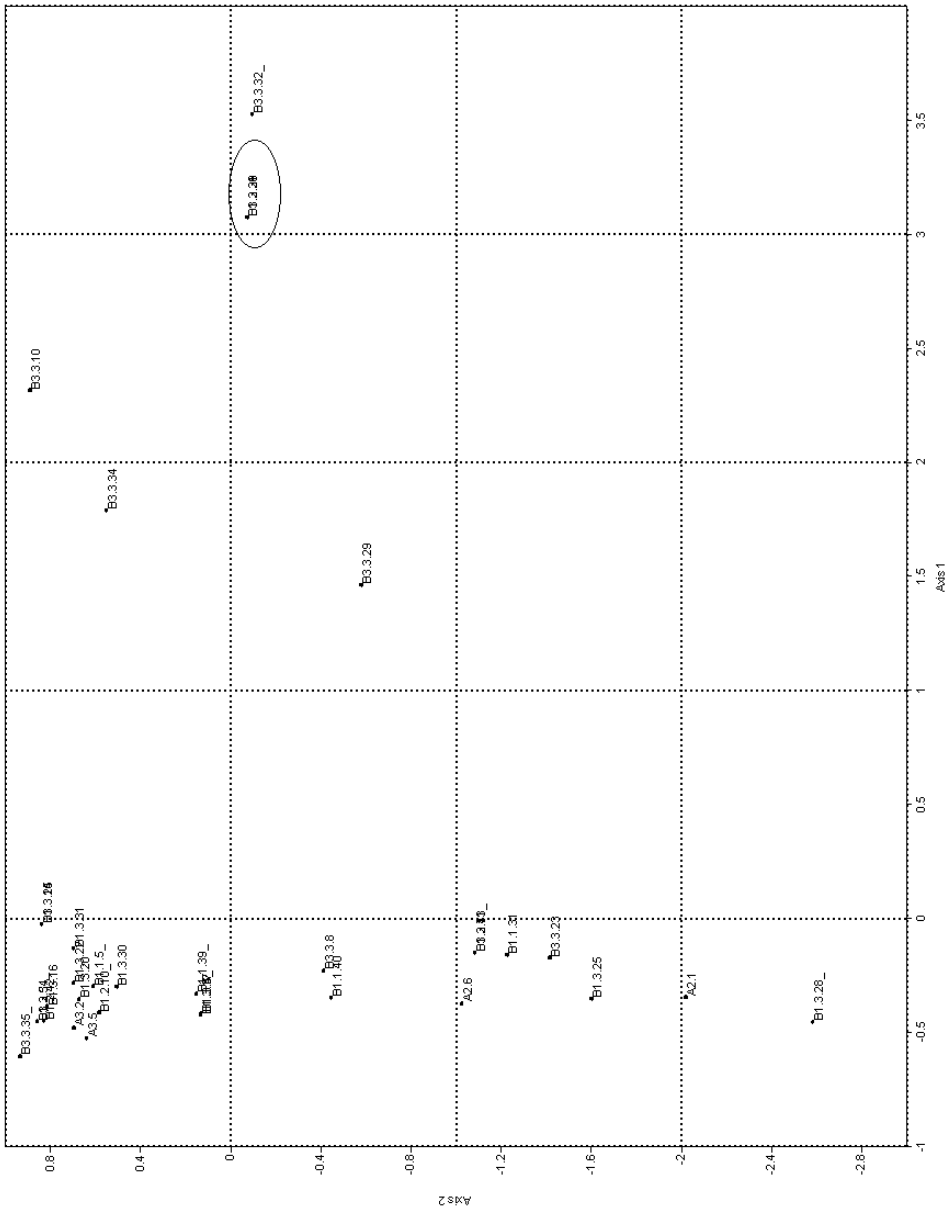

Figure 7. Correspondence analysis round 3: *For-stelan* Texts.

appear on the page or even the matrix at Figure 1: they are texts with the word *for-stelan* in them, but contain few or no other *theft*-lexemes.[35] Examination of *for-stelan* in context suggests that the word was particularly productive in hagiography for referring to the theft of bodies and, specifically, the holy bodies of saints.

For-stelan, Abduction, and Relic Theft

There are seven texts from the sample that include the word *for-stelan*: Ælfric's "Life of Peter" (B1.2.31), his "Life of Denis (B1.3.29), the anonymous "Life of Mildred" (B3.3.26), the anonymous "Life of Nicholas" (B3.3.29), the anonymous "Life of Pantelon" (B3.3.30), the Blickling Homilies' acts of "Peter and Paul" (B3.3.32), and the "Lives of the Seven Sleepers" (B3.3.34). The first thing that stands out about these saints' lives is the variety of their authorship, in that the work of Ælfric does not overwhelm the group. Though the group is not devoid of Ælfrician texts, it appears that the word was not particularly attractive for the abbot, who only uses it in these two hagiographic examples and in two other texts: once in his *Grammar* and in one of the "supplemental" homilies.[36]

[35] I conducted a final round of correspondence analysis on the data omitting texts containing the word *for-stelan*. Though this did produce two additional groups of texts surrounding the words *bereafian* and *sceaþa*, my examination of the words in their contexts does not suggest anything particularly noteworthy.

[36] Julius Zupitza, *Ælfrics Grammatik und Glossar*, Sammlung englischer Denkmäler 1 (Berlin: Weidmann, 1880), 146.12 and John C. Pope, *Homilies of Ælfric: A Supplementary Collection*, 2 vols., EETS o.s. 259, 260 (London: Oxford University Press, 1968) II, 728–32, at 43. Although the supplementary homilies

The second and most significant detail about the group is the way that four of the texts employ the word *for-stelan* itself. At its most basic, *for-stelan* simply means, "to steal."[37] Although words referring to the act of theft necessarily imply the wrongful taking of a movable object, Schwyter explains that some verbs in the law codes have narrower connotations and refer to the taking of only certain kinds of objects. Some are only used to refer to the theft of specifically non-human objects and others are used for referring to the abduction of humans or kidnapping. *For-stelan*, on the other hand, is more flexible and is used to refer to both the abduction of people or the theft of non-human objects.[38] This may not seem particularly significant at first blush, but because *for-stelan* could be used to simultaneously describe the theft of non-human objects and the abduction of humans, it appears to have been productive for describing the theologically and conceptually ambiguous act of relic theft.

There are only four scenes in the sample of 102 texts that depict the theft of bodies or abduction and, significantly, each employs the word *for-stelan*.[39] Although this may be a coincidence, it seems likely that the word's ability to connote both the theft of a non-human object and kidnapping meant that it was particularly well-suited for describing the theft of relics, which were considered

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are attributed to Ælfric, some scholars question whether all of them can be accurately attributed to the abbot.

[37] *DOE*, q.v. "for-stelan."

[38] Schwyter, 94–95.

[39] These texts are Ælfric's life of Denis (B1.3.29), "Life of Mildred" (B3.3.26), "Life of Pantelon" (B3.3.30), and "Peter and Paul" (B3.3.32).

by medieval people to occupy a special ontological status, somewhere between living beings and inanimate objects. As Patrick J. Geary argues in the conclusion of his study of medieval relic theft, it is not likely that medieval people thought of the loss of relics merely as the loss of objects. Rather, due to the "real conviction that the relic was the saint, that the relic was a person and not a thing," the theft of relics could be regarded as a sort of abduction or kidnapping.[40] He explains that the apparent immorality of stealing relics from foreign religious houses was sometimes mitigated by the perception that the saint, embodied in the relic, may have been thought of as giving consent to his or her theft if the institution that originally housed the body was remiss in its devotional practices. Therefore, the likelihood that medieval readers would have thought of a relic as the earthly embodiment of a saint suggests an explanation for the preference for the word *for-stelan* to describe the theft of bodies. Rather than merely connoting the theft of a saint's worldly remains, the flexibility of the word *for-stelan* suggests that its use in Old English hagiography might also work as a marker signifying the ambiguous status of a holy dead body.

One particularly telling example of the use of the word *for-stelan* to refer to an ambiguous dead/living body appears in the "Life of Saint Mildred."[41] Early in the description of Mildred's royal lineage appears a miracle story concerning

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[40] Patrick J. Geary, *Furta Sacra: Thefts of Relics in the Central Middle Ages* (Princeton: Princeton University Press, 1990), 132.

[41] The other example comes from the acts/lives of "Peter and Paul" (B3.3.32) where Pilate describes the disappearance of Jesus's body as having been stolen from the tomb by the apostles.

the murder of two "halgan æþelingas" ("holy princes").[42] Following the death of their father, King Eormenred,[43] the two royal brothers were given into the care of their cousin, Ecgberht the king of East Anglia, for fostering and education. The brothers were prudent and righteous ("gesceadwise and rihtwise") from an early age, which engendered the jealous rage of one of the king's retainers, Þunor.[44] After Þunor failed to convince the king to kill the children because they represented a threat to his own reign and heirs, the wicked councilor took matters into his own hands and "he hi on niht | sona gemartirode innan ðæs cyninges heahsetle, swa he dyrnlicost mihte" ("immediately at night, he martyred them within the king's royal chamber, just as secretly as he could").[45] After the children's murder and the concealment of their bodies in the hall under the throne, a miraculous beam of light rose up from their burial place, which alerted the king in the morning that something was amiss. Fearing the worst, he summoned Þunor and asked him "hwær he his mægcildum cumen hæfde ðe he him forstolen hæfde" ("where he had taken his young kinsmen whom he had stolen away").[46] Though not official saints, the hagiographer clearly views the boys as martyrs

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[42] M. J. Swanton, ed., "A Fragmentary Life of Mildred and Other Kentish Royal Saints," *Achaeologia cantiana* 91 (1975): 15–27, at 25.

[43] Although there are no contemporary records concerning Eormenred, the hagiography indicates that he was the grandson of Æthelberht of Kent, who had welcomed the Augustinian mission to England.

[44] Swanton, 25.

[45] Ibid.

[46] Ibid.

whose deaths are one in a series of intercessory events that led to the establishment of the very monastery over which Saint Mildred will become abbess. The discovery of the particularly wicked, secret murder impelled King Ecgberht to give the land upon which the monetary would be built as compensation for the death of the two boys.

Seen in context of the story at hand, it is apparent that the status of *for-stelan*'s direct object is ambiguous. It is not entirely clear whether the narrator means to refer to the children's having been recently kidnapped or to their recently dead bodies having been stolen. The word's usefulness for referring to both non-human objects and to humansis particularly fitting for referring to the ambiguous status of the stolen objects in the anecdote. Although the children are clearly no longer living, as the site of miraculous intercession in the form of a beam of light, their bodies act like members of the community informing the king about their martyrdom, which in turn ensures the founding of the monastery in Thanet. Although the relic theft does not appear often in Old English hagiography, the fact that the word *for-stelan* is used exclusively to describe it suggests that the word was particularly productive for describing this type of theft. The example of the word *for-stelan* ultimately offers an indication that general *theft* language could take on specific and localized meanings in English hagiography.

Theft-language and the Discourse of Morality

As the foregoing discussion indicates, a statistical method like correspondence analysis can be helpful for highlighting patterns in a large sample of texts that might otherwise be obscure. Something remains to be said, however, about another significant aspect of the use of *theft*-language in Old English hagiography that the compilation of texts and lexemes helps to illustrate: instances where *theft*-language appears to have been added by an Old English writer to his or her translation of a Latin source text. Though most of these additions likely reflect the idiosyncratic lexical choices on the part of the translators and do not appear to be as systematic as I argue is the case for *for-stelan*, other examples of apparent additions are more compelling and suggest that Old English hagiographers actively employed the language and imagery surrounding thieves and theft in order to advance moral arguments. The following discussion examines two examples of a particular way Old English hagiographers add and use *theft*-related concepts to teach moral lessons in their translations. In something of a reversal of more expected discourse about *theft*, both the poem *Elene* and Ælfric's "Life of Clement" advance arguments, absent from their Latin sources, that use theft as a central concept for advancing a moral point. Both suggest that the fear of being stolen from is immoral or at least misguided because it betrays too much concern for worldly, transitory things. The two examples represent clear instances where Old English writers use legal language and ideas as devices that advance moral arguments unrelated to the law itself.

In *Elene*, this criticism is fairly straightforward and comes as a sort of parody during a scene where a devil accuses a saint of stealing from him.[47] Toward the end of the poem, as the newly converted Judas Quiracus uses a rood to revive a dead man in order to verify that he was, in fact, in possession of the true cross, a devil appears on the wind and makes a formal complaint against the saint:

> Hwæt is þis, la, manna þe minne eft
> þurh fyrngeflit folgaþ wyrdeð,
> iceð ealdne nið, æhta strudeð?
> Þis is singal sacu; sawla ne moton,
> æhtum wunigan; Nu cwom elþeodig,
> þone ic ær on firenum fæstne talde,
> hafað mec bereafod rihta gehwilces,
> feohgestreona (902–910a)
>
> (Fie! What is this man who again, because of an ancient conflict,
> destroys my followers, adds to the old enmity, plunders my
> possessions? This is an eternal dispute—it is not possible for souls
> to remain as my goods! Now comes this stranger, who, in the past I

[47] The devil's accusation that he has been robbed by a saint is something of a trope and appears several times in the sample. See, for example, Smith's discussion of the case against Saint Guthlac displacing demons in "Writing Land in Anglo-Saxon England," 217–33. He is narrowly focused on the scene in *Guthlac A* as a representation of a land disputed not the subject of dispute more generally, nor the moral implications of the scene. Ælfric's depiction of the devil accusing Saint Basil of theft is discussed at length below in Chapter Four.

counted as steadfast in sins—now he robs me of each of my rights and my rents).[48]

Earl R. Anderson has suggested that the passage is an echo of the devil's complaint to Christ in the Gospel of Nicodemus, intended to underscore Satan's eternal crusade against the Christian *ordo*.[49] Anderson's reading of the text's engagement in the cosmic struggle between Christ and Satan is likely accurate, but at a micro level, the devil levels his complaint in what also can be easily seen as pedestrian legal language. The elements "fyrngeflit" ("ancient conflict" 903) and "ealdne nið" ("old enmity" 904) certainly conjure the grand conflict between Christ and Satan, but the notion that a soul could be counted among the devil's goods ("æhta" 904 and "æhtum" 906), was part of his right ("rihta" 909), or was a piece of his rents or treasures ("feohgestreona" 910) suggests that the devil conceptualizes his "bereavement" of spiritual goods in distinctly secular, worldly terms.

The likely Latin source texts suggest that Cynewulf actively introduces the idea that the devil conceptualizes the souls "stolen" from him as physical goods or treasures. In her edition of the text, P. O. E. Gradon provides a fairly lengthy discussion of Cynewulf's sources for *Elene*, suggesting that the poet was working with a text not unlike that in the *Acta Sanctorum*, although she concludes from the

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[48] P. O. E. Gradon, ed., *Cynewulf's 'Elene,'* (Exeter: University of Exeter Press, 1977), 59–60. For a moralistic reading of the phrase "singal sacu" in the passage, see Ellen F. Wright, "Cynewulf's *Elene* and the "sinȝal sacu," *Neuphilologische Mitteilungen* 76 (1975): 538–49.

[49] Earl R. Anderson, *Cynewulf: Structure, Style, and Theme in His Poetry* (Cranbury, NJ: Associated University Presses, 1983), 134–42, esp. 138.

witness of specific details that the *Inventio crucis* in the ninth-century manuscript St. Gallen, Stiftsbibliothek, Cod. Sang. 225 "may be taken as fairly representing the type of original upon which *Elene* was based."[50] The corresponding scenes from both the text of the *Acta* and of St. Gallen 225 offer no precedent for Cynewulf's emphasis on physical things like "æhta" or "feohgestreona," unless he understood "omnium bonorum" in a physical sense. In the *Acta* and St. Gallen 225, the "invidus diabolus [Zabulus]" is angry because Quiriacus "non permittit me suscipere animas meorum" ("will not allow me to receive my own souls").[51] In the Latin, the devil then goes on to bemoan the trouble that Christ and the recently discovered cross are causing him in strictly religious terms—he never complains about theft of goods as he does in the Old English. Cynewulf's change, it appears, conveys a different moral message. The devil's anger at losing his possessions illustrates his foolishness in pining after the loss of apparently physical goods and highlights the symbolic value of the cross's discovery—worldly wealth is transitory and fleeting, but the value of salvation is eternal.

An echo of this sentiment can be seen in an addition Ælfric makes to his "Life of Saint Clement," which appears in the first series of *Catholic Homilies*. Diverting from his primary Latin source for the "Life of Clement" to a discussion

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[50] P. O. E. Gradon, *Cynewulf's 'Elene,'* 19.

[51] *AASS*, 447, col. 0447c and St. Gallen, Stiftsbibliothek, Cod. Sang. 225, pp. 161–62, images available online at www.e-codices.unifr.ch. See also the translation made from the *Acta* by Michael J. B. Allen and Daniel G. Calder in *Sources and Analogues of Old English Poetry: The Major Latin Texts in Translation* (Cambridge: D. S. Brewer, 1976), 66. Alternate readings from the St. Gallen are inserted here with square brackets.

of biblical material,[52] Ælfric closes his sermon by explicating what at first seems to be a fairly straightforward lesson from the example of the thief Christ converts at Golgotha. If a sinner, like the thief in the passion story, converts and is sincerely contrite, his salvation is guaranteed because, "Unwilles we magon forleosan þa hwilwendlican god; ac we ne forleosað næfre unwilles þa ecan god" ("Unwillingly, we may lose the transitory good, but we will never unwillingly lose the eternal good").[53] The statement is followed immediately with a somewhat odd reiteration and explanation of the affirmation, considering the fact that Ælfric takes this lesson from the example of the converted thief: "þeah ðe se reþa reafere us æt æhtum | bereafigie oððe feores benæme he ne mæg us ætbredan urne gelafan ne þæt ece lif gif we us sylfe mid agenum willan ne forpærað" ("although the wicked thief rob us of our goods or take our life, he cannot take our faith nor that eternal life if by our own will we do not pervert ourselves").[54] In the first part of the lesson, Ælfric argues that like the thief crucified along with Christ, even the basest sinner can win his unalienable salvation. Shifting away from the biblical thief for the second part of the moral, he explains that a person can be robbed of his or her worldly goods, but not salvation. Ælfric ultimately shifts focus in his

[52] Ælfric follows the sermon about Clement by addressing the question of why God would allow his saints to be killed by heathens, in a move Malcolm Godden describes as "striking testimony to the problems raised by adapting hagiographic material to a vernacular readership," *CH*, *Commentary*, 308.

[53] *CH* I, 506:274–76.

[54] *CH* I, 506:276–78.

explanation in the lesson from the potential perpetrator of a crime to the potential victim—from the thief to the victim of theft.

The primary moral point of the two statements is the certainty of salvation for those who reject sin and are sincere in their belief, but it also appears that Ælfric is advancing a secondary argument about the desire for worldly goods. Although his audience may have included repentant thieves who might have identified with the man Christ converts during the Passion, it is more likely that the people who heard the sermon would have identified with the character in the second part of the lesson—the potential victim of theft, rather than the perpetrator. The main lesson in the second part of the moral is about salvation, but Ælfric's invocation of theft suggests that he is also marshaling an underhanded criticism of his parishioners who might worry too much about the kinds of worldly goods a robber might carry away. In a similar vein as *Elene*'s criticism of the devil, Ælfric appears to suggest that it is foolish and antithetical to good Christian behavior to be overly concerned with worldly goods, which a thief could carry off at any movement. Although both the examples from *Elene* and Ælfric's "Life of Clement" seem reasonable enough at first glance, it is important to note that both represent apparent authorial choices—choices that employ legal idiom in ways that are distinct from their Latin sources.

Conclusions

I have sought in this chapter to offer a generalized entry point to the more specific and impressionistic discussions of early medieval English hagiography to

follow. The survey of texts and lexemes that begins this chapter suggests that secular legal themes play a widespread and important role in Old English hagiography, rather than only appearing in anecdotal numbers. The survey of texts and lexemes represented by Appendix II reveals a surprising amount of *theft*-lexemes, considering the fact that saints' lives do not concern themselves explicitly with this kind of legal conflict. Although the raw data are helpful for identifying instances where hagiographers appear to have added *theft*-related language to their translations, the correspondence analysis performed on the survey also suggests that *theft*-language sometimes functions in specialized ways in hagiographic texts. The verb *for-stelan*, in particular, was productive in Old English for referring to the ambiguous status of stolen relics. The word, which could refer to both abduction and theft, appears to have been used because it helps to describe the fact that medieval people considered relics as both important objects and important members of the community. The survey not only works to identify specialized language use, but also points to the ways hagiographers used legal concepts as themes that advance moral points. Instances where *theft*-language has been added to translations of Latin saints' lives indicates the utility of legal language for making arguments beyond, and more nuanced than, statements against "wrongful taking." Both *Elene* and the conclusion of Ælfric's "Life of Clement" use *theft* in order to criticize desire for worldly possessions.

Besides indicating that language and themes appear in medieval English hagiography in more than anecdotal numbers, this chapter also points toward two principles that can be seen functioning in each example in this dissertation. First,

English hagiographers discuss legal themes in localized, immediate, and almost literal ways. The productivity of a particular English word to refer to *furta sacra* offers an example that localizes a general phenomenon and the usefulness of *theft* for criticizing the desire for worldly goods is likely due to its invocation of a simple, literal, and immediate anxiety—the fear of being robbed. Second, both examples discussed in this chapter demonstrate the tendency for discussions of legal issues in English hagiography to hover around the role of the body. The texts surrounding the word *for-stelan*, as I argue, appear to use the word because of its usefulness in describing the theft of an object like a body. The invocation of the thief, as the famous example from Ælfric makes very clear, also carries with it the suggestion of executions and even the Passion itself. As we shall see in subsequent chapters, these two principles appear to reflect the tendency for law in medieval English hagiography to ground the biography of a saint in an immediate, historicized setting.

CHAPTER THREE

THE CASE OF CYNEWULF'S *JULIANA* RECONSIDERED: MARRIAGE, LAW, AND RELIGIOUS WOMEN

Early scholarly responses to Cynewulf's poem *Juliana* were not entirely kind. Critics generally regarded Cynewulf's adaptation of the Latin saint's legend, *Passio Sanctae Iulianae*,[1] as a failure of both poetics and mimesis. Cynewulf's characters, some argued, are not believable and the style of the poem is simply not artistically gratifying.[2] More recently, critics have found ways of reading *Juliana*

[1] Much work has been done to identify Cynewulf's source-text and it appears that the case may be finally closed. Scholars have long suspected that Cynewulf's source-text was a version of the *acta*, which was later edited and published by Jean Bolland himself, BHL no. 4522; *AASS*, Feb. II, 873–77. William Strunk, Jr. reproduces this text in his edition, *Juliana* (Boston: Heath, 1904), 33–49 and Michael J. B. Allen and Daniel G. Calder provide a translation in *Sources and Analogues of Old English Poetry: The Major Latin Texts in Translation* (Cambridge: D. S. Brewer, 1976), 122–32. Recently, Michael Lapidge has published the Cotton-Corpus Legendary version of the *Passio S. Iuliannae*, which appears to be very close to what would have been Cynwulf's exemplar, if not the actual source itself, in "Cynewulf and the *Passio S. Iuliannae*," in *Unlocking the Wordhoard: Anglo-Saxon Studies in Memory of Edward B. Irving, Jr.*, eds. Mark C. Amodio and Katherine O'Brien O'Keefe, 147–71 (Toronto: University of Toronto Press, 2003). O. Glöde, "Cynewulf's *Juliana* und ihre Quelle," *Anglia* 11 (1889): 146–58 and James M. Garnett, "The Latin and the Anglo-Saxon *Juliana*," *PMLA* 14 (1899): 279–98 provide helpful side-by-side comparisons of *Juliana* and Bolland's text.

[2] Bernard Ten Brink complains that "*Juliana* … is often unequal, obscure, and even interrupted by breaks," in *Early English Literature*, trans. Horace M. Kennedy (New York: Henry Holt and Co., 1889), 58. Strunk argued that *Juliana*'s "dialogue is undramatic and tedious" and the "entire treatment of the story is bookish, and lacking in those touches of observation or imagination which might have redeemed it from tediousness," concluding that "[n]owhere in the *Juliana* is there any real evidence that the author knew more of the acts and speech of men and women than what he read in books," in *Juliana*, xxxix and xl. Rosemary Woolf writes in her edition that *Juliana*'s "smooth competence is achieved at the expense of a certain thinness and lack of vigour and variety" and the poem's "style—the word is being used in its broadest sense—is generally unrelieved by

in a positive light. Daniel G. Calder, for example, argues that with *Juliana*, "Cynewulf has fashioned an abstractly conceptualized poem," which is best read as an explication of Christian history.[3] In a similar vein as Thomas D. Hill's important "figural" reading of the poem *Elene*, Joseph Wittig argues that rather than a failure of representation, *Juliana*'s genre asks readers to interpret the poem as a figural narrative.[4] In this reading, Juliana is not a character *per se*, but the representation of "the archetypical Christian" or an image of "the virgin church" herself.[5] As a symbol of *Ecclesia*, readers are to take Juliana's passion as symbolic of the trials and tribulations on the *via Christiani* or an image of the church battling adversity. Wittig's reading has had traction and a number of subsequent critics have pointed out aspects of *Juliana*'s symbolic qualities,

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any emotional or rhetorical emphasis or any other graduations of tone," in *Cynewulf's Juliana* (Exeter: University of Exeter Press, 1993), 19 and 17. All quotations from *Juliana* here are taken from Woolf's edition. Her use of <ȝ> and <p> are emended to <g> and <w> here throughout.

[3] Daniel G. Calder, "The Art of Cynewulf's *Juliana*," *Modern Language Quarterly* 34 (1973): 355–71, at 371. See also Calder, *Cynewulf*, Twayne English Authors Series 327 (Boston: Twayne, 1981), esp. 95.

[4] Thomas D. Hill, "Sapiental Structure and Figural Narrative in the Old English *Elene*," *Tradicio* 27 (1971): 159–77, repr. with revisions in *Cynewulf: Basic Readings*, ed. Robert E. Bjork, 207–28 (New York: Garland Publishing, 1996). For the theory that engendered Hill's reading, see Erich Auerbach, "Figura," in *Scenes from the Drama of European Literature: Six Essays*, trans., Ralph Manheim, 11–76 (New York: Meridian Books, 1959).

[5] Joseph Wittig, "Figural Narrative in Cynewulf's *Juliana*," *ASE* 4 (1975): 37–55, repr. in *Cynewulf: Basic Readings*, ed. Robert E. Bjork, 147–69 (New York: Garland Publishing, 1996), at 149 and 150. Earl R. Anderson agrees with the figural reading, but emphasizes the psychological and rhetorical dimensions of the poem in *Cynewulf: Structure, Style, and Theme in His Poetry* (Cranbury, NJ: Associated University Presses, 1983), esp. 102.

including its folklore motifs, the cosmic struggle between good and evil, whether Juliana might be thought of as a *miles Christi*, and the possibility that Cynewulf is criticizing heroic tradition in the poem.[6] Other analyses have focused on Cynewulf's use of rhetoric and discourse. Robert E. Bjork has called use of dialogue in the poem "a demonstrable aspect of Cynewulf's art;" Alexandra Hennessey Olsen has given attention to the poem's seemingly conflicted use of heroic language; and Marie Nelson has pointed to the "speech acts" taking place in the poem.[7] Because speech and communication have been centrally important

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[6] See respectively, Rolf Bremmer, Jr., "Changing Perspectives on a Saint's Life: *Juliana*," in *Companion to Old English Poetry*, eds. Henk Aertsen and Rolf Bremmer, Jr., 201–16 (Amsterdam: Vrije University Press, 1994); Raymond C. St-Jacques, "The Cosmic Dimensions of Cynewulf's *Juliana*," *Neophilologus* 64 (1980): 134–39; Stephen Morrison, "OE *Cempa* in Cynewulf's *Juliana* and the Figure of the *Miles Christi*," *English Language Notes* 17 (1979): 81–84 *contra* Joyce Hill, "The Soldier of Christ in Old English Poetry," *Leeds Studies in English* n.s. 12 (1981): 57–80, esp. 69–70; and Claude Schneider, "Cynewulf's Devaluation of Heroic Tradition in *Juliana*," *ASE* 7 (1978): 107–18. For the possibility of a distant cultural memory, see Helen Damico, "The Valkyrie Reflex in Old English Literature," *Allegorica* 5 (1981): 149–67, repr. in *New Readings on Women in Old English Literature*, eds. Helen Damico and Alexandra Hennessey Olsen, 176–90 (Bloomington, IN: Indiana University Press, 1990). For the soul as a weather-beaten building, see Kenneth A. Bleeth, "*Juliana*, 647–52," *Medium Ævum* 38 (1969): 119–22. For Prudentius's influence on Cynewulf, see Martin Irvine, "Cynewulf's Use of Psychomachia Allegory: Latin Sources for Some 'Interpolated' Passages," in *Allegory, Myth, and Symbol*, ed. Morton W. Bloomfield, 39–62 (Cambridge, MA: Harvard University Press, 1981). John P. Hermann discusses a similar theme in *Allegories of War: Language and Violence in Old English Poetry* (Ann Arbor, MI: University of Michigan Press, 1989), esp. 151–71.

[7] Robert E. Bjork, *The Old English Verse Saints' Lives: A Study in Direct Discourse and the Iconography of Style* (Toronto: University of Toronto Press, 1985), 61; Alexandra Hennessey Olsen, *Speech, Song, and Poetic Craft: The Artistry of the Cynewulf Canon* (New York: Peter Lang, 1984), esp. 83–112; Marie Nelson, "The Battle of Maldon and Juliana: The Language of Confrontation," in *Modes of Interpretation in Old English Literature: Essays in Honour of Stanley B. Greenfield*, eds. Phyllis Rugg Brown, Georgia Ronan

to contemporary theories of gender,[8] attention to the discursive landscape of the poem has dovetailed with recent feminist readings, like Olsen's reconsideration of *Juliana* and Antonia Harbus's reading of the poem's "verbal encounters."[9] Allen J. Frantzen has recently advanced interest in discourse even further and applies performance theory to the lively dialogue that takes place in the poem.[10]

Of the few critics to focus on aspects of *Juliana*'s cultural verisimilitude, one has pointed to the poem's use of legal themes. In her 1978 article, Lenore MacGaffey Abraham argues that in his reworking of the Latin source, Cynewulf was "deliberately adapting the circumstances of the legend to conform to the social and legal customs of his own society, for the cogent reason that he would thereby give Juliana's trial, and its outcome, the persuasive force of established

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Crampton, and Fred C. Robinson, 137–50 (Toronto: University of Toronto Press, 1986). For specific rhetorical figures, see Margaret Bridges, "Exordial Tradition and Poetic Individuality in Five OE Hagiographical Poems," *English Studies* 60 (1979): 361–79, esp. 370–72 and Joseph D. Wine, "Juliana and the Figures of Rhetoric," *Papers on Language and Literature* 28 (1992): 3–18.

[8] As Judith Butler puts it: "performativity cannot be understood outside the process of iterability," in *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 95.

[9] Alexandra Hennessey Olsen, "Cynewulf's Autonomous Women: A Reconsideration of Elene and Juliana," in *New Readings on Women in Old English Literature*, eds. Helen Damico and Alexandra Hennessey Olsen, 222–32 (Bloomington, IN: Indiana University Press, 1990) and Antonia Harbus, "Articulate Contact in *Juliana*," in *Verbal Encounters: Anglo-Saxon and Old Norse Studies for Roberta Frank*, eds. Antonia Harbus and Russell Poole, 182–200 (Toronto: University of Toronto Press, 2005), at 182.

[10] Allen J. Frantzen, "Drama and Dialogue in Old English Poetry: The Scene of Cynewulf's *Juliana*," *Theatre Survey* 48 (2007): 99–119.

law."[11] Abraham's observation about the importance of law in *Juliana* is insightful. Besides Juliana's encounter and conversations with the devil, which some see as the most important point of the narrative,[12] the poem's plot is driven by two legalistic dramas: Heliseus's failed marriage suit and Juliana's trial, torture, and execution. Although Abraham is right that law is an important theme in Cynewulf's poem, her conclusions deserve a second look. It is not entirely clear that Cynewulf is representing a situation that conforms strictly to the "social and legal customs of his own society," particularly in regard to the focus of Abraham's argument: Juliana's trial.

It is useful to begin here with a brief summary of the poem's plot, because the details are important to the present argument. This is followed with an outline of some of the issues raised by Abraham's essay, which provides a useful starting point for this discussion of legal themes in *Juliana*, because it illustrates the problems attendant on the endeavor. In short, the surviving evidence of the technical details of law from the early Middle Ages means that little may be said with certainty and it is problematic to make overly specific claims. Nevertheless, the legal themes and language in *Juliana* do offer clues about how the poem may have been read in Anglo-Saxon England and who its audience may have been. Comparison of Cynewulf's employment of legalistic situations and language in the poem with contemporary legal writing indicates that he appears to be framing

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[11] Lenore MacGaffey Abraham, "Cynewulf's *Juliana*: A Case at Law," *Allegorica* 3 (1978): 172–89, repr. in *Cynewulf: Basic Readings*, ed. Robert E. Bjork, 171–92 (New York: Garland Publishing, 1996), at 171.

[12] T. A. Shippey, *Old English Verse* (London: Hutchinson, 1972), 171–72.

Juliana's rejection of Heliseus's marriage proposal and *unryhte æ* ("wicked marriage") in a culturally specific way. Seen in this light, it seems likely that the poem may have a didactic purpose directed toward Anglo-Saxon audiences in situations potentially similar to Juliana's—namely, groups of nuns or other women in religious communities who were sometimes under pressure to engage in sexual relationships, or even in danger of sexual violence. In the same vein as the first thematic principle described in Chapter Two, *Juliana* employs legal imagery and language in ways that would have been immediately relevant to its audience. Rather than adapting the poem to reflect technical and arcane legal procedure, it seems more likely that Cynewulf's use of legal language is designed to evoke commonly known cultural practices surrounding marriage that threatened the ability of women to pursue monastic devotion.

Cynewulf and Anglo-Saxon Law

In the general outline of the plot, Cynewulf's rendering of the *Juliana*-legend does not deviate much from his likely source. Heliseus, a rich local government official, is inflamed with desire for Juliana (26b–28a), who would rather preserve her "mægðhad" ("maidenhood," 30a) because of her love for Christ (28b–30b) than consent to the proposed marriage. Nevertheless, her uncaring father, Affricanus, promises her hand to Heliseus (32a–33a) and the virgin, unsurprisingly, is against the marriage (41b–42a). Juliana offers a compromise: if Heliseus would convert to Christianity and cease worshiping pagan gods, she would consent to the marriage (45a–57b). Heliseus is angered by

her defiance and calls her father for a formal meeting.[13] Her father is also angered by Juliana's noncompliance and vows by his gods to force his daughter into the union (58a–88b). Despite Affricanus's beatings, he is unable to persuade the maiden to agree to the marriage and worship the idols, and he finally gives her over into the control of Heliseus (89a–160a). The remainder of the story deals principally with Juliana's *passio*. Heliseus, hell-bent on forcing her to worship the old gods, submits Juliana to a series of tortures and exhortations. The saint is stripped naked, publicly beaten (186b–188b), and hung from the gallows by her hair where she is further scourged (227b–228b). Finally, she is imprisoned, where she is tempted by the devil, whom she easily overpowers and with whom she has a long discussion about his history of evildoing (233b–530a). Following her incarceration, she is dragged to the presence of Heliseus, who attempts to reason with her again (530b–553a). She refuses and Heliseus commands a vat of lead to be heated in preparation for a particularly grisly death, but at the last moment, an angel destroys the giant crucible and the outpouring of molten lead kills a number of pagan onlookers (569a–594a). Heliseus then abandons his plans for extravagant executions and orders Juliana to be beheaded; this occurs only after she preaches to her assembled persecutors (602b–671a). The denouement describes Heliseus and his retainers getting their just desserts by drowning at sea

[13] In a realistic detail, Cynewulf describes the men's meeting: "Reord up astag, / siþþan hy togædre // garas hlændon, / hildeþremman" ("The voice rose up, then the warriors leaned spears together") (62b–64a). Karen Swenson has identified this with the traditional Germanic meeting called a *wapentake* in "*Wapentake*: A Realistic Detail in Cynewulf's *Juliana*," *Notes & Queries* 231 (1986): 3–6.

and the poem ends with a prayer from the poet (671b–731b). Famously, Cynewulf concludes the poem by including ten runes that spell out his name.

Abraham's argument for the legal verisimilitude in *Juliana* arises out of the differences she sees between Cynewulf's likely Latin exemplar and, specifically, the way the poem characterizes Juliana's trial. A problem in her approach to Anglo-Saxon law, and the trial in particular, helps to illuminate a series of the theoretical difficulties of discussing a text like *Juliana* in connection with legal culture that should be made clear before continuing to the poem itself. One issue is that she draws heavily from a collection of essays printed by Henry Adams in 1876 for evidence of what an Anglo-Saxon trial should look like.[14] Although Adams's volume is not an altogether bad collection, it is typical of nineteenth-century philology in that it paints a picture of Anglo-Saxon legal practice that is far more coherent than what most scholars argue for now. In his own contribution to the book, for example, Adams suggests that the evidence of Anglo-Saxon law and legal procedure as we inherit it represents a complete and cogent appropriation of an ancient Germanic legal system. There is, he writes, "no room for doubting that Kent, at least, had brought from the continent the judicial system of the Germans in all its parts, and had even followed with exactitude the

[14] Henry Adams, ed., *Essays in Anglo-Saxon Law* (Boston: Little, Brown, and Company, 1876; repr. South Hackensack, NJ: Rothman Reprints, 1972). Abraham refers to this text throughout her citations as "*Law*" although the book is actually made up of several essays and an appendix by different authors. The authors will be cited separately here.

judicial development of the Merovingian kingdom."[15] Subsequent scholarship has shown this view of the Anglo-Saxon legal system to vastly overstate the case. Patrick Wormald's well-known statement that "'typical' Anglo-Saxon dispute settlement (if there was any such thing) remains elusive" represents the contemporary consensus on Anglo-Saxon legal procedure.[16] Although there is a considerable corpus of extant legislation and many surviving records of disputes, it is not understood exactly how or if Anglo-Saxon written law functioned in the settlement of actual disputes. As Andrew Rabin recently put it, "the rigid specificity and formalism in the royal codes remain absent from surviving case records."[17] In short, it is not clear to scholars how extant Anglo-Saxon legislation actually was employed in day-to-day legal procedure for dispute resolution. Scholars generally agree that legal proceedings were most likely to have been conducted orally and that procedure and substantive law (if it is possible to claim there was such a thing at the time) were preserved in the memories of community elders.[18] Wormald has shown variously that even when laws were written down,

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[15] Henry Adams, "The Anglo-Saxon Courts of Law," in *Essays in Anglo-Saxon Law*, ed. Henry Adams, 1–54 (Boston: Little, Brown, and Company, 1876), at 9–10.

[16] Patrick Wormald, *Legal Culture in the Early Medieval West: Law as Text, Image and Experience* (London: The Hambledon Press, 1999), 292.

[17] Andrew Rabin, "Old English *Forspeca* and the Role of the Advocate in Anglo-Saxon Law," *Mediaeval Studies* 69 (2007): 223–54, at 231.

[18] Patrick Wormald, "The Uses of Literacy in Anglo-Saxon England and its Neighbors," *Transactions of the Royal Historical Society* 27 (1977): 111–13. Wormald has, on the other hand, complicated this notion by demonstrating that written documents did play an important role as evidence at a surprisingly early date in *Legal Culture in the Early Medieval West*, 289–311.

the resulting legislation retains a strong sense of orality and often finds its ultimate force of law from the utterance of the king making it.[19] As Mary P. Richards puts it, "[w]e cannot assume necessarily that written laws played a direct role in the consciousness of the Anglo-Saxon peoples."[20] The search for a comprehensive Anglo-Saxon legal system, giving rise to a coherent procedure for conflict resolution, may also be a case of wishful thinking if not a flight of imagination. E. G. Stanley has argued provocatively that a complete picture of the Anglo-Saxon lawsuit might be a result of looking for evidence of phenomena that are just not there.[21] In short, the connection between Cynewulf and extant legislation is problematic because it is not precisely known how the written laws were used in Anglo-Saxon dispute settlement and criminal law.

Adams's characterization of Anglo-Saxon legislation as having any real degree of "exactitude" is also at odds with the fact that the written laws, particularly the Kentish ones, are notoriously confusing, laconic, and difficult to

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[19] Patrick Wormald, "Æthelred the Lawmaker," in *Ethelred the Unready: Papers from the Millenary Conference*, ed. D. Hill, 47–80 (Oxford: British Archaeological Reports, 1978) and "*Lex Scripta* and *Verbum Regis*: Legislation and Germanic Kingship, from Euric to Cnut," in *Early Medieval Kingship*, eds. P. H. Sawyer and I. N. Wood, 105–48 (Leeds: Published by the editors, 1979), repr. in Patrick Wormald, *Legal Culture in the Early Medieval West: Law as Text, Image and Experience*, 1–43 (London: Hambledon Press, 1999).

[20] Mary P. Richards, "Anglo-Saxonism in the Old English Laws," in *Anglo-Saxonism and the Construction of Social Identity*, eds. Allen J. Frantzen and John D. Niles, 40–59 (Gainesville, FL: University Press of Florida, 1997), at 41.

[21] E. G. Stanley, "Anglo-Saxon Trial by Jury: Trial by Jury and How Later Ages Perceive its Origin Perhaps in Anglo-Saxon England," in *Imagining the Anglo-Saxon Past: The Search for Anglo-Saxon Paganism and Anglo-Saxon Trial by Jury,* 113–47 (Cambridge: D. S. Brewer, 1975).

decipher.[22] Charles Plummer's thoughts on Anglo-Saxon legislation, published twenty-six years after Adams's collection, are telling:

> I must confess that the study of Anglo-Saxon laws often reduces me to a state of mental chaos. I may know, as a rule, the meaning of individual words; I can construe, though not invariably, the separate sentences. But what it all comes to is often a total mystery.[23]

Adams's assessment, in short, is overstated and seems likely to have been the result of nineteenth-century notions that the *Ursprung* of American democracy can be found sprouting from the misty Germanic past.[24]

The date and provenance of the poems of Cynewulf also causes problems for discussing *Juliana* in light of Anglo-Saxon law because the historical and geographic situation of the poem should be related to its cultural context. Along

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[22] One only need look to the decades-long scholarly discussion surrounding Æthelbehrt 73, "Gif friwif locbore leswæs hwæt gedeþ, XXX sll' gebete" (*Gesetze* I, 7), to see the confusing nature of the earliest laws. The puzzlement is over the word "locbore," which has been taken to mean "with long hair" (by Liebermann, Attenborough, and Whitelock) and "who is in charge of the keys" (by Fell). For a good explanation of the history of the scholarship and the latest translation of the word as "in a position of responsibility," see Carole Hough, "Two Kentish Laws Concerning Women: A New Reading of Æthelbehrt 73 and 74," *Anglia* 199 (2001): 554–78 and "Women and the Law in Seventh-Century England," *Nottingham Medieval Studies* 51 (2007): 207–30, at 211.

[23] Charles Plummer, *Life and Times of Alfred the Great* (Oxford: Clarendon Press, 1902), 122, quoted in Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (Oxford: Blackwell, 2001), 3.

[24] For Adams's place in American theorizing about the "Teutonic theory of liberty," see Dorothy Ross, *The Origins of American Social Science* (Cambridge: Cambridge University Press, 1991), 64–66. For more on the effect of Anglo-Saxonism on American academic and political ideology, see Allen J. Frantzen, *Desire For Origins: New Language, Old English, and Teaching the Tradition* (New Brunswick: Rutgers University Press, 1990).

with Bede (if one counts his "Death Song") and Cædmon, Cynewulf enjoys the rare status as one of the few named Anglo-Saxon poets who composed in Old English. Other than that, R. D. Fulk explains, "[l]ittle can be said with assurance about who Cynewulf was, or where he lived, or when—or even what—he wrote."[25] Strunk locates Cynewulf in "Northumbria … sometime in the second half of the eighth century" and suggests he was "perhaps the Bishop of Lindisfarne."[26] Although it would be nice to attach the Cynewulfian *oeuvre* to the historically known bishop of Lindisfarne (*c*. 738–780), Strunk's conjecture is little more than that.[27] Although the *Exeter Book*, in which *Juliana* is preserved, is of West Saxon origin, Woolf agrees that the poet was most likely northern, finding a few "Anglianisms" in the text.[28] Fulk has done a more thorough investigation of the poet's dialect and concludes that if "Cynewulf was a Mercian (or, indeed, a Southerner, unlikely as that seems) he cannot have written earlier than ca. 750, and if he was a Northumbrian no earlier than ca. 850."[29] Patrick W. Conner, in a study of Cynewulf's use of certain types of rhymes and a source for *Fates of the Apostles*, argues for a tenth century date, but does not address provenance.[30]

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[25] R. D. Fulk, "Cynewulf: Canon, Dialect, and Date," in *Cynewulf: Basic Readings*, ed. Robert E. Bjork, 1–21 (New York: Garland Publishing, 1996), at 1.

[26] Strunk, *Juliana*, xxxi.

[27] Woolf, *Cynewulf's Juliana*, 8.

[28] Woolf, *Cynewulf's Juliana*, 2–4.

[29] Fulk, "Cynewulf: Canon, Dialect, and Date," 16.

[30] Patrick W. Conner, "On Dating Cynewulf," in *Cynewulf: Basic Readings*, ed. Robert E. Bjork, 23–55 (New York: Garland Publishing, 1996).

Abraham does not take linguistic considerations into account in her attempts to date the poem. In a novel move, she instead argues that the date of the poem may be established by the references to specific legal concepts she sees contained therein. She writes:

> An inescapable corollary to the proposition that the changes in Cynewulf's poem from the original *Vita Sanctae Julianae* were initiated to make the story conform to Anglo-Saxon laws is that the poem was then necessarily written in the late tenth century, because only at that time did all of the legal conditions exist to which the poem conforms.[31]

Again, Abraham's certitude is problematic because it is difficult to say whether Anglo-Saxon written legislation resulted in legal practice. Law seems to have arisen out of cultural norms and necessity rather than as the direct result of royal legislation and, therefore, is not readily datable. Wormald has argued that there were two kinds of Anglo-Saxon law which developed differently: those like *wergilds* and compensations, which are likely the oldest and represent basic, ancient cultural tendencies, and those that were specific to a royal legislator.[32] Abraham's argument rests on the assumption that legal procedure for conflict resolution post-dates legislation, but there is no reason to think that Anglo-Saxon

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[31] Abraham, "Cynewulf's *Juliana*: A Case at Law," 188. Abraham goes on to say that she will be dealing with the specifics of her claim in a later paper. The follow-up paper does not appear to have been published.

[32] Wormald uses the terms "primary" and "secondary" legislation. See "*Lex Scripta* and *Verbum Regis*," 7. Also see, H. R. Loyn, *The Governance of Anglo-Saxon England 500–1087* (London: Edward Arnold, 1984), 42–43.

legal procedure represents a legislative invention and can be assigned to any particular, easily identified legislator. Beyond the fact that we do not actually know what constituted the typical Anglo-Saxon lawsuit, modes of conflict resolution are most likely like *wergilds* in that they were practiced before they were written down. Furthermore, location could have bearing on what sort of legal culture might interact with the text. The vast majority of early English legislation is southern—Edgar is the only Mercian king from whom we have written law, and his legislation is fairly late: 959 × 963. If the poem is of northern provenance, it becomes problematic to apply Kentish laws directly to it.

In short, both the inability to establish the date when a given social practice became written law and the many possible timeframes and locations for the composition of *Juliana* throw into relief the need for a cautious approach when establishing any sort of connection between the poem and surviving Anglo-Saxon law and legal documents. Although I argue that there are important connections between Anglo-Saxon law and the poem, it is important to make a few cautious assumptions: 1) certain types of Anglo-Saxon laws were written down later than when they emerged as cultural norms, 2) the gist of these types of laws and customs was widely known, and 3) Cynewulf's poetry was enjoyed for a period of time after it was written down.

Heliseus's Marriage Suit

The first of the two main legal situations described in the poem is Heliseus's marriage suit and Juliana's refusal to accept his hand. Attention to

Anglo-Saxon legislation, marriage contracts, and the regulations found in penitential handbooks provides information about marriage and the arrangement of marriages that helps to flesh out the cultural context for Cynewulf's *Juliana*. It appears that rather than merely rendering the Latin, Cynewulf adds details to his description of Heliseus's wedding suit that would resonate with an Anglo-Saxon audience and work to reinforce the didactic and moral force of the poem.

From the beginnings of the written record in Anglo-Saxon England, both ecclesiastical and secular authorities made proclamations regulating marriage customs, although it appears that the specific contract of betrothal was primarily a lay concern. The laws of Æthelbehrt of Kent, dated to the early eighth century,[33] represent what has been considered early, pre-Christian attitudes about marriage and sexual morality.[34] Subsequent royal legislators, including Hlothære and Eadric, Wihtræd, Ine, Ælfred, Æthelred, and Cnut all include regulations about marriage, adultery, or "family law" in one form or another, which indicates the assertive role of secular society in enforcing cultural norms for marriage and, importantly, outlining the correct process for betrothal.[35] Anglo-Saxon

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[33] Lisi Oliver places the *terminus ad quem* for the Kentish law's codification at 731 when they are mentioned by Bede, in *The Beginnings of English Law* (Toronto: University of Toronto Press, 2002), 51.

[34] Æthelbehrt 31 and 76–85 (*Gesetze* I, 4 and 7–8). For a discussion of a particular aspect of pre-Christian sexual morality, see Margaret Clunies Ross, "Concubinage in Anglo-Saxon England," in *Anglo-Saxon History: Basic Readings*, ed. David A. E. Pelteret, 251–87 (New York: Garland, 2000).

[35] Hlothære and Eadric 6 (*Gesetze* I, 10); Wihtræd 3, 4, 6, and 12 (*Gesetze* I, 12 and 13); Ine 7, 7.1, 31, 38, and 57 (*Gesetze* I, 92, 102, 104, and 114); Ælfred 9, 10, and 18.1–18.3 (*Gesetze* I, 54, 56, 58–60); 5 Æthelred 21 and 21.1 (*Gesetze*

ecclesiastical sources also make declarations about proper marriage, but issues of marriage were not dealt with primarily in efficiently organized church courts as they were following the Conquest.[36] The lack of a well-developed system of ecclesiastical courts in Anglo-Saxon England, such as the system that would be established with the arrival of Norman bureaucracy and the publication of Gratian's *Decretm*, results in a murky situation where there is overlap in the

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I, 242); 2 Cnut 50, 50.1, 51, 52, 52.1, 53, 53.1, 54, 54.1, 70.1, 73, 73a, 73.1, 73.2, 73.3, 73.4, and 74 (*Gesetze* I, 346–48 and 356–60).

[36] Marriage came under the sole purview of canon law as a result of William the Conqueror's creation of a separate ecclesiastical legal jurisdiction sometime between 1072 and 1080. The Council of Rouen (1072), in which the powerful future Archbishop Lanfranc took part, passed several early canons regulating marriage. By the time of Glanville (*c*. 1188) it is clear that legal questions about "legitimate marriage" were no longer the jurisdiction of secular (i.e. common) law. See H. E. J. Cowdrey, *Lanfranc: Scholar, Monk, and Archbishop* (Oxford: Oxford University Press, 2003), 132–34; Robert Bartlett, *England Under the Norman and Angevin Kings: 1075–1225* (Oxford: Oxford University Press, 2000), 547–58; and Marjorie Chibnall, *The World of Orderic Vitalis* (Oxford: Oxford University Press, 1984), 128–32.

Although Anglo-Saxon wedding parties were expected to obtain a blessing, it appears that the procedures for marriage and betrothal were traditional and secular in so far as they were pre-Christian. For more, see Carole Hough, "Marriage and Divorce," in *The Blackwell Encyclopaedia of Anglo-Saxon England*, eds. Michael Lapidge, John Blair, Simon Keynes, and Donald Scragg, 302–3, (Oxford: Blackwell, 1999); Rosalind Hill, "Marriage in Seventh-Century England" in *Saints, Scholars, and Heroes: Studies in Medieval Culture* vol. 1, eds. Margot H. King and Wesley M. Stevens, 67–75 (Collegeville, MI: Hill Monastic Manuscript Library, 1979); Christine Fell, *Women in Anglo-Saxon England and the Impact of 1066* (London: Colonnade, 1984), 56–62; Andreas Fischer, *Engagement, Wedding and Marriage in Old English* (Heidelberg: Carl Winter, 1986), 18–24; and recently Clunies Ross, "Concubinage in Anglo-Saxon England," 254–58. Despite its age, Fritz Roeder's monograph, *Die Familie bei den Angelsachsen* (Halle: Ehrhardt Karras, 1899), is still a useful introduction to the subject.

jurisdictional interests of lay lawmakers and ecclesiastical authorities.[37] Although it is apparent from the amount of royal legislation and an extant document describing betrothal that marriage contracts appear to have primarily been under the auspices of the secular legal system, early on the English church was also interested in marriage arrangements for moral reasons, and rules concerning marriage appear even in the earliest English penitential handbooks.[38] Besides a number of rules against sinful sexual behavior in marriage and proscriptions against sexual transgression,[39] both Latin and Old English penitential handbooks

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[37] See R. H. Helmholz, *The Oxford History of the Laws of England, vol. I: The Canon Law and Ecclesiastical Jurisdiction from 597–1640s*, gen. ed. John Baker (Oxford: Oxford University Press, 2003), 16–17 and 61–65. Thomas Pollock Oakley argued in 1923 that the Anglo-Saxon penitentials actually worked to enforce secular law in *English Penitential Discipline and Anglo-Saxon Law in their Joint Influence* (New York: Columbia University Press, 1923). Carole Hough has challenged and refined parts of this argument, showing that ecclesiastical influence was a late addition to secular law in "Penitential Literature and Secular Law in Anglo-Saxon England," *Anglo-Saxon Studies in Archaeology and History* 11 (2000): 133–41. For the development of the Anglo-Saxon penitential handbooks, see Allen J. Frantzen, "The Tradition of Penitentials in Anglo-Saxon England," *ASE* 11 (1983): 23–56; and Frantzen, *The Literature Of Penance in Anglo-Saxon England* (New Brunswick, NJ: Rutgers University Press, 1983).

[38] Evidence suggests that collections of canons or church law, continental and insular, did not play a particularly significant role in the Anglo-Saxon church in comparison to penitentials. For an explanation, see Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, 25–30

[39] Theodor of Canterbury's *Poenitentiale* contains a series of guidelines about when the penitent might engage in sexual activity. See specifically, "*De questionibus coniungiorum*," lib. 2, cap. 12, Paul Willem Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen*, Untersuchungen zu den Bußbüchern des 7., 8. und 9 Jahrhunderts, bd. 1 (Weimar: H. Böhlaus, 1929), 326–31. Later Old English penitential handbooks, *The Canons of Theodore* (65.01.01), *Scriftboc* (09.91.00), and the *Old English Penitential* (42.18.01), contain canons restricting degrees of consanguinity. References to the Old English penitentials come from Fantzen's 2010 online edition available at

include regulations on betrothal that are of direct interest for *Juliana*. If Cynewulf was acquainted with customs surrounding marriage, it is likely that he would have known the traditions from both secular and religious sources. Further, the likelihood that Cynewulf was some sort of ecclesiastic makes it possible to speculate that he was involved in actual wedding ceremonies or had direct contact with wedding parties themselves.[40]

Cynewulf is extraordinarily interested in marriage and betrothal in *Juliana*. Although marriage and sexuality are not completely absent from Anglo-

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http://www.anglo-saxon.net/penance/ (accessed 27 September 2011). Jack Goody suggests that ecclesiastical concern with issues of "cousin marriage, marriage to affines, adoption and concubinage" are connected with the church's interest in alienating land from strong and *close* families. *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983), at 48.

[40] There is no scholarly consensus on what sort of churchman Cynewulf was, or even if the runic signatures placed at the end of the poems of the "Cynewulf Group" refer to an author at all. Calder argues that "Whether monk, priest, or bishop, Cynewulf's extensive acquaintance with many different religious texts … links him directly with the church," *Cynewulf*, 16. Anderson takes a narrower view and argues that the first line of *Fates of the Apostles* is an indication that the poet heard the exemplars read out loud, meaning that Cynewulf is likely a monk, in *Cynewulf: Structure, Style, and Theme in His Poetry*, 19–20. Andy Orchard argues for a more readerly poet, in "Oral Tradition," in *Reading Old English Texts*, ed. Katherine O'Brien O'Keefe, 101–23 (Cambridge: Cambridge University Press, 1997), at 108, as does Samantha Zacher, "Cynewulf at the Interface of Literacy and Orality: The Evidence of the Puns in *Elene*," *Oral Tradition* 17 (2002): 346–87.

For challenges to the notion that Cynewulf wrote the poems associated with his name or did little more than add his signature to the end of them, see Daniel Donoghue, *Style in Old English Poetry: The Text of the Auxiliary* (New Haven, CT: Yale University Press, 1987), esp. 112–16; Carol Braun Pasternack, *The Textuality of Old English Poetry*, CSASE 13 (Cambridge: Cambridge University Press, 1995), esp. 172–74 and 199; and Jason R. Puskar, "*Hwa þas fitte fegde*? Questioning Cynewulf's Claim of Authorship," *English Studies* 92 (2011): 1–19.

My own analysis is not dependent on whether someone called Cynewulf wrote *Juliana* or not.

Saxon poetry, they are not typically of great interest. In *Beowulf*, for instance, even though marriage and betrothal play an important and often noted "peace-weaving" role, the actual mechanics of marriage are left out of the poem.[41] Cynewulf is much more specific or even explicit in his discussion of marriage in *Juliana*. Christine Fell has suggested that *Juliana* might be one of the few texts outside of the "obscene" riddles where the consummation of marriage is directly referenced by an Old English poet. In one of Heliseus's early speeches where he expresses his desire for Juliana, Cynewulf employs the words "freondræden" ("friendship") and "mæglufu" ("love") to describe the objects of Heliseus's lust (68b–71a). If the words are meant to refer explicitly to romantic love, as Fell argues, it means that Cynewulf is rare in his references to the actual consummation of marriage and, significantly, actively inserting sexualized language into his version of the legend.[42] Rather than complaining to Juliana's father about his unrequited love as he does in the Old English (68b–71a), in the Latin Heliseus vaguely "dixit ei omnia uerba quae ei mandauarat Iuliana" ("told

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[41] For an early iteration of this observation, see L. John Sklute, "'Freoðuwebbe' in Old English Poetry," *Neuphilologische Mitteilungen* 71 (1970): 534–41, repr. in *New Readings on Women in Old English Literature*, eds. Helen Damico and Alexandra Hennessy Olsen, 204–10 (Bloomington, IN: Indiana University Press, 1990).

[42] Christine Fell, *Women in Anglo-Saxon England*, 68. Woolf points out Grein's agreement of this reading in her edition, at 24, n. 71. The idea that this word refers to marital love might be seen also be seen in a negative example. In the Old English Genesis, God places "feondrædene" between Adam and Eve as he casts them out of paradise, in *Genesis*, 13. For a complicating view, see Peter Dendle's suggestion that Cynewulf may not have had the first-hand experience to understand Juliana as "stark" naked in the scene where she is scourged in "How Naked is Juliana?" *Philological Quarterly* 83 (2004): 355–70.

him every word Juliana had demanded of him").[43] Cynewulf explicitly raises the issue of Heliseus's sexual desire—an obviously scandalous and sinful prospect for a virgin saint.

Another important expansion from the Latin source reinforces the idea that Cynewulf is focusing on marriage in the poem and suggests that he is trying to highlight specifically sinful aspects of marriage. Following a lacuna in the manuscript,[44] the story picks up at line 289 with the devil, with whom Juliana is in hot debate, confessing to the crimes he has incited in the past. After confessing to having caused Christ's crucifixion, the fiend explains that he also encouraged the wicked King Herod to decapitate John the Baptist for criticizing Herod's bigamy:

> Ða gen ic Herode
> in hyge bisweop þæt he Iohannes bibead
> heafde beheawan, ða se halga wer
> þære wiflufan wordum styrde,
> unryhtre æ. (293b–97a)
> (Then I incited Herod in his mind that he order John's head cut off,
> when that holy man rebuked him with words on account of his
> wife-love and unlawful marriage.)

The *Passio S. Iulianae* does not mention wicked union and reports the devil saying only, "Ego sum qui feci Iohannem ab Herode decapitari" ("I am he who

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[43] Lapidge, "Cynewulf and the *Passio S. Iulianae*," 157. My translation.

[44] A folio has been lost, resulting in two lacunae in the text, the first starting at line 288 and the second at line 258.

had John decapitated by Herod").[45] Other scholars have noted that Cynewulf adds some details to the passage, like the name of the apostle Andrew's executor,[46] but it is striking that he inserted the background of Herod's marriage to Herodias into a poem with a plot about a wedding suit. The story of Herod's bigamy was a significant example for Anglo-Saxons—the licentious relationship between Herod and his brother's wife is precisely the example Pope Gregory gives to Augustine of Canterbury on the question of whether it is permitted to marry one's sister-in-law, as related by Bede in the *Historia Ecclesiastica*.[47] Coupled with the possibility of romantic consummation that Fell suggests, Cynewulf also highlights a moral aspect of wedded life by providing details about the well-known example of Herod's sinful marriage that do not appear in his source-text.

Considering Cynewulf's interest in marriage demonstrated by his additions to the text, the laws and penitential handbooks provide an illustrative backdrop for understanding his description of Heliseus and Juliana's potential union. In important respects, Cynewulf describes Heliseus's marriage suit in a way that would suggest to an Anglo-Saxon audience that there would have been incentive, both in terms of social status and monetary resources, for Juliana to

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[45] Lapidge, "Cynewulf and the *Passio S. Iulianae*," 160.

[46] Garnett, "The Latin and the Anglo-Saxon *Juliana*," 292.

[47] See Goody, *The Development of Family and Marriage*, 34–36. The letter from Gregory appears in the *HE*, I.27. This directive against marrying an in-law is reiterated in the *Poenitentiale Theodori*, lib. II, cap. 12: "In tertia propinquitate non licet uxorem alterius accipere post obitum ejus, "In the third degree [of consanguinity], he is not permitted to accept a wife of another [i.e. the brother-in-law] after his death," Finsterwalder, *Die Canones Theodori*, 329.

accept the proposal. Abraham argues that Cynewulf appears to raise Heliseus's social status from "gereafa" ("reeve"), which is typically used to translate "praefectus," to an "ealdorman" and suggests that some of Affricanus's desire to marry off his daughter is due to "social opportunism."[48] Though it may be a possibility that he improved the character's social status in the poem, Cynewulf's description of Heliseus's wealth is an indication in itself that Juliana would have reasons to assent to the marriage. Although there is considerable discussion and disagreement about the degree of control an Anglo-Saxon woman would have over wealth or property during her life or after her death,[49] marriage is constructed by extant documents as a way for Anglo-Saxon women to gain some control over capital, in the form of the *morning gift*—the Anglo-Saxon marriage custom stipulating that a prospective husband give his new wife land or money in a

[48] Abraham, "Cynewulf's *Juliana*: A Case at Law," 173–74. It should be noted, however, that even though Heliseus appears to display a higher social status than a reeve, Cynewulf never actually calls him an ealdorman.

[49] Opinion ranges from the idea that women would have absolute control over land or capital to very little at all. The disagreement is closely related to a longstanding debate over how much autonomy and personal agency Anglo-Saxon women enjoyed. For the view that Anglo-Saxon women enjoyed a reasonable degree of autonomy, see for example Christine Fell, *Women in Anglo-Saxon England*, 56–57 and Christine G. Clark, "Women's Rights in Early England*," Brigham Young University Law Review* 207 (1995): 207–36. For the view that their power was rather limited, see Pauline Stafford, "Woman and the Norman Conquest," *Transactions of the Royal Historical Society*, 6th ser., 4 (1994): 221–49; Julia Crick, "Women, Posthumous Benefaction, and Family Strategy in Pre-Conquest England," *The Journal of British Studies* 38 (1999): 399–422; Victoria Thompson, "Women, Power, and Protection in Tenth- and Eleventh-Century England," in *Medieval Women and the Law*, ed. Noël James Menuge, 1–17 (Woodbridge, UK: Boydell, 2000). For a continental parallel, see Janet L. Nelson, "The Wary Widow," in *Property and Power in the Early Middle Ages*, eds. Wendy Davies and Paul Fouracre, 82–113 (Cambridge: Cambridge University Press, 1995).

betrothal.[50] The money or land comprising the gift, the laws claim, would be in possession of the wife. The laws concerning widows, furthermore, suggest that the wife would remain in control of her *morning gift* for her lifetime, barring some sort of misstep. In 2 Cnut 73a, a widow who does not wait for at least a year before remarriage forfeits the *morning gift* from her previous marriage, suggesting that the woman must have had enough control of the land to have an incentive to hold onto it. The as yet un-dated Old English document describing the procedure for betrothal, "Be wifmannes beweddunge," also stipulates that both a *morning gift* and a dower are to be given in return for a woman's assent to a marriage proposal: "Đonne syðđen cyþe se brydguma, hwæs he hire geunge, wið þam ðet heo his willan gegeose, *and* hwæs he hire geunge, gif heo læng sy ðonne he" ("Then afterwards the bridegroom is to announce what he grants her in return for her acceptance of his suit, and what he grants her if she should live longer than he").[51] The only extant written marriage contracts from the Anglo-Saxon period also construct the recipient of the *morning gift* as having control to dispose of the gift in the way she sees fit. S 1459, a marriage contract from the early-eleventh

[50] There is considerable disagreement about the exact nature of the financial transactions surrounding Anglo-Saxon marriage. In the earlier period, there may have been a "bride-price" paid by the groom to a father or guardian, as Rosalind Hill suggests in her reading of Æthelbehrt 77: "Gif mon mægþ gebigeð, ceapi geceapod sy, gif hit unfacne is" in "Marriage in Seventh-Century England," 69. Goody has shown that at least in wealthy families, a dowry could be paid and many of the laws indicate that a dower was also important, *The Development of the Family and Marriage*, 254–55. For more on dowers and dowries, see Stafford, "Woman and the Norman Conquest," 238–40.

[51] *Gesetze* I, 442; trans. *EHD* I, 431. Note the suggestion of two different types of payment.

century, suggests that the wife would keep what she was given at the marriage until her death: " … *and* [the groom] seald hyre þ*æt* land æt Eanulfintune to gyfene *and* syllenne ðam ðe hire leofest wære on dæge *and* æfter dæge ðær hire leofest wære … " (" … and he gave her the land at Alton to give and grant to whomever she pleased during her lifetime or after her death").[52] S 1461, an early-eleventh century marriage agreement between Godwine and Brihtric, reports "þæt he [the groom] gæf hire anes pundes gewhita goldes wið þonne þe heo his spæce under fenge, *and* he geuþe hire þæs landes æt Stræte mid eallan þon þe þærto herð … " ("that he gave her a pound's weight of gold in return for her acceptance of his suit, and he granted her the land at Street with everything that belongs to it").[53] If, on the one hand, the *morning gift* was to remain in the sole control of the wife for the entirety of her life, a potential bride like Juliana would have a financial incentive to marry. On the other hand, even if an Anglo-Saxon bride did not gain control of the *morning gift*, Anne L. Klink has recently argued that there would have still been incentive for a woman to be "bought" for as high a price as possible—however the transaction took place, it was less degrading to be traded for a good price.[54]

The role of money in betrothal is emphasized in *Juliana*, and the monetary advantages of the match are repeatedly stressed by Cynewulf, suggesting that

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[52] Robertson, 148; trans. *EHD* I, 547.

[53] Robertson, 150; trans. *EHD* I, 548.

[54] Anne L. Klink, "'To have and to hold': The Bridewealth of Wives and the *Mund* of Widows in Anglo-Saxon England," *Nottingham Medieval Studies* 51 (2007): 231–45.

Heliseus's wealth would strike Anglo-Saxon audiences as a clear incentive for Juliana to agree to the suit. The first mention of Heliseus, in line 18, describes him as "æhtwelig"—wealthy. Besides the cruelty we learn about later in the poem, wealth is Heliseus's defining characteristic and Cynewulf describes his status as a rich man many more times than his official, legal, or bureaucratic capacity. He is referred to as a "gerefa" (a reeve) twice (19a and 530b) and a "dema" (judge) four times (249b, 556b, 594b, and 602b). Cynewulf refers to wealth, on the other hand, more often and in superlative terms. Heliseus is "æhtwelig" ("wealthy") (18a); "held hordgestreon" ("[he] held treasure-hoards") (22a); he is "welegum" ("the wealthy one") (33a); and again is "se weliga" ("the wealthy one") (38a); a "goldspedig guma" ("wealthy man") (39a); he "feohgestreon / under hordlocan, // hyrsta unrim, / æhte over eorþan" ("he had over the earth a treasure in a coffer of countless gems") (43b–44a); and is "æhtspedigra / feohgestreona" ("wealthy with treasures") (101b–102a). In the conclusion of the poem, his loss of wealth is emphasized: in hell one is deprived of "feohgestealde" ("treasure") (685b), "beagas" ("rings") (687b), and "æpplede golde" ("appled (?) gold") (688a).[55] Furthermore, wealth is Heliseus's single attractive characteristic to Juliana. In lines 35–37, Cynewulf makes a direct comparison between her desire for wealth and her fear of God:

Hire wæs godes egsa
mara in gemyndum, þonne eall þæt maþþumgestealdd

[55] For a note on the possible meaning of "æpplede" see Andrew Breeze, "*Æpplede gold* in *Juliana, Elene*, and *The Phoenix*," *Notes and Queries* n.s. 44 (1997): 452–53.

þe in þæs æþelinges æhtum wunade. (35a–37b)

(The fear of God was greater in her mind than all the treasure that lay in that atheling's goods/wealth).

Heliseus's wealth, not the man himself, is juxtaposed to the saint's religious convictions. In addition, Heliseus's wealth is a distinct change that Cynewulf made from the Latin *passio*. The *passio*'s Heliseus comes off as more of a bureaucratic pedant than an extremely wealthy man. He is a friend of the emperor ("amicus imperatoris") and when the Latin Juliana convinces him to seek a promotion in exchange for her hand, a request omitted by Cynewulf, Heliseus gets the promotion and piously "sedit carrum, agens officia praefecture" ("sat at the chariot (i.e. of state affairs), doing his official duty").[56] The changes in Heliseus's characterization in Cynewulf's adaptation underscore a significant moral implication for the poem. Wealth is clearly a bigger issue to Cynewulf's Juliana and the betrothal is figured as her access to it.[57] The result is a *contemptus mundi* theme dependent on a particular social institution—Juliana rejects the wealth of

[56] Lapidge, "Cynewulf and the *Passio S. Iuliannae*," 156–57.

[57] Comparison to the Old Icelandic life of Saint Dorothy suggests that Cynewulf's emphasis on wealth in the proposed marriage may be an early example of a trope in Germanic depictions of this kind of betrothal scene. Although the Latin source (the *LgA*) mentions the fact that Dorothy was promised "thesaurum et res" in exchange for her hand, the Old Norse translation emphasizes the wealth to be gained by marrying by repeating the promise of "borgír *ok* kastala gull *ok* gí*m*steína" (lines 38 and 40–41) and comparing these kinds of wealth to the gifts she receives from God: "audęfa" (44) "*ok* ot*ru* suíuírdleg*ra* goda" (45). All of the gifts mentioned in the passage are remarkably worldly, considering the religious message of the saga. The life was edited by Kirsten Wolf, *The Icelandic Legend of Saint Dorothy*, Pontifical Institute of Mediaeval Studies and Texts 130 (Toronto: Pontifical Institute, 1997).

this world, but her rejection takes place as it is mediated through Heliseus's wedding suit.

Two other important legal concepts, on the other hand, suggest details that paint Heliseus's suit in a decidedly negative light. The first is the fact that Heliseus is so enthusiastically and openly pagan. This aspect of his characterization has been noted as one of the distinct changes Cynewulf made from the Latin.[58] Anglo-Saxon law makes it clear that getting married to the pagan Heliseus would not only endanger Juliana's soul, but also anything she might gain by getting married. A seventh-century law of Wihtred states that "Gif ceorl buton wifes wisdome deoflum gelde, he sie ealra his æhtan scyldig 7 healsfange. Gif butwu deofolm gedaþ, sion hio healsfange scyldigo 7 ealra æhtan," ("If a husband sacrifices to devils without his wife's knowledge, he is to be liable and pay all of his goods and *healsfang* [a particular portion of *wergild*]; if they both sacrifice to devils, they are to be liable to pay *healsfang* and all their goods").[59] In strictly practical terms, Heliseus's open paganism works to undercut the attractiveness of the monetary prize that would be available to Juliana in the marriage.

The second and more telling negative legal aspect of the suit is the fact that Juliana is utterly opposed to it. Abraham's argument likely places too much emphasis on technical legislation when she claims that, "[i]n Anglo-Saxon society

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[58] Calder describes the character changing from "the sweet reasonableness of Eleusius, [in the Latin]" to a "passionate devotee of Satan," *Cynewulf*, 79.

[59] Wihtred 12, *Gesetze* I, 13; trans. *EHD* I, 397.

Juliana, as a woman and a minor, has no legal standing on her own; legal protection (*borh*) derives from the kin, the overlord or the husband" and later "if Juliana does not accept Eleusius as her husband she has then no legal warrantor and no legal standing."[60] A woman like Juliana would likely have been protected under the law and custom from certain actions of her own father: at least ideally, she could not have been legally forced into a marriage she did not approve. A series of extant laws and regulations forbid forcing women into marriages they do not agree to. II Cnut 74 states, "And ne nime man naðer ne wif ne mæden to þam, þe hyre sylfre mislicie, ne wið sceatte ne sylle, buton he hwæt agenes þances gyfan wylle" ("And neither a widow nor a maiden is ever to be forced to marry a man whom she herself dislikes, nor to be given for money, unless he chooses to give anything of his own freewill").[61] The importance of a woman's agreement to marriage is also enforced by "Be wifmannes beweddunge," a document describing the appropriate legal procedure for betrothal. The text begins by stipulating that a marriage must be approved of by the proposed bride: "Gif man mæden oððe wif weddian wille, 7 hit was hire 7 freoden gelicige, ðonne ist riht…" ("If a man wishes to betroth a maiden or a widow, and it so pleases *her* and her kinsmen, then it is right … ").[62] Theodore's *Penitential*, surprisingly considering its early date (668 × 690), also tells readers that a woman is not to be

[60] Abraham, "Cynewulf's *Juliana*: A Case at Law," 174 and 177.

[61] *Gesetze* I, 360; trans. *EHD* I, 467–68.

[62] *Gesetze* I, 44; trans. *EHD* I, 467, my emphasis. Cf. Liebermann's more neutral translation of the same clause: "Wenn man ein Mädchen oder eine Frau verloben will, indem dies ihr und den [Bluts]freunden … ," *Gesetze* I, 443.

betrothed against her will. In chapter 12 of book 2, Theodore writes that a "puella vero XVI vel XVII annorum quae ante in potestate parentum sunt [*sic*.]. Post hanc aetatem patri filiam suam contra eius voluntatem non licet in matrimonium dare" ("A girl of sixteen or seventeen years is in the control of her parents. After that age, a father is not permitted to give her into marriage against her will").[63] In an echo of this guideline, canon 13.02.01 in the *Old English Scriftboc* states that a "Fæmne oð þ*æt* heo sý þreottyene wintre oððe feowertýne wintre sý heo in hire eldrena mihtum· æfter yelde hire hlafords hi mot / gifan mid hire willan." ("A virgin girl, until she is 13 or 14 winters old, is in the jurisdiction of her parents. After (that) age her father is allowed to give her in marriage *with her consent*").[64] Penitential texts even provided guidance in the case that an engaged woman was to get cold feet. The Latin and Old English versions of Theodore's *Penitential* and the *Scriftboc* all state that if a woman who is betrothed refuses to live with the groom, she is to pay back her *morning gift* and a fine for breaking the marriage agreement.[65] Customs concerning marriage, in short, indicate that at least in the

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[63] Finsterwalder, *Die Canones Theodori*, 330–31.

[64] From Frantzen's edition of Cambridge, Corpus Christi College, 190, fol. 378 available online at http://www.anglo-saxon.net/penance/CORP190_378.html#S13.02.01 (accessed 27 September 2011) Frantzen's translation, my emphasis.

[65] *Poenitentiale Theodori*, lib. 2, cap. 12, "Illa [the bride] autem desponsata si non vult habitare cum eo viro cui est desponsata reddatur ei pecunia quam pro ipsa dedit,et tertia pars addatur si autem illa noluerit, perdat pecuniam quam pro illa dedit," Finsterwalder, 330. The *Canons of Theodore*, 68.02.01: "Gýf beoweddod mæden nelle to ðam þeo heo bewed dod býð. & wæs hiræ willa. forgelde þonne þ*æt* feoh þ*æt* heo ær underfeng. & þærto eacan gedó swa mýcel swa ðes feos ðrýddan sy dæl, sý & þa magas forgeldon þ*æt* wedd," from Brussels, Bibliothèque royale, 8558-63, fol. 149r, available online at http://www.anglo-

idealized circumstances described by the written evidence, a woman's consent was a valued part of the contract. Although the laws of Cnut are late (*c*. 1019–1020) and Liebermann dates the document concerning betrothal to the last quarter of the tenth century at the earliest (*c*. 975–1030), the penitential material strongly suggests that a woman's consent in a marriage was an important cultural value, even if it did strengthen with time.

Extant legal and penitential writing, to reiterate, suggests a context where Anglo-Saxon readers who were aware of traditional marriage customs would view Heliseus's wedding suit as a significantly troubling aspect of the poem. Cynewulf's characterization of the suit, with an emphasis on Juliana's incentives for accepting the marriage, which are soon undercut by her father's and Heliseus's wickedness, would likely have struck readers as problematic. The repugnant wedding suit also works to enforce a juxtaposition Cynewulf draws between Juliana's relationship with Christ and Heliseus's desire for a relationship with the virgin. Heliseus's violent insistence that Juliana consent to the match, his lascivious intent, and his great wealth establish him as a foil for the more appropriate bridegroom—Christ. Although Cynewulf does not explicitly refer to Jesus as a bridegroom, several details indicate that Heliseus is figured as an opposite of Christ. Juliana's rejection of Heliseus's *freondræden* (34a and 71a)

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saxon.net/penance/BX8558_149r.html#B68.02.01 (accessed 27 September 2011). *Scriftboc*, 12.09.01: "gif heo nele mid þam were eardian þam ðe heo ær geweddod wæs agýfe hi*m* eft þæt feoh þæt he for heo sealde & eac ðone ðriddan dæl þæs ýrfes·hereditat*is*," from Cambridge, Corpus Christi College, 190, fol. 376, available online at http://www.anglo-saxon.net/penance/CORP190_376.html#S12.09.01 (accessed 27 September 2011).

discussed above is, at first glance, a repudiation of sexual desires and the marriage itself. However, in a surprising semantic reversal, while describing an argument with Heliseus, Cynewulf has Juliana use the word to refer to her pledge to God:

hio to Gode hæfde
freondrædenne fæste gestaþelad (104b–105b)
"She had firmly established her 'friendship' with God."

Clearly Juliana is rejecting one type of "freondrædan" for another: Heliseus's for Christ's. Attention to the tenses used in the short speech also suggests a significant sequence of events. Juliana speaks of her pledged relationship with Christ in the past tense. Cynewulf even may be suggesting a sort of double irony in the passage. If Cynewulf means to imply a paronomasia in the word "freondræden," which Juliana claims to have *already* established with Christ, Heliseus's understanding of the word to imply a sexual relationship would suggest that he is pursuing a polygamous marriage, thus making the heavenly bridegroom a cuckold.[66] The legalistic concept of "mund," or legal guardianship, is also used by Cynewulf to juxtapose Heliseus and God.[67] As Abraham points out, after Juliana is given by her father into the control of Heliseus and the pagan demands that she seek "mundbyrd" ("legal protection or guardianship," 170) from the idols,[68] the virgin defiantly names God as her "mundbora" ("legal guardian,"

[66] For other punning in Cynewulf's *oeuvre*, see Roberta Frank, "Some Uses of Paronomasia in Old English Scriptural Verse," *Speculum* 47 (1972): 207–26, esp. 210–11.

[67] See Klink, "'To have and to hold,'" 240–45.

[68] Abraham, "Cynewulf's *Juliana*: A Case at Law," 176–77.

213). Although the wicked characters in the text, Heliseus and Affricanus, imagine trading Juliana's guardianship amongst themselves, the saint and Cynewulf make it clear that she is actually under the protection of God.

A subtle juxtaposition between unity with God and union with Heliseus is also apparent in Cynewulf's employment of a sort of paronomasia with the word *æ(w)*. The word is of interest to scholars because it signifies several things, particularly in the later part of the Anglo-Saxon period. The word's original meaning is "legal custom" or "law," but the lexeme's meaning narrowed to a meaning of "God's law." It came, however, to also mean "marriage."[69] Cynewulf plays with the word *æ(w)* to mean both "God's law" and "marriage" to dramatic effect. In the opening lines, during the rein of the wicked emperor Maximinan, the heathens persecuted "Dryhtnes æ" (l. 13b)— "the Lord's law." As the plot unfolds, we learn that the central attack on God's *æ(w)* or "law" in the narrative is Heliseus's violent insistence on a wicked marriage, or "*æ(w)*." This point is driven home by the devil's influence on Herod's sinful marriage to his sister-in-law, which Cynewulf, unprecedented in the Latin, describes as "unryhtre æ" ("unlawful marriage," 297a). In the last occurrence of the word, the meaning has shifted back to "law," as the devil again brags about the souls he has led away from "Cristes æ" ("Christ's law," 411). The poem shifts the word's use, from the

[69] For a recent thoroughgoing discussion of the word, see Andreas Fischer, *Engagement, Wedding and Marriage in Old English*, 84–95. See also Clunies Ross, "Concubinage in Anglo-Saxon England," 263–64. For Ælfric's use of the word, see E. G. Stanley, "Wulfstan and Ælfric: 'the true Difference between the Law and Gospel,'" in *Wulfstan, Archbishop of York: Proceedings of the Second Alcuin Conference*, ed. Matthew Townend, 429–41 (Turnhout: Brepols, 2004), esp. 435–36.

abstraction "law" to the very narrow meaning of "marriage" and back again, suggesting that Cynewulf is using the word to draw attention to the dichotomy between Heliseus's sinful marriage proposal and unity with God.

Conclusions: *Juliana* and Female Religious Devotees

The foregoing discussion seeks to establish two main points: Cynewulf is particularly interested in marriage in *Juliana*, and when the poem is viewed next to Anglo-Saxon laws and penitential canons concerning betrothal, it seems likely that the characterization of Heliseus's marriage suit would have struck contemporary audiences as deeply problematic. Heliseus's depiction as a wealthy man, as opposed to his character in the *passio*, helps to underscore the reasons Juliana might have considered the suit. Juliana's father's and Heliseus's insistence in the betrothal is also telling, because it demonstrates the fact that they are behaving in culturally inappropriate ways. Later Anglo-Saxon attitudes about betrothal indicate that her father and Heliseus's insistence on a marriage suit that Juliana stalwartly refuses would strike an audience, particularly a religious one, as deeply inappropriate. Attention to Anglo-Saxon legal and penitential material helps to illuminate reasons Cynewulf made meaningful changes from his source text. Although it is not possible to tell if he is bringing the poem exactly in line with the "social and legal customs of his own society," the changes he makes would have made the poem familiar to his audience in ways that help to underscore the basic didactic messages of the poem—Juliana's resistance to a

socially and materially beneficial marriage in her pursuit of Christian purity is to be praised and emulated.

This reading lends credence to the idea, first proposed by Rosemary Woolf, that *Juliana* was composed with an audience of nuns in mind.[70] In agreement with Woolf, Shari Horner has recently argued that rather than being a poem only about abstract spirituality, the discourse of enclosure and the violation of Juliana's body in the poem would have resonated with nuns at risk of "violence and rape during the Scandinavian invasions of England."[71] Although I would not add much to Horner's important discussion of Juliana's body and her reading of gender in the poem, I would like to suggest that one does not necessarily need marauding Norsemen to have the potential for "violence and rape" in Anglo-Saxon England. Juliana is not, after all, attacked and persecuted by outsiders in the poem—she suffers at the hands of her own father and her suitor. The potential for sexual violence and, importantly for Juliana the saint, sin are imposed upon her by members of her own community, not northern pirates.

Rather than conjuring fears about foreign invasion, *Juliana*'s potential resonance with nuns or other communities of religious women may be more likely geared toward anxieties about the imposition of unwanted marriages and the

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[70] Rosemary Woolf, "Saints' Lives," in *Continuations and Beginnings: Studies in Old English Literature*, ed. E. G. Stanley, 37–66 (London: Nelson, 1966), at 45. See also John P. Hermann, "Language and Spirituality in Cynewulf's *Juliana*," *Texas Studies in Literature and Language* 26 (1983): 263–81, at 277.

[71] Shari Horner, "Spiritual Truth and Sexual Violence: The Old English 'Juliana,' Anglo-Saxon Nuns, and the Discourse of Female Monastic Enclosure," *Signs* 19 (1994): 658–75, at 659.

potential for sexual violence in Anglo-Saxon society itself.[72] As Barbara Yorke explains, Anglo-Saxon nuns and women in religious communities were often under pressure from various types of men to submit to marriage proposals or other sexual relationships.[73] She points out that a number of penitential and legal regulations discuss the vexing problems of sexually active nuns for religious communities, indicating that romantic relationships with nuns were common enough to warrant legal and canonical attention, although it is difficult to say whether legislation of this kind had the practical effect of actually protecting women.[74] Even the royalty itself appears to have been a sexual threat to religious women. Boniface, in a scathing letter to king Æthelbald, focuses particular attention on the scandalous rumor that the king had a penchant for sex with nuns,[75] "a taste which he is said to have shared with his predecessor King Ceolred (709–716) and King Osred of Northumbria (705/6–716)."[76] The pressure on nuns to enter into "consensual" sexual relationships was clearly not even the most

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[72] "Nuns" may be too narrow a category for discussing communities of religious women in England after *c*. 900. See Sarah Foot, "Unveiling Anglo-Saxon Nuns," in *Women and Religion in Medieval England*, ed. Diana Wood, 13–31 (Oxford: Oxbow Books, 2003).

[73] Barbara Yorke, *Nunneries and the Anglo-Saxon Royal Houses* (London: Continuum, 2002), 153–59.

[74] Yorke, *Nunneries and the Anglo-Saxon Royal Houses*, 153–56. It is not entirely clear whether Anglo-Saxon legislation against anti-social behavior was an effective deterrent or merely evidence that such behavior was widespread.

[75] A. W. Haddan and W. Stubbs, eds., *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland*, 3 vols. (Oxford: Clarendon Press, 1869–2878), 3 (1879), 350–56; trans. *EHD* I, 751–56.

[76] Yorke, *Nunneries and the Anglo-Saxon Royal Houses*, 155.

dangerous of the possibilities, such as rape or forcible abduction. Julie Coleman explains that although rape was "a frequent by-product of warfare," legislation against the crime often focuses on offenders within the Anglo-Saxon community.[77] A law of Alfred concerning nuns in particular illustrates clearly that legislators conceived of this kind of violation as a harm against the community—the offender is to pay the king, the bishop, and the lord of the church where the nun comes from.[78] The law assumes that the rapist will have ties strong enough to the community to respond to a fine—something we could hardly expect of a marauder. Whether or not the described "abduction" would have been assumed to be violent is not clear, but it is conceived as a violation of cultural and community norms and its codification is an indication that it was the type of behavior that needed to be punished.

In the end, part of the didactic message in Cynewulf's characterization of Juliana is her stalwart, autonomous rejection of a marriage in favor of unity with God. Although she may not add to the long and vexed discussion over the situation of actual women in Anglo-Saxon England,[79] Juliana, nevertheless,

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[77] Julie Coleman, "Rape in Anglo-Saxon England," in *Violence and Society in the Early Medieval West*, ed. Guy Halsall, 193–204, (Rochester, NY: Boydell Press, 1998), at 195.

[78] Alfred 8: "Gif hwa nunnan of mynstere ut alæde butan kyniges lefnesse oððe bischeoes, geselle hundtwelftig scil', healf cyning, healf bischepe 7 þære cirican hlaforde, ðe ðone munuc age," *Gesetze* I, 54; trans. *EHD* I, 375: "If anyone brings a nun out of a nunnery without the permission of the king or the bishop, he is to pay 120 shillings, half to the king and half to the bishop and the lord of the church which has the nun."

[79] Whether or not Anglo-Saxon women enjoyed more rights than their English successors has been the subject of debate for quite some time and need

provides us and probably provided its readers with an important idealized picture of a religious woman—one who was able to reject a marriage proposal pressed upon her by members of her community: her father and a wealthy local official. *Juliana* certainly presents a figural or spiritual message, but Anglo-Saxon legal and penitential attitudes about marriage and betrothal also suggest that the poem is speaking to its immediate cultural context. That is, like the discussion of *theft*-language in Chapter Two, the legal themes in *Juliana* function to ground the saint's life in the immediate experience of its contemporary readers. The difficulty of maintaining a cloistered life in a society with kinship obligations as strong as those of Anglo-Saxons, and the threat of sexual violence within that society itself, make it likely that *Juliana* would have resonated with religious women familiar with those pressures.

The contemporary legal concerns in *Juliana* require some work to discern, buried as they are in a complex poetic setting about a virgin martyr from the classical past. The allegorical or figural aspect of the poem, with its standard plot, stock characters, and the inevitable destruction of the main character's body in imitation of Christ, makes the possible references to Anglo-Saxon culture somewhat obscure. The subject of the next chapter, Ælfric of Eynsham, offers an opportunity to investigate legal themes that are set in Anglo-Saxon England itself. Though I touched upon writing of Ælfric briefly in Chapter Two, the prolific

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not be rehearsed here. For two recent voices in the discussion, with thoroughgoing notes for those interested in the historiography of the argument, see Klink "'To have and to hold,'" 231–33 and Andrew Rabin, "Female Advocacy and Royal Protection in Tenth-Century England: The Legal Career of Queen Ælfthryth," *Speculum* 84 (2009): 261–88, esp. 261–63.

abbot, whose work gives witness to 59 words related to the narrow legal theme of *theft* alone, deserves a more lengthy investigation. The hagiography of Ælfric discussed in the following chapter represents a more full-throated discussion of the law than what can be seen in *Juliana*. Rather than a discussion of a legal institution like marriage, Ælfric's work betrays his anxiety about the proper function of the legal system itself and the church's relationship with it, particularly when it comes to participation in judicial violence such as trials by ordeal, the mutilation of criminals, and their execution. Ultimately, Ælfric's attitude toward ecclesiastical involvement with secular legal affairs is backward looking and puts him out of step with the church's increasing engagement with the law, which will come into stark relief in the *South English Legendary*'s depiction of Thomas Becket discussed later in Chapter Five.

CHAPTER FOUR

CRIME, PUNISHMENT, AND LITIGATION IN THE HAGIOGRAPHY OF ÆLFRIC OF EYNSHAM

Scholars have been interested in Ælfric of Eynsham's (*c.*950–*c.* 1010)[1] massive corpus of homiletic, pastoral, and hagiographic writing since the advent of formal Anglo-Saxon studies in the early modern period.[2] More recently, historians investigating the context of Ælfric's intellectual disposition have done much to show that the abbot's ideological attitude was shaped in large part by the religiously conservative English Benedictine Reform movement, led by Ælfric's teacher Bishop Æthelwold in the middle of the tenth century.[3] A related avenue of

[1] Ælfric has been called the "greatest prose writer of the Anglo-Saxon period," by S. B. Greenfield and D. G. Calder, with Michael Lapidge, *A New Critical History of Old English Literature* (New York: New York University Press, 1986), 75. For a summary description of Ælfric's writings, see Aaron J. Kleist, "Ælfric's Corpus: A Conspectus," *Florilegium* 18 (2001): 113–64. For a succinct introduction to the writer, see Helmut Gneuss, *Ælfric of Eynsham: His Life, Times,and Writings*, Old English Newsletter Subsidia 34 (Kalamazoo: Medieval Institute Publications, 2009).

[2] The first piece of Old English ever to appear in print was Ælfric's sermon for Easter Sunday. The early modern antiquarians and Anglo-Saxonists associated with Archbishop Matthew Parker selectively edited Ælfric's texts in order to present them as evidence of proto-Protestant theology in early medieval English. For a discussion, see Theodore H. Leinbaugh, "Ælfric's *Sermo in Die Pascae*: Anglican Polemic in the Sixteenth and Seventeenth Centuries," in *Anglo-Saxon Scholarship: The First Three Centuries*, ed. Carl T. Berkhaut and Milton McC. Gatch, 51–68 (Boston, MA: G. K. Hall, 1982).

[3] The "Benedictine Reform," a conservative, monastic religious revival movement, swept through England in the mid-tenth century. It was facilitated by several powerful monks-turned-bishops, including Ælthelwold, and a sympathetic king, Edgar (d. 975). For an introduction, see Peter Hunter Blair, *An Introduction to Anglo-Saxon England*, 3rd ed. (Cambridge: Cambridge University Press, 2003), 173–78. For an overview of the Reform bent in Ælfric's *oeuvre*, see Joyce Hill, "The Benedictine Reform and Beyond," in *A Companion to Anglo-Saxon*

investigation has focused on the details of the translations he made in support of this period of religious revival. The combination of Ælfric's conservative character and his explicit concern for ensuring the integrity of his writing as it crossed the desks of later scribes has offered scholars fruitful ground upon which to base literary studies of the ways he transformed Latin texts into Old English.[4] In this vein, E. Gordon Whatley has made a strong case that Ælfric's translating strategy not only reflects his stylistic and rhetorical choices, but also demonstrates "an act of authorial assertion."[5] Rather than suggesting that he strove to translate

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Literature, Blackwell Companions to Literature and Culture 11, eds. Phillip Pulsiano and Elaine Treharne, 151–69 (Oxford: Blackwell, 2001), esp. 157–62. See also Christopher A. Jones, "Ælfric and the Limits of 'Benedictine Reform,'" in *A Companion to Ælfric*, Brill Companions to the Christian Tradition 18, eds. Hugh Magennis and Mary Swan, 67–108 (Leiden; Boston: Brill, 2009). For Æthelwold's reputation as a dedicated and enthusiastic teacher, see Mechtild Gretsch, *The Intellectual Foundations of the English Benedictine Reform*, CSASE 25 (Cambridge: Cambridge University Press, 1999), 262–63.

[4] Ælfric includes a well-known colophon exhorting scribes to copy faithfully in the preface to most of his major works. See *CH* I, Old English Preface, 131–34; *CH* II, Latin Preface, 42–9; *LS* I, 1.74–76; *Grammatik und Glossar*, 3.20–25; and *Genesis*, 80.117–21.

The sources of Ælfric's two series of homilies were established by Cyril Smetana in "Aelfric and the Early Medieval Homilary," *Traditio* 15 (1959): 163–204 and "Aelfric and the Homilary of Haymo of Halberstadt," *Traditio* 17 (1961): 457–69. These sources have been since published in *Ælfric's Catholic Homilies: Introduction, Commentary and Glossary*, ed. Malcolm Godden, EETS s.s. 18 (Oxford: Oxford University Press, 2000). The closest source-texts for the *LS* were outlined by Patrick Zettel in his unpublished dissertation, "Ælfric's Hagiographic Sources and the Latin Legendary Preserved in B.L. MS Cotton Nero E. I and CCCC MS 9 and Other Manuscripts," (DPhil. dissertation, Oxford University, 1979). See also, Zettel, "Saints' Lives in Old English: Latin Manuscripts and Vernacular Accounts: Ælfric," *Peritia* 1 (1982): 17–37. Most of Ælfric's sources may also be found by searching the *Fontes Anglo-Saxonici* online database available at http://fontes.english.ox.ac.uk/.

[5] E. Gordon Whatley, "Lost in Translation: Omission of Episodes in Some Old English Prose Saints' Legends," *ASE* 26 (1997): 187–208, at 188.

only "sense for sense," Whatley instead argues that Ælfric's textual interventions and omissions are significant, giving "modern readers a great deal to ponder and analyse."[6] Working under similar assumptions, other critics have shown that Ælfric made a number of meaningful modifications in his translations such as additions, shifts in emphasis, generic hybridizations, and omissions.[7]

One important set of Ælfric's changes that has recently begun to attract critical attention is the alterations he makes to saints' lives depicting legal matters. The work of Andrew Rabin, for example, argues that Ælfric appears to have made changes in his translation of the life of Saint Eugenia in order to offer both a critique of the secular legal system and an expression of post-Benedictine-Reform anxiety about feminine sexuality.[8] Rabin's observations are not indicative of an isolated phenomenon. Evidence from Ælfric's other English saints' lives suggests

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[6] Ibid., 192.

[7] See respectively, Peter Jackson, "Ælfric and the Purpose of Christian Marriage: A Reconsideration of the *Life of Æthelthryth*, Lines 120–30," *ASE* 29 (2000): 235–60; John Halbrooks, "Ælfric, the Maccabees, and the Problem of Christian Heroism," *Studies in Philology* 106 (2009): 263–84; Hiroshi Ogawa, "Hagiography in Homily—Theme and Style in Ælfric's Two-Part Homily on SS Peter and Paul," *Review of English Studies* n.s. 61 (2009): 167–87; Elaine Treharne, "The Invisible Woman: Ælfric and his Female Subject," in *Essays for Joyce Hill on her Sixtieth Birthday*, ed. Mary Swan, (special edition) *Leeds Studies in English 37 (2006): 197–208; and Damian Flemming, "A Demilitarized Saint: Ælfric's Life of Saint Sebastian," Anglia: Zeitschrift für englische Philologie 127 (2009): 1–21. For Ælfric's concern that miracle stories are true, see Malcolm Godden, "Ælfric's Saints' Lives and the Problems of Miracles," in Old English Prose: Basic Readings, Basic Readings in Anglo-Saxon England 5, ed. Paul E. Szarmach, 287–309 (New York: Garland, 2000).*

[8] I am grateful to Dr. Rabin for allowing me to read an advance copy of his essay, "Holy Bodies, Legal Matters: Reaction and Reform in Ælfric's *Eugenia* and the Ely Privilege," forthcoming in *Mediaeval Studies*.

that the abbot actively made changes in order to better align Ælfric's hagiography with his opinions about the secular legal system and the church's proper relation to it. This chapter focuses on two aspects of his attitudes about secular law: the ideal relationship between church and secular authorities and the morality of litigation itself. The first section discusses the changes Ælfric makes in his translations of the lives of Saint Swithun and Saint Edmund, which suggest that the abbot was stridently opposed to ecclesiastical officials' participation in secular legal matters and labored to argue this in his hagiography. In the "Life of Swithun," Ælfric omits an entire miracle story and details from another in order to distance both Saint Swithun and King Edgar, the secular facilitator of the Benedictine Reform, from distasteful legal actions described in the Latin source-text. An explanation for Ælfric's assertive editorial practice can be seen in his account of Saint Edmund. In the "Life of Edmund," Ælfric suggests even high-level episcopal officials were ignorant about the prohibition against ecclesiastical involvement in the secular legal system. The criticism of ecclesiastic figures' heedless participation in secular legal matters offered by the two texts represents not only examples of Ælfric's anxiety about the interaction between the clergy and secular legal authorities, but also suggests, ultimately, that Ælfric was out of step with contemporary practice and literary taste in hagiographic texts.

The second section addresses Ælfric's translation of the *Vita Basilii*, and argues that the text indicates a technical turn in his negative reaction to legal material. In the "Life of Basil," Ælfric changes several key details in a description of a heated conflict between the devil and Saint Basil. Rather than the Latin

devil's charge that the saint has falsely accused him, in Ælfric's version of the anecdote the saint finds himself being accused of stealing from the devil. The demon in Ælfric's account is able to make this charge because he apparently feels he owns a soul by virtue of a written document that functions in the story like a land charter or title deed. If the document referred to in Ælfric's "Life of Basil" is to be read as a reference to a charter or land deed, it suggests that Ælfric is taking a particular moral stance toward the sorts of litigation plaguing the church during his lifetime. The devil's appeal to a document as proof in his case suggests that Ælfric took a dim view of litigants who were engaged in disputes that relied on similar evidence. Taken together, the three lives suggest that Ælfric wrote vernacular hagiography that was, in part, concerned with the moral dimensions of contemporary legal matters and, further, that his stance toward the secular legal system was outside of the mainstream.

Saints Swithun and Edmund: Problems of Jurisdiction

Among Ælfric's vernacular homilies and hagiography, he records the lives of six English saints: Alban, Æthelthrith, Oswald, Cuthbert, Edmund, and Swithun.[9] With the exception of the hermit Cuthbert, the five other saints' lives

[9] Although he was technically Romano-British, Alban, who was martyred in the early fourth century, was celebrated by the Anglo-Saxons and appears in "many late Anglo-Saxon litanies;" see John Blair, "A Handlist of Anglo-Saxon Saints," in *Local Saints and Local Churches in the Early Medieval West*, eds. Alan Thacker and Richard Sharpe, 494–65, at 510. Bede, writing in 731, claims that after Alban's martyrdom, a church was built where "ad hanc diem curatio infirmorum et frequentium operatio uirtutum celebrari non desinit," ("[t]o this day, sick people are healed…and the working of frequent miracles continues to

appear in the *Lives of Saints*, a collection of vernacular hagiography and religious writings arranged according to the *sanctorale*, or calendar of unmovable feasts, that Ælfric composed between the years *c*. 994 and *c*. 998.[10] Having lived out their holy lives locally, Ælfric's English saints form an attractive group for *LS* and the inclusion of the three royal saints in the collection, Æthelthrith, Oswald, and Edmund, also would have likely appealed to Ælfric's lay patrons, Æthelweard and Æthelmær, two ealdormen and powerful courtiers of Æthelred the Unready.[11]

As Mechtild Gretsch points out, Ælfric's inclusion of Swithun (died *c.* 862), the former bishop of Winchester, was probably inevitable due to the local saint's recent success and popularity; Ælfric was an eyewitness to the spread of

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bring it renown"), *Bede's Ecclesiastical History of the English People*, eds. and trans. Bertram Colgrave and R. A. B. Mynors (Oxford: Clarendon Press, 1969), 1.7, 34–35.

For the life of an English saint written by Ælfric in Latin, see his abbreviated version of Wulfstan of Winchester's life of Æthelwold edited and printed as an appendix in *Wulfstan of Winchester: The Life of St Æthelwold*, eds. Michael Lapidge and Michael Winterbottom (Oxford: Oxford University Press, 1991), 70–80; trans. *EHD* (Oxford: Oxford University Press, 1955), 903–11.

All references to the "Life of Swithun" come from Michael Lapidge's massive volume *The Cult of St Swithun*, Winchester Studies 4.ii (Oxford: Oxford University Press, 2003). See also G. I. Needham, *Lives of Three English Saints* (Exeter: Exeter University Press, 1976), 60–81 and *LS* I, 20.

[10] Mechtild Gretsch, *Ælfric and the Cult of Saints in Late Anglo-Saxon England*, CSASE 34 (Cambridge: Cambridge University Press, 2005), 158. Cf. Peter Clemoes, "The Chronology of Ælfric's Works," in *The Anglo-Saxons: Studies in Some Aspects of their History and Culture Presented to Bruce Dickins*, ed. P. Clemoes, 212–47 (London: Bowes and Bowes, 1979), at 244.

[11] Catherine Cubitt, "Ælfric's Lay Patrons," in *A Companion to Anglo-Saxon Literature*, Blackwell Companions to Literature and Culture 11, eds. Phillip Pulsiano and Elaine Treharne, 165–92 (Oxford: Blackwell, 2001).

his cult himself.[12] Swithun the historical bishop, however, was and remains something of a mysterious character. Despite the lavish translation of Swithun's corpse into the Old Minster officiated by bishop Æthelwold in 971[13] during Ælfric's own tenure as a student and monk at Winchester,[14] very little information about Swithun's life on earth appears in writing until the end of the eleventh century.[15] The dearth of available information on Swithun apparently even bothered Ælfric. He writes with some exasperation that despite his research, he found no material about the historical bishop:

> His dæda næron cuðe ær ðan þe hi God sylf cydde, ne we ne fundon on bocum hu se bischeop leofode on þissre worulde, ær ðan þe he gewende to Criste.
>
> (His [Swithun's] deeds were not known before God himself made them known; nor have I found in any books how the bishop lived in this world before he departed to Christ.)[16]

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[12] Gretsch, *Ælfric and the Cult of Saints*, 230.

[13] Lapidge, *The Cult of St Swithun*, 3. See also, *Gretsch, Ælfric and the Cult of Saints*, 193.

[14] Ælfric was at the Old Minster for the episcopacy of Æthelwold (963–984). See Joyce Hill, "Ælfric: His Life and Times," in *A Companion to Ælfric*, Brill Companions to the Christian Tradition 18, eds. Hugh Magennis and Mary Swan, 35–65 (Leiden; Boston: Brill, 2009), at 35.

[15] For the history of Swithun's life on earth according to the later writer, see the anonymously authored *Vita S. Swithuni Episcopi et Confessoris*, ed. Lapidge, *The Cult of St Swithun*, 611–39.

[16] Lapidge, *The Cult of St Swithun*, 590 and 591 (Lapidge's translation).

Ælfric goes on to complain that this lack of information was the result of "gymeleast" ("negligence" 590) on the part of Swithun's contemporaries, who should have been more diligent and recorded the details of the saint's mortal career in the bishopric. The fact that there is no early information on the historical life of the bishop Swithun is surprising in some respects—Saint Swithun's cult was popular, fairly new, and the saint performed numerous miracles and intercessions at the site of his tomb in Winchester, one of the most important centers of spirituality in late Anglo-Saxon England.[17]

Despite Ælfric's complaints about the dearth of information available on Swithun, he *also* omits significant details from his Old English translation of the saint's *vita*. Typical of his editorial habit, it appears that Ælfric omits anecdotes and details from his account of Swithun in order to make the text better align with his own ideological sensibilities.[18] In the "Life of Swithun," Ælfric seems to have reworked two narratives describing Swithun's interactions with the secular legal system. In the first instance, he completely omits an account of Swithun's intercession in a trial by red-hot iron and, in a second, he cuts a detail describing King Edgar's involvement in a law stipulating that convicted criminals should be mutilated in a particularly grisly way. It appears that Ælfric made these editorial changes in order to avoid seeming as if he condoned ecclesiastical involvement in

[17] For an introduction to the early religious houses in Winchester and the Hampshire area, see *Victoria County History: A History of the County of Hampshire*, 5 vols., vol. 2, ed. H. Arthur Doubleday and William Page (Folkestone: Published for the University of London, Institute of Historical Research, 1973).

[18] For examples, see note 7 above.

secular legal matters and to avoid painting Edgar, a monarch highly praised by Ælfric, as a violent and unjust king.

Swithun's career as a saint is noteworthy for his proclivities to intercede in secular, Anglo-Saxon legal trials. Besides performing more typical miracles of healing the sick and granting eyesight to the blind, the saint acts as a sort of heavenly advocate, interceding on the behalf of the wrongly accused and exonerating the innocent. Elaine Treharne has recently argued that the zealousness with which Ælfric describes Swithun's miracles amounts to his historicizing the virtues of the Benedictine Reform movement. She reasons that because Swithun performed his miraculous interventions in the midst of this period of spiritual renewal, Ælfric constructs the historical moment of the saint's intercessions with particular enthusiasm, casting it as a sort of "golden age." In particular, Treharne suggests that Swithun's miraculous involvement in legal affairs mirrors the "close relationship between the secular ruler," King Edgar, "and his ecclesiastical officers" that was typical of the Reform period.[19] Treharne is likely right in her reading of Ælfric's depiction of the historical moment of the Benedictine Reform, but his omission of a memorable story describing Swithun's intercession in a trial by red-hot iron is puzzling if Ælfric really is trying to suggest that the golden age of monastic reform was characterized by a close relationship between secular and ecclesiastic authorities. An anecdote describing a

[19] Elaine Treharne, "Ælfric's Account of St Swithun: Literature of Reform and Reward," in *Narrative and History in the Early Medieval West*, eds. Elizabeth M. Tyler and Ross Balzaretti, 167–88 (Turnhout: Brepols, 2006), at 187. See also Gretsch, *Ælfric and the Cult of Saints*, 192–94.

local saint interceding in a criminal trial would seem to be an ideal place to showcase such a relationship.

It appears that Ælfric was not ignorant of the miracle story, because it is found in a text Michael Lapidge has demonstrated to be one of Ælfric's two sources for the Old English translation of the life: Lantfred of Fleury's prose *Translatio et miracula Sancti Swithuni*.[20] In the miracle story, the slave of a merchant named Flodoald is detained by the king's reeve, Eadric, for some unnamed infraction in order that the servant undergo a trial by red-hot iron. If the slave is found innocent, he will be freed. If he is found guilty, he will be executed. Despite Flodoald and his kinsmen's attempts to pay the reeve and to compensate for the slave's alleged wrongdoing, Eadric brings the slave to trial where he is compelled to carry a piece of red-hot iron in his hand and walk for some distance. After the slave's palm is burned by the searing metal, it is bound up "in the usual manner" for three days to await inspection, at which time the quality of the wound would be assessed to determine the man's fate.[21] On the second day of the trial, feeling convinced of the man's guilt, Flodoald and his household appeal to God

[20] Ælfric based his vernacular life of Swithun on Lantfred and a Latin *Epitome* of Lantfred's text. To complicate matters, Lapidge has made a strong case that the *Epitome* was written by none other than Ælfric himself. For a less sanguine assessment, see Hugh Magennis's "Ælfric Scholarship," in *A Companion to Anglo-Saxon Literature*, Blackwell Companions to Literature and Culture 11, eds. Phillip Pulsiano and Elaine Treharne, 5–34 (Oxford: Blackwell, 2001), at 30. Although the *Epitome* omits the trial by red-hot iron, other details in Ælfric's vernacular version in the *LS* make it clear that he had both the *Epitome* and Lantfred's text at hand as he worked. The trial is cited as no. 154 in Patrick Wormald, "A Handlist of Anglo-Saxon Lawsuits," *ASE* 17 (1988): 247–81, at 269.

[21] Lapidge, *The Cult of St Swithun*, 311.

through the intercession of Swithun to save the slave's life. When Flodoald's entourage and the judges assemble on the third day to inspect the slave's wounded hand, the witnesses are greeted with a double vision. To the slave's owner and retinue, his hand appears blistered and festering—to his persecutors, it seems healed, as if the ordeal had never occurred. With the miraculous intercession thus demonstrated and the slave recovered safely from the court, Flodoald donates the recently exonerated man to the service of Swithun.

Working from Wulfstan Cantor's poem on Swithun, which is based on Lantfred's prose version of the story, Dorothy Whitelock points out that other than a unique first-hand account from the position of the accused, the description of the trial does not add much new to our knowledge of the Anglo-Saxon trial by ordeal.[22] In most respects, the narrative described by Lantfred and Wulfstan's poem conforms to the law 2 Æthelstan 23 (in the "Grately Code") and a short treatise called *Ordal* by Liebermann, which both concern the "proper" procedure

[22] Dorothy Whitelock, "Wulfstan *cantor* and Anglo-Saxon Law," in *Nordica et Anglica: Studies in Honor of Stefán Einarsson*, ed. Allan H. Orrick, 81–92 (The Hague: Mouton, 1968). For another discussion of this episode in Wulfstan's poem and the development of the ordeal into Anglo-Norman England, see Paul R. Hyams, "Trial by Ordeal: The Key to Proof in the Early Common Law," in *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne*, eds. Morris S. Arnold, Thomas A. Green, Sally A. Scully, and Stephen D. White, 90–125 (Chapel Hill: University of North Carolina Press, 1981), esp. 93–94. For trials by ordeal more generally, see Robert Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal* (Oxford: Oxford University Press, 1986), esp. 17–18. For the role of the body in the ordeal and this episode specifically, see Katherine O'Brien O'Keefe, "Body and Law in Late Anglo-Saxon England," *ASE* 27 (1998): 209–32.

for a trial by ordeal by hot iron.[23] A distinct difference, however, is that the extant legal documents describe the typical ordeal involving a complicated sequence of religious rituals. According to Æthelstan's law, the accused is to fast on bread, water, vegetables, and salt and attend mass for the three days prior to the ordeal, as well as making offerings and a confession.[24] The *Ordal* stipulates that a series of religious rites accompany the ordeal itself, including very specific instructions about the time sequence for the preparation of the searing piece of metal itself: the red-hot iron was to be removed from the coals at the last *collecta* of a mass for the accused. At that time, it would be placed on two posts where it would remain until the conclusion of the mass and the time it took the defendant to ceremonially drink and be sprinkled with holy water.

The procedure narrated by Lantfred, in contrast, is described as a solely secular event. In fact, Saint Swithun is the only religious figure mentioned in the narrative. Lantfred also underscores the secular nature of the villain in the anecdote. The reeve, who oversees the judicial proceeding and appears as the wicked character of the story, is constructed in the Latin as a distinctly worldly character. In Lantfred's Latin, he is described with the phrase "ultramodum superbiens pro mundanis fascibus," translated by Lapidge as "exulting overmuch

[23] For II Athelstan 23, see *Gesetze* I, 162; trans. *EHD* I, 385. For *Ordal*, see *Gesetze* I, 386–87.

[24] There is some obvious irony in demanding a sincere confession before a ritual to determine guilt.

in his secular authority."[25] It is difficult to say whether the appropriate religious rituals took place during the slave's trial, omitted as they are by Lantfred, but the suggestion that the reeve is acting under the wrong type of authority—a sense of secular authority—is quite clear. Further, the only representative of the church mentioned—Saint Swithun—swoops in at the end to intervene in the actual moment of judgment in order to protect the accused. This suggests a specific moral for the anecdote: if criminal trials rely too much on secular authority, justice cannot be done, and further, when a secular court performs a miscarriage of justice, a member of the religious establishment should intervene and set things right.

It is not likely that this sort of message would have appealed to Ælfric. Although he has long been shown to be critical of government officials, the ruling class, and negligent clergy,[26] Ælfric also makes a specific set of arguments against clerics taking on roles that would require acting as judges or participating in legal

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[25] Lapidge, *The Cult of St Swithun*, 308 and 309. At page 309, note 234 he points out that the phrase "mundani fasces" is not a classical construction. Wulfstan's version of the same phrase is slightly different, 508.

[26] See, for example, Mary Clayton, "Of Mice and Men: Ælfric's Second Homily for the Feast of a Confessor," *Leeds Studies in English* 24 (1993): 1–26, at 1. For other discussions of Ælfric's reaction to contemporary issues, see Malcolm Godden, "Apocalypse and Invasion in Late Anglo-Saxon England," in *From Anglo-Saxon to Early Middle English: Studies Presented to E. G. Stanley*, eds. Malcolm Godden, Douglas Gray, and Terry Hoad, 130–62 (Oxford: Oxford University Press, 1994); Mark Faulkner, "Ælfric, St Edmund, and St Edwold of Cerne," *Medium Ævum* 77 (2008): 1–9; Stacy S. Klein, "Beauty and the Banquet: Queenship and Social Reform in Ælfric's *Esther*," *Journal of English and Germanic Philology* 103 (2004): 75–205; and Robert K. Upchurch, "A Big Dog Barks: Ælfric of Eynsham's Indictment of the English Pastorate and *Witan*," *Speculum* 85 (2010): 505–33.

affairs. On a number of occasions, Ælfric specifically warns the clergy that they should not pursue positions as reeves. In his sermon for Sexagesima in his second series of homilies, he states flatly that mass priests should not be allowed to be "gerefschire oððe manunge" ("shire reeves or merchants").[27] In his pastoral letters, a genre intended specifically to educate and chastise the clergy, Ælfric has even harsher words for priests who might like to become reeves.[28] In his letter to Bishop Wulfsige, he sarcastically accuses priests of detesting their heavenly appointments in favor of worldly ones: "…ge lufiað woruld-spræca *and* wyllað beon gerefan *and* forlætað eowre cyrcan *and* þa gesettnyssa mid ealle" ("…you [priests] love secular concerns and wish to be reeves and desert your churches and the ordinances entirely").[29] Although Ælfric is clearly interested in advising clerics to focus on matters concerning God, not worldly ones, his advice against clergy taking positions as reeves has distinct legal undertones. Besides the fact that a reeve was a secular and, thus, corrupt position,[30] reeves were the very

[27] *CH* II, 57.150–51.

[28] The standard edition of Ælfric's pastoral letters is Bernhard Fehr, ed., *Die Hirtenbriefe Ælfrics in altenglischer und lateinischer Fassung*, Bibliothek der angelsäschsischen Prosa 9 (Hamburg: Henri Grand, 1914; repr. with a supplement to the introduction by Peter Clemoes: Darmstadt, 1966). I use his numbering system here. Translations of some of the letters may be found in *Councils* I.

[29] Fehr, *Die Hirtenbriefe Ælfrics*, I.103; trans., *Councils* I, 217. Cf. Fehr, *Die Hirtenbriefe Ælfrics*, 2.171, "Non licet clerico esse mercatorem, nec habere praefecturam" and II.185: "Ne mot nan preost beon mangere oþþe gereafa."

[30] For Ælfric's distaste for reeves' duty as tax collectors, see Malcom Godden, "Money, Power, and Morality in Late Anglo-Saxon England," *ASE* 19 (1990): 41–65. See also Whitelock, "Wulfstan *cantor*" for the possibility of bribery in the trial of Flodoald's slave, esp. 89–91. For the administrative role of reeves and shire reeves (i.e. sheriffs) more generally, see H. Munro Chadwick,

officials who conducted local secular courts of law.[31] In both his Latin and Old English letters to Archbishop Wulfstan, Ælfric forbids churchmen from performing the normal duties of a reeve by participating in judgments concerning whether or not a man should be condemned to death:

> We ne moton beon ymbe mannes deað. Þeah-þe he manslaga beo oþþe morð gefremede oþþe mycel þeof-man swa-þeah we ne scylan him deað getæcean. Na we ne motan deman ymbe þæt. Ac tæcean þa læwedan men him lif oþþe deað, þæt we ne forleasan þa liþan unscæþþignysse.
>
> (We may not be concerned in any man's death. Even though he is a homicide or murderer or a great thief, yet we must not prescribe death for him. We may never give judgment about that. But let the laymen assign to him life or death, so that we do not lose gentile innocence).[32]

Ælfric goes beyond issuing a warning against taking positions of judicial authority and was opposed to priests' participation in the legal system in general. Early in the letter to Wulfsige mentioned above, Ælfric tersely forbids priests

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Studies on Anglo-Saxon Institutions (Cambridge: Cambridge University Press, 1905; rpt. New York: Russell, 1963), esp. 229 and 258–59.

[31] See H. R. Loyn, *The Governance of Anglo-Saxon England: 500–1087* (London: Edward Arnold, 1984), 130–40.

[32] Fehr, *Die Hirtenbriefe Ælfrics*, II.201; cf. 2.191: "Et canonum auctoritas prohibet, ne quis episcopus aut claricus assensum praebeat in morte cuiuslibet hominis, siue latronis, siue furis, seu homicide, ne innocentem perdat" and 3.79–81; trans. *Councils* I, 299–300.

from participating in secular lawsuits: "Ne ne fo to woruldspræcum" ("nor is he to take part in secular suits").[33] Malcolm Godden has pointed out that Ælfric takes a rather strident tone in the pastoral letters and it appears his correspondents regarded him as an authority—even Wulfstan, the powerful and politically connected Archbishop of York.[34] His pastoral letters are a reflection of his clear-cut desire to set the record straight on issues of correct ecclesiastical behavior: the clergy should not participate in secular law.

Ælfric's tirades against clerical involvement in criminal trials with a potential death sentence cause dissonance when they are considered next to Lantfred's story about Swithun's intercession in the trial by red-hot iron. On the one hand, it is easy enough to argue that Swithun is not really interfering with the trial—he is merely asserting the will of God in the matter. Nevertheless, equally straightforward is the reading that as a former bishop, Swithun is to be taken as a saintly representative of the church, and, therefore, interfering in a realm in which he should not. Other episodes from the life support this reading and suggest that Swithun is often to be understood as an exemplar and enforcer of good ecclesiastical behavior. Swithun's first posthumous mission as a saint was to demand that the priest Eadsige seek reconciliation with Bishop Æthelwold and the monks who had recently forced the secular clergy out of the Old Minster at the

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[33] Fehr, *Die Hirtenbriefe Ælfrics*, I.7; trans. *Councils* I, 212. The editors of *Councils* I are right to point out in a note that *woruldspræcum* here does not mean "worldly conversation." Cf. Fehr, 2a.

[34] Malcolm Godden, "The Relations of Wulfstan and Ælfric: A Reassessment," in *Wulfstan, Archbishop of York: The Proceedings of the Second Alcuin Conference*, ed. Matthew Townend, 353–74 (Turnhout: Brepols, 2004).

beginning of the Benedictine Reform.[35] Later, Swithun materializes in order to inform Æthelwold that the Old Minster monks who were assigned to continually sing the "Te Deum" were becoming lax and sleepy. Following a punitive fast, the monks regain their vigor, as Ælfric himself claims to have seen first-hand.[36] As a representative and enforcer of good clerical behavior, Swithun would likely be an inappropriate model in Ælfric's eyes if he were depicted as a participant in a trial where an execution was a possible outcome. Given the intended audience of the *LS*, two noble laymen who, by their station, were probably involved in secular trials, Ælfric would likely have felt uncomfortable including a miracle that could easily be interpreted as condoning inappropriate behavior in a realm with which his readers had first-hand contact. If we are to think of him as an idealized churchman, Swithun's intercession in a trial flies in the face of precisely what Ælfric condemns in his pastoral writing.

In the second case of a significant omission, taken from the miracle story where Swithun heals a wrongly convicted and mutilated man, it is possible to see evidence of Ælfric's selective editing as an apparent desire to distance King Edgar from repugnant punitive practices.[37] In this anecdote, a man accused of theft is

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[35] Lapidge, *The Cult of St Swithun*, 590–95.

[36] Ibid., 598–601.

[37] The miraculous manumission of two mistreated slaves goes unmentioned here because those miracles do not actually involve the machinery of secular law. A miracle Ælfric adds to Lantfred's account of a man who "was bound up round the head for his serious crime" (Lapidge, *The Cult of St Swithun*, 607) also goes unremarked upon here. Wearing painful metal bands was often a penitential punishment, not a secular one. Cf. Lantfred's account of a man who

tried and sentenced to mutilation "æfter worulddome" or, "according to worldly judgment."[38] The authorities then put out his eyes and cut off his ears so that blood runs into his head, causing the man to become both blind and deaf. After some months, the man goes to Swithun's tomb to pray for health. Despite the grisly details provided by Ælfric that one eye was completely put out and the other torn out so that it "hangode gehal æt his hleore" ("hung in a piece on his cheek,") the man was granted both his sight and hearing through Swithun's intercession.[39]

There are several significant aspects of Ælfric's rendition of the story. Lapidge has shown that Ælfric had a copy of Lantfred's Latin prose in hand when he composed this miracle story because the grim detail of the poor man's eyeball hanging by the optic nerve did not appear in his second source. Lantfred's Latin, however, also includes the surprising and important detail that this particular form of punishment was legislated by an edict of Edgar, the laudable king of the Benedictine Reform. Although this sort of punitive mutilation was likely in the interests of a convicted felon's soul,[40] it is significant that Ælfric does not attach Edgar's name to the appalling punishment, and more importantly, to the miscarriage of justice described in the miracle story. Considering Treharne's

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killed one of his kinsmen and was bound up in heavy metal rings (Lapidge, *The Cult of St Swithun*, 306–307).

[38] Lapidge, *The Cult of St Swithun*, 600.

[39] Lapidge, *The Cult of St Swithun*, 600 and 601.

[40] See Katherine O'Brien O'Keefe, "Body and Law in Late Anglo-Saxon England," 209–32.

argument that Ælfric is constructing an idealized vision of the Reform's history in his life of Swithun and Gretsch's observation that he appears to be heaping praise upon Edgar at other points in the text, it does not seem all that surprising that the king goes unmentioned here—Ælfric likely would not want to associate his idealized king in a story describing the failure of secular authorities.[41] Swithun's intercession appears at a meaningful moment in the narrative as well. Although the miracle concerns legal themes, Swithun acts more as a healer than advocate here. After the damage of the secular courts is done, Swithun appears to right their wrong. The inclusion of this miracle, then, makes sense given Ælfric's changes. In his telling of the miracle, Edgar is not mentioned in connection with the problematic punishment and the saint does not actually participate in the trial itself.

An explanation of Ælfric's fervency on the issue and a suggestion of his pedagogical intentions when dealing with depictions of the clergy's participation in legal affairs appear in his "Life of King Edmund."[42] In his account of the martyred king, Ælfric inserts a detail into a translation of a miracle story that suggests that he believed that his religious colleagues were ignorant of the ban against clerical participation in trials or at least ambivalent about the moral consequences of the practice. In the anecdote, the participation of a bishop in a

[41] See Gretsch, *Ælfric and the Cult of Saints*, 192–94.

[42] For Ælfric's educational style, see Brita Wårvik, "Teaching by Stories: Ælfric's Instructional Narratives," in *Instructional Writing In English: Studies in Honour of Risto Hiltunen*, Pragmatics & Beyond Series 189, eds. Matti Peikola, Janne Skaffari, and Sanna-Kaisa Tanskanen, 13–34 (Amsterdam: John Benjamins, 2009).

criminal trial yields only negative results and, more importantly still, implies that even a high-level church official did not know about the prohibition against clerical participation in secular legal matters. Ælfric's characterization of the ignorant bishop works as a negative *exemplum*, exhorting his religious colleagues to educate themselves about the proper relationship between secular and church authority.

In the miracle story, following the king's martyrdom and the enrichment and veneration of Edmund's grave, a group of eight thieves attempts to rob the new saint's shrine. While they try to break into the church that houses the saint's relics, Saint Edmund miraculously binds the robbers' bodies so that they remain frozen in place until the morning. After marveling at the strange sight of the thieves suspended in their sinful labors, the local people take the robbers to the bishop, Theodred, who, "het hi hon on heagum gealgum ealle" ("commanded men to hang them all on a high gallows").[43] Theodred's actions are met with Ælfric's immediate disapproval, for the bishop "næs na gemyndig hu se mild-heorta god / clypode þurh his witegan þas word þe her standað / Eos qui ducuntur ad mortem euere ne cesses" ("was not mindful how the merciful God / spoke through his prophet the words which are cited here: 'Cease not to deliver those who are led to death'").[44] Besides citing scripture (Proverbs 24:11), Ælfric explains that the

> halgan canones gehadodum forbeodað
> ge bisceopum ge preostum to beonne embe þeofas

[43] *LS* II, 32.215.

[44] *LS* II, 32.216–18.

for-þan-þe hit ne gebyraþ þam þe beoð gecorene gode
to þegnigenne þæt hi geþwærlæcan sceolon
on æniges mannes deaðe gif he beonne drihtnes þenas
(holy canons forbid clerics, both bishops and priests, to be
concerned about thieves, because it becomes not them who are
chosen to serve God, that they should consent to any man's death,
if they are the lord's servants).[45]

Merely participating in the judgment of criminals is, for a cleric, a sin and will be counted as such.

For the most part, Ælfric's version of the miracle story is a close translation of Abbo of Fleury's Latin *vita* of Edmund.[46] An important detail Ælfric adds, however, is the claim that the sinful bishop only realizes the error of his ways "sceawode his bec siððan" ("after he examined his books").[47] In Ælfric's version of the life, the bishop is apparently ignorant of the prohibition against the clergy's participation in criminal trials and only learns of his error after reading about it later. If the anecdote is to be taken seriously, the change indicates two important points about clerical involvement in secular affairs. First, clerics and bishops must have been known during Ælfric's lifetime to participate in secular criminal trials, including those that carried the death sentence. Like Ælfric's

[45] *LS* II, 32.220–24.

[46] Abbo's *vita* of Saint Edmund is edited by Michael Winterbottom, *Three Lives of English Saints*, Toronto Medieval Latin Texts 1 (Toronto: Pontifical Institute of Mediaeval Studies, 1972), 67–87.

[47] *LS* II, 32.225.

exhortations in his pastoral letters, the didactic force of the anecdote would only makes sense if they did. Second, the change that Ælfric introduces into the story suggests that the prohibition against the clerical involvement in trials was apparently not known to everyone. In Ælfric's account, even a high-level ecclesiastic like a bishop could be ignorant of it. Further, his claim that the bishop in the story had to research the morality of his actions points to a pedagogical function Ælfric introduces to the story: ignorance about these matters leads to sin and the wise clerk should educate himself lest he end up behaving like the foolish bishop in the anecdote.

Ultimately, Ælfric's anxiety over and strident arguments against clerical participation in secular legal affairs and his apparent avoidance in depicting them in the "Life of Swithun" appear to have put him out of step with his contemporaries. His dislike of church involvement in secular legal matters was contrary to the practice of some of his colleagues and his avoidance of depicting it in the miracle of the trial by red-hot iron was against trends in hagiographic taste. Malcolm Godden has shown that although Archbishop Wulfstan was concerned enough to consult Ælfric about appropriate pastoral care and follows him closely in the composition of homilies, the archbishop did not listen to all of Ælfric's advice or explicit directions.[48] As the work of scholars has established, Wulfstan clearly did not heed Ælfric's warnings against participating in secular legal

[48] Malcolm Godden, "The Relations of Wulfstan and Ælfric," 353–74; see also Eric Stanley, "Wulfstan and Ælfric: 'the true Difference between the Law and the Gospel,'" in *Wulfstan, Archbishop of York: Proceedings of the Second Alcuin Conference*, ed. Matthew Townend, 429–41 (Turnhout: Brepols, 2004).

matters and the archbishop was very active in drafting royal legislation and affairs of state in general.[49] Ælfric's position against ecclesiastical engagement in secular law puts him in opposition to the fact that an important colleague was engaged in secular legal matters, which was to be a trend for ecclesiastics in the ensuing centuries.[50]

Ælfric's apparent expurgation of the miracle describing Swithun's intercession in the trial by red-hot iron also appears to be out of step with hagiographic tastes. A popular collection of miracles just subsequent to Ælfric, from *c.* 1100—a text that actually uses Ælfric's Old English version of the life of Swithun as a source of material[51]—puts the miracle of Swithun's intercession in the trial by ordeal *back* into the narrative.[52] The later author of the collection claims explicitly that, next to healing the sick, one of Saint Swithun's main occupations was "successfully freeing those chained and bound, from their chains

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[49] See, for example, Dorothy Whitelock, "Archbishop Wulfstan, Homilist and Statesman," *Transactions of the Royal Historical Society*, series 4, 24 (1942): 25–45; M. K. Lawson, "Archbishop Wulfstan and the Homiletic Element in the Laws of Æthelred II and Cnut," *The English History Review*, 107 (1992): 565–86; Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century, vol. I: Legislation and its Limits* (Oxford: Blackwell, 2001), esp. chs. 7 and 8; and Wormald, "Archbishop Wulfstan: Eleventh Century State-Builder," in *Wulfstan, Archbishop of York: Proceedings of the Second Alcuin Conference*, ed. Matthew Townend, 9–27 (Turnhout: Brepols, 2004).

[50] Following the Conquest and under the direction of a powerful and aggressive administrator, the church carved out jurisdictional spaces that had previously been secular, particularly in the areas of family law and probate. See H. E. J. Cowdrey, *Lanfranc: Scholar, Monk, and Archbishop* (Oxford: Oxford University Press, 2003), esp. 132–34.

[51] See Lapidge, *The Cult of St Swithun*, 677.

[52] Lapidge, *The Cult of St Swithun*, 677.

and shackles."[53] Swithun apparently developed a reputation for performing miracles dealing with criminals. Particularly surprising is a version of the miracle of the trial by red-hot iron that appears in the thirteenth-century *Annales de Wintonia* where Swithun intercedes to help Queen Emma, Edward the Confessor's mother. In this story, the queen is wrongly accused of a rather sordid case of adultery (with the bishop) and elects to undergo trial by an ordeal by red-hot iron. After being taken to Winchester, for the entire night before the trial, the queen "prayed at the tomb of Saint Swithun."[54] Swithun appears to her in a dream and assures her that she will not be harmed during the ordeal. On the day of the trial, the community assembles and heats nine plowshares across which Emma is to walk. Amid the clamor surrounding the trial, Swithun intercedes and the queen survives the ordeal unharmed. In return for his help, the queen donates to Swithun a manor for each plowshare from which she was saved. Although there is nothing that suggests that the text is directly related to the hagiography discussed above, the similarities are striking, as well as are the changes to the anecdote. The shift from Swithun's intercession on behalf of a member of the lowest echelon of society to the highest is an indication of the anecdote's utility. Thus, although Ælfric did not find the anecdote appropriate for his collection of saints' lives,

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[53] "…compeditos ligatosque a comedibus et nexibus potentissime liberat," Lapidge, *The Cult of St Swithun*, 672 and 673.

[54] "[V]igilavit ad sepulchrum Sancti Swithuni," *Annales Monastici Annales*, 5 vols., ed. Henry R. Luard (London: Longman, Green, Longman, Roberts, and Green, 1864–1869), 2.23.

medieval Englishmen clearly found this narrative and others like it illustrative and worth repeating.[55]

In the end, Ælfric's omission of the account of Swithun's intercession in the trial by red-hot iron suggest that he was interested in avoiding the depiction of an easy collaboration of ecclesiastical figures in secular legal affairs and the omission of King Edgar's apparent role in creating the punishment described in the miracle of the mutilated convict works to clarify that point. Edgar's role as the ideal worldly king presiding over a period of spiritual renewal would be sullied if he were depicted in connection with an unjust punishment and miscarriage of justice. The addition of a detail in his "Life of King Edmund" showing that a bishop had to be educated about the prohibition of clerical involvement in secular criminal trials suggests that Ælfric was trying to address what he saw as a problem by teaching his readers about the moral danger of such behavior. In practice, however, Ælfric seems to be at odds with some of his contemporaries. Wulfstan, who was anxious to consult Ælfric on matters of ecclesiastical governance, clearly ignored his warnings about clerical participation in legal matters. Most strikingly, his expurgation of the anecdote of Swithun's

[55] Cf., for example, Thomas Becket's famous intercession on behalf of the wrongfully castrated and blinded peasant Ailward (or Eilward) described in William of Canterbury, *Miracula sancti Thomae Cantuariensis* edited by James Craigie Robertson, *Materials for the History of Thomas Becket* (London: Longman, 1875–1885), 156–58. See also *English Lawsuits from William I to Richard I*, vol. II, ed. R. C. Van Caenegem (London: Selden Society, 1991), no. 471, 507–24 [*BHL* 8185]. A window in the north aisle of Trinity Chapel, Canterbury Cathedral depicts the events of the miracle story in grim detail. See The Corpus Vitrearum Medii Aevi, CVMA inv. no. 002934 [http://www.cvma.ac.uk/index.html, accessed 14 September 2011] for digital images of the glass.

intercession in a trial by ordeal indicates that Ælfric appears to have been out of step with popular taste in hagiography. The story survived and seems to even have flourished after Ælfric chose to ignore it.

Ælfric's "Life of Basil": The Devil's Lawsuit

As the foregoing discussion demonstrates, Ælfric is uncomfortable with the depictions of the clergy participating in secular legal affairs he found in his sources. To put it simply, Ælfric seems to think that saints and knowledgeable clerics should not meddle in judicial matters. There is more to say, however, about how Ælfric deals with legal themes when he encounters depictions of legal action carried out by wicked characters. A significant case in point appears in his "Life of Basil" found in the *LS*. In an anecdote describing a young man who makes a pact with the devil, Ælfric appears to insert details into his translation of the story that paint a conflict between the devil and the saint in more litigious terms than it appears in the Latin source. Rather than completely rejecting or avoiding the utility of legal language and concepts, Ælfric sometimes enhances them for literary and didactic effect. In the "Life of Basil," Ælfric subtly inserts the language of theft and emphasizes the role of written documents as evidence securing a claim to property.[56] The changes make sense in light of the amount of

[56] "The Devil's Charter" is something of a hagiographic trope. For a discussion of its importance in Marian legends of the thirteenth century, see Adrienne Williams Boyarin, *Miracles of the Virgin in Medieval England: Law and Jewishness in Marian Legends* (Cambridge: D. S. Brewer, 2010), esp. 75–103. For medieval images of the writing devil (who is traditionally called Titivillus), see Michael Camille, "The Devil's Writing: Diabolic Literacy in Medieval Art," *World Art: Themes of Unity in Diversity, Acts of the XXVIth*

litigation facing the monasteries during the late tenth century. Besides impugning the secular legal system in general, Ælfric's characterization of the devil claiming ownership of a young man's soul by virtue of a written document is reminiscent of the sort of disputes over monastic land that were occurring during the backlash of the counter-Benedictine Reform movement of the late tenth century.

Although both the Latin and Old English versions of the miracle story deliver lessons about the dangers of worldly temptation, the skill of demonic corrupters to exert that temptation, and the intercessory power of the saints to overcome it, Ælfric depicts the actual confrontation between the devil and Saint Basil in distinctly different terms than his source. In the account, a thane has a daughter whom he would like to commit to a nunnery. In the meantime, one of the nobleman's servants, at the instigation of evil spirits, falls in love with his lord's daughter. Seeking a remedy for his love sickness, the young man goes to a magician ("anum drymen")[57] and promises the sorcerer a reward if he will magically cause the girl to fall in love with him. The magician takes the boy to his devil ("his deovle")[58] to solicit the demon's help in the matter. Noticing how easily the boy agrees to his demands for his allegiance, the devil agrees to afflict the girl with love sickness only if the young man puts down a statement of his apostasy and acknowledgment of his damnation in a written document ("ac wryt

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International Congress of the History of Art, 2, ed. Irving Lavin, 355–60 (University Park, PA: Pennsylvania State University Press, 1986).

[57] *LS* I, 3.364.

[58] *LS* I, 3.367.

me nu sylf wylles . þæt þu wiðsaca criste / and þinum fulluhte . and ic gefremme ðine lust / and þu beo on domes dæge . fordemed mid me," ("and write for me now by your own will, that you forsake Christ and your baptism and I will perform your will, and you will be judged with me at Doomsday").[59] After collecting the document, the devil sends foul spirits ("fulan gastas")[60] to the girl, who is immediately love-struck and, to her father's dismay, demands to marry the young apostate. She soon discovers that there is something amiss when her new husband refuses to go to mass with her. When she learns that he has apostatized, she informs bishop Basil who sends for the boy for a consultation. At their meeting, the youth admits to apostasy and Basil locks him up in isolation, where the boy is tormented by visions of devils. The time the youth spends in isolation is efficacious. The demonic temptations dissipate and after fourteen days, the spiritual attacks cease. At this time, Basil assembles his parishioners so that the community can pray over the boy. In the midst of their collective prayer, the devil suddenly appears and accuses Basil of stealing ("berypte")[61] from him. The devil substantiates his claim by explaining that he had not sought out the boy—the boy had sought out him—and that he had a document ("handgewrit")[62] that proved the boy was contractually obligated to share in his fate at the Day of Judgment. Basil responds by calling upon the parish to join him in the *Kyrie, eleison* while they

[59] *LS* I, 3.379–81.

[60] *LS* I, 3.385.

[61] *LS* I, 3.444.

[62] *LS* I, 3.446.

extend their hands toward heaven. Apparently as a response to the collective prayer, the manuscript containing the boy's contract miraculously falls out of the air, landing in the hands of the bishop who immediately tears up the offensive document. Freed from the demonic compact, the youth takes communion and lives righteously for the rest of his life.

In her edition of Ælfric's "Life of Basil," Gabriella Corona demonstrates that although "Ælfric never followed the structure of the Latin slavishly," he translates his Latin source fairly faithfully.[63] Ælfric's rendition of the miracle story in question is no exception, in some respects, and there is good reason to think that the plot of the story as he found it would have been attractive to the abbot—the moral lesson of the miracle story can be taken to support the efficacy of monastic kinds of spirituality. The devil was able to take advantage of the youth and divert the thane's daughter from her own career in a monastery because of worldly lusts. Further, in an imitation of monastic devotion, a period of isolated eremitic devotion and enthusiastic community prayer were the two main ingredients of the boy's spiritual remedy. The treatment for the boy's sinfulness looks very much like aspects of monastic practice—episodes of solitary prayer and meditation taken together with communal ritual and singing.

Although he largely stays close to his source-text, Ælfric does introduce a series of meaningful changes into his Old English version of the miracle story.

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[63] Gabriella Corona, *Ælfric's Live of Saint Basil the Great: Background and Context* (Cambridge: D. S. Brewer, 2006), 78. Corona gives both a critical edition of Ælfric's Old English life of Basil and an edition of the *Vita Basilii* from Cotton, Nero E., 223–47. References to the Latin life are taken from her edition cited by section and line number.

For example, Ælfric depicts the nobleman's daughter as a less active and dynamic character than she appears in the *vita*. In the Latin, after discovering that her husband has sold his soul, the woman tears herself with her fingernails and beats her breast in grief ("coepit discerpere se ipsam ungulis et percutere pectus").[64] She also plays a more active role in convincing her husband to seek the help of the saint—Ælfric cuts a speech given by the woman directing her husband to seek remedy from Basil. These types of changes—removing the actions of women—seem to be typical of Ælfric's Old English translations. As Elaine Treharne has argued, Ælfric may not have imagined women as the intended audience for his texts and, consequently, he often excises women from his translations or silently changes the gender of his characters.[65] Corona also observes that Ælfric does not provide the detail related in the *vita* that the young man "reddidit eum mulieri" ("returned to his wife")[66] at the end of the story, which implies that Ælfric did not want to depict the saved youth returning to the woman who was the object of his temptation in the first place.

Another set of Ælfric's edits, which significantly alter the legal tenor of the miracle story, appears at the climax of the anecdote. During the final scene of the Latin *vita*, as the congregation prays for the soul of the apostatized youth, the devil appears and tries to snatch the boy out of the hands of the saint. In the Latin text, Basil responds by admonishing the demon: "Improbissime et animarum

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[64] *Vita Basilii*, 11.71–72.

[65] Elaine Treharne, "The Invisible Woman," 191–208.

[66] *Vita Basilli*, 11.149. All translations of the *Vita* are my own.

corruptor pater tenebrarum et perditionis, non sufficit tibi tua perditio qua te, et eos qui sub te sunt, affecisti, nisi etiam et Dei temptes plasma?" ("Most vile corruptor of souls, father of darkness and perdition, is not your wickedness sufficient for you, for you and those under you, that you also tempt the creatures of God?").[67] The devil's response, "Praeiudicas me Basilii" ("You judge me wrongly, Basil"), is answered by the congregation's cry of "Kyrie eleison,"[68] which is then followed by the devil's explanation that he had not actively pursued the sinful boy and merely responded to the youth's request.

Compared to the Latin source, Ælfric's characterization of the dispute is rather different. He changes the order of events and introduces a distinctly new accusation into the dispute: a charge of theft. At the opening of the dispute scene, Ælfric cuts Basil's admonishment of the devil ("Improbissime … plasma."), and instead, moves directly to his translation of the Latin devil's response to the saint ("Praeiudicas me … "). In Ælfric's version of the story, to reiterate, it is the devil, not Basil, who initiates the verbal conflict over the youth's salvation. Further, in Ælfric's translation, the devil accuses Basil of stealing from him: he says that the saint has "hine berypte" ("robbed him").[69] Rather than a defensive reaction to Basil's claims that he corrupted the young man, in Ælfric's English rendering of the miracle, the devil initiates the verbal dispute by accusing the saint of stealing something from him.

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[67] *Vita Basilii*, 11.128–30, my translation.

[68] *Vita Basilii*, 11.131, 132.

[69] *LS* I, 32.444.

It does not seem likely that Ælfric is simply using "berypan," a word that means "to rob, plunder, despoil,"[70] to translate "praeiudicare." The editors of the *Dictionary of Old English* even note that Ælfric himself frequently uses the word "berypan" to indicate robbing or theft.[71] In a general sense, "praeiudicare" means "to judge badly" or "to count against, be prejudicial to," but there is also the possibility that the *vita*-author is referring to a specific principle in Roman law.[72] Given the nature of the dispute described in the *vita*, the author of the Latin *vita* may mean to suggest that Basil's accusation violates a principle of civil law called *res judicata*, in that, according to the devil, the saint is accusing the wrong party of a violation. Under the Roman principle of *res judicata*, a judgment must be made in such a way as to avoid affecting a third party.[73] By this logic, Basil's accusation is misguided because the quarrel should lie only between the devil and the boy who is violating his contract. The only Old English gloss of the word "praejudicare" interprets the phrase "addicti .i. praeiudicati nominati*"* *("condemned, i.e., named misjudged") with "*geþreste gescrifene gescrifene [*sic*] ł

[70] *DOE*, q.v. "berypan," 1054. There is no indication from the *DOE* or Bosworth-Toller that "berypan" might signify a less specific type of wrong, particularly in terms of a "misjudgment."

[71] *DOE*, q.v. "berypan," 1053.

[72] *Revised Medieval Latin Word-List from British and Irish Sources*, R. E. Latham (London: Oxford University Press, 1965), q.v. "prejudico," 367.

[73] "Saepe constitutum est, res inter alios judicatas, aliis non praejudicare," (It has often been decided that a matter judged between parties should not prejudice other parties) (my translation), *Iustiniani Digesta*, 42.1.63, available online from *The Roman Law Library* at http://web.upmf-grenoble.fr/Haiti/Cours/Ak/ (accessed 14 September 2011).

geþreade" ("afflicted with a judgment or rebuked").[74] Paired with the change he makes to the sequence of events in his description of the verbal dispute, Ælfric's translation of the phrase "praeiudicas me" to mean "you robbed me" indicates that the abbot appears to be introducing a new way of conceptualizing the fundamental nature of the dispute. Unlike the Latin, where the devil either defends himself against the spurious accusation of the saint or points out that Basil's claim is rendered invalid because of a technicality, in the Old English version of the story, the devil appears to believe that he has actually taken possession of the young man or his soul and the saint is stealing it from him.

The idea that Basil is "stealing" the youth or his soul back from the devil may seem to be a straightforward change, but Ælfric's text also suggests that the demon makes this claim by virtue of the fact that he seems to believe the boy's written declaration of apostasy gives him a right of ownership. The devil treats the document like a land charter or title deed giving him a right to the youth's soul. This is also a departure from the *vita*. Formulated in terms of a dispute over who actually approached whom in order to arrange the contract of apostasy, the Latin version of the story suggests that the actual document is not the most valuable aspect of the devil and the youth's compact. Though the written document is referred to, the devil appears to imagine the boy's wickedness as the main guarantee of their agreement. In defense of Basil's accusations that he corrupted the youth, the *vita*'s devil points out that the boy renounced Christianity, that he

[74] Louis Goossens, ed., *The Old English Glosses of MS. Brussels, Royal Library, 1650* (Brussels: Paleis der Academiën, 1974), 243.

holds the document to prove it, and that he will be bringing the *boy himself* to damnation at Judgment Day: "Abnegauit Christum et professus est mihi. Et ecce manuscriptum habeo et in die iudicii ad communem iudicem eum duco" ("He renounced Christ and has professed himself to me. And look! I have [this] signature and I will lead him into common judgment.")[75] In the Latin, the devil does not really express ownership of the youth or his soul and refers to the document only as proof of the young man's wickedness, treachery, and apostasy. The demonic contract appears only as a guarantee of the young man's damnation.

The Old English, on the other hand, suggests that the written document is an important artifact that the devil uses to give him a right of ownership over the young man. After depicting the devil accusing Basil of theft in his translation of the passage cited above (Abnegauit … eum duco), Ælfric changes the direct object of the second clause to refer not to the boy, but to the document itself: "her ic habbe his handgewrit . þæt ich hit gehealde mid me / to þam gemænelican dom . on þam mycclum dæge" ("Here I have his script which [for the OE "hit"] I will carry with me / to our common Judgement on the great day").[76] Rather than referring to "him" ("eum") as he does in the Latin,[77] Ælfric's devil says that he will carry the neuter accusative pronoun "it" ("hit"), or the document, with him to

[75] *Vita Basilii*, 11.35–36.

[76] *LS* I, 3.446–47; trans. Corona, *Ælfric's Live of Saint Basin the Great*, 445–46.

[77] "Manuscriptum" is neuter and cannot be the antecedent of "eum."

Judgment Day.[78] The Old English devil's claim that he will be bringing the document with him to the final Judgment paired with his accusation of theft only makes sense if he thinks that he has taken possession of the young man and that the piece of parchment represents his ownership. The Old English devil's accusation against Basil of theft, then, seems to be predicated on the assumption that the document of apostasy is functioning like a title deed guaranteeing his ownership of the boy and his soul.

Read in light of Rabin's argument that Ælfric is writing in an environment where the many legal privileges the monasteries had enjoyed under the Reform-minded Edgar were being attacked, Ælfric's changes to Basil's *vita* may be intended to highlight the devil's litigiousness and, therefore, the wickedness of the litigious behavior that was prevalent during the late tenth century.[79] The death of Edgar, who had been an active champion of the Benedictine Reform and oversaw the enrichment of the monasteries, "resulted in a spate of lawsuits aimed at recovering the land acquired by monastic establishments over the previous fifteen years."[80] An often discussed tenth-century (980 × 987) dispute over a tract of land at Snodland in Kent provides a useful example of the sort of dispute referred to by Rabin and an illustrative analogue for Ælfric's "Life of Basil."[81] The specifics of

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[78] The boy cannot be the antecedent of "hit." Ælfric uses the masculine word "cnapa" (442) for the closest reference to the boy in the passage.

[79] Rabin, "Holy Bodies, Legal Matters," MS pages 9–11.

[80] Ibid., 9.

[81] The dispute (S 1457) is found in the Rochester Cathedral, *Textus Roffensis*, fol. 162b and is listed as no. 45 in Wormald's "A Handlist of Anglo-

the dispute are convoluted and need not be fully rehearsed here,[82] but it suffices to say that a lengthy and complicated conflict began because of the theft and fraudulent sale of a set of land charters: "Snodinglandes landbec . ða þa preostas forstælon þam bischope on Hrofesceastre 7 gesealdan heo Ælfrice Æschwynne sunu" ("the title-deeds of Snodland which the priests stole from the Bishop of Rochester, and secretly gave them for money to Ælfric, Æscwyn's son.")[83] Besides Wormald's observation that written evidence was important in the trial that resolved the dispute, it is striking that the *stolen* title deeds were assumed to give the thieves a claim of ownership over the land at Snodland in the first place. Like the devil who assumes to have taken ownership of the youth in the "Life of Basil," the priests described in the lawsuit assumed that stealing the title-deeds from the bishop meant that the land was effectively alienated from its rightful owner and could be transferred to a third party. In the context of this kind of lawsuit, it appears that Ælfric's changes could be meant as a repudiation of this sort of shady dealing. Although his changes are probably not a direct reference to any one lawsuit, Ælfric's characterization of the devil as rooting his claims against Basil in an ill-gotten document resonates strongly with the fact that the

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Saxon Lawsuits." The entire charter was edited and translated in A. J. Robertson, *Anglo-Saxon Charters* (Cambridge: Cambridge University Press, 1956; rept. 2009) as no. 59, 122–24.

[82] For a summary of the complicated events of the case and an extended discussion of the value of written materials as evidence in resolving disputes, see Wormald, "Charters, Law and the Settlement of Disputes in Anglo-Saxon England, in *Legal Culture in the Medieval West: Law as Text, Image and Experience* (London: The Hambledon Press, 1999), 289–311, esp. 298–310.

[83] Robertson, *Charters*, 122.2–4 and 123.

monasteries were dealing with lawsuits that sometimes centered around legally suspect documents as well.

Although Ælfric is clearly interested in warning his audience about the dangers of worldly temptations and the spiritual stakes at risk when we succumb to them, the changes he makes to the Latin for his translation also take on a distinctly litigious tone. Ælfric adds the language of theft into the anecdote and makes subtle changes that highlight a particular legal aspect of the exchange between the devil and Basil. Rather than appearing only as a struggle over whether or not the young man's apostasy is guaranteed by a written document, the devil in Ælfric's telling of the story claims to have been robbed and seems to indicate that the hand-written document gives him a right of ownership over the boy. The alterations may be a reflection and critique of the sorts of lawsuits that were becoming prevalent during the time Ælfric was writing. Beyond an expression of his distaste for the secular legal system in general, Ælfric's depiction of the devil relying on a fraudulently acquired document appears to resonate with the sort of conflict described in a record like the Snodland case.

Conclusions

As the recent work of scholars like Rabin indicates, attention to Ælfric's approach to legal matters in his homilies and saints' lives reveals that the abbot was far more interested in legal culture than might be seen at first glance. As the survey of texts in Chapter Two demonstrates, Ælfric's work addresses the specific concept of *theft* more than any other writer in the sample and can be seen to use

legal concepts to advance moral points. In the more thoroughgoing discussion in this chapter, it is clear that a particularly strong aspect of his thinking about legal culture is the sense that it is deeply immoral for ecclesiastics to actively engage with secular law. In the "Life of Swithun," it appears that Ælfric goes out of his way to minimize the depiction of the saint participating directly in legal proceedings and to distance Edgar from an immoral form of corporal punishment. On the other hand, it appears that Ælfric actively inserts legal details into his "Life of Basil" in order to highlight the litigious nature of a conflict between the devil and the saint. Ælfric's characterization of the conflict in legal terms appears to cast aspersions on litigiousness in general and perhaps also on the types of litigation that were common during the counter-Benedictine-Reform movement.

Elaine Treharne, writing in defense of the intellectual and literary merit of the anonymous Old English homiletic writers, has argued that the combination of Ælfric's authoritative tone, his insistence on orthodoxy, and the fact that we know more about him than any other Anglo-Saxon writer has encouraged modern scholars to "canonize" the homilist. Whatever affection we may have for his thorough academic style, we sometime overlook the fact that Ælfric "failed to gain the authority and respect he felt to be essential for his mission in his own day."[84] Ælfric's moral stance on the function of the law in his saints' lives suggests that the abbot was on the losing side of this historical argument as well,

[84] Elaine Treharne, "The Canonization of Ælfric," in *English Now: Selected Papers from the 20th IAUPE Conference in Lund*, Lund Studies in English 112, ed. Marianne Thormählen, 1–13 (Lund: Lund University, 2007), at 13.

as the clergy's involvement in secular matters would become an integral aspect of some saint's identity, such as Thomas Becket.

Ælfric's conservative stance provides an enlightening contrast considered next to the last text discussed in this dissertation—the *South English Legendary* (*SEL*) life of Thomas Becket. Existing well outside the hagiography covered in the survey of Old English texts in Chapter Two, the *SEL* life of Becket represents a valuable ending point for this discussion because it is the earliest Middle English version of the famous saint's life and one of the earliest pieces of Middle English hagiography to explicitly depict the machinations of secular English law. Rather than avoiding the depiction of a saint's engagement in the secular legal system or suggesting that behaving litigiously is inherently sinful, as Ælfric does, the author of the *SEL* works to augment Becket's involvement in legal affairs beyond the depiction he found in his Latin source. Though it is common enough to think of the Becket controversy as a dispute between the church and state, the *SEL* uses actual royal litigation to characterize Becket's role in the conflict in technical, bureaucratic terms.

CHAPTER FIVE

A HOLY LITIGANT: LAW AND LEGISLATION IN THE *SOUTH ENGLISH LEGENDARY* LIFE OF THOMAS BECKET OF CANTERBURY

The Normans' conquest of England and the installation of a French-speaking ruling class had a demonstrable and well-documented impact on English culture, dramatically affecting the production and transmission of literature written in English in the centuries that followed.[1] Unless there has been a disproportionately large loss of manuscripts from the period, it appears that the composition of hagiographic texts in English fell off dramatically after saints' lives ceased to be written and copied in Old English and before the reemergence of collections of Middle English saints' legends like the *South English Legendary* (*SEL*) in the second half of the thirteenth century. The composition of the *SEL* also sees the reappearance of attention to historically relevant legal matters in early English hagiography. Specifically, the *SEL*'s account of the life of Thomas of Canterbury provides striking evidence for a widespread or even popular interest in royal legislative affairs and even characterizes Becket's engagement with the complicated legal and bureaucratic systems of Angevin England as a

[1] See F. M. Stenton, *Anglo-Saxon England* 3rd ed. (Oxford: Oxford University Press, 1971), chaps. 16–18 for an accessible description of the period's history. The status, and even what to call, the language of the Norman conquerors in England between 1100 and 1300 is a subject of debate. Hereafter, I refer to the form of French spoken in England as "Anglo-Norman," following Jocelyn Wogan-Browne in *Saints' Lives and Women's Literary Culture c. 1150–1300: Virginity and its Authorizations* (Oxford: Oxford University Press, 2001), 2, n. 3. For the relative status of French, English, and Latin during the two hundred years following the Conquest, see R. M. Wilson, "English and French in England 1100–1300," *History* 28.107 (1943): 37–60 and Manfred Görlach, *Studies in Middle English Saints' Legends* (Heidelberg: C. Winter, 1998), 3–10.

holy act in itself. Close attention to the *SEL*'s characterization of Becket's conflict with Henry II reveals that the *SEL*-author had access to information on royal legislation and, more significantly, he or she felt at liberty to create a hybrid version of the Constitutions of Clarendon. The hybrid list is important not only as a venue for a very large audience to gain access to a historically important piece of royal legislation, but also as evidence of an early medieval author creating an idealized document in order to reinforce a moral point. The *SEL*-author's characterization of Becket's active engagement in litigation suggests that, unlike writers like Ælfric, the later hagiographer conceived of active participation in legal maters as a holy endeavor.

Following a description of and explanation for overlooking the considerable amount of time between the work of Ælfric and the *SEL*, this chapter turns to an explanation of the complicated textual history of the *SEL* itself in order to place origins of the collection in the late thirteenth century. The convoluted evolution of the *SEL*'s revisions and its popularity, which lasted until the last quarter of the fifteenth century and perhaps beyond, makes it necessary to contextualize the legendary as the object of this investigation. Turning then to the *SEL* life of Becket, I establish the sources for the texts in order to show that the *SEL*-author appears to have had an active hand in creating a historicized version of royal legislation, which changes the way Becket's conflict with Henry II is characterized and, in the end, the way his sanctity in the legend should be read.

Hagiography in English: 1050–1250

The nearly three-hundred-year gap between the work of Ælfric, who wrote in the late tenth and early eleventh centuries, and the *SEL*-author, working in the last quarter of the thirteenth century, was a lean time for the composition of English hagiography. Along with the continuation or even the expansion of hagiography written in Latin in the years immediately following the Norman invasion, there was some sustained interest in Old English saints' lives.[2] Though Elaine Treharne has convincingly shown that the surviving copies of homilies and saints' lives made in post-Conquest England indicate that there remained an important audience for Old English,[3] their rate of production began to fall off in

[2] For general information on the Latin hagiography in the period, see Rosalind C. Love, *Three Eleventh-Century Anglo-Latin Saints' Lives* (Oxford, Oxford University Press, 1996) xi–xxxix and Guy Philippart, *Les légendiers latins et autres manuscrits hagiographiques*, Typologie des sources du moyen âge occidental, 24–25 (Turnhout: Brepols, 1977), esp. 37–44. See also Paul Antony Hayward, "Translation-Narratives in Post-Conquest Hagiography and English Resistance to the Norman Conquest," *Anglo-Norman Studies* 21 (1998): 67–93.

The precise distinction between Old and Middle English (or "early" Middle English) has long been the subject of debate. For a general discussion, see Hans Sauer, "Knowledge of Old English in the Middle English Period?," in *Language History and Linguistic Modeling: A Festschrift for Jacek Fisiak on his 60th Birthday*, eds. Raymond Hickey and Stanisław Puppel, 791–814 (Berlin: Mouton de Gruyter, 1997). For a detailed discussion of a specific transitional text, see Elaine Treharne, "The Life of English in the Mid-Twelfth Century: Ralph D'Escures's Homily on the Virgin Mary," in *Writers of the Reign of Henry II: Twelve Essays*, eds. Ruth Kennedy and Simon Meecham-Jones, 169–86 (New York: Palgrave, 2006).

[3] Elaine Treharne, "Uses of Old English Homiletic Manuscripts in the Post-Conquest Period," in *Beatus Vir: Studies in Early English and Norse Manuscripts in Memory of Phillip Pulsiano*, Medieval and Renaissance Texts and Studies 319, eds. A. N. Doane and Kirsten Wolf, 329–58 (Tempe, AZ: Arizona Center for Medieval and Renaissance Studies, 2006).

the twelfth century.[4] Joana Proud counts "32 eleventh-century manuscripts of saints' lives [in Old English] … in contrast to nine from the twelfth century."[5] Although the precise audience for Old English hagiography from the period is unknown,[6] Proud suggests that most of the manuscripts in English produced under Norman influence had mainly utilitarian goals and were "intended to equip libraries with what were considered to be the essentials of every ecclesiastical establishment: bibles, collections of Latin sermons and homilies, and patristic texts."[7] Similarly, Susan Irvine explains that twelfth-century homiletic manuscripts containing texts in English, which sometimes include hagiographic material, were more focused collections than the kinds of large-scale and broad-based compilations of Ælfrician and anonymous homiletic and hagiographic material from the previous century.[8] It is also apparent that the fall in production of texts written in literary Old English was concurrent with a decline in the ability

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[4] For an overview of Old English during the early post-Conquest period, see Seth Lerer, "Old English and its Afterlife," in *The Cambridge History of Medieval English Literature*, ed. David Wallace, 7–34 (Cambridge: Cambridge University Press, 1999).

[5] Joana Proud, "Old English Prose Saints' Lives in the Twelfth Century: The Evidence of the Extant Manuscripts," in *Rewriting Old English in the Twelfth Century*, eds. Mary Swan and Elaine M. Treharne, 117–31 (Cambridge: Cambridge University Press, 2000), at 118–19.

[6] Mary Swan, "Old English Textual Activity in the Reign of Henry II," in *Writers of the Reign of Henry II: Twelve Essays*, eds. Ruth Kennedy and Simon Meecham-Jones, 151–68 (New York: Palgrave, 2006), at 160–61.

[7] Proud, "Old English Prose Saints' Lives in the Twelfth Century," 119.

[8] See Susan Irvine, "The Compilation and Use of Manuscripts Containing Old English in the Twelfth Century," in *Rewriting Old English in the Twelfth Century*, eds. Mary Swan and Elaine M. Treharne, 41–61 (Cambridge: Cambridge University Press, 2000).

to read older dialects of English. Although the glosses of the "Tremulous Hand of Worcester" have shown that there was some continued interest in and use of manuscripts in Old English right up to the early thirteenth century, the glosses simultaneously demonstrate that the ability of even the most accomplished and interested scholars to read Old English was flagging.[9]

The bulk of surviving religious literature written in early Middle English, which emerged in earnest in the thirteenth century, can be seen to fall into two groups: meditative literature apparently intended for women, and didactic literature apparently intended for a broad, English-speaking audience. The first and more studied group is made up of a set of West Midlands texts apparently intended for a female, contemplative audience. These texts have traditionally been further divided by scholars into three subgroups: the texts of the *Ancrene Wisse*, a long and often copied guide for anchoresses; the Katherine Group, composed of a treatise on virginity, a homily on the body and soul, and three lives of virgin saints; and the *Wohunge* Group (Mod.Eng. "Wooing"), made up of four texts concerned, as one editor has put it, with "the tradition of the mystical marriage of the Heavenly Bridegroom with Holy Church or the human soul."[10]

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[9] Much scholarly attention has been paid to the work of the Tremulous Hand. See, for example, Christine Franzen, *The Tremulous Hand of Worcester: A Study of Old English in the Thirteenth Century* (Oxford: Oxford University Press, 1991); Wendy Collier, "The Tremulous Worcester Hand and Gregory's *Pastoral Care*," in *Rewriting Old English in the Twelfth Century*, eds. Mary Swan and Elaine M. Treharne, 195–208 (Cambridge: Cambridge University Press, 2000); and Treharne, "A Thirteenth Century User of Anglo-Saxon Manuscripts," *Bulletin of the John Rylands University Library of Manchester* 79 (1997): 149–65.

[10] W. Meredith Thompson, ed., *Þe Wohunge of Ure Laured*, EETS o.s. 241 (London: Oxford University Press, 1958), xv. The *Ancrene Wisse*'s many and

Although this group of texts includes the lives of virgin martyrs who tend to be persecuted and killed by the same sort of local official depicted in Cynewulf's *Juliana*, texts of the Katherine Group tend not to emphasize the law in a mimetic way and focus more on the struggle over the protagonist's soul and the meditative qualities of the text. For example, the description of the decision to torture the heroine of *Seinte Katerine* on a spiked wheel does not really connote a "normal" courtroom setting. Although it is a bureaucratic official, the local "burh-reue" ("borough-reeve") Cursates, who actually suggests the method of Katherine's torment to the king, other details in the scene suggest that Katherine's sentence is extraordinary.[11] Besides Cursates' mundane office, he is compared by the author with "þe þat was þes deofles budel Belial of helle" ("he who was the

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varied MS copies make it difficult to edit, but a recent and well respected edition may be found in Bella Millett, ed., *Ancrene Wisse*, 2 vols., EETS o.s. 325 and 326 (London: Oxford University Press, 2005). For the Katherine Group texts, see Bella Millett, ed., *Hali Meiðhad*, EETS o.s. 284 (London: Oxford University Press, 1982); S. R. T. O. d'Ardenne and E. J. Dobson, eds., *Seinte Katerine: Re-Edited from MS Bodley 34 and the other Manuscripts*, EETS s.s. 7 (London: Oxford University Press, 1981); S. R. T. O. d'Ardenne, ed., *Þe Lifade ant te Passiun of Seinte Iuliene*, EETS o.s. 248 (London: Oxford University Press, 1961); Francis M. Mack, ed., *Seinte Marherete: Þe Meiden and Martyr*, EETS o.s. 193 (London: Oxford University Press, 1934); and R. M. Wilson, ed., *Sawles Warde: An Early Middle English Homily*, Leeds School of English Language Texts and Monographs 3 (Leeds: T. Wilson, 1938). Selections and translations of some of these texts may be found in Bella Millett and Jocelyn Wogan-Browne, eds. and trans., *Medieval English Prose for Women: Selections from the Katherine Group and* Ancrene Wisse (Oxford: Oxford University Press, 1990). Roger Dahood provides a thoroughgoing introduction to all of these texts in "*Ancrene Wisse*, the Katherine Group, and the *Wohunge* Group," in *Middle English Prose: A Critical Guide to Major Authors and Genres*, ed. A. S. G. Edwards, 1–33 (New Brunswick, NJ: Rutgers University Press, 1984).

[11] d'Ardenne and Dobson, eds., *Seinte Katerine*,100.695. Page numbers and line numbers are both cited here.

devil's messenger, Belial, from hell").[12] As a sort of hellish messenger, in opposition to the archangel Michael who appears to reassure Katherine earlier in the text, Cursates offers a lengthy and conspicuous description of precisely how the "pinfule gin" ("painful contraption"), the instrument of Katherine's torture, should be constructed and employed.[13] The long and detailed explanation of the wheeled contraption suggests that this particular punishment is a novel idea to characters and, therefore, probably to the reader as well. In other words, the life of *Seinte Katerine* employs legal themes in a way that does not lend itself to comparison with contemporary cultural practice.

The second group of texts, those with the broadest appeal, appear to have been compiled in response to the practical desire to enforce orthodoxy and promote good pastoral care. As Richard Newhauser has pointed out, the decrees of the Fourth Lateran Council (1215–1216) that called to better educate the clergy directly precipitated the composition of preaching aids and homiletic literature that, as Derek Pearsall puts it, "involved all classes of the clergy," and subsequently, all kinds of parishioners as well.[14] Unsurprisingly, early Middle English didactic texts like the *Poema Morale* are straightforward in their agenda

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[12] d'Ardenne and Dobson, eds., *Seinte Katerine*, 100.695.

[13] d'Ardenne and Dobson, eds., *Seinte Katerine*, 102.713.

[14] Richard Newhauser, "Religious Writing: Hagiography, *Pastoralia*, Devotional and Contemplative Works," in *The Cambridge Companion to Medieval English Literature: 1100–1500*, ed. Larry Scanlon, 37–55 (Cambridge: Cambridge University Press, 2009) and Derek Pearsall, *Old English and Middle English Poetry*, Routledge History of English Poetry 1 (London: Routledge and Kegan Paul, 1977), 102.

to educate readers about the scourges of sin and the rewards of virtue.[15] The few extant texts in early Middle English that cast Biblical narrative into verse serve the eminently practical function of representing scriptural narrative in the vernacular.[16] Even the *Ormulum*, a text studied primarily because of peculiarities in its language and prosody, describes an expressly pastoral project for the poem. Orm, the apparent author, presents a strictly homiletic text, explicating only scriptural material, and avoids both apocryphal accounts and saints' lives. Orm's purpose was explicitly designed to create a verse version of the "Goddspellbokess fowwre" ("four Gospels") in order to "spellenn to þe folc / Off þe33re sawle need" ("teach to the people / for the need of their souls").[17] In sum, if the few surviving manuscripts fairly represent the motives of early Middle English religious literature geared toward a broad audience, English authors in the first half of the thirteenth century do not appear to have focused on the lives of saints.[18]

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[15] *Poema Morale* exists in several MS versions, but the standard edition may be found in Joseph Hall, ed., *Selections from Early Middle English: 1130–1250*, 2 vols. (Oxford: Oxford University Press, 1929; repr. Westport, CT: Greenwood Press, 1972), 1, 30–53.

[16] See, for example, Olof Arngart, ed., *The Middle English Genesis and Exodus*, Lund Studies in English 36 (Lund: Gleerup, 1968) or A. S. Napier, ed., *Iacob and Iosep: A Middle English Poem of the Thirteenth Century* (Oxford: Oxford University Press, 1916).

[17] Robert Meadows White, ed., *The Ormulum: Now First Edited from the Manuscript in the Bodleian with Notes and Glossary*, 2 vols. (Oxford: Oxford University Press, 1852), 1, lines 4 and 35–36.

[18] The *Owl and the Nightingale* goes unmentioned here not because I neglect the praise with which "[a]ll students of medieval literature" hold the poem (Wilson 149). Although the poem is didactic and moralizing, its form and function are incoherent with the current discussion. For R. M. Wilson's quote and a discussion, see *Early Middle English Literature* (London: Methuen, 1968). For a

Presumably, this is because the immediate goals of post-Conquest writers of religious literature in English were to instruct a broad audience with genuine scripture and general morality.[19] Finding only a small amount of hagiography from the first part of the Middle English period and none of it concerned with secular legal matters, we turn now to the late thirteenth century and the *South English Legendary*. The following explanation of the convoluted textual development of the *SEL* helps to ground the discussion of the *SEL*'s life of Becket at a particular point in time, establishes the collection as a distinctly vernacular literary endeavor, and demonstrates the extent to which the legendary was a collection of popular literature.

The *South English Legendary*

The *SEL* is a large collection of verse saints' lives, biblical narratives, and other religious tracts that was composed "around 1270–80 in the Worcester/Gloucester area."[20] Today it survives complete, partially, or as

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fascinating discussion of the use of legal discourse in the poem, see Bruce Holsinger, "Vernacular Legality: The English Jurisdictions of *The Owl and the Nightingale*," in *The Letter of the Law: Legal Practice and Literary Production in Medieval England*, eds. Emily Steiner and Candace Barrington, 154–84 (Ithaca, NY: Cornell University Press, 2002).

[19] It is possible that these sorts of texts were compiled with all kinds of readers in mind, including laypeople, secular clergy, monks, or even the mendicants. The first group of Friars Preachers arrived in Oxford in 1221, the same year as the death of Dominic himself. See William A. Hinnebusch, *The Early English Friars Preachers* (Rome: S. Sabina, 1951), 3. The Greyfriars arrived three years later in 1224.

[20] Manfred Görlach, *Studies in Middle English Saints' Legends* (Heidelberg: C. Winter, 1998), 27. For a more specific date, see Thomas J.

individual items in over sixty manuscripts, some as late as the last quarter of the fifteenth century.[21] The inspiration for the *SEL*'s composition has long been the center of debate. In response to Carl Horstmann's claim to the contrary, several early scholars of the *SEL* argued that the collection was either a translation of Iacopo de Varazze's (Jacobus de Voragine) popular Latin legendary of saints' lives, the *Legenda Aurea* (*LgA*), or a reaction to it.[22] Manfred Görlach, however, demonstrated in 1974 and again in 1998 that the *SEL*-author composed major portions of the collection before coming into contact with the *LgA* and either incorporated some material from the *LgA* after having completed a draft of the legendary or made additions while composing the initial version of the

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Heffernan, "Additional Evidence for a More Precise Date for the *South English Legendary*," *Traditio* 35 (1979): 345–51. The *SEL* is the oldest collection of its kind in Middle English.

[21] Manfred Görlach, *The Textual Tradition of the* South English Legendary, Leeds Texts and Monographs, n.s. 6 (Leeds: Leeds Texts and Monographs, 1974), viii–x and O. S. Pickering and Manfred Görlach, "A Newly-Discovered Manuscript of the *South English Legendary*," *Anglia* 100 (1982): 109–23. See also Görlach, "The *Supplement to the Index of Middle English Verse* and the *South English Legendary*," *Anglia* 90 (1972): 141–46.

[22] "Neither of these collections is the source for the other: both were formed independently of one another, and prove that the same task, which was indeed required by that time, was attempted by different writers at different places," *The Early South-English Legendary, or Lives of Saints: MS Laud 108*, ed. Carl Horstmann, EETS o.s. 87 (London: Published for the Early English Text Society by N. Trübner, 1887; reprint Millwood, NY: Kraus Reprint, 1987), viii. Horstmann expressed a similar idea earlier in *Altenglische Legende: Neue Folge* (Heilbronn: Henniger, 1881), xlv. For arguments that the *LgA* was the primary source and inspiration for the *SEL* see Minnie E. Wells, "The *South English Legendary* and its Relation to the *Legenda Aurea,*" *PMLA* 51 (1936): 337–60; Warren F. Manning, "The Middle English Verse *Life of Saint Dominic*: Date and Source," *Speculum* 31 (1956): 82–91, at n. 15; and more recently, Virginia Blanton, *Signs of Devotion: The Cult of St. Æthelthryth in Medieval England, 695–1615* (University Park, PA: Pennsylvania State University Press, 2007), 238.

collection.[23] The details of the early relationship of the *SEL* and the *LgA* aside, it appears that the first version of the collection was drafted prior to interaction with the more popular Latin legendary and underwent a major revision before the text became widely disseminated.[24] The likelihood that the *SEL* was originally conceived as a vernacular collection of saints' lives independent of the *LgA* indicates that a demand for hagiography in Middle English emerged in the mid-thirteenth century,[25] but also raises a series of questions: who might have been its

[23] Görlach, *Textual Tradition*, 27–38.

[24] The precise evolution of the *SEL*'s revisions and textual relations is not known, though much work has been done on the subject. Görlach's monograph, *Textual Tradition*, is the authority; see esp. 64–65. For refinements of Görlach's work, see O. S. Pickering, "The Expository *Temporale*- Poems of the *South English Legendary*," *Leeds Studies in English* 10 (1978): 1–17; Thomas R. Liszka, "The First 'A' Redaction of the *South English Legendary*: Information from the 'Prologue,'" *Modern Philology* 82 (1985): 407–13; Liszka, "MS Laud Misc. 108 and the Early History of the *South English Legendary*," *Manuscripta* 33 (1989): 75–91; Liszka, "Manuscript G (Lambeth 223) and the Early *South English Legendary*," in *The South English Legendary: A Critical Assessment*, ed. Klaus P. Jankofsky, 91–101 (Tübingen: A. Francke, 1992), esp. 92–93; and Richard G. Newhauser and William E. Bolton, "A Hybrid Life of John the Baptist: The Middle English Text of MS Harley 2250," *Anglia* 130 (2012): forthcoming. For a description of the *temporale* material associated with the *SEL*, see Pickering, "The *Temporale* Narratives of the *South English Legendary*," *Anglia* 91 (1974): 425–55. The work Pickering did to sort out the nativity poems in "Three *South English Legendary* Nativity Poems," *Leeds Studies in English* n.s. 8 (1975): 105–19 and "The *Southern Passion* and the *Ministry and Passion*: The Work of a Middle English Reviser," *Leeds Studies in English* 15 (1984): 33–56, led him to conclude that parts of the first major revision of the *SEL* (the "A" redaction) were undertaken by a single poet, whom he calls "outspoken," in "The Outspoken *South English Legendary Poet*," in *Late-Medieval Religious Texts and their Transmission: Essays in Honour of A. I. Doyle*, ed. A. J. Minnis, 21–37 (Cambridge: D. S. Brewer, 1994). Later, he argues for the identification of the "outspoken poet" in "*South English Legendary Style* in Robert of Gloucester's *Chronicle*," *Medium Ævum* 70 (2001): 1–18.

[25] Collections of saints' lives and homilies in Old English ceased to be written and copied at the end of the twelfth century. See Joana Proud, "Old

author, what was its intended audience, what was the purpose of the text, and how was it used?

There are a variety of answers to these questions and, as Karen A. Winstead puts it, "critics disagree over what kinds of people made up this audience and under what circumstances they encountered the legends."[26] Reviewing the bibliography as of 1998, Görlach identifies scholars who attribute the *SEL*'s authorship to nearly every group of clerics operating in England in the thirteenth century, including Benedictine monks or nuns, Cistercians, Dominican or Franciscan friars, Augustinian canons, and the secular clergy. Görlach himself advocates for *two* best answers: the collection may have been composed either by a chaplain for a house of Worcestershire nuns, or by a Benedictine monk for use in preaching in one of the dependent parish churches in the Worcester area.[27] The inability of scholars to reach a consensus on the issue indicates the diverse appeal

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English Prose Saints' Lives in the Twelfth Century: The Evidence of the Extant Manuscripts," in *Rewriting Old English in the Twelfth Century*, eds. Mary Swan and Elaine M. Treharne, 117–31 (Cambridge: Cambridge University Press, 2000).

[26] Karen A. Winstead, *Virgin Martyrs: Legends of Sainthood in Late Medieval England* (Ithaca, NY: Cornell University Press, 1997), 72.

[27] Görlach, *Studies in Middle English Saints' Legends*, 43–47. For two arguments unmentioned by Görlach, that the *SEL*-author was a mendicant, see Karen Bjelland, "Franciscan versus Dominican Responses to the Knight as a Societal Model: The Case of the *South English Legendary*," *Franciscan Studies* 48 (1988): 11–27 and Sebastian Sobecki, "Exemplary Intentions: Two English Dominican Hagiographers in the Thirteenth Century and the Preaching through *exempla*," *New Blackfriars* 89 (2008): 478–87. For an argument to the effect that the possible audience of particular legends might determine the audience of the collection, see Katherine G. McMahon, "St. Scholastica—Not a Wife!," in *The South English Legendary: A Critical Assessment*, ed. Klaus P. Jankofsky, 18–28 (Tübingen: A. Francke, 1992).

of the *SEL* and points to just how broad the legendary's potential audience must have been. Even the *SEL* itself consciously announces that it was intended to compete with other "popular" genres.[28] The revised "prologue"[29] of the legendary argues that the religious stories presented by the *SEL* were preferable to medieval "tales" of secular "kniȝtes,"[30] clearly signaling that the author/revisor imagined the text was in direct competition with medieval romance.[31] The *SEL* appears to have been conceived with as broad an audience in mind as any other "popular" collection of religious writing or medieval romance in Middle English.

The specific form of the *SEL* and the varying length of the legends it contains complicate the question of how the collection may have been used. Some of the *SEL*'s legends appear suitable for reading aloud or preaching, but others are far too long to read in a single sitting. Görlach figures that the "normal" length of

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[28] For an important defense of "popular" Middle English literature, see Nicola McDonald's "Polemical Introduction" to *Pulp Fictions of Medieval England: Essays in Popular Romance*, ed. Nicola McDonald, 1–21 (Manchester: Manchester University Press, 2004).

[29] The *SEL* "prologue" was revised and moved during the evolution of the manuscript tradition. See Liszka, "The First 'A' Redaction."

[30] Charlotte D'Evelyn and Anna J. Mill, eds., *The South English Legendary, vols. I–III*, EETS o.s. 235, 236, and 244 (London: Oxford University Press, 1956 and 1959), vol. 235, 3, lines 61 and 63.

[31] Richard G. Newhauser, "Religious Writing: Hagiography, *Pastoralia*, Devotional and Contemplative Works," 42. Julie Nelson Couch argues that the *SEL*'s placement in the Laud manuscript also has bearing on how readers encounter a popular romance, in "Defiant Devotion in MS Laud Misc. 108: The Narrator of *Havelok the Dane* and Affective Piety," *Paregon* 25 (2008): 53–79. Gregory M. Sadlek argues that some of the approaches to humor in the *SEL* amount to the text playing with the generic distinction between hagiography and romance, in "Laughter, Game, and Ambiguous Comedy in the *South English Legendary*," *Studia Neophilologia* 64 (1991): 45–54.

the legends is about 50–400 lines and calculates that they "would take between a few minutes to half an hour" to read and were, therefore, not always appropriate to replace the *lectio* that would have been read aloud on a given saint's feast day.[32] Further, the individual legends are not typically arranged in a way that aligns with the liturgical calendar. Although there are variations, the *sanctorale* material is usually arranged according to the secular calendar, starting at New Year's Day rather than at the beginning of the liturgical year on Advent. There is also no programmatic way for dealing with the movable feasts: sometimes they are placed at the beginning of the collection and other times they are placed in approximate calendar position among the *sanctorale* texts.[33] Working from the position that the *SEL* did not serve a liturgical purpose, Annie Samson argues that evidence suggesting the collection was "intended for a large, communal audience is remarkably tenuous," and instead posits that it was more likely appropriate for private reading.[34] Even though Pickering calls the main reviser of the collection

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[32] Görlach, *Studies in Middle English Saints' Lives*, 27.

[33] The placement of *temporale* material and the order of lives in the *SEL* is key to most of the arguments concerning its textual tradition because they appear to have been written and revised after the *sanctorale* collection was compiled. For more, see note 9 above. For a discussion of local arrangements of the *SEL* and its editorial history, see Thomas R. Liszka, "The *South English Legendaries*," in *The North Sea World in the Middle Ages: Studies in the Cultural History of North-Western Europe*, eds. Thomas R. Liszka and Lorna E. M. Walker, 243–80 (Dublin; Portland, OR: Four Courts Press, 2001).

[34] Annie Samson, "The *South English Legendary*: Constructing a Context," in *Thirteenth Century England I*, eds. P. R. Cross and S. D. Lloyd, 185–95 (Woodbridge: Boydell, 1985), at 191. See also Pickering, "The *Temporale* Narratives of the *South English Legendary*," 426 and Anne B. Thompson's discussion of the *SEL*'s life of Mary Magdalen in "Narrative Art in the *South*

"outspoken," he also agrees that the "great majority of the extant manuscripts of the *SEL* were copied for private reading purposes" and argues that the outspoken reviser used oral tags as a literary device to appeal to a readership accustomed to listening to sermons.[35] The *SEL*'s long-lived appeal, widespread audience, and lack of programmatic purpose make the collection what can be considered as close to "popular" English religious literature intended for private reading as anything else from the Middle Ages. The *SEL*'s apparent popularity has proven to be a fertile source of information for scholars to investigate widely disseminated cultural attitudes, including medieval perceptions of gendered violence, political preferences, and nationalistic prejudices.[36]

Attention to the *SEL*'s approach to legal culture proves a deeply significant line of investigation. In a striking example, the *SEL* life of Thomas Becket reveals a glimpse of a thirteenth-century author actively engaging with pieces of twelfth-century legislation in order to construct a historicized version of

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English Legendary," *Journal of English and Germanic Philology* 90 (1991): 20–30, esp. 29–30.

[35] O. S. Pickering, "The *South English Legendary*: Teaching or Preaching?," *Poetica* 45 (1996): 1–14. See also Robert Easting, "The *South English Legendary* 'St Patrick' as Translation," *Leeds Studies in English* n.s. 21 (1990): 119–40 esp. 133 and Couch, above at note 16, for similar opinions.

[36] See, respectively, Beth Crachiolo, "Seeing the Gendering of Violence: Female and Male Martyrs in the *South English Legendary*," in *A Great Effusion of Blood: Interpreting Medieval Violence*, eds. Mark D. Meyerson, Daniel Thiery, and Oren Falk, 147–63 (Toronto: University of Toronto Press, 2004); Thomas J. Heffernan, "Dangerous Sympathies: Political Commentary in the *South English Legendary*," in *The South English Legendary: A Critical Assessment*, ed. Klaus P. Jankofsky, 1–17 (Tübingen: A. Francke, 1992); and Anne B. Thompson, *Everyday Saints and the Art of Narrative in the* South English Legendary (Aldershot: Ashgate, 2003), 47–48.

the past. Rather than simply providing a versified translation of his or her source, the *SEL*-author intrudes at a vital plot point in the Becket story and inserts a hybridized list of royal legislation, with which the saint is said to have contended. The poet's inventions affect the way Becket's sanctity is conceived in the text. Rather than merely representing a generalized defender of the church's rights against the encroachment of a belligerent secular authority, the *SEL*'s Becket appears as a sort of holy litigant speaking against offensive royal statute. The *SEL*'s characterization of Becket's engagement with the law is significant on its face, but even more meaningful considering the legendary's widespread audience. In the earliest Middle English life of the popular saint, the *SEL* life of Becket effectively sanctions the saint's involvement in legal affairs and, unlike the opinions expressed by Ælfric, suggests to its readers that litigiousness and the willingness to engage directly with the legal system are important aspects of Becket's holiness.

The *SEL* Life of Becket and its Sources

The *SEL*'s life of Thomas Becket seems particularly suited for private reading and devotion. The legend's length alone, about 2,500 verses, would take over two hours to read aloud.[37] The inclusion of Becket's *translatio* at the end of

[37] Görlach, *Studies in Middle English Saints' Lives*, 27. Three different versions of the *SEL* life of Thomas of Canterbury have been published and each edition reflects a different manuscript recension. Horstmann prints the earliest manuscript form of the *SEL*: Oxford, Bodleian Library, Laud 108 (Görlach's siglum L). Herman Thiemke prints Görlach's manuscript A, Oxford, Bodleian Library, Ashmole 43 in *Die mittelenglische Thomas Beket-Legende des*

the narrative also suggests that the text would have been inconvenient for liturgical use. Becket's life and martyrdom were celebrated on December 29 and his translation was celebrated on July 7. It would likely have been cumbersome, therefore, to use the *SEL* as a liturgical reference for two feasts that were half a year apart.[38] Despite its length, the life of Becket was popular and survives in 22 manuscripts.[39] The *SEL* life of Becket does not appear to have been a text intended for public recitation or preaching, but nevertheless enjoyed popularity as a piece of private reading and study.

The source for the *SEL* life of Becket was the *First Quadrilogus*, a thirteenth-century revision of an earlier text called the *Second Quadrilogus*, which is a composite Latin history of Becket compiled by a certain E. (possibly, "Elias") of the Benedictine monastery at Evesham sometime between 1198 and 1199.[40]

Glaucesterlegendars, Palaestra 131 (Berlin: Mayer and Müller, 1919). Görlach says that Thiemke's main transcription is accurate, but the collation he provides of twelve other MSS is "deceptively selective" (*Textual Tradition* 296). D'Evelyn and Mill print Cambridge, Corpus Christi College 145 (MS C) with emendations from London, British Library, Harley 2277 (H). In an effort to discuss the thirteenth-century reception of text, I refer to Horstmann's edition from Laud 108. As above, other references of the *SEL* come from D'Evelyn and Mill's edition.

[38] See *A Handbook of Dates for Students of British History*, ed. C. R. Cheney, rev. Michael Jones (Cambridge: Cambridge University Press, 2000), 85.

[39] Görlach, *Textual Tradition*, 87.

[40] Michael Staunton, *Thomas Becket and his Biographers* (Woodbridge: Boydell, 2006), 6. The *First* and *Second Quadrilogus* suffer confusing modern names because they have traditionally been referred to in order of their first printing. The *First Quadrilogus*, which represents the later manuscript tradition, was first published in 1495 by Johannes Philippi as *Vita et Processus Santi Thome Cantuariensis Martyris super Libertate Ecclesiastica* (Paris). The *Second Quadrilogus*, which represents the earlier manuscript tradition, was published in 1682 by C. Lupus, in *Epistolae et Vita Divi Thomae Martyris et Archibiscopi*

The *Quadrilogus* is a composite summary of historical material on Becket in which E. "interweaves in a quite skillful manner extracts from John of Salisbury, William of Canterbury, Alan of Tewksbury and Herbert of Bosham, and draws on a fifth work, Benedict of Peterborough's *Passio* … for the murder and aftermath."[41] The result is a straightforward history of events of the Becket affair that proved to be an often-copied document, which was also apparently an attractive text for translators—beyond the Middle English *SEL*, it is also the source for the Old Norse *Thomas Saga*.[42] It is thought that the *SEL* poet relied on the later manuscript tradition, represented by the *First Quadrilogus*, because this text also includes the romance-inspired story of Becket's Syrian mother rescuing and later pursuing Becket's crusading father from the Holy Land to London.[43] The *SEL*-author's translation of the *Quadrilogus*, as Thiemke has shown, is a

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Cantuariensis, 2 vols. (Brussels). James Craigie Robertson prints the *Second Quadrilogus* as an appendix in *MTB* 4, 266–430. Robertson includes notes indicating where material was added to make up the *First Quadrilogus*. The *First Quadrilogus* survives in two manuscripts that predate the printed edition: Oxford, University College MS lxix and Saint-Omer, Bibliotèque de Saint-Omer MS 710.

[41] Staunton, *Thomas Becket and his Biographers*, 6–7. It is typical of the *Quadrilogus* to announce each author with a rubric or marginal note in both the printed and manuscript versions.

[42] See C. R. Unger, ed., *Thomas Saga* (Chistiana: Bentzen, 1869) or M. R. Magnusson, ed. and trans., *Thomas Saga Erkibysckups*, Roll Series 65, vol. 2 (London: Longman: 1883).

[43] The Latin source for the account of Becket's father, Gilbert, and his mother can be found in *MTB* 2, 453–58. The Gilbert story in Laud 108 (Horstmann's lines 1–202) is considerably different from the version given in later recensions (D'Evelyn and Mill's lines 1–52). It was generally accepted that the later text represents a major revision of the earlier, but Görlach has also suggested that it may be an entirely different translation (*Textual Tradition* 296, n. 362).

fairly faithful rendition of the Latin.[44] Generally, it appears that the *SEL*-author's strategy was to simplify, compress, and, occasionally, cut passages that do not advance the narrative. For example, the *SEL* drops an anecdote early in the narrative of a noble woman who discovers Becket prostrate on the floor where he had collapsed, exhausted from prayer.[45] The story may provide evidence of Becket's youthful piety, but it seems not to have been entirely useful for the *SEL* because it does not move the plot.

The *SEL*-author often adheres closely to the *Quadrilogus* and takes pains to recreate details that are found in the Latin, but also introduces details that were likely appealing to a readership familiar with popular Middle English literature. For example, in the scene after Becket is taken out of his deaconry and made chancellor to the king, the *Quadrilogus* criticizes Becket's newfound worldliness:

> Nam, ut de suppellectili taceam, fraenis utens argenteis, spumosis thesaurum lupatis inferebat mensas et expensas comitum antecedebat, ut ex altero parum archidiaconi videretur reminisci, ex altero maleficiis putaretur uti.[46]
>
> (Indeed (to say nothing about the furniture), using a bridle of silver, foaming at the bit, he rode to the treasury, advanced before the tables and feasts of the earls, so that from the one side, he

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[44] Thiemke, who did the closest examination of the source to date, called the *SEL* legend "eine unmittelbare freie Übertranung des *Quadrilogus*," in *Die me. Thomas Beket-Legende*, lii.

[45] *MTB* 4, 273.

[46] *MTB* 4, 272–73.

seemed to little remember the archdeaconry, and on the other, he was estimated only useful for wickedness.)[47]

The *SEL*-author's rendition of the scene makes changes only to the critique:

With more nobleie he rod i-nouȝ : þane he was i-wonet to do :
his loreins[48] weren al of seluer : stirapes and spores al-so ;
pley he siwede of haukes : and houndes I-nouȝ ;
And ase men þouȝten, In euereche point : to all pruyte he drouȝ.[49]
(He rode with sufficiently more nobility, than he was accustomed to do.
His bridle reins was all of silver, stirrups and spurs also.
He pursued the sport of hawking, and hounds plenty.
And as it seemed to men, in every aspect, he plunged himself into excessive pride.)

It is apparent that the *SEL*-author is following the Latin passage closely and was keen to include the memorable detail of Becket's illustrious silver tack. However, rather than merely placing Becket at court under the critical gaze of the courtiers and disapproving narrator, the *SEL*-author adds a verse, the topic of which serves as a sort of shorthand for courtly behavior in medieval romance—hunting. The illustration of Becket's youthful worldliness would have been made had the *SEL*-author adhered to the *Quadrilogus* material, but the inclusion of Becket's fondness for hawking and hunting places his behavior within the familiar idiom of

[47] My translation.

[48] "A bridle rein, often with metal ornamentation," *MED*, q.v. "lorain."

[49] Horstmann, *Early South English Legendary*, 113, lines 247–50.

popular romance. Although the change is slight, it indicates the *SEL*-poet's tendency to, on the one hand, stay close to his source, and on the other, reinterpret the history for his broad audience of vernacular, Middle English readers in an attempt to appeal to tropes from other popular literary genres.

The *SEL* life of Becket, the Constitutions of Clarendon, and Historicizing Royal Legislation

Most of the *SEL*-author's changes are fairly unassuming. The *SEL*'s inclusion of the Constitutions of Clarendon, however, is significant. Not only are their inclusion and placement in the life of Becket an innovation on the narrative as it appears in the *Quadrilogus*, evidence points to the fact that the *SEL*-author edited the list of decrees and created a hybrid version of the text. Considering the *SEL*-author's deference to his source for the main details of the life of Becket, the changes are striking and seem likely to have been meaningful for a medieval reader. The *SEL*'s version of the Constitutions represents the inclusion of a series of technical legal issues which, however arcane they seem on their face, were still centers of debate into the mid to late thirteenth century. Jeanette Johnston, examining Middle English carols on Becket, has suggested that the laws as they appear in the *SEL* are participating in a tradition, similar to the wounds of Christ, of enumerating the "points" for which the saint suffered.[50] This reading may have

[50] Jeanette Johnston, "The Points of Thomas Becket," *Notes and Queries* 223 (1978): 296–99. For the carols in question, see Richard Leighton Greene, ed., *The Early English Carols*, 2nd ed., (Oxford: Oxford University Press, 1977), 60–62. Although they outline the general nature of the Becket affair, none of the

merit, but the specificity and contemporary relevance of what is included by the *SEL* suggest that the poet was invoking legal details with contemporary historical significance. The *SEL*-author's choice to deviate from his source and include a hybrid list of royal legislation in the life of Becket not only suggests the saint's repudiation of a general sense of secular authority, but also highlights his engagement with specific points of objectionable legislation, which works to paint an aspect of Becket's holiness as dependent on his role as a successful litigant or bureaucrat.

In many ways, the Council of Clarendon marks the point at which the famous conflict between Henry II and Becket became irremediable.[51] During the time of Becket's meteoric rise from the position of Royal Chancellor to Archbishop of Canterbury, the king and Becket had enjoyed a famously close relationship. This lasted until 1163 when a series of escalating arguments between the two men reached a peak with the convocation of the Council of Clarendon, which was hostile enough that Becket would flee the country soon afterwards. Although several issues compelled the archbishop and the king to quarrel, the problem of jurisdiction over felonious clerks was the main point of contention and eventually brought the conflict to a head. Clergy had traditionally enjoyed immunity from prosecution in the secular courts, but public distaste for the

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carols edited by Green appear to have any direct relationship with the *SEL* life of Becket.

[51] The standard modern biography of Becket is Frank Barlow, *Thomas Becket* (Berkley, CA: University of California Press, 1986). My summary follows Barlow's account, with supplements from the *MTB*. Becket would be martyred only six years after the Council of Clarendon in 1170.

custom came to be a preoccupation for the king and a *cause célèbre* when a certain canon, convicted of murder by an ecclesiastical court, publicly insulted the judge of a royal assize court.[52] Following this and a handful of other complaints, hoping to make peace ("pacem zelans"),[53] Henry called the heads of church to Clarendon in January of 1164 where he planned to affirm a series of legal customs, which had allegedly been practiced in the realm since the time of his grandfather, Henry I. The archbishop initially appeared to acquiesce to the king's list of demands, but explaining that the laws were ancient and he was young, he claimed that he did not know enough about them to make a decision ("dicebat nescire de his") and asked that a copy be made ("scriptum chirographi modo confectum") so that he could approve and attach his seal to them later.[54] The onlookers took his acceptance of the document as an acceptance of its contents, and on the way back to Canterbury, Becket was harshly criticized by the elderly cross bearer in his retinue for agreeing to the king's decrees and betraying the church.[55] The archbishop eventually reneged on the compromise and, knowing that the king would likely apply more pressure in their next meeting, began to prepare for his flight to the Continent.

The *SEL*'s account of the Council of Clarendon follows the *Quadrilogus* fairly closely and includes many of the same details, including Becket's

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[52] Barlow, *Thomas Becket*, 93.

[53] *MTB* 4, 303.

[54] *MTB* 4, 304.

[55] Barlow, *Thomas Becket*, 100.

explanation that he is too young to have a coherent opinion on the ancient laws ("ich am ȝet a ȝong man / And luyte ȝwule habbe bischop i-beo : and þer-on luytel ich can") ("I am yet a young man and I have only been a bishop for a little while / and I know little about that")[56] and his request that a copy of them be made so that he can study them later ("of ower olde lawes : transcript ȝe me take") ("make me a transcript of our old laws").[57] Becket's reaction to the chirograph, however, is a stark divergence from the historical materials. The *SEL* immediately reports that the archbishop "g*ra*untede some of heom [i.e. the laws] : and with-seide mani on" ("accepted some of them and rejected many others") and proceeds to list first the laws that Becket allegedly accepted, followed by those he denied.[58] The inclusion of a list of the Constitutions of Clarendon at this point in the narrative may make sense, but it is an innovation on the *Quadrilogus*, which does not include the laws in the narrative, usually attaching them as an appendix instead.

The *SEL*-author's inventiveness does not end, however, with the inclusion of the list of laws at this point in the narrative—the list is an innovation in itself in two ways. First, it is novel to break the list into sections according to which laws Becket approved and which ones he rejected. Secondly, and more importantly, the list of laws that the *SEL*-author claims are the Constitutions of Clarendon is not a

[56] Horstmann, *Early South English Legendary*, 122, lines 559–50.

[57] Horstmann, *Early South English Legendary*, 122, line 551.

[58] Horstmann, *Early South English Legendary*, 122, line 554.

genuine reproduction of these statutes.[59] Rather, the *SEL* list is a mixture of statutes from the Constitutions of Clarendon of 1164 and a set of decrees made by Henry in 1169. The *SEL*'s list begins with three (in MS L) or four (in MS C) of the Constitutions that Becket accepted:[60] 16) the prohibition of the ordination of villeins' sons without their lords' leave, 11) ecclesiastical magnates who hold their land of the king in chief are to be considered barons and, thus, subject to secular law and custom, up to loss of life or limb, 14) a church or cemetery cannot detain stolen chattels left there by a felon, and 2) grants of churches in royal fee cannot be given away without the king's assent (omitted in MS L). The *SEL*'s account of the laws he rejected is mixed. The first seven are from the genuine Constitutions: 1) the giving of advowsons is for the king alone to decide,[61] 4) ecclesiastical magnates must have royal permission to leave the country,[62] 5) forbids excommunicates from having to swear an oath promising future good behavior, 7) forbids the excommunication of tenants-in-chief and royal officials, 12) vacant ecclesiastical properties are to go into the demesne of the king and he will elect a replacement from his chapel, 8) appeals that come to no resolution in

[59] Thiemke recognized that the *SEL*-author "unterscheidet zwischen anerkannten und nicht anerkannten Gesetzen," but did not notice that the list was a hybrid, in *Die me. Thomas Beket-Legende*, xliv.

[60] The *SEL*-author also says he accepted "oþure mo," but does not list them (Horstmann, *Early South English Legendary*, 123, line 572). The numbers for the Constitutions of Clarendon are indicated here by roman font. The actual legislation may be found in *MTB* 1, 18–23. See also *Councils* I, 852–93.

[61] "Advowson" was the secular right to appoint people to important ecclesiastical posts.

[62] Specifically, "arciepiscopis, episcopis et personis regni," *MTB* 1, 19.

the ecclesiastical court system will go to the king, and 15) debts will be under the jurisdiction of the king. The second section of laws that the *SEL* says he rejected was taken from a set of decrees Henry made in 1169, five years later than the Council of Clarendon and while Becket was on the Continent:[63] *1*) "Anyone found with a letter from pope or archbishop declaring an interdict on England is to be treated as a traitor,"[64] and *9*) "Peter's pence is to be gathered into the royal treasury, not sent to the pope."[65] The list then returns to the Constitutions of Clarendon for the final rejected law: 3) felonious clerks will be under the jurisdiction of the secular courts if they have been convicted in ecclesiastical courts.

Although it is possible that the *SEL*-author had access to a manuscript that presented the Constitutions in this hybridized way, to my knowledge, none exists in this form. Anne Duggan's study of the letters of Becket shows that it was common for the Constitutions of Clarendon and the decrees of 1169, sometimes called the *Causa exilii*, to be appended to the end of the *Quardilogus*.[66] It seems

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[63] The numbers in italic font here refer to the constitutions of 1169. Some scholars used to think that the 1169 edict was a forgery, but M. D. Knowles, Anne J. Duggan, and C. N. L. Brooke convincingly argued that it was a legitimate declaration in "Henry II's Supplement to the Constitutions of Clarendon," *The English Historical Review* 87 (1972): 757–71. Their edition includes an edition of the three surviving versions of the text. Each copy is in a slightly different order, so for the sake of clarity, the numbers in italics used above are keyed to Alan of Tewkesbury's version of the text. Also see, *Councils* I, 926–38

[64] Knowles, Duggan, and Brooke, "Henry II's Supplement," 757.

[65] Knowles, Duggan, and Brooke, "Henry II's Supplement," 758.

[66] Anne Duggan, *Thomas Becket: A Textual History of his Letters* (Oxford: Oxford University Press, 1980), 40 and 284. See also, *Councils* I, 855.

most likely, then, that the poet simply took the parts of these two documents that he or she found most useful from the appendix of his or her copy of the *Quadrilogus*, and combined them into a single list, claiming it was a genuine version of the Constitutions. The *SEL*'s way of breaking the list into sections according to whether Becket approved of the laws lends credence to this hypothesis. The narrative sections of the *Quadrilogus* offer no account of which laws were acceptable to Becket and which he rejected, and claims only that Becket unwillingly accepted the chirography of the Constitutions and later recanted. Some of Becket's primary biographers do include lists of the Constitutions the saint rejected, but none of them corresponds to the list given by the *SEL*-author, in content or order. A schematic representation of the rejected statutes in the *SEL* placed next to lists in other biographies makes this apparent:

SEL	Edward Grim[67]	Anonymous of Lambeth[68]	Herbert of Bosham[69]
1	1	8	1
4	2	4	3
5	4	7	4
7	7	3	7
12	8	15	8
8	15		12
15			
[*1*]			
[*9*]			
3			

It is clear enough that none of these biographies served as a main source, nor could any combination of them make up the list that appears in the *SEL* because

[67] *MTB* 2, 380.

[68] *MTB* 4, 102.

[69] *MTB* 3, 280–89.

none includes mention of statute 5 and nothing is said about the clauses from the decrees of 1169. The two surviving Anglo-Norman lives of Becket do not solve the puzzle either. Both the life by Guernes de Pont-Sainte-Maxence and the one by Beneit omit the entire Constitutions and mention only the offensive law concerning felonious clerks.[70]

Rather than drawing on an actual source referring to Becket himself, it is more likely that the *SEL*-author simply chose to misattribute the opinions given about the genuine Constitutions. Lists of the Constitutions sometimes included a note citing Pope Alexander III's condemnation or approval of each individual law. Although they are not separated out in groups according to approval and disapproval, the pope's apparent responses do coordinate with Becket's opinions depicted in the *SEL*.[71] It is most likely, therefore, that the *SEL*-author's copy of the *Quadrilogus* had such a list, and the poet simply construed the pope's judgments on the laws as Becket's. The inclusion of two of the decrees of 1169 and their condemnation, however, seem to be an *SEL* innovation. No formal record of Becket's rejection of the later statutes exists, nor are there records of such a hybridized list combining the two pieces of legislation.

If the *SEL*-author did in fact construct a hybrid list of the Constitutions and insert it into the Becket narrative, as seems most likely, it betrays a keen

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[70] Emmanuel Walberg, ed., *La Vie de Saint Thomas Becket par Guernes de Pont-Sainte-Maxence* (Paris: Honoré Champion, 1964) and Börje Schlyter, *La Vie de Thomas Becket par Beneit*, Études Romanes de Lund 4 (Lund: Häkan Ohlsson, 1941).

[71] *Councils* I, 855.

interest in emphasizing the technical details of the Becket dispute. Although a precise rhetorical strategy may be difficult to discern from the list, the inclusion of the decrees of 1169 appears to be designed to make Henry's impositions on the church seem all the more outrageous and to make Becket's position more reasonable. As critics have pointed out, the decrees of 1169 often reiterate the sentiment of the Constitutions of Clarendon, but some of the clauses, including the two excerpted by the *SEL*, represent an intensification of Henry's apparent desire to drive a wedge between papal oversight of legal affairs in England and his own prerogative. The first critical editors of the 1169 laws characterize them in a word: "severe."[72] The two laws from the 1169 decree inserted into the *SEL*, namely the criminalization of carrying a bull of interdict into England and the diversion of tithes into secular coffers, are both matters of great spiritual consequence and offense to the church's position. Their placement in the *SEL*'s composite list, immediately before clause 3 of the 1164 Constitutions, also seems geared to affect a reader's encounter with the crux of the Becket conflict—Henry's claim for secular legal jurisdiction over felonious clerks. The inclusion and arrangement of sections of Henry's 1164 and 1169 legislation appear to be designed to focus attention on the aspects of the conflict that were most offensive to the church's position.

Considering the broad audience and readership of the *SEL*, it is significant that many of the same arguments about legal jurisdiction raised by the hybrid list

[72] Knowles, Duggan, and Brooke, "Henry II's Supplement," 761.

continued to be sites of ongoing conflict from the thirteenth century onward.[73] Even though as early as the end of the twelfth century, the ecclesiastical courts had been outmaneuvered by secular legislators and lost jurisdiction over disputes concerning advowson and patronage (cf. Constitution 1), Bishop Grosseteste of Lincoln, writing in the middle of the thirteenth century, complains bitterly that the secular court's jurisdiction over these matters was an absurdity.[74] A seemingly arcane issue like, for example, whether or not an ecclesiastical court could hear suits concerning debt (Constitution 15), was the subject of heated jurisdictional wrangling in England into the late Middle Ages. Henry's 1164 prohibition against

[73] For an important writ invented in 1285 that helped to define secular jurisdiction and background on earlier mechanisms for challenging actions in ecclesiastical courts, see David Millon, "*Circumspecte Agatis* Revisited," *Law and History Review* 2 (1984): 105–27. Jurisdictional quarrels were common in the *gravamina*, or complaints from the bishops to the crown, issued during the second-half of the thirteenth century. For an overview, see W. R. Jones, "Bishops, Politics, and the Two Laws: The *Gravamina* of the English Clergy, 1237–1399," *Speculum* 41 (1966): 209–45.

[74] "Hoc autem quam absurdem sit facere," *Roberti Grosseteste episcopi quondam lincolniensis Epistolae*, ed. Henry Richards Luard, Roles Series 25 (London: Longman, Green, Longman, and Roberts, 1861), 288. The secular courts eventually succeeded in making the right to advowson considered the same as lay real property under common law. For the development of advowson, see Peter W. Smith, "The Advowson: The History and Development of a Most Peculiar Property," *Ecclesiastical Law Journal* 5 (2000): 320–39 and J. W. Gray, "The *Ius Praesentandi* in England from the Constitutions of Clarendon to Brackton," *The English Historical Review* 265 (1952): 481–509. Constitution of Clarendon 9, not mentioned by the *SEL*, also cemented the secular courts' power to decide whether (hence the name of the writ: "Utrum") a piece of land was held as "lay fee" or "frankalamoin" (tenure in "free alms"). A misuse of holding land in frankalamoin had developed when landholders began to donate their farms to ecclesiastical organizations, only to lease back the property from the church in order to avoid paying lay fee. For more, see Elisabeth G. Kimball, "Tenure in Frank Almoign and Secular Services," *The English Historical Review* 43 (1928): 341–53 and Audrey W. Douglas, "Frankalmoin and Jurisdictional Immunity: Maitland Revisited," *Speculum* 53 (1978): 26–48.

hearing debt cases in ecclesiastical courts was the official stance on the issue, but the onerous legal mechanism required to actually stop an ecclesiastical court from hearing a debt case, the Writ of Prohibition, "made little apparent difference to actual Church practice" and debt disputes were often settled in church courts into the fifteenth century.[75]

The enforcement of excommunications, one of the church's most coercive legal tools, was also a site of jurisdictional conflict and legal innovation. Although the secular legal system was supposed to issue Writs of Caption and enforce the ruling of church courts by hauling in excommunicates before the bishops (Constitution 5 requiring secular courts to enforce compunction), lay authorities regarded their role in the procedure as a "privilege" and reserved the right to withhold service. This was due at times to the corruption of local sheriffs who might claim to have never received their orders, but the fact that the Court of Chancery was occasionally unwilling to issue writs to capture excommunicates in the first place was likely an act of legal retaliation. Church courts used excommunication as an innovative action against the Writ of Prohibition, the above-mentioned legal action that forced church courts to stop hearing debt cases. In this scenario, a defendant might procure a Writ of Prohibition from Chancery

[75] R. H. Helmholz, "Assumpsit and *Fidei Laesio*," *The Law Quarterly Review* 91 (1975): 406–32, at 407. See also, W. R. Jones, "Relations of the Two Jurisdictions: Conflict and Cooperation in England During the Thirteenth and Fourteenth Centuries," *Studies in Medieval and Renaissance History* 7, ed. William M. Bowsky, 79–210 (Lincoln, NE: University of Nebraska Press, 1970), esp. 165–69. For testamentary debt, see R. H. Helmholz, "Debt Claims and Probate Jurisdiction in Historical Perspective," *The American Journal of Legal History* 23 (1979): 68–82.

to stop an ecclesiastical court from prosecuting a debt case against him. The church court could then retaliate by excommunicating the defendant in order to force him to come before the bishops and answer the debt suit. Chancery could then refuse to attach the defendant to a Writ of Caption, thereby reasserting the force of the original Writ of Prohibition.[76] In a move particularly dismissive of ecclesiastical authority, the crown would also occasionally protect favorites from excommunication (Constitution 7), either through direct intervention in trials or through exemptions granted by Rome.[77] Even tithes (related to 1169 decree 9), a right that would seem to clearly fall under ecclesiastical jurisdiction, were subject to the intrusion of secular courts, which was the source of considerable rancor.[78] Beyond a record of Becket's greatest and most lasting legislative accomplishment—the benefit of clergy—the *SEL*'s hybrid list of laws from the Constitutions of Clarendon and the decrees of 1169 represent a series of references to technical legal issues that would likely have been recognizable to readers of the poem for some time after it was composed.

The *SEL*'s inclusion of this specific legal material also affects how readers might understand the essence of Becket's sanctity. Discussing Thomas of

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[76] For more, see F. Donald Logan, *Excommunication and the Secular Arm in Medieval England*, Pontifical Institute of Mediaeval Studies and Texts 15 (Toronto: Pontifical Institute, 1968), esp. 86–87 and 102–03; and Jones, "Relations of the Two Jurisdictions," 144. For the development of judicial excommunication in England, see R. H. Helmholz, "Excommunication in Twelfth Century England," *Journal of Law and Religion* 11 (1994–1995): 235–53.

[77] Jones, "Relations of the Two Jurisdictions," 145.

[78] Jones, "Relations of the Two Jurisdictions," 157–65.

Canterbury in his monumental study, *Sainthood in the Later Middle Ages*, André Vauchez argues for a "Becket model" of sainthood based on the narrative of a strong episcopal figure taking a stance in opposition to secular authority, which was common in eastern and northern Europe.[79] Important aspects of a saint in the "Becket model," according to Vauchez, are "probably the strong impression made on the faithful by their aristocratic birth and ability to govern" and a sense of "martyrdom, or at least persecution."[80] In Thomas Wünsch's estimation, the success of bishops to achieve sainthood rested largely on their capacity to balance their role as spiritual shepherds with the competing secular role that came with the large landholdings and power that were increasingly attached to an episcopal see as the Middle Ages progressed.[81] In order for a bishop to be regarded as saintly, Wünsch argues, he must be careful to avoid seeming too worldly, particularly in the management of land.[82]

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[79] André Vauchez, *Sainthood in the Later Middle Ages*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1997), 168. A similar example to Becket that also appears in the *SEL* is the account of the bishop Edmund Rich.

[80] Vauchez, *Sainthood*, 169. Vauchez cites the importance of persecution from Josiah C. Russell, "The Canonization of Opposition to the King in Angevin England," *Anniversary Essays In Mediaeval History by Students of Charles Homer Haskins*, ed. Charles Holt Taylor, 279–90 (Freeport, NY: Books for Libraries Press, 1926; repr. 1967).

[81] Thomas Wünsch, "Der heilige Bischof—Zur politischen Dimension von Heiligkeit im Mittelalter und ihrem Wandel," *Archiv für Kulturgeschichte* 2 (2000): 261–302.

[82] Wünsch cites the bishop Adalbert of Bremen as emblematic of the dangers of focusing too much on "seine Bemühungen um Garten- und Weinbau," "Der heilige Bischof," 300.

In broad strokes, the *SEL*'s Becket-narrative clearly draws a similarly general distinction between the saint's secular, aristocratic early life and his pious, monastic adulthood in order to highlight the archbishop's sanctity. Becket's metamorphosis from an aristocrat, fond of hunting, to a monastic church leader whose putrefying and worm-eaten flesh was discovered only after his hair shirt was removed at death is a staple of aristocrat-to-monkish-bishop conversion narratives. Even the inclusion of the secular romance tale describing Becket's parentage, with his Syrian-born mother passionately pursuing Becket's father across the sea to England, can be seen as a foil to the account of Becket's own pilgrim-like exile across the Channel in pursuit of church approval and protection at the end of the narrative. In a move that does nothing to advance the plot, the *SEL*-author's insertion of a composite list of historicized, but contemporarily relevant, laws into an important moment in the narrative functions to change the characterization of Becket's sanctity. Rather than portraying the central dispute between the king and the archbishop in general terms like the *Quadrilogus*, the Middle English translator characterizes Becket as a sort of holy litigant, fighting Henry's Constitutions point by point. Here, like the examples discussed earlier in this dissertation, the characterization of the law in the *SEL* life of Becket functions to place the experience of the saint in an immediately relevant cultural context. Becket is not merely cast in opposition to some vague over-reaching secular state, but rather he appears as a holy technocrat, engaging the king on specific and nuanced legal issues that were contentious until the later Middle Ages. Before his martyrdom and ascendancy to the ranks of the valiant martyrs of antiquity, the

SEL characterizes Becket as directly engaging with the details of secular legislation, which had bearing on the everyday lives of English laymen and clergy alike.

CHAPTER SIX

CONCLUSION

"'Unser Urteil klingt nicht streng. Dem Verurteilten wird das Gebot, das er übertreten hat, mit der Egge auf den Leib geschrieben. Diesem Verurteilten zum Beispiel'—der Offizier zeigte auf den Mann—'wird auf den Leib geschrieben werden: Ehre deine Vorgesetzen!'"[1]

In the years immediately following the martyrdom of Thomas Becket in 1170, a certain peasant ("plebeius quidam") of Westoning by the name of Ailward found himself at the center of a dispute that would make him well known to scholars of Becket and the history of English law.[2] During festive drinking that

[1] Franz Kafka, "In der Strafkolonie," in *Das Urteil und andere Erzählungen* (Frankfurt: Fischer, 1955), 150. "'Our sentence does not sound severe. The condemned man has the commandment that he has transgressed inscribed on his body with the harrow. This condemned man, for instance'—the officer indicated the man—'will have inscribed on his body: Honour thy superiors!'" in *The Metamorphosis and Other Stories*, trans. Malcolm Palsley (London: Penguin, 2000), 115.

[2] The Ailward case appears in two collections of miracles, the first compiled by William of Canterbury and the second by Benedict of Peterborough. Robertson prints them, respectively, as *MTB* 1.155–58 and 2.173–82. Legal historians have also anthologized the miracle story and reprints of the *MTB* along with English translations may be found in R. C. Van Caenegem, ed., *English Lawsuits from William I to Richard I: Volume II, Henry and Richard (Nos 347–665)* (London: The Selden Society, 1991). The two accounts are virtually the same and I refer here to Benedict's version, which provides a few more details than William, here at *MTB* 2.174. Ailward's case has been of interest to a number of different scholars for a variety of reasons. John Hudson has seen it as exemplary of a number of Angevin legal reforms in *The Formation of the English Common Law: Law and Society from the Norman Conquest to Magna Carta* (London: Longman, 1996) and Klaus van Eickels discusses it as gendered punishment in "Gendered Violence: Castration and Blinding as Punishment for Treason in Normandy and Anglo-Norman England," in *Violence, Vulnerability, and Embodiment: Gender and History*, eds. Shani D'Cruze and Anupama Rao, 94–108 (Oxford: Blackwell, 2005), esp. 101–102. For the episode as an example of the popularization of a miracle story, see Rachel Koopmans, *Wonderful to*

traditionally occurred on the night of a feast day, Ailward and his friend Fulk fell into a quarrel over a small debt that Fulk owed to Ailward for having plowed a piece of land. Taking the law into his own hands, Ailward left his neighbor in the tavern and broke into his house in order to recover whatever he could to settle the debt. After rummaging around in Fulk's house ("Evolvens domum"), Ailward decided to take a large whetstone ("cotem magnam") and a pair of gloves ("chirothecas"), which he planned to hold in pawn until the debt was repaid.[3] Alerted by his children who heard Ailward break in, Fulk returned home in time to confront the drunken burglar and during the ensuing scuffle, Ailward was stabbed in the arm and hit over the head with the whetstone he was trying to spirit away. Fulk then raised the hue and cry and Ailward was taken into custody on trumped up charges—the reeve, also named Fulk (called Richard by William of Canterbury), conspired to hang additional goods around his detainee's neck in order that the amount of goods stolen would warrant a severe punishment. After some weeks, despite his preference for a trial by battle, Ailward was at last subjected to the ordeal by water, found guilty of theft, and publicly blinded and castrated by the reeve and his accuser.[4] After ten days of prayer to the martyr

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Relate: Miracle Stories and Miracle Collecting in High Medieval England (Philadelphia: University of Pennsylvania Press, 2011), 17–18.

[3] *MTB* 2.174.

[4] William of Canterbury explains that Ailward's preference for trial by battle is because he was baptized on Whitsun eve, which, according to local tradition ("sicut vulgaris habit opinion"), meant that he could not be submerged under water nor be burned by fire, *MTB* 1.59. Unfortunately for Ailward, his miraculous buoyancy ensured his conviction.

Saint Becket and confession, Ailward was granted his sight and his testicles regrew. The miraculous healing became famous among the local people and Ailward was ever after followed by a large crowd wherever he went ("Quacunque transibat, sequebatur eum multitude plebis copiosa").[5]

The tale of Ailward's misfortunes helps to illustrate an important similarity between medieval legal culture and the lives of the saints—like the horrifying apparatus described in Kafka's penal colony, the medieval law and the sanctity performed by the saints are often inscribed upon bodies. The meanings that arise from Ailward's mutilation are clear examples. Like the destruction of Becket's own body during his martyrdom and the cult that formed around his relics, Ailward's body serves as an important marker of the interaction between state-sanctioned violence and divine intervention. His castration, in particular, can be read simultaneously as a physical mark of the punitive force of the law and as the embodied evidence of God's grace and forgiveness. In ways, his wounds function as signifiers of both realms to the people around him. Both of the hagiographers who describe the miracle explain that Ailward permitted devotees to touch his previously wounded scrotum and feel his newly regrown testicles as evidence of Becket's intervention ("quae [i.e. his testes] etiam volenti cuilibet palpare non negavit").[6] Ailward's interaction with the law and his experience of the divine are made manifest to his community by this most intimate of wounds.

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[5] *MTB* 2.180.

[6] *MBT* 2.180. Both hagiographers explain that the newly regrown testicles were much smaller than they had been, but William of Canterbury adds the

The centrality of the body and its corruptibility was an important subject for medieval writers as diverse as the church fathers and the Middle English lyric poets, and its significance is not a new scholarly observation. The recent return to thinking about the importance of the body by writers like Foucault, Scarry, and Butler has given rise to what Trisha Olson has called a "cottage industry … around the topic of the body in pain in the disciplines of medieval history, philosophy, and modern jurisprudence."[7] Many recent critics found much to say about the fact that public execution, ritual dismemberment of both criminal and holy bodies, inability to mitigate the sensation of pain, and particularly bloody violence were common parts of medieval life.[8] This is to say nothing of the

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confusing detail (considering the anatomy of foul) that the people who inspected them "infra quantitatem testium galli poterant aestimari," *MBT* 1.158.

[7] Trisha Olson, "The Medieval Blood Sanction and the Divine Beneficence of Pain: 1100–1450," *Journal of Law & Religion* 22 (2006–2007): 63–129, at 64. Olson specifically refers to Foucault's *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1979) and Elaine Scarry, *The Body in Pain* (Oxford: Oxford University Press, 1985).

[8] See respectively, Olson "The Medieval Blood Sanction;" Katherine Royer, "The Body in Parts: Reading the Execution Ritual in Late Medieval England," *Historical Reflections/Réflexions Historiques* 29 (2003): 319–39; Katherine Park, "The Criminal and the Saintly Body: Autopsy and Dissection in Renaissance Italy," *Renaissance Quarterly* (1994): 1–33; Esther Cohen, "The Expression of Pain in the Later Middle Ages: Deliverance, Acceptance, and Infamy," in *Bodily Extremities: Preoccupations with the Human Body in Early Modern European Culture*, eds. Florike Egmond and Robert Zwijnenberg, 195–219 (Aldershot: Ashgate, 2003); and the collection of essays, *'A Great Effusion of Blood'?: Interpreting Medieval Violence*, eds. Mark D. Meyerson, Daniel Theiry, and Oren Falk (Toronto: University of Toronto Press, 2004). See also Ariel Glucklich, *Sacred Pain: Hurting the Body for the Sake of the Soul* (Oxford: Oxford University Press, 2001).

critical literature that has been produced in the last twenty years on other aspects of the body in the Middle Ages.

An unintended discovery in the course of this dissertation's focus on legal themes in hagiography is the fact that each example is attended by an ancillary emphasis on the body. As I discuss in Chapter Two, the use of the word *for-stelan* in hagiography appears particularly well suited for describing the theft of bodies and the language of *theft* sometimes conjures the bodies of the thief executed alongside Christ. The marriage proposal discussed in *Juliana* can be seen as a legal contract that would guarantee access to Juliana's body, which would be tortured and mutilated in the conclusion of the poem. Ælfric's anxiety about the clergy's involvement with criminal trials hinges on judicial mutilation, capital punishment, and standards of proof manifested on the bodies of the accused. The *South English Legendary*'s technically skilled Becket managed to secure the benefit of clergy for his flock, which spared clerks from secular corporal punishment, even though his own fate was played out in the destruction of his own body.

One of the reasons the law and bodies may be found in close proximity in the lives of the saints, as the example of Ailward shows us, is the fact that the sanctity performed by a saint and some of the basic functions of medieval law are enacted on the bodies of their subjects. In a similar way as saints are scourged, tortured, and executed, criminals are subjected to trials by ordeal, imprisonment, and execution. Bodies and the law also appear in close proximity in English saints' lives because they share a similar rhetorical function in the genre. As the

numerous examples discussed in this dissertation indicate, English hagiographers employ legal language and themes in ways that appear geared to reference immediate, historical, and culturally relevant details. The interactions saints have with aspects of secular law work to place their spiritual biographies in specific, literalized, and worldly contexts. That is, the historicized legal details explicated in this dissertation are indispensible to reading the lives of saints in which they appear because they help to illustrate the paradoxical necessity of the physical, temporal world for the construction of medieval sainthood. The body of the saint functions in a similar way, because, like the law, the transitory trappings of a body are a fundamental aspect of the tension in the biography of a holy person between the physical and spiritual worlds. Like the legal themes discussed above that place the saint in and focus the reader's mind on a literal, historicized moment, the body of the saint or her relics work to affirm the vital role of the mundane, fallen, and temporal world for the life of a holy person. Legal themes in early English hagiography, like the physical body of a saint, help to ground the narrative of a holy person in the problematic secular world—the world from which a saint's spiritual athleticism allows her to transcend.

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APPENDIX I

INDIVIDUAL SAINTS' LIVES AND CAMERON NUMBERS SEARCHED FOR CHAPTER TWO

Chrysanthus and Daria, B1.3.33

Clement, B1.1.39

Cross (Exaltation), B1.3.27

Cross (Invention), B3.3.5

Cross (Invention i), B1.2.22

Cross (Invention ii), B3.3.6

Cuthbert, B1.2.11

Denis and companions, B1.3.29

Edmund (king and martyr), B1.3.31

Eugenia, B1.3.3

Euphrosyne, B3.3.7

Eustace and companions, B3.3.8

Forty Soldiers, B1.3.12

Four Evangelists (Mark, part 2), B1.3.16

Fursey (*visio* only), B1.2.25

Gallicanus (see John and Paul)

George, B1.3.15

Giles, B3.3.9

Gregory, B1.2.10

Guthlac, B3.3.10

James the Greater (i), B1.2.34

James the Greater (ii), B3.3.11

James the Less (see Philip and James the Less)

John and Paul with Gallicanus (Agnus part 2), B1.3.8

John the Baptist (Decollation), B1.1.34

John the Baptist (Nativity i), B1.1.27

John the Baptist (Nativity ii), B3.3.12

John the Evangelist (Assumption), B1.1.5; also in Ælfric's "Letter to Sigeweard"

Julian and Basilissa, B1.3.5

Laurence, B1.1.31

Lucy, B1.3.10

Macarius of Egypt (part 2 of Swithun)

Maccabees, B1.3.25

Machutus, B3.3.13

Malchus (*Vitae Patrum*, pt. 2), B3.3.35

Margaret (i) (CCCC 303), B3.3.14

Margaret (burnt ii), B3.3.15

Margaret (iii) (Cotton, Tiberius a.iii), B3.3.16

Mark, B1.3.16

Martin (i), B1.2.42

Martin (ii), B1.3.30

Martin (iii), B3.3.17.2

Martin (iv), B3.3.17.3

Mary of Egypt, B3.3.23

Mary Virgin (Annunciation), B1.1.14

Nicholas, B3.3.29

Oswald (king and martyr), B1.3.26

Pantaleon, B3.3.30

Paul (apostle) [Godden calls this account “distinctly hagiographic in content and tone” *CH* III, 26.], B1.1.29

Paulinus, B3.3.31

Peter, B1.2.31

Peter (Chair of) (includes Petronilla and Felicula), B1.3.11

Peter and Paul (i), B1.1.28

Peter and Paul (ii), B3.3.32

Petronilla and Felicula (see Peter, Chair of)

Philip and James the Less, B1.2.21

Quintin, B3.3.33

Sebastian, B1.3.6

Seven Sleepers (i), B1.2.34

Seven Sleepers (ii), B3.3.34

Sexburga (see also Mildred ii?), B3.3.27.2

Simon and Jude, B1.2.41

Stephen Protomartyr (i), B1.1.4

Stephen Protomartyr (ii), B1.2.3

Swithun, B1.3.22

Theophilus (see Mary, Virgin, Assumption i)

Thomas, B1.3.34

APPENDIX II

INDIVIDUAL *THEFT*-LEXEMES SURVEYED FOR CHAPTER TWO

AND THEIR TEXTUAL CONTEXTS

Description

Each lexeme that was searched is listed here alphabetically by first letter, including prefixes (except for the prefix <ge->). Asterisks indicate words that appear only in the *TOE* and, therefore, do not appear in Schwyter's study. Schwyter was interested in the actual lexical field of *theft* and, therefore, limited his search to legal documents. A note indicating if a lexeme was not found, is rare, or other comments appears immediately following the word in square brackets.

Individual texts where *theft*-lexemes occur appear on the first tab under the word entries. Each text is listed here in order of ascending Cameron Number. The texts are cited as they are in the *DOE* by short title, a short description of the text in parentheses, Cameron Number, and page and line number. The page and line number citations, however, are keyed instead to the editions listed in Appendix III below. Only the bracketed page and line citations are given for texts with multiple word entries. The citations are followed by an extract from the immediate context of the *theft*-word, which is indicated by italics.

The third tab, under each individual lexeme and the word in its Old English contexts, gives extracts of the closest known Latin source for the preceding Old English passage. This is followed by a short citation for the text, which can be found in Appendix III under the Old English work it refers to. A note is given if the Old English is unattested in the Latin. Readers may consult Appendix III for a bibliography of the Latin source, even when the Old English translation is an innovation.

a-bregdan* [not found]

æt-beran [not found]

æt-bredan

ÆCHom I, 37 (Clement) B1.1.39 [506.274–78]: “Unwilles we magon forleosan þa hwilwendlican god: ac we ne forleosað næfre unwilles þa ecan god: þeah ðe se reþa reafere us æt æhtum bereafige oððe feores benæme he ne mæg us *ætbredan* urne geleafan ne þæt ece lif gif we us sylfe mid agenum willan ne forpærað.”

Latin: [Unattested in the Latin.]

ÆCHom II, 9 (Gregory) B1.2.10 [76.123–24]: “Gehwilce eorðbugigende sind *ætbrodene*. and heora hus standað aweste.”

Latin: “Habitatores quique … corruunt, domus vacuae reliquuntur, filiorum funera parentes aspiciunt et sui eos ad interitum heredes praecedunt,” *CH*, *Commentary*, 408.

ÆLS (Alban-Ahitophel and Absalom) B1.3.20 [I, 19.188–93]: “Ac se swicola deofol þe beswac ðone þeof, / and æfre forlærde oð his lifes ende, / nele naht eaðe on his ende geðafian / þæt he þonne gecyrre mid soðre behreowsunge, / and mid incundum wope, to þam welwillendan Hælende; / ac cunnað mid eallum cræfte hu he hine Criste *ætbrede*

Latin: [Unattested in the Latin.]

LS 8 (Eustace) B3.3.8 [II, 30.305–7]: “And æfter þam þe he gefadod hæfde eall his werod swa his þeaw wæs, þa ferde he to þam gefeohte, and

geeode þa land þe ða hæðenan *ætbrodon* hæfdon, and hi þam casere underþeodde."

Latin: "Et post dipositam militiam : ut solitum est : profectus est ad bellum . Et terram quidem quam abstulerant barbari liberauit," Mombritius, 1, 471.4–5.

æt-ferian [not found]

æt-wrencan* [not found, rare form]

a-lædan [not found]

and-feng* [no criminal reference found]

a-rydd(r)an* [not found]

a-scirian* [not found]

a-þryn* [not found, gloss, no BT lemma]

a-wræstan* [not found, rare form, gloss]

be-gitan [unlawfully]

LS 10.1 (Guthlac) B3.3.10.1 [9.1]: "Hu þæt gewrit *begiten* wæs."

Latin: [Unattested in the Latin.]

LS 34 (Seven Sleepers) B3.3.34 [548]: "Nu me is min agen ætwiten swilce ic hit hæbbe forstolen, and man mid witum ofgan <wile> æt me þæt ic mid rihtan þingon *begyten* hæfde."

Latin: "Putabat enim cognouissent eum, et cogibat dicens, 'Ne imperatori Decio tradant," Magennis, 86.257–58.

be-grindan* [not found, only poetry,]

be-hlyþan* [not found, rare form, only poetry]

beo-þeof [not found, rare form]

be-reafian

And (*Andreas*) A2.1 [1311–14] “Þa com seofona sum to sele geongan, / atol æglæca yfela gemyndig, / morðres manfrea myrce gescyrded, / deoful deaðreow duguðum *bereafod*.”

Latin: “Conprehendentes autem illum, statim mittentes eum ac dicentes,” Blatt, 83.12–14.

El (*Elene*) A2.6 [907–10]: “Nu cwom elþeodig, / þone ic ær on firenum fæstne talde, / hafað mec *bereafod* rihta gehwylces, / feohgestreona.”

Latin: “quis iteru*m* hic qui n*on* p*er*mittit suscepere animas eoru*m*?” St. Gallen MS, p. 162.

ÆCHom I, 29 (Laurence) B1.1.31 [424.179–80]: “Đa ða decius þæt geaxode þa het he hine wædum *bereafian* & mid stearcum stengum beatan.”

Latin: “Audiens Decius hoc factum dixit: ‘Exhibete eum cum fustibus,’” *CH*, *Commentary*, 244.

[425.206–09]: “Hi þærrihte hine wædum *bereafodon*. & on þam heardan bedde astrehton. & mid byrnendum gledum þæt bed undercrammodon. & hine ufan mid isenum geaflum þydon.”

Latin: “Et allatus est beatus Laurentius et expoliatus vestimentis suis in conspectu Cecii et Valeriani et extensus in craticula ferrea. Et allati sunt batuli cum prunis et miserunt sub craticulam ferream

et cum furcis ferreis coartari fecit beatum Laurentius," *CH*, *Commentary*, 244.

ÆCHom I, 37 (Clement) B1.1.39 [506.274–78]: "Unwilles we magon forleosan þa hwilwendlican god: ac we ne forleosað næfre unwilles þa ecan god: þeah ðe se reþa reafere us æt æhtum *bereafige* oððe feores benæme he ne mæg us ætbredan urne geleafan ne þæt ece lif gif we us sylfe mid agenum willan ne forpærað."

Latin: [Unattested in the Latin.]

ÆCHom I, 38 (Andrew i) B1.1.40 [510.93–95]: "Ða hæfde zacheus beceapod heofenan rice mid healfum dæle his æhta: þone oðerne dæl he heold to þy þæt he wolde þam be feowerfealdum forgyldan þe he ær unrihtlice *bereafode*."

Latin: "Stans autem Zacchaeus, dixit ad Dominum: 'Ecce dimidium bonorum meorum. Domine, do pauperibus; et si quid aliquem defraudavi, reddo quadruplum," *CH*, *Commentary*, 322.

ÆCHom II, 10 (Cuthbert) B1.2.11 [86.184–87]: "Þa woldon hremmas. hine *bereafian*. æt his gedeorfum. gif hi dorston. ða cwæð se halga. to ðam heardnebbum. gif se ælmihtiga eow. ðises geuðe. brucað þæra wæstma. and me ne biddað."

Latin: "Qui dum maturescere coepisset, venere volucres, et huic depascendo certatim insistebant. Ad quos piisimus Christi servus … inquit …," *CH*, *Commentary*, 423 [see also Godden's note about the translation].

ÆCHom II, 38 (Simon and Jude) B1.2.41 [287.260–62]: "Æfter ðrim monðum ðises asende se cyning xerxes. and *bereafode* ealle ða hæðengildan heora æhta. and ðæra apostola lic mid micclum wurðmynte to his byrig gebrohte."

> Latin: "Post menses autem tres misit rex et confiscavit omnes pontifices; corpora autem apostolorum cum ingenti honore ad suam transtulit civitatem…," *CH*, *Commentary*, 621.

ÆLS (Maccabees) B1.3.25 [II, 25.6–14]: "An ðæra cyninga wæs heora eallra forcuðost, / arleas and uppahafen, Antiochus gehaten, / se feaht on ægypta lande and afligde ðone cynincg, / and ferde syððan to Hierusalem mid mycelre fyrde, / and *bereafode* Godes templ goldes and seolfres, / and fela goldhordas forð mid him gelæhte, / and ða halgan maðmfatu and þæt mære weofod, / and ofsloh þæs folces fela on ðære byrig, / and modelice spræc, on his mihta truwigende."

> Latin: "…[11] et exiit ex eis radix peccatrix Antiochus Inlustris… [20] et conprehendit civitates munitas in terra Aegypti et accepit spolia terrae Aegypti… [22] et ascendit Hierosolymis in multitudine gravi [23] et intravit in sanctificationem cum superbia et accepit altare aureum et candelabrum luminis et universa vasa eius et mensam propositionis et libatoria et fialas et mortariola aurea et velum et coronas et ornamentum aureum quod in facie templi erat et comminuit omnia [24] et accepit argentum et aurum et vasa concupiscibilia et accepit thesauros occultos quos invenit et

sublatis omnibus abiit in terram suam [25] et fecit caedem hominum et locutus est superbia magna," 1 Maccabees, 1.11, 20, 22–25.

ÆLS (Martin) B1.3.30 [II, 31.155–56]: "He wearð swaþeah gebunden bæftan to his bæce, / and heora anum betæht þæt he hine *bereafode*."

Latin: " …uinctis tamen post tergum manibus, uni adseruandus et spoliandus traditur," Fontaine, 5.4: 262, 264.

LS 7 (Euphr) B3.3.7 [346.194–95]: "Hwa *bereafode* me minra speda oððe tostencte mine æhta?"

Latin: "quis meam possessionem sparsit?" PL 73, 665, [Col.0647D].

LS 8 (Eust) B3.3.8 [II, 30.148–151]: "Þa þæt ongeaton yfele men, þæt hi swa *bereafode* wæron, þa ferdon hi to and namon heora gold and seolfor, and eall þæt þær wæs, and swa eall heora æhta losodon þurh deofles searwa."

Latin: "Videntes autem quidam de malignis depraedationem eorum aggressi per noctem dirripuerunt omnia : quae possidebant aurum et argentum et uestem ita : ut nihil relinqueretur de substantia eorum praeter quae amicti fuerant," Mombritius, 1, 468.50–53.

[II, 30.192–94]: "Wala on hu micelre genihtsumnysse ic hwilum wæs, and eom nu *bereafod* swa an hæftnydlincg."

Latin: "Heu me : qui in abundantia nimia fueram : modo captiuitatis more desolatus sum," Mombritius, 1, 469.32–34.

LS 13 (Machutus) B3.3.13 [14v.22–24, 26r.1–2]: “Þeos þa heo <geherde><þa> mænigfealdan wundru be sancte <Machute><hire> handa beacnunga wæs biddende / þæt hie mon to him gelædde for þon þe heo hire spræce wæs *bereafod*.”

> Latin: “ad eu*m* deduci . q*ui*a lingue officio p*ri*uata erat ; Cu*m*q*ue* ad eum deducta e*ss*et,” Yerkes, Latin 47 [his 94], 1–2.

LS 23 (Mary of Egypt) B3.3.23 [74.250–56]: “Ða witodlice se lichama þe ðær fleah ðyllice stemne forð sende and þus cwæð: Ðu abbod Zosimus, miltsa me for Gode, ic ðe bidde, forþon ic ne mæg me þe geswutelian and ongeanweardes þe gewenden, forþon ic eom wifhades mann and eallunga lichamlicum wæfelsum *bereafod*, swa swa þu sylf gesihst, and þa sceame mines lichaman hæbbende unoferwrigene.”

> Latin: “Tunc illud corpus quod fugiebat uocem talem emisit: ‘Abba Zosimas, ignosce mihi propter Dominum, quoniam manifestare me tibi conuersa non possum: mulier enim sum, et omnino corporeo tegmine nuda, ut ipse uides, et corporis turpitudinem habens intectam,” Magennis, 160.257–61.

LS 29 (Nicholas) B3.3.29 [345]: “Sume hi eodon þa to þæt ceapstowe & *bereafoden* þær þæt landfolc.”

> Latin: “Aliqui uero eorum mercationis causa usque ad locum nundinarum qui Placomata uocatur accedentes, rapinam sicut illud hominus genus consuetum est infligere non desinebant,” Treharne, 190.429–32.

be-reafere* [rare form, gloss]

be-reafigend*

LS 23 (MaryofEgypt) B3.3.23 [76.294–98]: “Ac forþam þe seo gyfu ne bið oncnawen of þære medemnysse ac gewuna is hi to getacnigenne of þære sawla dædum, bletsa þu me for Drihtne, ic þe bidde, and syle me þæt un*bereafigendlice* gebæd þinre fulfremednysse.”

Latin: “Sed quia gratia non ex dignitate cognoscitur sed animarum actibus significare consueta est, ipsa benedic propter Dominum, et orationem tribue indigentiae tuae perfectiones,” Magennis, 162.295–98.

be-reofan,* see bereafian

be-riden [not found]

be-ripan

ÆCHom I, 4 (John the Evangelist) B1.1.5 [210.123–26]: “He carað dæges & nihtes þæt his feoh gehealden sy: he gymð grædelice his teolunge. his gafoles. his gebytlu. he *berypð* þa wanspedigan. he fulgæð his lustum. & his plegan.”

Latin “…dum solvunt fiscalia, dum aedificant proptuaria…dum minus potentes nudare contendunt,” *CH*, *Commentary*, 34.

ÆCHom I, 38 (Andrew i) B1.1.40 [510.88–90]: “Drihten. efne ic todæle healfne dæl minra goda þearfum: & swa hwæt swa ic mid facne *berypte* þæt ic wylle be feowerfealdum forgyldan.”

Latin: “Stans autem Zacchaeus, dixit ad Dominum: ‘Ecce dimidium bonorum meorum. Domine, do pauperibus; et si quid aliquem defraudavi, reddo quadruplum,” *CH*, *Commentary*, 322.

ÆLS (Basil) B1.3.4 [I, 3.441–44]: “Mid þam þe hi swiðost bædon binnan þæra cyrcan, / þa com se wælreowa deofol wolde geniman þone cnapan / of Basilius handum, hetolice teonde, / and cwæð to ðam halgan þæt he hine *berypte*.”

Latin: “... Et ecce diabolus … aduenit et inuisibiliter apprehandens puerum conabatur rapere eum de manu sancti … Diabolus autem dixit ad eum: ‘Praeiudicas me Basilii,” Corona, *Vita Basilii*, 237.

ÆLS (Sebastian) B1.3.6 [I, 5.310–13]: “Þa cwæð Chromatius, se Cristena þegn, / þæt he eallum gemiltsode þe him æfre abulgon, / and þam eallum forgeafe þe him aht sceoldon, / and gif he hwæne *berypte*, þæt he him þæt forgulde.”

Latin: “Nunc autem reinduam me non baptizatus, vt omnibus prius, quibus sum iratus, indulgeam; omnibus debitoribus meis chirographa restituam; si cui aliquid violenter abstuli, integrum reddi praecipiam,” Mombritius, 1, 472.28–31.

be-ryfan* see *bereafian*

be-stelan [occurs in Swithun and Martin, but only in terms of people escaping to them]

ÆLS (Swithun) B1.3.22 [I, 21.416–18]: “He sæt ða swa lange on þam laðum bendum, / oðþæt he *bestæl* ut mid his stafe hoppende, / and gesohte ðone sanct Swyðun mid geomerunge.”

Latin: “DE SERVO COMPEDIBVS VINCTO. In prefata etenim urbe homo quidam seruum quempiam habebat, comepedibus uinctum pro quolibet seruitio neglegenter pretermisso. Idem autem famulus, dum per aliquot dies grauibus catenis nexus permaneret—nec permitteretur a domno solui omnino—quandam diea oportunum tempus repperit, et sancti reliquias quacumque quiuit ratione accessit,” Lapidge, *Translatio et miracula S. Swithuni*, 332.

ÆLS (Martin) B1.3.30 [II, 31.909–11]: “Þa nolde se ercediacon þone þearfan scrydan, / and se þearfa *bestæl* into Martine, / and to him bemænde þæt him <wære> þearle col.”

Latin: “hoc secretum beati uiri pauper ille captatus, cum ei archidicaconus dare tunicam distulisset, inrumpit, dissimulatum se a clerico querens, algere deplorans,” Halm, 181.5–7.

ciric-ran [not found, hapax legomenon]

copian* [rare form, gloss, not found]

don (ut) [not found]

(ge-) fandian* [not found]

for-stelan

ÆCHom II, 28 (Peter) B1.2.31 [228.236–39]: “Heo creap ða betwux ðam mannum bæftan þam hælende. and *forstæl* hire hælu. swa þæt heo hrepode his reafes fnædu. and hire blodes gyte sona ætstod;”

> Latin: “…dicebat enim quia si vel vestimentum eus (Lc 833 fimbriam vestimenti eius) tetigero salva ero. (29) Et confestim siccatus set fons sanguinis eius, et sensit corpore quod sanata esset a plaga,” *CH*, *Commentary*, 564.

ÆLS (Denis) B1.3.29 [II, 29.325–28]: “Sum æþelboren wif wæs þe wiste heora unræd, / and gelaðode þa cwelleras swilce for cyðde hire to, / and fordrencte hi mid wine, and het dearnunga faran / þa hwile to þam scipe and *forstelon* þa lic.”

> Latin: “Nam nobilis quaedam materfamilias Catula nomine … et opere dei misericordia inspirata mactae uirtutis consilium appetiuit : atque ad conuiuium uenire postulat sanctorum corporum perditores : Et dum eis copiam ablatae humanitatis exendit a memoria eorum quae susceperant aganda discussit : fidelibusque suis . et familiaris uoti consciis secreta ordinatione committit ; ut subtracta furto pretiosa corpora beatorum diligens elaboret occultare prouisio,” Mombritius, 1, 408.4–12.

LS 26 (Mildred i) B3.3.26 [25]: “Þa wearð he afyrht & afæred & het hi hrædlice þæne Þunor to feccean & hine ahsode hwær he his mægcildum cumen hæfde ðe he him *forstolen* hæfde.”

Latin: “Imperat mox accersiri ad se cellerrime ipiissimum satellitem Thunur, quem minci uultu sciscitabatur indignando, quidnam de suis adolenscentibus propinquis actum foret, quoue obductu eos haberet occultatos,” Rollason, 95.37–40.

LS 29 (Nicholas) B3.3.29 [95.404–8]: “Soðlice, ic secge þe, þæt hit sceal beon gecydd þan casere hu þu todælst his cynerice, & hu þu selst unscyldige men to deaðe, & hu þu *forstelst* his gold & his seolfer, & ealne þone wurðment þe he self hæbben sceolde; & æfter þon þe he þis unriht hæfð geherd, he sceal niman rihte lage of þe.”

Latin: “Crede meae paruitati quia, quomodolibet regimen tuum quod disponis immo depredaris, piissimis Augusti insinuabitur auribus, qui factis tuis dignam recompenset aequitatem,” Treharne, 192.491–93.

LS 30 (Pantaleon) B3.3.30 [91.322–25]: “7 þa lichaman þe þær acwealde wæron, hi wurdon *forstolene* fram cristenum mannum 7 wæron [b]ehydde mid þam wildeorum. 7 þær lægen manega dagas …”

Latin: [Unattested in the Latin.]

LS 32 (Peter & Paul) B3.3.32 [118]: “& he ða soðlice minum ceapum hine halne & gesundne ðy ðriddan dæge æteowde, & of deaðe aras; & Iudea nið toðon swiðe barn þæt hie feoh sealdon þæm weardum, & swa cwædon, Secgað þæt his þegnas gereafodan his lic on us & *forstælan*.” [Cf. *gereafan*]

Latin: “in tantum autem exarsit nequitia Iudaeorum, ut darent pecuniam eis dicentes: Dicite quia discipuli eius corpus ipsius rapuerunt,” Lipsius and Bonnet, 137.

LS 34 (Seven Sleepers) B3.3.34 [548]: “Nu me is min agen ætwiten swilce ic hit hæbbe *forstolen*, and man mid witum ofgan <wile> æt me þæt ic mid rihtan þingon begyten hæfde.”

Latin: “Putabat enim cognouissent eum, et cogibat dicens, ‘Ne imperatori Decio tradant,” Magennis, 86.257–58.

for-þeofian* [rare form, glosses, not found]

for-þrycnes* [The noun comes from the Laws of Ine. forþryccan]

El (*Elene*) A2.6 [1269–76]: “//F// æghwam bið / læne under lyfte; landes frætwe / gewitaþ under wolcnum winde geliccost, / þonne he for hæleðum hlud astigeð, / wæðeð be wolcnum, wedende færeð / ond eft semninga swige gewyrðeð, / in nedcleofan nearwe geheaðrod, / þream *forþrycced*.”

Latin: [Unattested in the Latin.]

Guth A, B (*Guthlac*) A3.2 [1197–1201]: “Ða wearð modgeþanc miclum gebisgad, / þream *forþrycced*, þurh þæs þeodnes word, / ombehtþegne, þa he ædre oncneow / frean feorhgedal, þæt hit feor ne wæs, / endedogor.”

Latin: “Audens autem haec praefatus frater exorsus inquit…,” Colgrave, 156.

Jul (*Juliana*) A3.5 [518–25]: “Næs ænig þara / þæt mec þus bealdlice bennum bilegde, / þream *forþrycte*, ær þu nu þa / þa <miclan> meaht <mine> oferswiðdest, / fæste forfenge, þe me fæder sealde, / feond

moncynnes, þa he mec feran het, / þeoden of þystrum, þæt ic þe sceolde / synne swetan."

Latin: "Nam ipsius filii Dei experimentum coepi in deserto facere illum ascendere in montem excelsum, et non fuit ausus contra me aliquid dicere: et tu me sic tormentis consumis!" Lapidge, *Passio S. Iuliannae*, 515–14, 162.

(ge-) gitsian* [not found]

gold-þeof [not found, rare form]

(ge-) gripan*

ÆCHom I, 31 (Bartholomew) B1.1.33 [447.229–31]: "Eornostlice on þam þreotteoþan dæge se cyning astries þe ðone apostol ofslean het wearð mid feondlicum gaste *gegrypen*. & egeslice awedde."

Latin: "Factum est autem trigesimo die depositionis eus arreptus a daemonio rex Astriges venit ad tumulum eius et omnes pontifices pleni daemonibus, ubi confitentes apostolatum eius sic sunt mortui," *CH*, *Commentary*, 264.

ÆCHom II, 22 (Fursey) B1.2.25 [190.7–14]: "*Scio hominem in christo ante annos quattuor decim. Raptum usque ad tertium celum; Et iterum; Quoniam raptus est in paradisum. Et audiuit archana uerba. que non licet homini loqui;* Þæt is on englisc. Ic wat ðone mann on criste. þe wæs *gegripen* nu for feowertyne gearum. and gelæd oð ða þriddan heofenan. and eft he wæs gelæd to neorxna wange. and ðær gehyrde ða digelan word þe nan eorðlic mann sprecan ne mot."

Latin: 2 Corinthians 12:2.

LS 35 (Vita Patrum) B3.3.35 [202.223–24]: “And þa wæron we *gegripene* and todælde.”

Latin: “Rapimur, disipamur, in deversa distrahimur,” Mierow, 87–88.

gripend*

LS 25 (Michael iii) B3.3.25 [244]: “& þa fynd þara on nicra onlicnesse heora *gripende* wæron, swa swa grædig wulf.”

Latin: [Unattested in the Latin.]

hæbbende* [not found]

handhæbbende* [not found]

here* [not done]

herehyþ [not in either list: plunder, booty]

LS 8 (Eust) B3.3.8 [214.388–91]: “Þa æfter þam þe hi gewyld hæfdon eall heora feonda land, and hi mid micclum sige ham hwurfon, and læddon mid him micele *herehuþe*, and manige hæftnydlingas.”

Latin: “Postquam uero subiecerunt uniuersam terram romanorum imperio reuersi sunt cum uictoria magna spolia multa portantes et captiuos plurimos ducentes,” Mombritius, 1, 472.9–11.

herereaf

ÆLS (Maccabees) B1.3.25 [II, 25.357–61]: “Þær wurdon ofslagene sume þreo þusend, / and Iudas þa funde þa ða he fram fyrde gecyrde / gold and

seolfor, godeweb and purpuran, / and fela oðre *herereaf* on þam fyrdwicum; / and hi þancodon ða Gode eallre his godnysse."

Latin: "… [15] ceciderunt ex illis ad tria milia virorum … [23] et Iudas reversus est ad spolia castrorum et acceperunt aurum multum et argentum et hyacinthum et purpuram marinam et opes magnas [24] et conversi hymnum canebant et benedicebant in caelum quoniam bonum est quoniam in saeculum misericordia eius," 1 Maccabees, 4.15, 23–24.

ÆLS (Maurice) B1.3.28 [I, 6.83–86]: "Þa dældon þa cwelleras þæra Cristes martyra wæpna and gewæda, forþan þe se wælhreowa het þæt heora gehwilc hæfde of þam *herereafe* þæs mannes gewæda þe he mid wæpnum acwealde."

Latin: "Peracta tandem, cede inter omnes sanctorum percussores praeda diuiditur. Nanque [C: Namque] Maximianus faculatem dederat, vt quisque legionis illius militem iugulasset, interempti [C: "int*er*remptoris" with "ptoris" crossed out and an Insular hand writing "ti" above the line.] spolijs vteretur," Surius, 5, 328; cf. Cotton Nero E. i, pt. 2, fols. 138v–39r.

herespan* [not found, rare form, poetry,]

hereteam*

And (*Andreas*) A2.1 [1550–51]: "Egeslic æled eagsyne wearð, / heardlic *hereteam*, hleoðor gryrelic.

Latin: [Unattested in the Latin.]

El (*Elene*) A2.6 [7–10]: “Þa wæs syxte gear / Constantines caserdomes, / þæt he Romwara in rice wearð / ahæfen, hildfruma, to *hereteman*.”

Latin: “…magno uiro Contantino : sexto anno regni euis : gens multa barbarorum congregata est super Danubiusm fluuium ad deballandum contra Romanos,” Mombritius, 376.13–15.

hergaþ*[not found]

hergere* [rare form, gloss]

hergiend*

ÆLS (Edmund) B1.3.31 [II, 32.26–27]: “Hit gelamp ða æt nextan þæt þa Deniscan leode / ferdon mid sciphere *hergiende* and sleande / wide geond land swa swa heora gewuna is.”

Latin: “Quocirca ex suis membris ei aduersariam in misit, qui omnibus quae habuerat undeunde sublatis ad impatientiam (si posset) erumpere cogeret, ut desperans Deo in faciem bene diceret,” Winterbottom, 71.5.1–4.

hergung*

ÆLS (Edmund) B1.3.31 [II, 32.168–73]: “Eft þa on fyrste, æfter fela gearum, / þa seo *hergung* geswac and sibb wearð forgifen / þam geswenctan folce, þa fengon hi togædere / and worhton ane cyrcan wurðlice þam halgan, / forþanðe gelome wundra wurdon æt his byrgene, / æt þam gebædhuse þær he bebyrged wæs.”

Latin: [Unattested in the Latin.]

LS 8 (Eustace) B3.3.8 [204.222–23]: "Æfter þissum wæs geworden micel *hergung* on þam lande þe Eustachius ær on wæs, and hi fela ðæra Romaniscra landa awestan."

Latin: "Post hos autem dies factus est incursus hostium in terram illam : ubi [CCCC 9: Eustachius] erat : qui exeuntes plurimas romanorum terras inuaserunt," Mombritius, 1, 469.55–57 [with alternate readings from CCCC 9].

[204.224–26] "Þa wæs se casere þearle geancsumod for þære *hergunge*, and gemunde þa Placidam, and swiþe geomrode for his færlican awæggewitennysse."

Latin: "Nimio ergo tumultu consistebat Imperator de hostium inuasione : Et rommemoratus est Placidus eo : quo strenue contra ipsos hostes egisset," Mombritius, 1, 469.57–470.1.

hloþ*

Guth A, B (*Guthlac*) A3.2 [894–97]: "Oft to þam wicum weorude cwomun / deofla deaðmægen duguþa byscyrede / *hloþum* þringan, þær se halga þeow / elnes anhydig eard weardade."

Latin: "Nec mora, domum ab undique inrumpentes variorum monstorum diversas figuras introire prospicit," Colgrave, 114.

Jul (*Juliana*) A3.5 [675–78]: "Swylt ealle fornom / secga *hloþe* ond hine sylfne mid, / ærþon hy to lande geliden hæfdon, / þurh þearlic þrea."

Latin: "…et mortui sunt…," Lapidge, *Passio S. Iuliannae*, 165.

LS 35 (Vitae Patrum) B3.3.35 [202.217–23]: “And þa þiccodan þider semninga þa Ismaheli on horsum and on olfendum, and hig hæfdon geþwinglode loccas and scearp fex on hiora hiafde and healf nacode on hiora lichaman, buton þæt hig wæron mid ænlypigum riftum ymbhangene, and wide sceos hangodan on hira fotum and bogan hangodan on hiora eaxlum, and hig bæron lange sceaftas and ne coman hig na to fiohtanne, ac þæt hig woldan mid *hloðe* geniman.”

Latin: “Subito equorum camelorumque seeores Ismahelitae irruerunt, crinitis vittatisque capitibus, ac seminudo copore, pallia latas caligas trahentes. Pedebant ex humero pharetrae, et laxos arcus vibrantes hastilias longa porabant. Non enim ad pugnandum sed ad praedandum venerant,” Mierow, 82–87.

hloþere* [not found, rare form, glosses]

hloþian* [not found]

ge-hresp* [not found, rare form]

husbryce* [not found]

husbrycel* [not found]

(inne) faran (mid unlage) [not found]

læccan* [not found]

mann-þeof [not found, rare form]

morsceaþa* [not found]

nid-næam [not found]

nid-niman [not found, restricted to I–II Cnut (written by Wulfstan)]

of-adrifan (aweg-drifan)

ÆLS (Eugenia) B1.3.3 [I, 2.270–74]: "Philippus þa asende to Seuero þam casere, / and sæde þæt þa Cristenan swiðe fremoden / his cynerice and romaniscere leode, / and hi wæl wyrðe wæron þæt hi wunodon butan æhtnysse / on ðære ylcan byrig, þe he hi ær *of adræfde*."

Latin: "et mittit praefectus relations ad Severum imperatorem de christianis, et memorat satis romane reipublice christianos prodesse, ideo debere eos absque persequutione aliqua in urbibus habitare," Grau, 92.27.

LS 10.1 (Guthlac) B3.3.10.1 [146.20–21]: "And hi hwæþere on menigum þingum ne mihton þa yfelan mægn þæs awyrgdan gastes *ofadrifan*."

Latin: "Cum ergo nullus eorum pestiferum funesti spiritus virus extinguere valuisset…," Colgrave, 128.

of-ærdian [hapax legomenan, not included in Bosworth and Toller]

of-gan*

ÆCHom I, 29 (Laurence) B1.1.31 [421.79–80]: "*Ofgang* þa maðmas mid geornfulnysse. & hine gebig to þam undeadlicum godum."

Latin: Decius to Valeriano the prefect: "Quaere thesauros ecclesiae diligenter et sacrificet." *CH*, *Commentary*, 241.

ÆCHom II, 22 (Fursey) B1.2.25 [194.146–48]: "Hit is awriten buton þu gestande ðone unrihtwisan. and him his unrihtwisnysse secge. Ic *ofga* his blodes gyte. æt ðinum handum."

Latin: “Scriptum est: ‘Nisi annuntiaveris iniquo iniquitate[m] suam, sanguinem eus requiram de manu tua,’” *CH*, *Commentary*, 534.

of-neadian* [not found, rare form]

on-beran* [not found]

on-reafian [not found]

oþ-ferian* [not found]

ran* [rare form]

reafere

ÆCHom I, 37 (Clement) B1.1.39 [506.274–78]: “Unwilles we magon forleosan þa hwilwendlican god: ac we ne forleosað næfre unwilles þa ecan god: þeah ðe se reþa *reafere* us æt æhtum bereafige oððe feores benæme he ne mæg us ætbredan urne geleafan ne þæt ece lif gif we us sylfe mid agenum willan ne forpærað.”

Latin: [Unattested in the Latin.]

ÆLS (Swithun) B1.3.22 [I, 21.356–64]: “Swyðun cwæð þa sona to þam seocan menn, / ic secge ðe broðor, þu ne scealt heononforð / nanon menn yfel don, ne nanne man wyrigan, / ne nænne man tælan, ne teonful beon, / ne ðu manslagum ne geðwærlæce, ne manfullum *reaferum* / ne ðeofum þa ne olæce, ne yfeldædum ne geðwærlæce; / ac swiðor gehelp swa þu selost mæge / wanhafolum mannum mid þinum agenum spedum, / and þu swa þurh Godes mihte sylf bist gehæled.”

Latin: “Presul ait, ‘Vide, frater, nemini malum deinceps facias, nulli maledicas, proxium non detrahas, predonibus, homicidis, furibus, et sarilegis haud consentias, ueram omnibus succurras indigentibus in quantum uales opibus—et sic per Dei uirtutem priscam recipies sanitatem,’” Lapidge, *Translatio et miracula S. Swithuni*, 326.

(ge-) reafian

LS 32 (Peter & Paul) B3.3.32 [118]: “& Iudea nið toðon swiðe barn þæt hie feoh sealdon þæm weardum, & swa cwædon, Secgað þæt his þegnas *gereafodan* his lic on us & forstælan.”

Latin: “in tantum autem exarsit nequitia Iudaeorum, ut darent pecuniam eis dicentes: Dicite quia discipuli eius corpus ipsius rapuerunt,” Lipsius and Bennet, 137.

reafgend*

ÆLS (Mark) B1.3.16 [I, 15.119–22]: “Be swilcum cwæð se hælend eac on sumere stowe, / Warniað eow georne wið lease witegan, / þa ðe cumað to eow on sceape gelicnysse, / and hi synd wiþinnan *reafigende* wulfas.”

Latin: “Attendite a falsis prophetis, qui veniunt ad vos in vestimentis ovium, intrinsecus autem sunt lupi rapaces,” Matt 7:15.

ÆLS (Martin) B1.3.30 [II, 31.1336–37]: “Witodlice becumað to þinre eowde / *reafigende* wulfas, and hwa bewerað hi?”

Latin: “inuadent gregem tuum lupi rapaces,” Halm, *Epistula tertia*, 148.9–10.

reaf-lac

ÆCHom I, 38 (Andrew i) B1.1.40 [512.144–47]: “Soðlice þa halgan apostolas wæron swilce culfran æt heora ehþyrlum þa ða hi nan þing on þysum middanearde ne gewilnodon: ac hi ealle þing bilewitlice sceawodon: & næron mid gecnyrdnysse æniges *reaflaces* getogene. to þan ðe hi wiðutan sceawodon.”

Latin: “Quasi columbae ergo ad fenestras suas sunt, qui nihil in hoc mundo concupiscunt, qui omnia simpliciter aspiciunt, et in his quae vident capacitatis studio non trahuntur,” *CH*, *Commentary*, 323.

[512.148–50]: “Se þe ðurh *reaflace* gewilnað ða þing þe he mid his eagan wiðutan sceawað. se is glida & na culfre æt his ehþyrlum.”

Latin: “At contra milvus et non columba ad fenestras suas est, qui ad ea quae oculis considerat rapinae desiderio anhelat,” *CH*, *Commentary*, 323.

ÆLS (Memory of Saints) B1.3.17 [I, 16.282]: “Heo macað *reaflac*, and unrihte domas, stala and leasunga, and forsworennyssa.”

Latin: “Cujus genera [*Ms.,* germina] sunt invidia, furta, latrocinia, homicidia, mendacia, perjuria, rapinae, violentiae, inquietudo, injusta judicia, contemptus veritatis, futurae beatitudinis oblivio, obduratio cordis,” Alcuin, *De virtutibus*, col. 0634B

ÆLS (Alban-Ahitophel and Absalom) B1.3.20 [I, 19.155–60]: “IS NV EAC to witenne þæt man witnað foroft / ða arleasan sceaðan and þa

swicolan ðeofas, / ac hi nabbað nan edlean æt þam ælmihtigan Gode, / ac swyðor þa ecean witu for heora wælhreownysse, / forðan þe hi leofodon be *reaflace* swa swa reðe wulfas, / and þam rihtwisum ætbrudon heora bigleofan foroft."

Latin: [Unattested in the Latin.]

ÆLS (Maccabees) B1.3.25 [II, 25.760–62]: "Hwæt ða se cynincg sende sona ænne þegen, / Heliodorus gehaten, to ðam halgan temple, / þæt he feccan sceolde þæt feoh mid *reaflace*."

Latin: "cumque rettulisset Apollonius ad regem de pecuniis quae delatae erant ille accitum Heliodorum qui erat super negotia eius misit cum mandatis ut praedictam pecuniam transportaret," 2 Maccabees 3:7.

reafung* [not found, rare form]

regnþeof* [not found, rare form]

rihthamsocn* [rare form]

(ge-) ripan [not found]

ripere [not found—part of the Wulfstanian idiolect]

ripung [glosses, not found]

sæt(n)ere* [not found]

sceaþa*

El (*Elene*) A2.6 [759–62]: "Þæs ðu, god dryhten, / wealdest widan fyrhð, ond þu womfulle / scyldwyrcende *sceaðan* of radorum / awurpe wonhydige."

Latin: “Tu autem dominaris omnium : quia tua factura sumus qui incredibiles angelos profundo tartaro tradidisti,” Mombritius, 1, 378.24–25.

Jul (*Juliana*) A3.5 [671–75]: “Þa se synscaþa / to scipe sceohmod *sceaþena* þreate / Heliseus ehstream sohte, / leolc ofer laguflod longe hwile / on swonrade.”

Latin: “Praefectus autem Eleusius, cum nauigasset [671–75] in sua suburbano, uenit tempestas ualida, et mersit nauem ipsius, et mortui sunt uiri [675] numero .xxxiiii. [678–80].” Lapidge, *Passio S. Iuliannae*, 165.

ÆCHom I, 4 (John the Evangelist) B1.1.5 [214.229–31]: “Gyt me twynað: ac gif þu ðas deadan *sceaðan* on þines godes naman arærst. þonne bið min heorte geclænsod fram ælcere twynunge.”

Latin: “Perrexit Aristodemus ad proconsulem et petiit ab eos duos viros qui pro suis sceleribus errant decollandi. Et statuens eos in medio foro coram omni populo in conspectu apostoli, fecit bibere venenum; qui mox ut biberunt spiritum exhallarunt. Tunc dicit Aristodemus: ‘Audi me Iohannes … accipe et bibe … Beatus Iohannes … accepit calicem et signaculum crucis faciens in eo … [os suum et] totum sempetipsum armavit signo crucis et bibit totom quod erat in calice … Contendenentes populus per tres horas Iohannem habere vultum hillarem et nulla penitus signa palloris out trepidationis habentem, clamare coeperunt: ‘Unde deus versus

> est quem colit Iohannes.' Aristodemus … conversus ad Iohannes dixit: 'Est mihi adhuc dubietas. Si hos qui hoc veneno mortui sunt excitaveris, emundabitur ab omni dubietate mens mea,'" *CH*, *Commentary*, 36–37.

ÆCHom I, 37 (Clement) B1.1.39 [506.270–73]: "For mandædum wæron ða twegen *sceaþan* gewitnode þe mid criste hangodon. ac heora oþer mid micclum geleafan gebæd hine to criste þus cweþende. drihten geþenc min þonne ðu to þinum rice becymst."

> Latin: "[41] Et nos quidem iuste nam digna factis recipimus; hic vero nihil mali gessit. [42] Et dicebat ad Iesum "Domine momento mei cum veneris in regnum tuum. [43] Et dixit illi Iesus 'amen dico tibi hodie mecum eris in paradiso,'" Luke 23:41–43.

ÆCHom II, 2 (Stephen Proto-Martyr) B1.2.3 [17.208–10]: "Mine gebroðra understandað þis. ne slihð se dema þone forscyldgodan *sceaðan*. ac he hæt his underðeoddan hine belifian."

> Latin: "Advertat Sanctitas vestra. Iudex homo per se ipsum reum non occidit, sed iubet, et spiculator occidit. Iudex dicit, Occide: et tortor occidit. Et tu quando dicis, Occide inimicum meum, te facis iudicem, et Deum quaeris esse tortorem," *CH*, *Commentary*, 361–62.

ÆCHom II, 9 (Gregory) B1.2.10 [76.136–39]: "Ne geortruwige nan man hine sylfne for his synna micelnysse. witodlice ða ealdan gyltas

niniueiscre ðeode. ðreora daga bereowsung adilegode. and se gecyrreda *sceaða* on his deaðes cwyde. þæs ecan lifes mede geearnode."

> Latin: "Nullus autem iniquitatum suarum immanitate desperet. Veternosas namque Ninivitarum culpas triduana poenitentia abstersit: et conversus latro vitae praemia, etiam in ipsa sententia suae mortis, emeruit," *CH*, *Commentary*, 408.

ÆCHom II, 27 (James the Greater ii) B1.2.34 [245.115–22]: "To hwi bodast ðu crist þone man þe betwux *sceaðum* ahangen wæs? Hwæt ða Iacobus se apostol wearð afylled mid ðam halgan gaste. and him swutellice sæde þæra witegena seðunge be criste. be his acennednysse. be ðam wundrum þe he on ðyssere worulde gefremode. be his ðrowunge. be his æriste of deaðe. be his upstige to heofenum. be his tocyme on domes dæge. þæt he ælcum men agylde be his agenum gewyrhtum."

> Latin: "Tunc pharisaei dicebant: 'Ut quid praedicas Iesum hominem quem inter latrones crucifixum omnes scimus?' Tunc Iacobus repletus spiritu sancto dixit: 'Audite viri fratres …," *CH*, *Commentary*, 580.

ÆCHom II, 39.1 (Martin i) B1.2.42 [290.65–66]: "Þa ða he com to munton ða gemetton hine *sceaðan*. and heora an hine sloh mid æxe on his heafod."

> Latin: "Alpes devia secutus incidit in latrones. Cumque unus securi elevata in caput eius librasset ictum, ferientes dextram sustinuit alter," *CH*, *Commentary*, 626.

[290.67–68]: “Ða befran se *sceaða* þe hine onsundron heold hwæt he manna wære. oððe wære ofdræd.”

> Latin: “Qui cum ad remotiora duxisset, percontari ab eo coepit quisnam esset. Quaerebat etiam ab eo an timeret,” *CH*, *Commentary*, 626.

[290.70]: “Begann ða to secgenne þam *sceaðan* geleafan. and mid boclicere lare hine læran ongann.”

> Latin: “Ingressusque evangelicam disputationem verbum Dei latroni praedicabat,” *CH*, *Commentary*, 626.

[290.71–74]: “Hwæt ða se *sceaða* sona gelyfde. on ðone lifigendan god. and tolysde ða bendas. his halwendan lareowes. and him swa filigde on eawfæstum ðeawum. siððan.a. lybbende.”

> Latin: “Latro credidit prosecutusque Martinum viae reddidit … Idemque postea religiosam agens vitam visus est,” *CH*, *Commentary*, 626.

[292.141–45]: “Þa wearð þær æteowod an atelic sceadu on sweartum hiwe. and sæde þæt he wære for stale ofslegen. na for soðum geleafan. and wunode on wite mid wælhreawum *sceaðum*. for his mandædum. na mid drihtnes cyðerum.”

> Latin: “Tum conversus ad laevam videt prope adsistere umbram sordidam, trucem; … nomen edicit, de crimine confitetur: latronem se fuisse, ob scelera percussum … sibi nihil cum martyribus esse

commune, cum illos gloria, se poena retineret …," *CH*, *Commentary*, 628.

ÆLS (Alban-Ahitophel and Absalom) B1.3.20 [I, 19.155–60]: "IS NV EAC to witenne þæt man witnað foroft / ða arleasan *sceaðan* and þa swicolan ðeofas, / ac hi nabbað nan edlean æt þam ælmihtigan Gode, / ac swyðor þa ecean witu for heora wælhreownysse, / forðan þe hi leofodon be reaflace swa swa reðe wulfas, / and þam rihtwisum ætbrudon heora bigleofan foroft."

Latin: [Unattested in the Latin.]

[161–66]: "Wolde huru se earming hine sylfne beþencan, / and his synna geandettan mid soðre behreowsunge, / huru ðonne he on bendum bið, and gebroht to cwale, / swa swa se *sceaða* dyde, þe forscylgod hangode / mid þam Hælende Criste, and cwæð him to mid geleafan, / Drihten leof, gemiltsa me þonne ðu becymst on ðinum rice."

Latin: "[32] ducebantur autem et alii duo nequam cum eo ut interficerentur [33] et postquam venerunt in locum qui vocatur Calvariae ibi crucifixerunt eum et latrones unum a dextris et alterum a sinistris [34] Iesus autem dicebat Pater dimitte illis non enim sciunt quid faciunt dividentes vero vestimenta eius miserunt sortes [35] et stabat populus expectans et deridebant illum principes cum eis dicentes alios salvos fecit se salvum faciat si hic est Christus Dei electus [36] inludebant autem ei et milites accedentes et acetum offerentes illi [37] dicentes si tu es rex

Iudaeorum salvum te fac [38] erat autem et superscriptio inscripta super illum litteris graecis et latinis et hebraicis hic est rex Iudaeorum [39] unus autem de his qui pendebant latronibus blasphemabat eum dicens si tu es Christus salvum fac temet ipsum et nos [40] respondens autem alter increpabat illum dicens neque tu times Deum quod in eadem damnatione es [41] et nos quidem iuste nam digna factis recipimus hic vero nihil mali gessit," Luke 23:32–41.

[169–71]: "Þus geearnode se arleasa *sceaða*, / on his deaðes þrowunge þæt ece lif mid Criste, / forðan ðe he gelyfde on Criste, and his miltsunga bæd."

Latin: [Unattested in the Latin.]

[172–73]: "Yfele deð him sylfum þe mid swicdome his tilað, / and he bið *sceaðena* gefera þe man sceandlice witnað."

Latin: [Unattested in the Latin.]

[178–80]: "Se *sceaða* bið nu ofslagen and to sceame getucod, / and his earme sawl syððan syðað to helle / to ðam ecum suslum on sweartum racenteagum."

Latin: [Unattested in the Latin.]

[181–87]: "We wenað swaðeah þæt se eallwealdenda hælend / wille gemiltsian þam manfullan *sceaðan*, / gif he mid eallre heortan and incundre geomerunge / clypað to ðam ælmihtigan Gode and his arfæstnysse bit, / ærðan þe þæt scearpe swurd swege to his hneccan / and

gif he bemænð his synna swyðor þonne his lif, / and mid wope gewilnað þæs eallwealdendes miltsunge."

Latin: [Unattested in the Latin.]

ÆLS (Martin) B1.3.30 [II, 31.150–54]: "Martinus þa ferde to þam fyrlenan lande, / and þa þa he com to muntum, þa gemette he *sceaðan*, / and heora an sona his exe up abræd, / wolde hine slean, ac him forwyrnde sum oþer, / swa þæt he þæt hylfe gelæhte, and wiðhæfde þæt slege."

> Latin: "Maestus, ut ferunt, peregrinationem illam ingressus est, contestatus fratribus multa se aduersa passurum : quod postea probauit euentus. Ac primum inter Alpes deuia secutus incidit in latrones. Cumque unus securi eleuata in caput eius librasset ictum, ferientis dextram sustinuit alter…," Fontaine, 5.3–4.

[230.165–69]: "Began ða to bodigenne þa godspellican lare / swa lange þam *sceaðan* oþþæt he gelyfde on God, / and Martine fyligde micclum hine biddende / þæt he him fore gebæde; and he forð þurhwunode / on æwfæstre drohtnunge, and eft us þis cydde."

> Latin: "Ingressus euangelicam disputationem uebum Dei latroni praedicabat. Quid logius morer? Latro credidit prosecutusque Martinum uiae reddidit, orans ut pro se Dominum precaretur. Idemque postea religiosam agens uitam uisus est, adeo ut haec, quae supra rettulimus, ex ipso audita dicantur," Fontaine, 5.6, 264.

LS 5 (Invention of the Cross, Napier) B3.3.5 [32.518–21]: "Þa het heo þæt folc anbidæn ane metmucele tid ða hæfde heo eacswylce ða oðre rode þe

ðe *sceaþæ* on <ahongen> wæs þa smeade heo on hire ðance on hwæðere crist ahongen wæs."

Latin: "Postquam igitur inuenta est crux, et declarata per resurrexionem mortui, inuenti sunt et sancti claui, cum quibus affixum est corpus Christi," Napier, 59; cf. Fallon, 258.

[521]: "Ða nom heo arest þeo rode ðe þe *sceaðe* on hongode & hire uppon ðene deaden alægde & he læg forð alswa he ær dude."

Latin: "Postquam igitur inuenta est crux, et declarata per resurrexionem mortui, inuenti sunt et sancti claui, cum quibus affixum est corpus Christi," Napier, 59; cf. Fallon, 258.

sceaþan*

And (*Andreas*) A2.1 [1132–34]: "Sceolde sweordes ecg, / scerp ond scurheard, of *sceaðan* folme, / fyrmælum fag, feorh acsigan."

Latin: "Illo vero carnificis nec acquiebant eis, extensas maus arripuit cladius, qualiter illos interficerent," Blatt, 79.1–2.

[1291–95]: "Þu eart <gescyldend> wið *sceaðan* wæpnum, / ece eadfruma, eallum þinum; / ne læt nu bysmrian banan manncynnes, / facnes frumbearn, þurh feondes cræft / leahtrum belecgan þa þin lof berað."

Latin: [Unattested in the Latin.]

ÆLS (Maccabees) B1.3.25 [II, 25.802–5]: "Þa cwæð Heliodorus, Gif ðu hæfst ænigne feond send þone to þam feo, / and he bið wel beswungen oððe gewisslice dead, / forðan ðe se ælmihtiga God mundað þa stowe, / and þa slihð and gescynt þe þær *sceaðian* willað."

Latin: “si quem habes hostem aut regni tui insidiatorem mitte illuc et flagellatum eum recipies si tamen evaserit eo quod in loco vere sit Dei quaedam virtus,” 2 Maccabees 3:38.

spor-wrecel [rare form]

(ge-) stalian [not found]

for-stalian [not found]

ge-stala [not found]

stalu

ÆCHom II, 39.1 (Martin i) B1.2.42 [292.141–45]: “Þa wearð þær æteowod an atelic sceadu on sweartum hiwe. and sæde þæt he wære for stale ofslegen. na for soðum geleafan. and wunode on wite mid wælhreawum *sceaðum*. for his mandædum. na mid drihtnes cyðerum.”

Latin: “Tum conversus ad laevam videt prope adsistere umbram sordidam, trucem; … nomen edicit, de crimine confitetur: latronem se fuisse, ob scelera percussum … sibi nihil cum martyribus esse commune, cum illos gloria, se poena retineret …,” *CH*, *Commentary*, 628.

ÆLS (Memory of Saints) B1.3.17 [I, 16.282]: “Heo macað reaflac, and unrihte domas, *stala* and leasunga, and forsworennyssa.”

Latin: “Cujus genera [*Ms.,* germina] sunt invidia, furta, latrocinia, homicidia, mendacia, perjuria, rapinae, violentiae, inquietudo, injusta judicia, contemptus veritatis, futurae beatitudinis oblivio, obduratio cordis,” Alcuin, *De virtutibus*, col. 0634B.

ÆLS (Swithun) B1.3.22 [I, 21.265–69]: “Sum wer wæs betogen þæt he wære on *stale*, / wæs swaðeah unscyldig, and hine man sona gelæhte / and æfter worulddome dydon him ut þa eagan, / and his earan forcurfon, þa arn him þæt blod / into þam heafde, þæt he gehyran ne mihte.”

Latin: “Cecatus est quoque quidam uir in Letania Maiora, causa latrocinii; sed quia innocens cecatus erat, uenit in Epiphania Dominin ad sancti Suuithuni mausoleum, preces humiliter effundens,” Lapidge, *Translatio et miracula S. Swithuni*, 570.101–2. “Accidit autem ut cuidam uiro inculpabili obiceretur crimen latrocinii; qui mox comprehensus a fefandis criminatoribus et condempnatus a legislatoribus, caesus per supradicta penitus membra…” Lapidge, *Translatio et miracula S. Swithuni*, 312.

stalung* [rare form]

stælþing* [not found, rare form]

(ge-) stelan

Guth A, B (*Guthlac*) A3.2 [1067–73]: “ … ne ic þæs deaðes hafu / on þas seocnan tid sorge on mode, / ne ic me herehloðe helleþegna / swiðe onsitte, ne mæg synne on me / facnes frumbearn fyrene *gestælan*, / lices leahtor…”

Latin: [Unattested in the Latin. For a comment, see Roberts 42. She calls the lines “not implicit” in Felix.]

ÆLS (Edmund) B1.3.31 [II, 32.198–201]: “Þa comon on sumne sæl ungesælige þeofas, / eahta on anre nihte to þam arwurðan halgan, / woldon

stelan þa maðmas þe men þyder brohton, / and cunnodon mid cræfte hu hi in cumon mihton."

Latin: "… quidam malignae mentis homines, omnis boni inmemores, agressi sunt sub nocturno silentio eandem infringere basilicam latrocinandi studio," Winterbottom, 83.15.7–9.

stod-þeof [not found]

ge-streon* [not found; not typically for theft]

stridan* [dubious form, not found]

be-stripan [not found]

be-strudan* [not found]

ge-strod* [not found]

strudend* [not found]

strudung [not found]

strudere* [not found]

(ge-) strydan*

El (*Elene*) A2.6 [900–904]: "Ongan þa hleoðrian helledeofol, / eatol æclæca, yfela gemyndig: / Hwæt is þis, la, manna, þe minne eft / þurh fyrngeflit folgaþ wyrdeð, / iceð ealdne nið, æhta *strudeð*?"

Latin: Cf. "be-reafan" above. Cynewulf takes the phrase with one reference to deprivation, calls it theft, and then repeats it. ###

stulor* [not found]

þeod-sceaða

And (*Andreas*) A2.1 [1114–16]: "… hungre wæron / þearle geþreatod, swa se *ðeodsceaða* / hreow ricsode."

Latin [Unattested in the Latin.]

þeof-stelan [non found]

unriht-gestrod* [not found, rare form]

for-þeofian* [not found, rare form, glosses]

(ge-) þeofian

(ge-) þiefian

þeof

ÆCHom I, 4 (John the Evangelist) B1.1.5 [213.219]: "Þa getengde se aristodemus to ðam heahgerefan: & genam on his cwearterne twegen *þeofas* & sealde him þone unlybban ætforan eallum ðam folce on Iohannes gesihðe. & hi þærrihte æfter þam drence gewiton."

Latin: "Perrexit Aristodemus ad proconsulem et petiit ab eos duos viros qui pro suis sceleribus errant decollandi. Et statuens eos in medio foro coram omni populo in conspectu apostoli, fecit bibere venenum; qui mox ut biberunt spiritum exhallarunt. Tunc dicit Aristodemus: 'Audi me Iohannes … accipe et bibe … Beatus Iohannes … accepit calicem et signaculum crucis faciens in eo … [os suum et] totum sempetipsum armavit signo crucis et bibit totom quod erat in calice … Contendenentes populus per tres horas Iohannem habere vultum hillarem et nulla penitus signa palloris out trepidationis habentem, clamare coeperunt: 'Unde deus versus

est quem colit Iohannes.' Aristodemus … conversus ad Iohannes dixit: 'Est mihi adhuc dubietas. Si hos qui hoc veneno mortui sunt excitaveris, emundabitur ab omni dubietate mens mea,'" *CH*, *Commentary*, 37.

ÆLS (George) B1.3.15 [I, 14.20–22]: "Þine godas, casere, syndon gyldene and sylfrene, / stænene and treowene, getreowleasera manna handgeweorc, / and ge him weardas settað þe hi bewaciað wið *þeofas*."

Latin: "nam 'dii tui, imperator, opera hominum sunt, aurea et argentea, lapidea et lignea, quae a custodibus iugi vigiliarum custodia servantur, ne quod nocturno silentio subripiantur a furibus,'" (Cf. Ps. 113.4; Ps. S34.15l; I Baruch 6, 38, 50), Huber 298.

ÆLS (Alban- Ahitophel and Absalom) B1.3.20 [I, 19.155–60]: "IS NV EAC to witenne þæt man witnað foroft / ða arleasan sceaðan and þa swicolan *ðeofas*, / ac hi nabbað nan edlean æt þam ælmihtigan Gode, / ac swyðor þa ecean witu for heora wælhreownysse, / forðan þe hi leofodon be reaflace swa swa reðe wulfas, / and þam rihtwisum ætbrudon heora bigleofan foroft."

Latin: [Unattested in the Latin.]

[188–93]: "Ac se swicola deofol þe beswac ðone *þeof*, / and æfre forlærde oð his lifes ende, / nele naht eaðe on his ende geðafian / þæt he þonne gecyrre mid soðre behreowsunge, / and mid incundum wope, to þam

welwillendan Hælende; / ac cunnað mid eallum cræfte hu he hine Criste ætbrede."

Latin: [Unattested in the Latin.]

ÆLS (Swithun) B1.3.22 [I, 21.356–64]: "Swyðun cwæð þa sona to þam seocan menn, / ic secge ðe broðor, þu ne scealt heononforð / nanon menn yfel don, ne nanne man wyrigan, / ne nænne man tælan, ne teonful beon, / ne ðu manslagum ne geðwærlæce, ne manfullum reaferum / ne *ðeofum* þa ne olæce, ne yfeldædum ne geðwærlæce; / ac swiðor gehelp swa þu selost mæge / wanhafolum mannum mid þinum agenum spedum, / and þu swa þurh Godes mihte sylf bist gehæled."

> Latin: "Presul ait, 'Vide, frater, nemini malum deinceps facias, nulli maledicas, proxium non detrahas, predonibus, homicidis, furibus, et sarilegis haud consentias, ueram omnibus succurras indigentibus in quantum uales opibus—et sic per Dei uirtutem priscam recipies sanitatem,'" Lapidge, *Translatio et miracula S. Swithuni*, 326.

ÆLS (Martin) B1.3.30 [II, 19.1198–204]: "Twa mila hæfde Martinus fram his mynstre / to Turonian byrig þær se bisceopstol wæs, / and swa oft swa he þyder ferde swa forhtodon þa deofla / on gewitseocum mannum forþanðe hi wiston his tocyme, / and þa deofolseocan sona mid swiðlicre grymetunge / forhtigende wæron, swa swa þa fordemdan *þeofas* / on þæs deman tocyme ofdrædde forhtigað."

Latin: “Monasteriaum beati uiri duobus a ciuitate erat milibus disparatum : sed si quotiens uenturus ad ecclesiam pedem extra cellulae suae limen extulerat, uederes per totam ecclesiam energumenos rugientes, et quasi adueniente iudice agmina damnanda trepidare, ut aduentum episcopi clerici, qui uenturum esse nescirent, daemoniorum gemitus indicaret,” Halm, 1, 204.3–8.

ÆLS (Edmund) B1.3.31 [II, 32.198–201]: “Þa comon on sumne sæl ungesælige *þeofas*, / eahta on anre nihte to þam arwurðan halgan, / woldon stelan þa maðmas þe men þyder brohton, / and cunnodon mid cræfte hu hi in cumon mihton.”

Latin: “… quidam malignae mentis homines, omnis boni inmemores, agressi sunt sub nocturno silentio eandem infringere basilicam latrocinandi studio,” Winterbottom, 83.15.7–9.

[330.220–24]: “And eac þa halgan canones gehadodum forbeodað / ge bisceopum ge preostum, to beonne embe *þeofas*, / forþanþe hit ne gebyraþ þam þe beoð gecorene / Gode to þegnigenne þæt hi geþwærlæcan sceolon / on æniges mannes deaðe, gif hi beoð Drihtnes þenas.”

Latin: “Unde canonum auctoritas prohibet ne quis episcopus aut quilibet de clero delatoris fungantur officio, quoniam satis dedecet ministros uitae caelestis assensum prebere in mortem cuiuslibet hominis,” Winterbottom, 84.15.45–48.

[330.225–30]: “Eft þa Ðeodred bisceop sceawode his bec syððan / behreowsode mid geomerunge þæt he swa reðne dom sette / þam

ungesæligum *þeofum*, and hit besargode æfre / oð his lifes ende; and þa leode bæd georne, / þæt hi him mid fæstan fullice þry dagas, / biddende þone ælmihtigan þæt he him arian scolde."

> Latin: "Quam ob rem predictus episcopus in se reuersus grauiter indoluit, et sibi poenitentiam indicens diutius se in grauibus lamentis dedit. Qua tandem peracta poenitentia, populos suae dioceseos mandat, mandando conuocat, conuocando suppliciter persuadet ut triduano ieiunio a se diuinae indignationis iracundiam remoueant, mremovendo auertant," Winterbottom, 84.15.48–85.15.54.

LS 24 (Michael, Tristram) B3.3.24 [157.100–103]: "Þis is se halga heahengel, Sanctus michael se goda hirde ðæs dryhtenlican eowdes se ðe ne læteð wulf ne *ðeof* nane wuht gewirdan on his hlafordes heorde."

> Latin: Tristram identifies no direct source, saying, instead that the image of Michael as a shepherd is a common trope: "Anwendung des in der Bibel häufig verwendeten Hirtenepithetons auf Michael. Es handelt sich um eines bekanntesten Christusepitheta," 275.

LS 34 (Seven Sleepers) B3.3.34 [65]: "Swilce oðer wæterflod swa fleow heora blod; and ða heafodleasan man hengc on ða portweallas, and man sette heora heafda swilce oþra *ðeofa* buton portweallon on ðam heafodstoccum; and ðær flugon sona to hrocas and hremmas and feala cynna fugelas, and þara haligra martyra eagan ut ahaccedon, and flugon eft into ðære byrig geond þa portweallas, and tosliton ða halgan Godes

dyrlingas, and on heora blodigon bilon ðæra martyra flæsc bæron, ðearmas and inneweard, and þæt eall fræton."

Latin: "Et emarcescebant carnes corporum eorum, et tamquam puluis a facie terrae eiciebantur, et sanguis menbrorum eorum efflueabat sicut aqua dum conciderentur. Et supra moros et pinnacula ciuitatis suspendebant eos, et capita eorum iuxta ciuitatem ante portas infigebant in lingo. Et uolocres caeli carnes eorum et uisera ditinentes in ore sua circa murum circuibant, comendentes menbra athletarum et martyrum Christi," Magennis, 74.23–28.

þeofend* [not found]

þeofung* [not found, rare form]

þeof-mann* [not found]

þeof-sceaþa* [rare form]

þeof-scolu* [rare form]

þeof-stolen* [not found]

þife-feoh [not found]

þifð [not found]

under-fon*

ÆCHom II, 22 B1.2.25 (Fursey) [196.216–18]: "Gif ðu ne *underfenge* þises synfullan mannes reaf æt his forðsiðe. ne mihte his wite ðe derian;"

Latin: “Si inim huius viri in peccatis suis mortui vestimenta non suscepisses, nec poenae illius in corpore tuo arderent,” *CH*, *Commentary*, 536.

under-niman* [not found in a negative sense]

ut-lædan [not found]

(ge-) utian [not found]

wanigend* [not found]

wæl-reaf

Fates (*Fates of the Apostles*) A2.2 [91–95] “Hu, ic freonda beþearf / liðra on lade, þonne ic sceal langne ham, / eardwic uncuð, ana <gesecan>, / <lætan> me on laste lic, eorðan dæl, / *wælreaf* wunigean weormum to hroðre.”

Latin: [Unattested in the Latin.]

weg-reaf [not found]

wealdgenga* [not found]

wergild-þeof [not found]

wiþlædnes* [rare form, gloss]

woruldstrudere* [not found]

APPENDIX III

BIBLIOGRAPHY OF OLD ENGLISH HAGIOGRAPHY AND LATIN SOURCES APPEARING IN APPENDIX II

Andreas, A2.1

Brooks, Kenneth R. ed. *Andreas and Fates of the Apostles*. Oxford: Oxford University Press, 1961.

Latin: Blatt, Franz, ed. *Die lateinischen Bearbeitungen der* Acta Andreae et Matthiae apud anthropophagos. Giessen: A. Töpelmann, 1930. Translated by Michael J. B. Allen and Daniel G. Calder. *Sources and Analogues of Old English Poetry: Major Latin Texts in Translation*. Cambridge: D. S. Brewer, 1976. 14–34.

Greek: Trans. Alexander Roberts and James Donaldson, *The Ante-Nicene Fathers: Writings of the Fathers Down to A.D. 325*, vol. 8 (Buffalo: Christian Literature Company, 1886).

Fates of the Apostles, A2.2

Brooks, Kenneth R. ed. *Andreas and Fates of the Apostles*. Oxford: Oxford University Press, 1961.

Latin: Mohlberg, Leo Cunibert, ed. in conjunction with Leo Einzenhöfer and Petrus Siffrin. *Liber Sacramentorum Romanae Aeclesiae ordinis anni circuli*. Rome: Herder, 1960. 260–61. Translated by Michael J. B. Allen and Daniel G. Calder. *Sources and Analogues of Old English Poetry: Major Latin Texts in Translation*. Cambridge: D. S. Brewer, 1976. 35–39.

Elene, A2.6

Gradon, P. O. E., ed. *Cynewulf's "Elene."* Exeter: University of Exeter Press, 1977.

Latin: St. Gallen, Stiftsbibliothek, Cod. Sang. 225, p. 146. <http://www.e-codices.unifr.ch/en/description/csg/0225> Translated (from the *Acta Sanctorum*) by Michael J. B. Allen and Daniel G. Calder. *Sources and Analogues of Old English Poetry: Major Latin Texts in Translation*. Cambridge: D. S. Brewer, 1976. 59–69.

Guthlac, A3.2

Roberts, Jane. *Guthlac Poems of the Exeter Book*. Oxford: Oxford University Press, 1979.

Latin: Colgrave, Bertram, ed. *Felix's Life of Saint Guthlac*. Cambridge: Cambridge University Press, 1985.

Juliana, A3.5

Woolf, Rosemary, ed. *Cynewulf's Juliana*. Exeter: University of Exeter Press, 1993.

Latin: Lapidge, Michael. "Cynewulf and the *Passio S. Iuliannae*." In *Unlocking the Wordhoard: Anglo-Saxon Studies in Memory of Edward B. Irving, Jr.*, edited by Mark C. Amodio and Katherine O'Brien O'Keefe, 147–71. Toronto: University of Toronto Press, 2003.

Laurence, B1.1.31
CH I, 418–28.

Latin: *CH*, *Commentary*, 238–47.

Bartholomew, B1.1.33
CH I, 439–50.

Latin: *CH*, *Commentary*, 256–66. See also Cotton, Nero E. i, pt. 2, fols. 91v–94r.

Clement, B1.1.39
CH I, 497–506.

Latin: *CH*, *Commentary*, 309–18.

Andrew I, B1.1.40
CH I, 507–19.

Latin: *CH*, *Commentary*, 319–29.

Stephen Protomartyr (ii), B1.2.3
CH II, 12–18.

Latin: *CH*, *Commentary*, 355–62.

Gregory, B1.2.10
CH II, 72–80.

Latin: *CH*, *Commentary*, 403–12.

Cuthbert, B1.2.11
CH II, 81–91.

Latin: *CH*, *Commentary*, 413–29.

Fursey (*visio* only), B1.2.25
CH II, 190–98.

Latin: *CH*, *Commentary*, 529–38.

Peter, B1.2.31
CH II, 221–29.

Latin: *CH*, *Commentary*, 555–64.

Simon and Jude, B1.2.41
CH II, 280–87.

Latin: *CH*, 613–22.

Martin (i), B1.2.42
CH II, 288–97.

Latin: *CH*, *Commentary*, 622–34.

Eugenia, B1.3.3
LS I, 24–50.

Latin: Grau, Angel Fábrega. *Pasionario hispánico*, Monumenta Hispaniae sacra, Serie litúrgica 6. Madrid: [Instituto P. Enrique Flórez], 1953–1955. 83–98.

Basil, B1.3.4
LS I, 50–90.

Latin: Corona, Gabriella, ed. *Vita Basilii* in *Ælfric's Life of Saint Basil the Great: Background and Context*, 223–47. Cambridge: D. S. Brewer, 2006.

Sebastian, B1.3.6
LS I, 116–46.

Latin: Mombritius, 1, 466–73.

George, B1.3.15
LS I, 306–18.

Latin: Huber, Michael. "Zur Georgslegende." In *Festschrift zum XII. Allgemeinen deutschen Neuphilologentage in München*, edited by E. Stollreither, 175–235. Erlangen: Fr. Junge, 1906.

Mark, B1.3.16
LS I, 320–36.

Latin: Closest printed version is *Passio S. Marci evangelistae*. *AASS* 3 April, 347–49. I have compared his edited edition with Cotton Nero E. i., pt. 1, fols. 205v–6v.

Memory of Saints (Vita Patrum), B1.3.17
LS I, 336–62.

Latin: No comprehensive study of the sources of this text exists yet, although Mary Clayton is working on one. The passage in question, on the vices and virtues, appears to come from Alcuin, *De virtutibus et vitiis liber ad Windonem comitem*, cap. 30, PL 101, 0634B.

Alban (Ahitophel and Absalom), B1.3.20
LS I, 414–30.

Latin: *HE*, 28–34. The Ahitophel and Absalom section is from 2 Samuel 14–18.

Swithun, B1.3.22
LS I, 440–72.

Latin: Landfred's *Translatio et miracula S. Swithuni* and the *Epitome* of Landfred's text, in Michael Lapidge, *The Cult of St Swithun*, Winchester Studies 4.ii. Oxford: Oxford University Press, 2003. 217–332 and 553–73 respectively.

Maccabees, B1.3.25
LS II, 66–124.

Latin: Biblical paraphrase.

Maurice and companions, B1.3.28
LS II, 158-68.

Latin: Surius, L., ed. *De Probatis Sanctorum Historiis*, 6 vols. Cologne, 1576–1581. 5, 325–30. I have compared with Cotton Nero E. i, pt. 2, fols. 137v–39v.

Denis and companions, B1.3.29
LS II, 168–90.

Latin: Mombritius, 1, 394–409.

Martin (ii), B1.3.30
LS II, 218–312.

Latin: *Fontes Anglo-Saxonici* says that there are seven known sources for the life. Printed sources include Supicius Severus and Alcuin's epitome of Martin. Sometimes the Cotton-Corpus Legendary material has the closest readings.

Fontaine, Jacques, ed. *Sulpice Sévère, Vie de Saint Martin*. Paris: Les Éditions du Cerf, 1967.

Halm, C., ed. "Opera Sulpicii Severi." In *Corpus scriptorum ecclesiasticorum Latinorum* vols. 1–2. Vienna: C. Geroldi Filium Bibliopolam Academiae, 1866.

Edmund (king and martyr), B1.3.31
LS II, 314–34.

Latin: Winterbottom, M., ed. Abbo of Fleury's *Passio S. Eadmundi*. In *Three Lives of English Saints*. Toronto: Centre for Mediaeval Studies, 1972. 65–87.

Cross (Invention), B3.3.5
Napier, Arthur S., ed. *History of the Holy Rood-Tree* EETS o.s. 103. London, 1894; repr. 1973. 2–34.

Latin: There are no direct sources. Napier argued that both the Old English and Latin accounts had a common ancestor. Napier prints several versions of the Latin as an appendix. See also, Nicole Fallon, "The Cross as Tree: The Wood-of the Cross Legends in Middle English and Latin Texts in Medieval England," unpublished dissertation. (Toronto: University of Toronto, 2009) who edits the Latin legend as an appendix, at 231–62.

Euphrosyne, B3.3.7
LS II, 334–54.

Latin: *Vita Sanctae Euphrasiae, Virginis, Auctore incerto*, PL 73, 643–52.

Eustace and companions, B3.3.8
LS II, 190–218.

Latin: Mombritius 1, 466–73.

Guthlac, B3.3.10

Gosner, Paul, ed. *Das angelsächsische Prosa-Leben des hl. Guthlac*. Heidelberg: Carl Winter, 1909.

Latin: Colgrave, Bertram, ed. *Felix's Life of Saint Guthlac*. Cambridge: Cambridge University Press, 1985.

Machutus, B3.3.13

Yerkes, David, ed. *The Old English Life of Machutus*. Toronto: University of Toronto Press, 1984.

Latin: The source is mostly lost. Yerkes recreates the Latin source by producing the surviving recensions that are likely the source material for the Old English.

Mary of Egypt, B3.3.23

Magennis, Hugh, ed. *The Old English Life of Saint Mary of Egypt: An Edition of the Old English Text with Modern English Parallel-Text Translation.* Exeter: University of Exeter Press, 2002.

Latin: Edited by Magennis in *The Old English Life of Mary of Egypt* from the Cotton MS, 139–209.

Michael (ii), B3.3.24

Tristram, Hildegard, ed. "Vier altenglische Predigten aus der heterodoxen Tradition." Freiburg i. Br.: Albert-Ludwigs-Universität diss., 1970.

Latin: Tristram identifies no direct source, saying, instead that the image of Michael as a shepherd is a common trope: "Anwendung des in der Bibel häufig verwendeten Hirtenepithetons auf Michael. Es handelt sich um eines bekanntesten Christusepitheta," 275.

Mildred (i), B3.3.26

Swanton, M. J., ed. "A Fragmentary Life of Mildred and Other Kentish Royal Saints." *Achaeologia cantiana* 91 (1975): 15–27.

Latin: [the Latin has not been shown to be a direct source, *per se*, but it seems that the OE versions of the life were based on a text not unlike this one.]
Rollason, D. W. *The Mildrith Legend: A Study in Early Medieval Hagiography in England*. Leicester: Leicester University Press, 1982.

Nicholas, B3.3.29

Treharne, Elaine, ed. *The Old English Life of St. Nicholas with the Old English Life of St. Giles*. Leeds Text and Monographs New Series 15. Leeds: University of Leeds Press, 1997.

Latin: Printed in Treharne, 174–97, from London, British Library, Cotton Tiberius D. iv.

Pantaleon, B3.3.30

Pulsiano, Philip. "The Old English Life of St. Pantaleon." In *Via Crucis: Essays on Early Medieval Sources and Ideas in Memory of J. E. Cross*, edited by Thomas N. Hall, with assistance fro Thomas D. Hill and Charles Darwin Wright, 61–103. Morgantown: West Virginia University Press, 2002.

Latin: Pulsiano provides an edition of the closest Latin source-text.

Peter and Paul (ii), B3.3.32

Kelly, Richard J., ed. and trans. *The Blickling Homilies: Edition and Translation*. London: Continuum, 2003. 120–35.

Latin: Lipsius, Richard Adelbert and Max Bonnet, eds. *Acta apostolorum apocrypha* vol. 1. Leipzig: Herman Mendelssohn, 1891. 119–77.

Seven Sleepers, B3.3.34

Magennis, Hugh. *The Anonymous Old English Legend of the Seven Sleepers*. Durham Medieval Texts 7. Durham: Durham Medieval Texts, 1994.

Vita Patrum / Vita Malchi, B3.3.35

Assmann, Bruno, ed. *Angelsächsische Homilien und Heiligenleben*. Bib. ags. Prosa 3. Kassel: Georg H. Wigand, 1889. 195–207.

Latin: Mierow, C. C. "Sancti Eusebii Hieronymi Vita Malchi monachi captavi." In *Classical Essays Presented to James A. Kleist*, *S. J.,* edited by Richard E. Arnold, 31–60. St. Louis: The Classical Bulletin, St. Louis University, 1946.