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Bishops and Councils in late Saxon England: the intersection of secular and ecclesiastical law

The late ninth and early tenth centuries are not fruitful periods for the student of English church councils. After 850, the great ecclesiastical synods held under the presidency of the Archbishop of Canterbury which are so marked a feature of the late eighth and early ninth Mercian Supremacy disappear. Did such synods cease to take place? Or is it that they no longer produced documentary evidence? The interpretation of silences in the sources, while hardly an unfamiliar problem for the early medieval historian, is particularly difficult. This paper attempts to shed a little light on the problem of what happened to synods in the late ninth and tenth centuries and in doing so, inevitably, throws up more questions for future research than answers. It addresses the problem by focusing on the evidence in lawcodes and charters for the intersection between ecclesiastical and secular law, with particular reference to the issue of excommunication.

The regular convocation of synods in Anglo-Saxon England was probably introduced by Archbishop Theodore of Canterbury with the Council of Hertford in 672¹. Although this ruled that synods should meet once a year, it is not until 679 that a similar assembly was recorded, the Council of Hatfield which responded directly to the question of the monothelite heresy, a matter of urgent papal concern. After Hertford and Hatfield, three further English councils issued major sets of canons: the Council of Clofesho in 747 under Archbishop Cuthbert of Canterbury, the councils convened in Northumbria and Southumbria in 786 and the Council of Chelsea in 816 under Archbishop Wulfred of Canterbury. These sets of canons may be supplemented by incidental references in the narrative sources, especially hagiography, and by a mass of dispute settlements adjudicated by church councils. The last of these documents is a property transaction in London in 845². After 816, the next notable ecclesiastical legislation is the 'Constitutions'

¹ For the history of synods in England, see *Catherine Cubitt*, *Anglo-Saxon Church Councils* (London 1995), and *Hanna Vollrath*, *Die Synoden Englands bis 1066* (Paderborn 1985).

² See *Cubitt*, *Anglo-Saxon Church Councils* (as in n. 1) 288; *Vollrath*, *Die Synoden* (as in n. 1) 207–210. *Peter H. Sawyer*, *Anglo-Saxon Charters. An Annotated List and Bibliography* (London 1968) no. 1194 (Cited hereafter as S followed by the number of the charter.).

of Archbishop Oda, episcopal statutes, issued in 942 x 946, and largely based upon earlier rulings³.

The dearth of canons after 816 is not a simple sign that church councils no longer took place. It is significant that three out of the five sets of canons issued by synods mention papal impetus behind the council⁴. The Council of Hatfield was convened by Theodore to affirm the orthodoxy of the English as part of papal preparations for the Council of Constantinople in 680. The preamble to the canons of 747 refer to the letters of Pope Zachary which were read out and translated at the Council, and the councils of 786 were convened by papal legates, George of Ostia and Theophylact of Todi. No papal intervention is mentioned with regard to Theodore's 672 council but Theodore himself was appointed archbishop by the pope and it may be that the regularization of the English church through councils had its roots in papal concerns. Archbishop Wulfred's 816 Council does not seem to be linked to any papal initiative⁵. But Wulfred himself used the council and its canons to further his opposition to Mercian kings with whom he was in dispute. He may have been unusually provocative in his convention of the council and in its declarations. It is possible therefore that the promulgation of sets of canons was not a regular activity on the part of the Archbishops of Canterbury and their bishops but a response to unusual conditions and particularly to papal initiatives.

The cessation of charter evidence for synods is again not easy to interpret. It is possible that the diplomatic evidence ceases because church councils no longer had jurisdiction over disputes over church property⁶. The church may have lost its jurisdictional authority as bookland shifted from a type of privileged tenure intended originally for the church and became an increasingly common form of secular aristocratic land tenure⁷. It is worth noting in this connection that the production of charters seems also to have shifted from episcopal and ecclesiastical centres to the royal chancery⁸.

³ *Dorothy Whitelock, Martin Brett and Christopher N. L. Brooke, Councils and Synods with Other Documents relating to the English Church*, vol. 1 (Oxford 1981) 67–74. See *G. Schoebe, The Chapters of Archbishop Oda (942/6) and the Canons of the Legatine Councils of 786*, in: *Bulletin of the Institute of Historical Research* 35 (1962) 75–83 and *Vollrath, Die Synoden* (as in n. 1) 12–29.

⁴ The Council of Clofesho in 803 also passed a ruling dismantling the archbishopric of Lichfield in response to a papal command, see *Cubitt, Anglo-Saxon Church Councils* (as in n. 1) 279f. and *Vollrath, Die Synoden* (as in n. 1) 181–184.

⁵ A papal *praeco*, Nothhelm, subscribes to one document emanating from the Council of Clofesho in 823 (S 1433/BCS 379; discussed by *Cubitt, Anglo-Saxon Church Councils*, as in n. 1, 220f.).

⁶ *Ibid.* 65–74, 238–240; *A. G. Kennedy, Disputes about bocland: the Forum for their Adjudication*, in: *Anglo-Saxon England* 14 (1985) 75–95, esp. 177f.

⁷ *Susan Kelly, Anglo-Saxon Lay Society and the Written Word*, in: *The Uses of Literacy in Early Medieval Europe*, ed. *Rosamond McKitterick* (Cambridge 1990) 36–62, at 44f.; *Patrick Wormald, Bede and the Conversion of England: the Charter Evidence* (Jarrow Lecture, Jarrow 1984) 19–23.

⁸ *Simon Keynes, The Diplomas of King Æthelred 'the Unready' 978–1016. A Study in their*

Vollrath's account of Anglo-Saxon synodal activity before the Conquest makes plain the gaps and ambiguities of the sources after the ninth century⁹. Church councils are poorly recorded and the distinction between synod and witenagemot is often a matter of the historian's judgment. In the later tenth and early eleventh centuries, source material becomes more plentiful but the imprint of royal leadership is more strongly marked than in the ninth century.

One way of approaching the changes in the convocation of synods in the ninth and tenth centuries is to focus on the question of the interaction between secular and ecclesiastical law, and particularly the use of a religious penalty, excommunication, in secular law and in charters. This provides oblique but illuminating light on bishops and their councils in this period. In the first part of the paper the evidence for the imposition of excommunication as a penalty in royal lawcodes from Anglo-Saxon England is examined and in the second half, the meaning and function of the sanction clauses from Anglo-Saxon royal diplomas. These routinely threaten anyone who contravenes the grant with exclusion from the Christian community on the Day of Judgment.

1. Excommunication in royal lawcodes

In a valuable study of excommunication and excommunication rites in Anglo-Saxon England, Elaine Treharne has argued that this penalty was an important part of Anglo-Saxon law. Treharne shows how the penalty of excommunication was incorporated in Anglo-Saxon law from the seventh to the eleventh centuries, and stresses the importance of excommunication as a penalty in the codes of the tenth and eleventh century, particularly those drafted by Archbishop Wulfstan of York. Her conclusions raise the question of the place of a religious penalty in royally-issued lawcodes¹⁰.

Wulfstan's legislative activity bore a distinctive character: his codes, composed in the final years of the reign of King Æthelred the Unready and the early years of King Cnut's, represent a break from previous legislative tradition in their synthesis of ecclesiastical and secular law, and in their proximity to the homiletic tradition. Patrick Wormald has shown how Wulfstan's major collection of ecclesiastical law, generally known as the 'Excerptiones Ecgberhti', was used as a source in the composition of his sermons and in his drafting of Æthelred's fifth lawcode¹¹. Church law provided the fundamental rules for the building of a Christian

Use as Historical Evidence (Cambridge 1980) 14–28; *idem*, The West Saxon Charters of King Æthelwulf and his Sons, in: EHR 109 (1994) 1109–1149.

⁹ Vollrath, Die Synoden (as in n. 1) 207–390.

¹⁰ Elaine M. Treharne, A Unique Old English Formula for Excommunication from Cambridge, Corpus Christi College 303, in: Anglo-Saxon England 24 (1995) 185–211.

¹¹ Patrick Wormald, Archbishop Wulfstan and the Holiness of Society, in: *idem*, Legal Culture in the early Medieval West. Law as Text, Image and Experience (London 1999) 225–246, esp. 240–246. On Wulfstan's legal activity, see the articles by Dorothy Whitelock, Wulfstan

society and Wulfstan attempted to remodel society according to its rulings, both in his preaching and in the lawcodes he drafted. His secular legislative activity therefore bears the heavy imprint of religious principles. Further, as Carol Hough has noted, Wulfstan's lawmaking was considerably influenced by the penitential tradition¹². Wulfstan actually called for secular lawmaking to reflect the more nuanced approach of penitentials in assigning penalties for misbehaviour, and in his most developed lawcode, 'Cnut II', this is demonstrated by the elaboration of its clauses. In Wulfstan's eyes, religious atonement and secular punishment went hand in hand, his codes regularly demand that the criminal make secular redress and do penance according to ecclesiastical law. To Wulfstan, secular and religious punishment were twin systems, closely intertwined¹³. The inclusion therefore of excommunication as a punishment in Æthelred's and Cnut's lawcodes may belong to Wulfstan's own and rather idiosyncratic view of lawmaking, rather than necessarily to a developed Anglo-Saxon legal tradition.

It is important therefore to review the sanctions concerning excommunication before the codes of Wulfstan. These, in fact, occur in only three lawcodes before the reign of Æthelred. These are the codes of King Wihtred of Kent, probably compiled in 695, of Alfred the Great and the first code of King Edmund. There are reasons for thinking that these codes are exceptional in their ecclesiastical content and derive from specific types of assembly and should not be classed with other royal lawcodes.

Wihtred's code begins with a statement concerning when and where it was promulgated, and explicitly mentioning the presence of the Archbishop of Canterbury, the Bishop of Rochester, and the unanimity of the whole religious order with the laity¹⁴. The style of introduction parallels the diplomatic formulae employed in the drafting of church council regulations, which was used at the Archbishop Theodore's Council of Hertford¹⁵. Its first two clauses free the church from taxation in return for its prayer for the king. The first nineteen clauses out of the entire twenty-eight deal with matters of religious import: Sunday observance,

and the so-called Laws of Edward and Guthrum, in: EHR 56 (1941) 1–21; Archbishop Wulfstan, Homilist and Statesman, in: Transactions of the Royal Historical Society 4th series 24 (1942) 25–45; Wulfstan and the Laws of Cnut, in: EHR 63 (1948) 433–452; Wulfstan's Authorship of Cnut's Laws, in: EHR 70 (1955) 72–85. *M. K. Lawson*, Archbishop Wulfstan and the Homiletic Element in the Laws of Æthelred II and Cnut, in: EHR 107 (1992) 565–586.

¹² *Carole Hough*, Penitential Literature and Secular Law in Anglo-Saxon England, in: Anglo-Saxon Studies in Archaeology and History 11 (2000) 133–141.

¹³ For Wulfstan's view of the relation between secular and ecclesiastical law, see c. 2 of 'Edward and Guthrum' which states that Alfred and Guthrum fixed secular penalties because they knew that the people would not submit to ecclesiastical ones. *Die Gesetze der Angelsachsen*, 3 vols., ed. *Felix Liebermann* (Halle 1903–1916) vol. 1, 128.

¹⁴ *Ibid.* vol. 1, 12–14. Translated in *Frederick L. Attenborough*, The Laws of the Earliest English Kings (Cambridge 1922) 24–31.

¹⁵ On synodal diplomatic, see *Cubitt*, Anglo-Saxon Church Councils (as in n. 1) 77–87. For the Council of Hertford, see Bede's Ecclesiastical History of the English People IV, 5, ed. *Bertram Colgrave* and *Roger A. B. Mynors* (Oxford 1969) 349–353.

fasting, the exculpation of various grades of cleric and monk. The two previous Kentish codes, those of Æthelberht, and Hlothere and Eadric, were not concerned with such matters¹⁶. Æthelberht's code established in its opening clause the compensation for theft from churches and from the religious, a necessary innovation in newly-converted Kent. But Kings Hlothere and Eadric apparently discussed no matter concerning the church or its personnel. Wihtréd's code with its religious preoccupations therefore represents a new direction¹⁷. We should attribute this, I think, to the influence of his archbishop, Berhtwald, and to that of the Council of Hertford, convened by Archbishop Theodore in 672. The Hertford canons are directly reflected in two of Wihtréd's stipulations. Hertford Canon 10 rules that "nothing be allowed but lawful wedlock. Let none be guilty of incest ..."¹⁸. In Wihtréd's code, clauses 3 to 5 regulate illicit sexual unions. It is these clauses which include the sanction of excommunication. They begin by legislating for pre-existing relationships – men already in irregular unions should repudiate them with repentance, and a refusal to do so will be punished by exclusion from the Christian community. The next clause refines the penalties – unrepentant foreigners are to be expelled, taking their goods with them. Natives are to suffer exclusion without forfeiture of their property. Canon 5 then legislates for new unions, formed subsequent to Wihtréd's decrees. A noble entering a proscribed relationship is to pay 100 shillings compensation and a ceorl 50 shillings; both are to repent. In canon 6, the behaviour of lax priests who allow such unions is addressed; such priests are to be suspended and to be handed over to the bishop for judgment. Priests who are negligent in baptism or who are drunk are to suffer the same punishment. In clauses 3 to 5 of Wihtréd's code, the working out of the implications of Theodore's simple ban on irregular sexual relations can be observed, from the position with existing unions to newly-contracted ones and extending beyond the Hertford canons to the behaviour of the priest. Canons 4 and 5 regulated travelling monks, clergy, requiring them to have letters from their bishop in order to travel, rulings mirrored in Wihtréd's clause 7 which states that a "tonsured man" who is not under authority may be given hospitality only once, thus supporting Theodore's ruling by limiting the hospitality available to those monks or clerics who travelled unlawfully. It is very likely therefore that the mention of the *boca dom* in clause 5 is a reference to Theodore's canons¹⁹. The clauses in Wihtréd's codes derived from the canons of Hertford are positioned in a block, clauses 3–7. These are also the

¹⁶ Liebermann, *Gesetze* (as in n. 13) vol. 1, 3–11; translation see *Attenborough, Laws* (as in n. 14) 4–23.

¹⁷ Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, vol. 1: *Legislation and its Limits* (Oxford 1999) 102, n. 355. See too Patrizia Lendinara, *The Kentish Laws*, in: *The Anglo-Saxons from the Migration Period to the Eighth Century: An Ethnographic Perspective*, ed. John Hines (Woodbridge 1997) 211–243. And see Patrick Wormald, 'Inter Cetera Bona Gentis Suae': Law-making and Peacekeeping in the earliest English Kingdoms, in his *Legal Culture* (as in n. 11) 179–199, esp. 187f.

¹⁸ Bede, *Historia Ecclesiastica* IV, 5: *Vt nulli liceat nisi legitimum habere coniugium; nullus incestum faciat ...* (ed. Colgrave, Mynors, as in n. 15, 352).

¹⁹ Hough, *Penitential Literature* (as in n. 12) 133f., reviews the possibilities.

only clauses in the Code to impose religious penalties, the remaining clauses, while they may regulate matters of religious interest such as Sunday work, impose monetary fines.

Wihtréd's code with its rulings concerning excommunication was promulgated therefore at an assembly marked by a distinctively ecclesiastical nature. Wormald even suggested that it might be a translation from the Latin of a synodical decree. He compared it to the assembly that issued Wihtréd's privilege to the church in 699²⁰. Wihtréd's lawcode seems to be a hybrid between the ecclesiastical canons of synods convened by the Archbishop, which rarely include penalties, and the much more secular early lawcodes with their reliance upon monetary compensation. My interpretation is that Wihtréd's assembly did have a markedly more religious character than usual royal councils and that its role, at least in part, was to transmit and support the rulings of Theodore's council for Wihtréd's people in Kent. Its inclusion therefore of the penalty of excommunication is underpinned by episcopal canons.

I want next to turn to the first code of King Edmund, issued between 941 and 946, probably in 945 or 946²¹. This laid down the penalty of excommunication for the non-payment of tithes and church dues (c. 2), and threatened those perjurers and those who practised sorcery with eternal expulsion from "any share in [the church] of God", unless they did penance²². The preface tells us that the code was issued at a great council of religious and laity convened at Easter in London by King Edmund, with Archbishops Oda of Canterbury and Wulfstan of York. There the two archbishops and their bishops deliberated over the welfare of their souls and those subject to them. As Hanna Vollrath and Patrick Wormald have noted, this council should be regarded as a synod²³.

Edmund's first code contains six clauses all of which pertain to ecclesiastical matters. The opening item admonishes all those in holy orders to teach the laity by setting an example in their own lives and to remain celibate. The penalty for their unchastity is punishment according to the canon, denial of burial in consecrated ground and forfeiture of their possessions²⁴. The canon referred to here is probably chapter 10 of the decrees of the legatine synods of 786; these probably also lie

²⁰ Wormald, *Making* (as in n. 17) 102; S 20.

²¹ Liebermann, *Gesetze* (as in n. 13) vol. 1, 184–186; translation in Agnes Jane Robertson, *The Laws of the Kings of England from Edmund to Henry I* (Cambridge 1925) 6f.; for the dating, see Wormald, *Making* (as in n. 17) 441.

²² Liebermann, *Gesetze* (as in n. 13) vol. 1, 184: *Teoðunge we bebeodaþ ælcum Cristenum men be his Cristendome 7 cyricsceat 7 ælmesfeoh. Gif hit bwa don nelle, sy he amansumod; ibid. 186: Ða ðe mansweriað 7 lyblat wyrcað, syn hy a fram ælcum Godes dæle aworpen, buten hy to rihtre dædbote gecyrran.*

²³ Patrick Wormald, *Giving God and King their Due: Conflict and its Regulation in the Early English State*, in: *idem*, *Legal Culture* (as in n. 11) 333–357, at 337. Vollrath, *Die Synoden* (as in n. 1) 220–225.

²⁴ Liebermann, *Gesetze* (as in n. 13) vol. 1, 184: ... *Gif hy swa ne don, þonne syn hy ðæs wyrðe ðe on ðam canone cwearð.*

behind the clauses against perjury and sorcery²⁵. These legatine canons were reiterated and remodelled in the 'Constitutions' promulgated by Archbishop Oda, which are datable to the same period as Edmund's first code and are almost certainly prior to it, since it echoes a number of their injunctions²⁶. These include the first clause of Edmund's code concerning the good example set by the religious (OC 4, 7), those on the non-payment of tithes and church dues (OC, 10), and on sex with a nun (OC, 7). The penalty of excommunication in Edmund's first code was therefore imposed by an ecclesiastical council, meeting under royal presidency and the clauses in which it is imposed (cc. 2, 6) are supported by ecclesiastical legislation.

The religious nature of the lawmaking in Edmund's first code is emphasized by the entirely secular nature of his second code, which largely concerns the feud. It is issued in the first person singular voice of the King himself, unlike the first code, and in its preface Edmund announces his desire to promote Christianity and therefore the need to promote peace throughout his kingdom²⁷. This code is possibly the sister-code of 'I Edmund' and these two twinned codes of Edmund could therefore have a later counterpart in the second and third codes of King Edgar, issued at Andover, which legislate for ecclesiastical crimes or sins and secular crimes respectively²⁸. But it should be noted that the second code only imposes secular punishments and no ecclesiastical penalties.

The penalty of excommunication is therefore only imposed in two royal law-codes with a distinctively and exceptionally ecclesiastical nature, and where royal lawmaking is underpinned by pre-existing ecclesiastical canons. The third royal lawcode to order excommunication for certain crimes is the great 'domboc' of King Alfred, issued in the period c. 885 x 899²⁹. This only establishes excommunication for one sin or crime, namely that of the failure to fulfill a vow (1.2). The initial penalty for such a failure is a form of public penance with the guilty man setting down his weapons (as Sarah Hamilton has pointed out), coupled with imprisonment on a royal estate³⁰. However, if the offender escapes imprisonment and flees, he is to be declared an outlaw and made an excommunicant (c. 1, 7)³¹.

Alfred's code is an anomaly in my classification system: however, it may be that we can regard it as a special case. Alfred's great code, or "the huge and stately *domboc*" as Wormald termed it, is a self-consciously grandiloquent piece of early

²⁵ Edited in MGH Epp. 4, ed. *Ernst Dümmler* (Berlin 1895) no. 3, 19–29.

²⁶ For the text and secondary literature, see above, n. 3. For Edmund's use of the 'Constitutions', see *Wormald*, Making (as in n. 17) 310.

²⁷ *Liebermann*, Gesetze (as in n. 13) vol. 1, 186f.

²⁸ *Wormald*, Making (as in n. 17) 310 argues that 'I' and 'II Edmund' are not twin codes because they reiterate the ban on homicide.

²⁹ *Liebermann*, Gesetze (as in n. 13) vol. 1, 26–89.

³⁰ *Sarah Hamilton*, Rites for Public Penance in Late Anglo-Saxon England, in: *The Liturgy of the Late Anglo-Saxon Church*, ed. *Helen Gittos* and *M. Bradford Bedingfield* (London 2005) 65–105, at 84f.

³¹ *Liebermann*, Gesetze (as in n. 13) vol. 1, 48: *Gif he ponne losie, sy he aflymed ⁊ sy he ansemod of eallum Cristes cyricum.*

medieval lawmaking, which brings together biblical law, earlier Anglo-Saxon law and Alfred's own legislation. It opens with a preface excerpting Mosaic and apostolic law and contained 120 chapters, a deliberate echo of the age of Moses at death³². Alfred places his own lawmaking in the context of numerous "synods" throughout the earth or councils of bishops and wise laymen amongst the English people, which have allowed crimes to be atoned for by monetary compensation, bringing together biblical and English lawmaking. Alfred therefore conflates religious and secular law. The very first clause exhorts as a matter of "greatest need" that "each man keep carefully his oath and pledge"³³. The law imposing excommunication as the final penalty for an obdurate oath-breaker is the last in the sequence of clauses following from this first ruling. Wormald has argued that this command, to keep the oath and pledge, was in fact fundamental "to early English law and order"³⁴. Wormald also suggests that Alfred had already legislated on oath and pledge before his code³⁵.

The three instances therefore where excommunication is explicitly imposed by Anglo-Saxon law before the later laws of Æthelred can be found in very distinctive codes, two of them were promulgated by "synodical" assemblies and belong to clauses which reflect episcopal rulings and canon laws. While, the third, Alfred's lawcode, deliberately in some ways fuses religious law with royal lawmaking, issued by a king determined to make his legal mark. Here the penalty of excommunication is reserved for the punishment of those who refuse to emend, and concerns a "crime" which, according to Wormald, Alfred had made as the bedrock of his attempts to legislate for the peace of his kingdom. Excommunication is therefore a penalty which occurs in very limited and quite specific contexts in Anglo-Saxon law.

My argument here is not to deny the co-existence of and cooperation between secular and religious law in Anglo-Saxon England. Sarah Hamilton has pointed to a small number of instances in ninth- and tenth-century lawcodes where public penance, or a form of mixed public and private penance, is mentioned³⁶. King Edgar in regulating the organisation of law courts, required the ealdorman and the bishop sit on shire courts, adjudicating secular and divine law respectively³⁷. But the relationship between canon law, penance and royal law is complex and largely hidden from view in our sources. It is, however, important to note the role of specialised royal assemblies in the production of the codes of Ine and Edmund. Such assemblies brought together many bishops, abbots and religious as well as

³² Wormald, *Making* (as in n. 17) 264, 277, 283f. and 416–429, and see his *Lex scripta and Verbum Regis: Legislation and Germanic Kingship*, in his *Legal Culture* (as in n. 11) 34.

³³ Liebermann, *Gesetze* (as in n. 13) vol. 1, 46: ... *ðæt mæst þearf is, þæt æghwīlc man his að 7 his wedd wærlīce healed* Translation from Dorothy Whitelock, *English Historical Documents c. 500–1042* (London 1979) 409.

³⁴ Wormald, *Making* (as in n. 17) 283.

³⁵ *Ibid.* 284.

³⁶ Hamilton, *Rites* (as in n. 30) 83–87.

³⁷ III Edgar, 5.2; Liebermann, *Gesetze* (as in n. 13) vol. 1, 202: *7 þær beo on ðære scire biscop 7 se ealdorman 7 þær ægðer tæcan ge Godes riht ge woruldriht*.

the king and his magnates; they are poorly recorded and are often seen as illustrative of royal authority and legislative activity, but they may have been more significant and frequent than they appear.

2. Diplomatic Anathemas

One such council figures prominently in the second part of my paper, which concerns the sanction clauses of Anglo-Saxon royal diplomas, documents generally issued in the name of the king and threatening exclusion from the Christian community, usually on the Day of Judgment but sometimes in the present. The sanction clauses of Anglo-Saxon charters routinely incorporate threats of damnation and exclusion from the Christian community. They usually menace anyone who contravenes the document with damnation on the Day of Judgment, along with Judas and other sinners.

These clauses are the only penalties that Anglo-Saxon charters bear: there are no secular penalties. And they are “standard issue”, that is they are formulaic, identical phrasing being found in a number of charters and variations in phrasing still usually conforming to a general type, they are found in almost every single Anglo-Saxon charter, regardless of its function. Donations to laymen, exchanges and sales of property include them as well as solemn ecclesiastical charters. These and the other religious characteristics of Anglo-Saxon charters, their invocations to the deity, and the pious sentiments of their proems, for example, have caused some controversy amongst students of English diplomatic. They have been seen as symptoms of the intrinsically religious nature of the Anglo-Saxon charter, evidence of their production by monastic houses³⁸. The agency responsible for issuing charters has been a contested matter and in 1980 Professor Keynes published a magisterial study demonstrating that for certain periods a royal chancery was undoubtedly in operation. He, therefore, argued that the religious formulation of the charters was a relic of the monastic origin of the deed in the seventh century rather than an indicator of tenth- or eleventh-century conditions³⁹. The questions of the religious characteristics of the diploma and of how these were regarded by contemporaries remain, however, important matters⁴⁰. Anathemas and

³⁸ See *Pierre Chaplais*, *The Origin and Authenticity of the Royal Anglo-Saxon Diploma*, in: *Prisca Munimenta. Studies in Archival and Administrative History presented to Dr. A. E. J. Hollaender*, ed. *Felicity Ranger* (London 1973) 28–42, at 33.

³⁹ *Simon Keynes*, *The Diplomas*. On bookland and charters, see also *Susan Reynolds*, *Bookland, Folkland and Fiefs*, in: *Anglo-Norman Studies* 14 (1992) 211–227 and *idem*, *Fiefs and Vassals* (Oxford 1994) 324–335.

⁴⁰ For discussion of the ritual nature of the Anglo-Saxon diploma, see *Charles Insley*, *Where did all the charters go? Anglo-Saxon Diplomatic and the New Politics of the Eleventh Century*, in: *Anglo-Norman Studies* 24 (2002) 109–128. See too *Pauline Stafford*, *Political Ideas in late Tenth-Century England: Charters as Evidence*, in: *Law, Laity and Solidarities. Essays in Honour of Susan Reynolds*, ed. *Pauline Stafford, Janet L. Nelson and Jane Martindale* (Manchester 2001) 68–82.

religious curses were regularly incorporated into statements of property ownership. The words “may God avenge it as he will” were added by Archbishop Wulfstan to a memorandum of St Oswald concerning the loss of property from the church in Northumbria⁴¹, Bishop Leofric of Exeter concluded his statement of ownership of the ‘Leofric Missal’ with a final anathema⁴². Such curses may not have been as efficacious as their pronouncers may have hoped but they are unlikely to have been seen as mere formula by their contemporary audience. The invocation of divine vengeance for theft and wrongdoing was intended as a terrifying threat. Moreover, there is one piece of evidence which has been over-looked which indicates that the anathemata of some Anglo-Saxon charters at least were ritually enacted.

The early eleventh-century ‘Life of St Egwine’ is a little known work but one of great interest for students of the Benedictine Reforms in England⁴³. Egwine was Bishop of Worcester in the eighth century and had founded a monastery at Evesham, which was revived during the Benedictine Reforms. The author of the *vita*, Byrhtferth of Ramsey, a leading scholar from one of the major Benedictine foundations of the Reform, was commissioned to write by the community at Evesham, but the materials for the life were minimal – some oral traditions and ancient but often irrelevant documents⁴⁴. Byrhtferth was therefore free to exercise his imagination. The centrepiece of the text is a fictional account of the donation of the monastery’s endowment and confirmation of its papal privilege⁴⁵. In this, King Cenred convenes a great council of lay and religious magnates (including the two archbishops) on his return with Egwine from Rome. At this council, a papal privilege and royal donation are read out and the assembly gives its consent to them. Cenred then ordered the Archbishop of Canterbury to draw up the privilege and the archbishop placed in it *carmen et vae ... carmen benedictionibus servantibus, vae autem maledictionis non custodientibus*. The books and privileges

⁴¹ Anglo-Saxon Charters, ed. Agnes Jane Robertson (Cambridge 1939) no. 54, 110–113, 357–360, at 112: *þa wæs sce Peter bereafod ... syððan . wrece God swa he wille*. On this see Stephen Baxter, Archbishop Wulfstan and the Administration of God’s Property, in: Wulfstan, Archbishop of York. The Proceedings of the Second Alcuin Conference, ed. Matthew Townend (Turnhout 2004) 161–205, at 176–179. For Wulfstan’s additions to the text, see Neil R. Ker, The Handwriting of Archbishop Wulfstan, in: England before the Conquest. Studies in Primary Sources presented to Dorothy Whitelock, ed. Peter A. M. Clemoes and Kathleen W. Hughes (Cambridge 1971) 315–331, at 327. Neil R. Ker, Catalogue of Manuscripts Containing Anglo-Saxon (Oxford 1957) 301 f.

⁴² The Leofric Missal, ed. Nicholas Orchard (Henry Bradshaw Society 93 & 94, London 2002) vol. 2, 1. Nor was this practice confined to ecclesiastical persons and property, the Sutton Brooch, Elisabeth Okasha, Handlist of Anglo-Saxon Non-Runic Inscriptions (Cambridge 1971) no. 114, 116 f., bears an inscription cursing anyone who tries to steal it.

⁴³ Byrhtferth, Vita sancti Egwini, printed in Vita (sic) quorundam (sic) Anglo-Saxonum: Original Lives of Anglo-Saxons and Others who Lived before the Conquest, ed. John Allen Giles (London 1854) 349–396.

⁴⁴ Michael Lapidge, Byrhtferth and the Vita s. Egwini, in his collected papers, Anglo-Latin Literature 900–1066 (London 1993) 293–315.

⁴⁵ Byrhtferth, Vita s. Egwini (ed. Giles, as in n. 43) 378–381.

were handed over to the Archbishop of York who took them to Evesham with Ecgwine. There on All Saints Day, the monastery was dedicated. After the celebration of mass, Archbishop Wilfrid of York and Bishop Ecgwine placed the privilege and books on the altar, prayed that God protect the community from spoliation, and prayed an anathema of damnation with Pilate and those who crucified Christ on anyone who attempted to infringe the privilege⁴⁶.

This eleventh-century, fictionalised account of the foundation of an eighth-century monastery may be a valuable guide to the rituals accompanying eleventh-century church privileges. The significance of the account for contemporaries must have lain in its ability to prevent attacks on the monastery and it seems likely that Byrhtferth mirrored practices of his own day in attempting to depict the foundation rituals for Evesham. One can corroborate the role of the archbishop in the drafting of the charter from tenth- and eleventh-century charters which indicate that they were composed by a bishop or by a high-ranking churchman⁴⁷. The solemnities of the 'Vita sancti Ecgwini' may be compared with such documents as the famous New Minster charter of 966, written in gold letters and illustrated by a full-page picture of Edgar offering the charter to the enthroned Christ, or a privilege for the see of Cornwall of 994 which is partly copied in gold letters⁴⁸. The New Minster charter was probably drafted by Bishop Æthelwold of Winchester and the Cornish privilege perhaps by Archbishop Sigeric of Canterbury⁴⁹. These splendid documents were intended to inspire awe and may very well have been kept on the altars of the houses of New Minster, Winchester and Crediton. Evidence of oral performance of anathemas can also be found in a tenth-century dispute settlement concerning an estate at Cooling, Kent claimed by Eadgifu, the widowed wife of Edward the Elder. Eadgifu eventually regained possession of the

⁴⁶ Ibid.

⁴⁷ See my *The Tenth-Century Benedictine Reform in England*, in: *Early Medieval Europe* 6 (1997) 77–94, at 91–93.

⁴⁸ *Charters of Abingdon Abbey*, part 1, ed. *Susan Kelly* (British Academy Anglo-Saxon Charters 7, Oxford 2000) xc. New Minster charter: S 745, new edition, *Charters of the New Minster*, Winchester, ed. *Sean Miller* (British Academy Anglo-Saxon Charters 9, Oxford 2001) 95–116. And see also the discussion and translation of *Alexander R. Rumble*, *Property and Piety in Early Medieval Winchester* (Winchester Studies 4.iii, Oxford 2002) 65–97. On the original of the charter, London, British Library, Cotton Vespasian A. VIII, see *The Golden Age of Anglo-Saxon Art 966–1066*, ed. *Janet Backhouse, Derek Howard Turner and Leslie Webster* (London 1984) no. 26. The Cornish privilege is S 880, see the discussions by *Charles Insley*, *Charters and Episcopal Scriptoria in the Anglo-Saxon South-West*, in: *Early Medieval Europe* 7 (1998) 173–197, at 189 f.; *Pierre Chaplais*, *The Royal Anglo-Saxon Chancery of the Tenth Century Revisited*, in: *Studies in Medieval History presented to R. H. C. Davies*, ed. *Henry Mayr-Harting and Robert Ian Moore* (London 1985) 41–51, at 44 f.

⁴⁹ On Æthelwold's authorship of the New Minster charter (S 745) see *Charters of the New Minster*, ed. *Miller* (as in n. 48) no. 23, esp. 108, and *Michael Lapidge*, Æthelwold as Scholar and teacher, in his collected papers, *Anglo-Latin Literature* (as in n. 44) 183–211, at 189 f. On Sigeric and the Crediton charter (S 880), see *Keynes, Diplomas* (as in n. 8) 100, 111, 124, 135 n. 171, 251.

estate and its title deeds after a protracted and embittered conflict. She gave the estates and their title deeds to Christ Church, Canterbury; the document records:

“Then Eadgifu, with the leave and cognisance of the king and all his bishops, took the deeds and gave the estates to Christ Church, and with her own hands laid them upon the altar for the perpetual benefit of the community and for the repose of her soul; declaring that Christ himself with all the heavenly host would curse to all eternity any man who should ever divert or curtail this gift.”⁵⁰

But what happened when things went wrong and arrogant laity dared to contravene such privileges? Did the wrath of the saints descend upon them? How did churchmen react? The records of Anglo-Saxon history are littered with cases where churches, like houses throughout early medieval Europe, attempted to regain property which found its way into the hands of the laity by fair means or foul. Generally, these cases were dealt with by royal authority. The procedures followed are those of contemporary legal fora, not those of the heavenly court⁵¹. However, there is one case known to me where the anathema of the original document was invoked and this involves no less a person than King Æthelred the Unready.

In 993, before a great council of bishops and laity at Winchester during Pentecost, Æthelred confessed that he had in his youth perpetrated sinful acts and in particular had sold the abbacy of the monastery of St Mary's Abingdon to the brother of one of his nobles, thus contravening solemn privileges given in 959 by his uncle, King Eadwig and by his father, King Edgar⁵². He seeks advice from the assembled bishops on how he can be free “from so great and so terrifying an

⁵⁰ S 1211: *þa nam Eadgifu, be þæs cynincges leafe ⁊ gewitnesse ⁊ ealra his bisceopa, þa bec, ⁊ land betæhte in to Cristes cyrcean, mid hire agenum handum upon þone altare lede, þan hyrede on ecnesse to are ⁊ hire sawle to reste; ⁊ cwæp þæt Crist sylf mid eallum heofonlicum mægne þane awyrgde on ecnesse þe þas gife æfre awende opþe gewanude* (edited by Florence E. Harmer, *Select English Historical Documents of the Ninth and Tenth Centuries*, Cambridge 1914, no. 23, 37f., at 38). On this, see *Nicholas Brooks*, *The Early History of the Church of Canterbury* (Leicester 1984) 250. *Brenda Danet* and *Bryna Bogoch*, “Whoever alters this, may God turn his Face from him on the Day of Judgment”: Curses in Anglo-Saxon Legal Documents, in: *Journal of American Folklore* 105 (1992) 132–165, 142, cite S 1208 as an indication of the performance of anathemas, however, *Kelly*, *Charters of Abingdon Abbey* (as in n. 48) no. 28, part 1, 115–120, argues convincingly that this document is a late eleventh-century forgery.

⁵¹ *Patrick Wormald*, *A Handlist of Anglo-Saxon Lawsuits, and Charters, Law and the Settlement of Disputes in Anglo-Saxon England*, in his *Legal Culture* (as in n. 11) 253–287 and 289–311. *Kennedy*, *Disputes about bocland* (as in n. 6), and his *Law and Litigation in the Libellus Æthelwoldi episcopi*, in: *Anglo-Saxon England* 24 (1995) 131–183.

⁵² S 876, *Kelly*, *Charters of Abingdon Abbey* (as in n. 48) no. 124, part 2, 477–483. For the authenticity of this and related charters see also vol. 1, lxxxiv–cxv; *Keynes*, *Diplomas* (as in n. 8) 98–101. On its historical importance, see *Keynes*, *Diplomas* 176–186, and his *Wulfsgie*, monk of Glastonbury, Abbot of Westminster (c. 900 [sic]–3), and Bishop of Sherborne (c. 993–1002), in: *St Wulfsgie and Sherborne. Essays to celebrate the millenium of the Benedictine Abbey*, ed. *Katherine Barker*, *David Alban Hinton* and *Alan Hunt* (Oxford 2005) 53–94, esp. 62–71.

anathema"⁵³. The assembly decided that he should repudiate the money he gained by the sale and restore Abingdon's privilege. These events are recorded in a charter dated to 993. It was probably drafted by the abbot of Abingdon and reproduces in a large part the phrasing and diplomatic of two earlier charters, grants of privileges to Abingdon, perhaps drafted by Æthelwold of Winchester, then abbot of Abingdon⁵⁴. It survives in a remarkable contemporary copy, the only extant Anglo-Saxon charter to have apparently autograph crosses in its witness list⁵⁵. The charter reproduces in large part the formulation and text of the two previous privileges to Abingdon, those of Kings Eadwig and Edgar in 959 which not only confirmed the ancient privileges of the house and its endowment, but also guaranteed it freedom of abbatial election according to the Benedictine Rule, the right transgressed by Æthelred. The unusual formulation of these three charters is shared by two other tenth-century charters and as a group the "orthodoxorum" charters⁵⁶.

The Abingdon charter of 993 opens with a lengthy proem common to the "orthodoxorum" group, describing the fall of Adam and the redemption of mankind through Jesus Christ which emphasises the role of Mary in freeing mankind from the sin incurred by Eve. In this context, the penitential undertones of the proem may have been more pronounced, particularly the reference to Adam's expulsion, which appears in the Ash Wednesday ceremony for public penitents in the 'Romano-German Pontifical'. This ceremony may have been known in eleventh-century England and English pontificals dating to the early eleventh century contain similar allusions⁵⁷. In the narrative section of the charter, Æthelred states – or is made to state – that on account of the great trials which have befallen his kingdom since 984 when Bishop Æthelwold of Winchester died, he has been examining the cause of these disasters and going over the secrets of his heart⁵⁸. Pricked by the

⁵³ Kelly, Charters of Abingdon Abbey (as in n. 48) no. 124, part 2, 478: *et citius a tanto tamque exhorrendo anathemate liberari [cupi]ens*.

⁵⁴ On the drafting of these charters at Abingdon, see Kelly, Charters of Abingdon Abbey (as in n. 48) part 1, lxxxviii–ix; S 658 and S 673.

⁵⁵ London, British Library, Cotton Augustus ii. 38. On this see, Kelly, Charters of Abingdon Abbey (as in n. 48) part 2, 483. David Dumville, Liturgy and the Ecclesiastical History of Late Anglo-Saxon England (Woodbridge 1992) 54, n. 96 and his English Caroline Minuscule and Monastic History. Studies in Benedictinism, A.D. 950–1030 (Woodbridge 1993) 135, n. 100.

⁵⁶ On the "orthodoxorum" group, see Kelly, Charters of Abingdon Abbey (as in n. 48) part 1, lxxxiv–cxv; Eric John, *Orbis Britanniae* (Leicester 1966) 181–209. Keynes, *Diplomas* (as in n. 8) 98–101, regards S 876 as authentic but the charters of Eadwig and Edgar as forged on the basis of this. I follow Kelly in seeing the whole group as authentic.

⁵⁷ I am very grateful to Sarah Hamilton for advice on this point. For the ceremony in the 'Romano-German Pontifical', see Sarah Hamilton, *The Practice of Penance, 900–1050* (Woodbridge 2001) 114. In two English pontificals, London, British Library, Cotton Claudius A. III (Claudius Pontifical I) and Rouen, Bibliothèque municipale 368/A. 27 (Lanalet Pontifical), the chant in the service alludes to the episode in Genesis. See Hamilton, *Rites* (as in n. 30) 76–78, nos. 53 and 57. Both these pontificals can be dated to the early eleventh century, and the former is linked to Archbishop Wulfstan.

⁵⁸ Kelly, Charters of Abingdon Abbey (as in n. 48) no. 124, part 2, 477–480.

grace of God, *Domini compunctus gratia*, he recalled the unfortunate events of his youth, when he was misled by his advisers, particularly the sale of the abbacy of Abingdon to Edwin, brother of his ealdorman Ælfric. Therefore, Æthelred has called a council at Pentecost at Winchester of bishops, abbots and leading laymen and he asked them what should be done for the salvation of his soul, appropriate for his royal dignity, and for the benefit of the whole English people. The council deliberated in common, and Æthelred promised to restore to purity his previous neglect and to renew Abingdon's charter of privilege. He rejected the money from ealdorman Ælfric and perpetually anathematized it. Two months later, with a smaller group of close lay advisers and the abbots of Abingdon and St Albans at a royal oratory at Gillingham, Dorset (?), after the celebration of mass, Æthelred renewed the privilege in return for 1500 masses and 1200 psalters which the community at Abingdon had sung for him⁵⁹. The rest of the charter repeats the privileges of Eadwig and Edgar.

The events after 984 to which Æthelred referred are also mentioned in a number of subsequent charters where Æthelred expresses his remorse for acts of despoliation in his youth and makes redress to the churches of Rochester and Winchester⁶⁰. The language of the Rochester charters is explicitly penitential⁶¹. The disasters which had increasingly afflicted England are largely the Viking raids, and perhaps particularly the great defeat at Maldon in 991 where Æthelred's ealdorman, Byrhtnoth died. Æthelred's remorse may have been prompted the terrifying intensification of the Viking raids in this period. While Æthelred's regret for his "youthful indiscretions" (the phrase is Simon Keynes') have been commented on and Keynes has shown how 993 is a turning point for the whole reign, no one had brought out the penitential nature of this charter and of the events of 993⁶². To my eyes, this charter with its reference to Æthelred's introspection, his turning over of "archana" and the role of his memory in prompting his penitence is suggestive of penance and confessional prayers. Æthelred's pleas in mitigation of his sin, his youthfulness and the role of his advisers, is reminiscent of the factors to be taken into account by confessors when assigning penance. I am also struck by Æthelred's promise of future emendation. The two stages of the nature of these rituals, with the final grant taking place two months later after mass, could reflect the execution of some sort of penance. Note here the extraordinary quantities of masses and psalters performed by the community of Abingdon, and the significant fact that these services are not to be performed in the future for the benefit of

⁵⁹ The site of this royal estate is either Gillingham in Kent or Gillingham in Dorset. Most prefer the place in Dorset, see *Peter Sawyer*, *The Royal tun in pre-Conquest England*, in: *Ideal and Reality in Frankish and Anglo-Saxon Society*, ed. *Patrick Wormald*, *Donald Bullough* and *Roger Collins* (Oxford 1983) 273–299, at 294.

⁶⁰ S 885; *Charters of Rochester*, ed. *Alistair Campbell* (British Academy Anglo-Saxon Charters 1, London 1973) no. 31, 39–42, and S 893, no. 32, 42–44.

⁶¹ See, for example, S 893: *totum nunc coram deo cum flebili cordis contritione peniteo*.

⁶² *Keynes*, *Diplomas* (as in n. 8) 176–187; see also *Stafford*, *Political Ideas* (as in n. 40) 68–82 who does not see a penitential aspect to this charter.

Æthelred's soul but have already been completed⁶³. I would suggest that these might represent commutation of Æthelred's penance.

Æthelred is made to state that he wishes to be freed from so great and so terrible an anathema. How should this phrase be translated? Anathematized – 'excommunicated' or 'cursed'? I want now to consider the arguments for both interpretations. First, for excommunication. If Æthelred was excommunicated following his actions in 984, he was forewarned: the anathemas of Edgar and Eadwig's privileges are identical to that in the 993 charter and all three threaten not only exclusion on the Day of Judgment but quite explicitly from communion in the present⁶⁴. This feature is relatively unusual in Anglo-Saxon charters and must have been included in the original privileges to intensify the threats contained therein. Secondly, Elizabeth Vodola in her book, "Excommunication in the Middle Ages", cites a letter of Pope John VIII in which he distinguishes between excommunication and an anathema, "excommunication which separates from fraternal society, but also ... anathema which severs from the body of Christ, that is, the Church"⁶⁵. Excommunication was an established ecclesiastical penalty in England; a papal letter from the later tenth century survives from a Pope John to an ealdorman Ælfric, threatening to excommunicate him for seizing estates from the monastery of Glastonbury. This letter can not be more closely dated than 983 x 1009 but it coincides with the period of Æthelred's own depredations and his act of penance⁶⁶.

But this letter may also signal the problems with translating anathematized as 'excommunicated' – if Glastonbury needed a papal threat to impose excommunication upon a leading magnate, how could one excommunicate a king? It seems probable that to do this, one would need explicit papal sanction. We know that at

⁶³ Compare, for example, the charters of King Æthelstan. Between 24 December 932 and 26 January 933, Æthelstan makes a number of grants in return for prayers for his soul or almsgiving: S 419, a grant to Shaftesbury requiring the nuns to sing daily fifty psalms and celebrate mass for his soul; S 422 and S 423 stipulating that the community at Sherborne sing the entire psalter on All Saints Day. These charters are discussed and their texts given in *The Charters of Shaftesbury Abbey*, ed. Susan Kelly (British Academy Anglo-Saxon Charters 5, Oxford 1996) 30–35 and *The Charters of Sherborne*, ed. Mary A. O'Donovan (British Academy Charters 3, Oxford 1988) 25–33.

⁶⁴ Kelly, *Charters of Abingdon Abbey* (as in n. 48) for the charter texts (S 658, 673), no. 83, part 2, 337–341, at 338: *Si quis uero tam epilepticus phylargirie seductus amentia quod non optamus hanc nostre munificentie dapsilitatem ausu temerario infringere temptauerit, sit ipse alienatus a consortio sancte Dei ecclesie necnon et a participatione sacrosancti corporis et sanguinis Iesu Christi filii Dei, per quem totus terrarum orbis ab antiquo humani generis inimico liberatus est, et cum Iuda Christi proditore sinistra in parte deputatus, nisi prius hic digna satisfactione humilis penituerit quod contra sanctam Dei ecclesiam rebellis agere presumpsit, nec in uita hac practica ueniam nec in theorica requiem apostata obtineat ullam sed eternis baratri incendiis trusus cum Anania et Saphira iugiter miserrimus crucietur* and no. 84, 341–348.

⁶⁵ Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley, Los Angeles 1986) 15. Johannes VIII, Ep. 14, ed. Erich Caspar (MGH Epp. 7, Berlin 1928) 280.

⁶⁶ Councils and Synods, ed. Whitelock, Brett and Brooke (as in n. 3) vol. 1, 173f. On this, see Lesley Abrams, *Anglo-Saxon Glastonbury: Church and Endowment* (Woodbridge 1996) 330 and Keynes, *Diplomas* (as in n. 8) 182, n. 104.

Christmas 991 a papal legate did visit England but his purpose was to reconcile Æthelred with the Duke of Normandy, not to threaten him⁶⁷. So perhaps the *anathema* of this charter should be translated as ‘cursed’. ‘Cursed’ is also the meaning of the word in two other places in the charter: in the proem where it refers to the serpent and later in the text where Æthelred tells the price which he paid for the sale of the abbacy.

In fact, the distance between ‘cursing’ and ‘excommunication’ may be not so great: Helmholz has argued that scholars have overdrawn this distinction for the period before circa 1150 and that excommunication could take the form of *ex tempore* cursing by enraged, saintly prelates⁶⁸. The events of 993 and the “orthodoxorum” charters should be associated with the cursing culture of reformed Benedictine monasticism identified and studied by Lester Little. Little identified an area of central and northern France, in an arc between the Charente and Meuse rivers, as the region where this practice was established. Significantly, this area includes the churches of northern France most influential in the English reforms: Ghent and Fleury⁶⁹.

This monastic cursing culture had taken root in reformed Benedictine circles in England: the foundation charter for New Minster, Winchester, dated 966, contains three anathemas, one of which is a curse. The composition of this charter is generally attributed to Bishop Æthelwold, whose authorship has been postulated for the first in the sequence of “orthodoxorum” charters. New Minster may also be the home of an eleventh-century curse which is contained in a liturgical office in honour of the Virgin Mary. This office was added to a tenth-century psalter, London, British Library, Royal 2 B V, a high grade manuscript which includes a vernacular psalter gloss and commentary incorporated as marginalia⁷⁰. Mechthild Gretsch has argued that this manuscript was copied for Bishop Æthelwold and that the psalter gloss was his composition⁷¹. It is usually associated with Winchester, an attribution doubted on palaeographical grounds by David Dumville⁷². Despite Dumville’s doubts, it seems sensible to associate both the psalter with Winchester and the Marian office with New Minster since the opening prayer requests the help of Saints Machutus and Eadburga, both saints venerated at New Minster, Winchester⁷³. The association between the Marian office with its opening curse and Æthelwold’s personal psalter would be a potent one since the psalms

⁶⁷ Councils and Synods, ed. *Whitelock, Brett and Brooke* (as in n. 3) vol. 1, 177–179.

⁶⁸ *Richard H. Helmholz*, Excommunication and the Angevin Leap Forward, in: *Haskins Society Journal* 7 (1995) 133–148. I owe this reference to the kindness of Sarah Hamilton.

⁶⁹ *Lester K. Little*, Benedictine Maledictions. Liturgical Cursing in Romanesque France (Ithaca and London 1993) 38 f.

⁷⁰ Facsimiles of *Horae de Beata Maria Virgine*: from English mss. of the eleventh century, ed. *Edward Samuel Dewick* (Henry Bradshaw Society 21, London 1902) 1.

⁷¹ *Mechthild Gretsch*, The Intellectual Foundations of the English Benedictine Reform (Cambridge 1999) 19, 267.

⁷² *David N. Dumville*, English square minuscule script, in: *Anglo-Saxon England* 23 (1994) 132–164, at 149 f.; *idem*, Liturgy (as in n. 55) 102, n. 35.

⁷³ As *Inge B. Milfull*, The Hymns of the Anglo-Saxon Church (Cambridge 1996) 61 states.

were often used in the texts of curses and recited against enemies. The Benedictine Reform in England, as on the continent, knew how to rally its saintly patrons to its defence and to call the wrath of heaven down upon its opponents.

Abingdon's two royal privileges of freedom of election probably figured in some sort of ceremony at the monastery. The elaborate and awesome anathemas which they contained may have taken their power not from the legislative action of the church but rather from the solemnities they contained and their ritual enactment. Æthelred, faced with the overwhelming Viking onslaught, may have been persuaded that he forfeit divine favour and lost the intercession of the saints by his highhanded behaviour towards the church. The solution to this crisis lay in his public expression of remorse before a great council of bishops and others at Pentecost in which penance was assigned to him.

The events of 993 remind us therefore that the efficacy of solemn anathemas in Anglo-Saxon charters probably derived neither from the royal authority which usually stood behind the donations nor in the power of the church to impose canonical penalties, but in the fearful ritual significance of the anathemas themselves. They also bring us back to the great royal-ecclesiastical assemblies which lie behind the lawcodes of Wihtred and Edmund. The Council of Winchester at Pentecost 993 underlines the prestige and importance of such meetings and the determinative role which they could have in contemporary affairs. The evidence marshalled here points to the continuing significance of councils and bishops from the seventh to the tenth century and to their vigour in promoting the church's place in royal rule and behaviour.