Sarah Hamilton

The Anglo-Saxon and Frankish Evidence for Rites for the Reconciliation of Excommunicants

Introduction

Excommunication played an important role in early medieval political culture: it was the most serious spiritual sanction in a medieval bishop's armoury of punishments against those who disobeyed his authority, and was routinely chosen by tenth- and eleventh-century bishops from the range of weapons available to them in their disputes over property with other magnates. Bishops, thus, often opted to combine excommunication with more secular methods, such as arms, in order to defend their claims to church property¹. Yet the ultimate aim of excommunication was to ensure contumacious sinners submitted to episcopal authority, as was made clear in the *nisi* sub-clause of the anathema clauses which are such a common feature of ecclesiastical charters in this period, threatening anyone who dares infringe the terms of the grant with damnation in the next life, *nisi* (unless) the miscreant seeks to amend and atone for his fault, as in the threat set out in the grant made by King Æthelred II to his Queen, Ælfgifu, in 1012: *let him be drawn out of his worn body by a devil's grappling-hook and be boiled in Satan's cauldron and let him be a morsel for the infernal tormenters for all time, unless he has appeased with the remedy of public repentance the anger of God*². As texts such as these make clear, the

¹ Archbishop Heriveus of Reims had recourse to arms as well as excommunication against Count Erlebaldu: Les Annales de Flodoard, a. 920, a. 921, ed. *Philippe Lauer* (Collection de textes pour servir à l'étude et à l'enseignement de l'histoire 39, Paris 1905). Bishop Giso of Wells followed secular justice with anathema in an attempt to force Ælfsige to return Wyneham to his lordship: Ecclesiastical Documents, I: A Brief History of the Bishoprick of Somerset From Its Foundation to the Year 1174, II: Charters from the Library of Dr Cox Macro, ed. *Joseph Hunter* (Camden Society, 1st series, 8, London 1840) 17f.; *Frank Barlow*, The English Church 1000–1066: A History of the Later Anglo-Saxon Church (London 21979) 149. See also the cases outlined by *Brian A. Pavlac*, Excommunication and Territorial Politics in High Medieval Trier, in: Church History 60 (1991) 20–36.

² ... *ex obsoleto corpore diaboli extrahatur arpagine et in lebetes Sathane decoquatur sitque infernalium offa carnificum in secula ni publice penitudinis remedio irae Dei* (Property and Piety in Early Medieval Winchester. Documents Relating to the Topography of the Anglo-Saxon and Norman City and its Minsters, edited and translated by *Alexander R. Rumble*, The Anglo-Saxon Minsters of Winchester 3, Oxford 2002, no. xxviii, 218). This charter is

aim of such excommunications was to bring the recalcitrant sinner to repentance and reconciliation³.

Despite the prevalence of threats of anathema in charters and the mention of actual cases of excommunication in historical narratives, the ritual history of early medieval episcopal excommunication and the subsequent reconciliation of excommunicants has been rather neglected. Most scholars of medieval excommunication have taken a legal approach, concentrating on the classic canon law collections of the twelfth century and later, only going back in any detail as far as the pontificate of Gregory VII⁴. The notable exception is Roger E. Reynolds's brief survey of early medieval rites of separation and reconciliation, in which he outlined the rites for the reconciliation of profaned sacred spaces as well as those for monastic maledictions, episcopal excommunication, and reconciliation of excommunicants⁵. This omission is surprising given the recent attention paid to ritual behaviour in early medieval political life, especially to the mechanisms for settling disputes⁶. Geoffrey Koziol has emphasised the role played by submissive beha-

S 925 in *Peter H. Sawyer*, *Anglo-Saxon Charters: An Annotated List and Bibliography* (London 1968) (S denotes their number in Sawyer's list).

³ For a study of the relationship between threats of excommunication in the sanction clauses of charters produced in the province of Narbonne and regular use of excommunication by bishops to defend their rights: *Jeffrey A. Bowman*, *Do Neo-Romans Curse? Law, Land and Ritual in the Midi (900–1100)*, in: *Viator* 28 (1997) 1–32.

⁴ Studies include *François Russo*, *Pénitence et excommunication. Étude historique sur les rapports entre la théologie et le droit canon dans le domaine pénitentiel du IX^e au XIII^e siècle*, in: *Recherches de Science Religieuse* 33 (1946) 257–279, 431–461; *Hinrich Siuts*, *Bann und Acht und ihre Grundlagen im Totenglauben* (Schriften zur Volksforschung 1, Berlin 1959); *Rosalind Hill*, *The Theory and Practice of Excommunication in Medieval England*, in: *History* 42 (1957) 1–11; *Richard Helmbolz*, *Excommunication as a Legal Sanction: the Attitudes of the Medieval Canonists*, in: *ZRG Kan.* 68 (1982) 202–218; *Elisabeth Vodola*, *Excommunication in the Middle Ages* (Berkeley 1986); *Richard Helmbolz*, *Excommunication in Twelfth-Century England*, in: *Journal of Law and Religion* 11 (1995) 235–253; *idem*, *Excommunication and the Angevin Leap Forward*, in: *Haskins Society Journal* 7 (1997) 133–149; *idem*, *The Oxford History of the Laws of England*, vol. I: *The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford 2004) 619–622. For a study of the practical interaction between royal justice and episcopal excommunication see *Donald Logan*, *Excommunication and the Secular Arm in Medieval England* (Pontifical Institute of Mediaeval Studies. Studies and Texts 15, Toronto 1968).

⁵ *Roger E. Reynolds*, *Rites of Separation and Reconciliation in the Early Middle Ages*, in: *Segni e Riti nella Chiesa Altomedievale Occidentale*, Spoleto 11–17 aprile 1985 (Settimane di studio del centro italiano di studi sull'alto medioevo 33, Spoleto 1987) 405–433; reprinted in *idem*, *Law and Liturgy in the Latin Church, 5th–12th Centuries* (Aldershot 1994) no. X. See also the earlier brief description by *Josef A. Jungmann*, *Die lateinischen Bussriten in ihrer geschichtlichen Entwicklung* (Forschungen zur Geschichte des innerkirchlichen Lebens 3/4, Innsbruck 1932) 106–109, where it is part of his analysis of the rite for the reconciliation of penitents on Maundy Thursday.

⁶ *The Settlement of Disputes in Early Medieval Europe*, ed. *Wendy Davies* and *Paul Fouracre* (Cambridge 1986); *Conflict in Medieval Europe: Changing Perspectives on Society and Culture*, ed. *Warren C. Brown* and *Piotr Górecki* (Aldershot 2003); *Janet L. Nelson*, *Politics and Ritual in Early Medieval Europe* (London 1986); *Rituals of Power: From Late Antiquity to the Early Middle Ages*, ed. *Frans Theuvs* and *Janet L. Nelson* (Leiden 2000).

viour in the political language of north-west Frankia in the tenth and eleventh centuries, whilst Gerd Althoff and Tim Reuter have drawn our attention to the significance of a particular ritual form of submission, *deditio*, in bringing an end to secular political disputes in the Ottonian and Salian Reichs⁷. Nor were such rituals restricted to the secular sphere: public penance, as Mayke de Jong has shown, was a powerful political tool in the hands of early medieval rulers and bishops; maledictions and the humiliation of saints' relics were used by west Frankish monks to draw attention to the justice of their causes and force a settlement in disputes⁸. Nor was such behaviour confined to the Frankish kingdoms: Paul Hyams has demonstrated how both physical violence and ecclesiastical vengeance were tools used to conduct disputes in England from the tenth through to the thirteenth centuries⁹. Recent work has thus highlighted the importance of secular and spiritual rituals of submission and reconciliation in the politics of the period, but, by contrast, very little attention has been paid to excommunication, and the reconciliation of excommunicants, in this period.

The Frankish Evidence

The earliest evidence of liturgical *formulae* for the imposition of excommunication comes from north-west Frankia and Lotharingia at the beginning of the tenth century: in the 'Sens Pontifical', compiled c. 900¹⁰, and Regino of Prüm's collection of canon law, the 'Libri duo de synodalibus causis et disciplinis ecclesiasticis', from the diocese of Trier¹¹. The earliest prescription for the reconciliation

⁷ Geoffrey Koziol, *Begging, Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca 1992); Gerd Althoff, *Das Privileg der deditio. Formen gütlicher Konfliktbeendigung in der mittelalterlichen Adelsgesellschaft*, in: *idem*, *Spielregeln der Politik im Mittelalter* (Darmstadt 1997) 99–125; Timothy Reuter, *Unruhestiftung, Fehde, Rebellion, Widerstand: Gewalt und Frieden in der Politik der Salierzeit*, in: *Die Salier und das Reich*, ed. Stefan Weinfurter, 3 vols. (Sigmaringen 1991) vol. 3, 297–325.

⁸ Mayke de Jong, *Power and Humility in Carolingian society: the Public Penance of Louis the Pious*, in: *Early Medieval Europe 1* (1992) 29–52; *eadem*, *What was Public about Public Penance? Paenitentia Publica and Justice in the Carolingian World*, in: *La giustizia nell'alto Medioevo (secoli IX–XI)* (Settimane di studio del centro italiano di studi sull'alto medioevo 44, Spoleto 1997) 863–902; Lester K. Little, *Benedictine Maledictions: Liturgical Cursing in Romanesque France* (Ithaca 1993); Patrick Geary, *Humiliation of Saints*, in: *idem*, *Living with the Dead in the Middle Ages* (Ithaca 1994) 95–115.

⁹ Paul R. Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca 2003).

¹⁰ Saint Petersburg, Public Library, Ms lat. 4° v.I.35, fols 105^v–107^r, as transcribed by Luc d'Achery, *Spicilegium sive collectio veterum aliquot scriptorum qui in Galliae bibliothecis delituerant*, revised by Étienne Baluze, Edmond Martène and Louis François Joseph de la Barre, 3 vols. (Paris 1723; repr. London 1967) vol. 3, 320^f, on which see Little, *Benedictine Maledictions* (as in n. 8) 35; there is also a formula in another pontifical from Sens (Vatican City, Biblioteca Apostolica Vaticana, Ms Vat. Reg. lat. 567, fols. 48^v–49^v) *ibid.* 35–37.

¹¹ Reginonis abbatis Prumiensis *Libri duo de synodalibus causis et disciplinis ecclesiasticis* II, 412–417, ed. Friedrich W. H. Wasserschleben (Leipzig 1840), revised by Wilfried Hart-

of excommunicants, which is my concern here, is also first recorded in Regino's 'Libri duo'¹². This collection, as is well known, is a mine of information on ninth-century practice and law. Regino was careful to support his *capitula* with reference to authority, and has been well served by his nineteenth-century editor, Friedrich Wasserschleben, but about 10% of the 909 chapters in Regino's text remain *capitula incerta*¹³. Whilst Professor Hartmann's recent work has established the ninth-century context for many of Regino's *capitula incerta*, the sources for some of them still remain unclear. Amongst those chapters for which Regino did not indicate a source, and for which modern scholarship has not uncovered any precedent, are those outlining the liturgical *formulae* for the excommunication of recalcitrant sinners, and their subsequent reconciliation (II, 413–418)¹⁴. Regino did not give a source for several other liturgical practices, including those for the administration of public penance; collectively these *capitula* have generally, and probably correctly, been presumed to represent liturgical practices within the diocese of Trier in the early tenth century¹⁵.

The rite which concerns me here is II, 418, *Qualiter episcopus reconciliet vel recipiat excommunicatum*¹⁶. Like the preceding *formulae* for administering excommunication, Regino gave no source for this chapter, and subsequent scholars have not been able to identify one. According to Regino, when someone who has been excommunicated or anathematized has requested to do penance and promised to make amends, the bishop who had excommunicated him ought to stand before the doors of the church, with twelve priests. The bishop should establish whether he has already made amendment for his crimes, or, following divine and human law, set out how they should be corrected. Then the bishop should ask, if he is penitent, whether he wishes to receive canonical penance for perpetrating *scelera*; and if he, prostrate on the ground, seeks mercy, confesses his guilt, and implores penance, pledging caution in the future, then the bishop, taking him by the right hand, should lead him into the church, and return him to the Christian community and society. After this the bishop should enjoin on him a penance in accordance with his guilt, and send letters throughout the diocese and also to other bishops, noti-

mann, Das Sendhandbuch des Regino von Prüm (Ausgewählte Quellen zur deutschen Geschichte des Mittelalters 42, Darmstadt 2004) 438–444.

¹² Ibid. II, 418 (ed. Hartmann, Sendhandbuch 446).

¹³ Wilfried Hartmann, Die Capitula incerta im Sendhandbuch Reginos von Prüm, in: Scientia veritatis. Fs. für Hubert Mordek zum 65. Geburtstag, ed. Oliver Münsch and Thomas Zotz (Ostfildern 2004) 207–226.

¹⁴ The exception is II, 412, a speech by the bishop on excommunication for which Regino gave as the source *unde supra* i. e. (a) Council of Rouen. The Council of Rouen is one of the main sources given by Regino for otherwise unknown *capitula*. This particular text is not found in the surviving council *ordines* nor in the episcopal *capitula*: Hartmann, Capitula incerta (as in n. 13) 217.

¹⁵ Ibid. 208. For this assumption with regard to rites for the dying see Nikolaus Kyll, Tod, Grab, Begräbnisplatz, Totenfeier. Zur Geschichte ihres Brauchtums im Trierer Lande und in Luxemburg unter besonderer Berücksichtigung des Visitationshandbuches des Regino von Prüm († 915) (Rheinisches Archiv 81, Bonn 1972).

¹⁶ See appendix 1 for the text.

fying everyone of the excommunicate's return to Christian society. The chapter ends with a warning that no bishop should presume to excommunicate or reconcile anyone from another diocese, without the knowledge and consent of the bishop of that diocese.

This reconciliation rite mirrored, very deliberately, that which Regino had earlier given for the imposition of a sentence of excommunication in II, 412–413. Excommunication should be imposed at Mass; it must take place after the reading of the Gospel, with clerics and people in attendance, and begin with an address by the bishop in which he outlines the fact that the person who had once renounced the devil and his works in baptism has now been persuaded to devastate the vineyard of Christ, oppress the poor of Christ, and take their goods. He states that the priests has warned the malefactor three times about his behaviour but he has failed to repent, and so, in order to protect the Christian body against injury, he should now be regarded as a heathen, a gentile and a pagan. After the reading of various New Testament verses enjoining the separation of evil doers, the malefactor should be excommunicated from the body of the church, cut off like a putrid limb, lest he infect the rest of the body (Consequently, as we have already seen, when he was reconciled, great play was made of the fact that the excommunicant was rejoining Christian *societas*). This address was followed by the formal recitation of the excommunication formula – Regino gave three alternatives – which ended with the clergy and people saying *Amen*, or *Fiat*, or *Anathema sit*. The bishop, with twelve priests standing around him, threw to the ground the lit candles which they had held throughout the ceremony and trampled the light out with their feet. The bishop should then explain to his flock the meaning and consequences of this sentence of excommunication: no one should communicate or eat or drink with him, on pain of penance and excommunication. The parallels with the reconciliation service should be clear: just as the bishop excommunicated the malefactor accompanied by the apostolically significant number of twelve priests, so he reconciled him accompanied by twelve priests. Just as bishops were notified of the reconciliation of the excommunicant, so letters were to be sent to priests throughout the diocese notifying them of the sentence, to be read after the Gospel on Sundays, and also neighbouring bishops should be informed so they might notify their own priests¹⁷.

Whether or not Regino's account of how excommunicants should be reconciled drew on actual practice within the diocese of Trier, his description was used as the basis for the rite for the reconciliation of excommunicants given in the earliest recension of the 'Romano-German Pontifical', compiled in the neighbouring archdiocese of Mainz c. 950¹⁸. The Mainz rite begins by repeating Regino's instruc-

¹⁷ *Regino*, Libri duo II, 412–413 (ed. *Hartmann*, *Sendhandbuch*, as in n. 11, 438–444). See *Reynolds*, *Rites of Separation and Reconciliation* (as in n. 5).

¹⁸ See appendix 1; for the text see *Le Pontifical Romano-Germanique du dixième siècle*, ed. *Cyrille Vogel* and *Reinhard Elze*, 3 vols. (*Studi e testi* 226, 227, 269, Vatican City 1963–1972) (hereinafter PRG) *Ordo XCI*, vol. 1, 317–321. The rite appears in Monte Cassino, Abbey Library, Codex 451, and Rome, Biblioteca Vallicelliana, codex D.5, and therefore appeared in

tions word for word, but, after reminding the bishop that he should not excommunicate or reconcile anyone from another diocese without the knowledge of his bishop, adds the text of the liturgy for the absolution of the excommunicant. The absolution begins with the bishop saying four psalms, three of which belong to the group of seven penitential psalms, followed by *preces*. These are then followed by seven prayers, drawn from both the ‘Gelasian Sacramentary’ and the ‘Hadrianum’, which implored God’s mercy and forgiveness of the sinner. Only two of these prayers were used in the Romano-German rite for the reconciliation of penitents; similarly there was only a partial overlap between the *preces* used in the rites for reconciliation of penitents and that for reconciliation of excommunicants. There then followed a brief declaration of absolution (the rite here assumes that there is more than one malefactor): *Fratres Ill., absolutionem et remissionem peccatorum uestrorum per inuocationem sacrati nominis Dei et per ministerium nostrum percipere mereamini hic in aeternum. Et. R. Amen.*

Absolution was followed by benedictions; the excommunicants were then asperged with holy water and given the odour of incense, and afterward enjoined to *Exurge qui dormis, exurge a mortuis illuminabit te Christus*. The rite ended in an identical manner to the Romano-German rite for the episcopal reconciliation of penitents on Maundy Thursday; both the penitents and the excommunicants were purified with holy water and incense and the same chant was used to convey the same message: the outcasts, in this case the excommunicants, had been restored to the Christian faith¹⁹. Interestingly, however, this element is one of the few parts shared with the Maundy Thursday rite; there is remarkably little overlap otherwise between the Romano-German rite for the reconciliation of public penitents and that for the reconciliation of excommunicants.

Some seventy years later Burchard, Bishop of Worms incorporated yet another version of the reconciliation rite into book XI, *De Excommunicatione*, of his ‘Decretum’²⁰. Burchard’s version began, as it had in the ‘Romano-German Pontifical’, with almost the same instructions originally outlined over a century earlier by Regino, but he departed from his model when describing how the bishop should set out how the crimes should be corrected in accordance with divine law, omitting Regino’s reference to human law²¹. This omission was almost certainly deliberate, a reflection of what Greta Austin has termed Burchard’s “vision of canon law ... based on the authority of the Bible” in which “secular law is subordinate to the

the earliest recension of the text: *ibid.* vol. 1, xli; *Cyrille Vogel, Medieval Liturgy: An Introduction to the Sources*, revised and translated by *William G. Storey and Niels Krogh Rasmussen*, with *John K. Brooks-Leonard* (Washington D. C. 1986) 233–235.

¹⁹ Cf. *Ordo XCIX*, 251 (PRG, vol. 2, 67).

²⁰ *Burchard, Decretum XI*, 8 (*Migne PL* 140, 860 f.). See appendix 1 for the text.

²¹ *Burchard, Decretum XI*, 8: *Et ibi secundum leges diuinas oportet damnum commissum emendari, aut si iam emendatum est, eorum testimonio comprobari* (*Migne PL* 140, 860); compare *Regino, Libri duo II*, 418: *et ibi secundum leges diuinas et humanas oportet damnum commissum emendari, aut si iam emendatum est, eorum testimonio comprobari* (ed. *Hartmann, Sendhandbuch*, as in n. 11, 446). I would like to thank Peter Landau and Rob Meens for drawing my attention to this point.

'law of God'"²². After the penitent, prostrate on the ground, had confessed his guilt and begged for penance, Burchard incorporated a new dimension into Regino's text. The bishop should say the seven penitential psalms over the penitent, followed by six *preces*, with their responses, the *kyrie eleison* and the *pater noster*. Only three out of these six *preces* are found amongst the ten *preces* given in the 'Romano-German Pontifical'. The *preces* were followed by two prayers, *Praesta quaesumus* and *Majestatem tuam quaesumus*. Both these prayers can be found in the rite in the 'Romano-German Pontifical', but in a different order. They are both derived from the 'Gelasian Sacramentary', as is the only other prayer in Burchard's rite, *Deus misericors, deus clemens, qui secundum multitudinem miserationum tuarum*, which is not used in the Romano-German rite. After the recitation of the first two prayers, Burchard returned to Regino's text: the bishop should take the penitent by the right hand and introduce him to the church, and return him to the Christian communion and society. Burchard then interrupted Regino's text with the third Gelasian prayer, *Deus misericors, deus clemens*, requesting that God the merciful, God the clement, grant remission to his servant N. for all the sins which he had confessed with his whole heart. Burchard's account ends with the words of Regino's rite: the bishop should enjoin a penance on the excommunicant and send out letters to announce his reconciliation through both this and neighbouring dioceses. Burchard, in other words, incorporated the liturgy for absolution of the excommunicant into Regino's account, whilst the compiler of the 'Romano-German Pontifical' merely added the liturgy to Regino's prescriptive rubric. But Burchard's liturgy was by no means identical with that in the 'Romano-German Pontifical'.

The origins of the rite given in Burchard's 'Decretum' are thus by no means as clear as they first appear: his text is not a straight copy of either that in Regino's 'Libri duo' nor of that in the 'Romano-German Pontifical'. Burchard drew extensively on Regino's collection as a source elsewhere in the 'Decretum', including his text of the *formulae* for the imposition of excommunication, and it is thus not surprising to see him making use of Regino's instructions for the reconciliation of excommunicants²³. But Burchard chose to amplify Regino's text, presumably drawing on local traditions within the diocese of Worms, and chose to integrate the liturgy for the absolution of penitents into his text. What is perhaps more surprising is the extent to which Burchard's liturgy, whilst drawing on the same tradition, appears to be independent of that outlined in the 'Romano-German Pontifical'. Whilst the 'Romano-German Pontifical' combined prayers from both the Gregorian and Gelasian traditions, Burchard's rite drew solely on the Gelasian tradition, suggesting Burchard's liturgy had independent origins from the Mainz rite. In other words, two different liturgies for absolution were interpolated into

²² Greta Austin, Jurisprudence in the Service of Pastoral Care: The Decretum of Burchard of Worms, in: *Speculum* 79 (2004) 929–959; quotes at 933 and 946.

²³ Hartmut Hoffmann and Rudolf Pokorný, Das Dekret des Bischofs Burchard von Worms. Textstufen – Frühe Verbreitung – Vorlagen (MGH Hilfsmittel 12, Munich 1991) 219.

Regino's text. Whilst the exact nature of the relationship between these three texts must remain obscure, it is clear that there is, despite their differences, a strong connection between them all, and that, taken together, they represent a collective Frankish tradition going back to at least the early tenth century, and probably back into the late ninth century, given the Carolingian influences apparent elsewhere in Regino's collection²⁴. They also suggest that there was through the tenth century an ongoing interest in developing and refining a distinctive liturgy for the reconciliation of excommunicants. Episcopal interest in developing a liturgy for the reconciliation of excommunicants occurred at the same time as Frankish bishops were developing their own rites for the reconciliation of penitents on Maundy Thursday²⁵. The rites for reconciliation of public penitents and excommunicants appear, to a large extent, however, to have been independent of each other.

The Anglo-Saxon Evidence

Whilst the evidence from Trier and Mainz suggests that the rite for the reconciliation of excommunicants had emerged in Lotharingia and east Frankia by the early tenth century, that from Anglo-Saxon England shows a very different rite circulated across the Channel.

This rite, which I will call the "English" rite, survives now in three manuscripts: Cambridge, Corpus Christi College, MS 265 (pp. 213–215) (hereinafter CCCC 265), London, British Library, MS Vespasian D. xv (fols. 57^v–61^r), and Oxford, Bodleian Library, MS Barlow 37 (fols. 41^r–41^v)²⁶. The earliest version is recorded in CCCC 265, compiled at Worcester in the third quarter of the eleventh century, which is a copy of the collection of texts associated with the early eleventh-century bishop of Worcester and archbishop of York, Wulfstan (1002–1023), accurately described by Patrick Wormald as his "canon law collection", thus replacing the label of "commonplace book" used by earlier historians²⁷. Wulfstan's collec-

²⁴ Hartmann, *Die Capitula incerta* (as in n. 13).

²⁵ Sarah Hamilton, *The Practice of Penance 900–1050* (Royal Historical Society Studies in History, London 2001) 118–121, 155–166.

²⁶ The texts are set out in Appendix 2.

²⁷ On date and provenance see: Neil R. Ker, *Catalogue of Manuscripts Containing Anglo-Saxon* (Oxford 1990) no. 53, 92–94; Helmut Gneuss, *Handlist of Anglo-Saxon Manuscripts. A List of Manuscripts and Manuscript Fragments Written or Owned in England up to 1100* (Tempe, Arizona 2001) no. 73, 35; on the collection of texts in this manuscript see: Mary Bateson, *A Worcester Cathedral Book of Ecclesiastical Collections Made c. 1000 A.D.*, in: EHR 10 (1895) 712–731; Dorothy Bethurum, *Archbishop Wulfstan's Commonplace Book*, in: *Publications of the Modern Language Association of America* 57 (1942) 916–929; and for the most recent review see Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, vol. I: *Legislation and its Limits* (Oxford 1999) 211–219. For the evolution of Wulfstan's canon law collection, see also *idem*, *Archbishop Wulfstan and the Holiness of*

tion now survives in six manuscripts which share a fluid and overlapping collection of material²⁸.

The second manuscript of the rite is found in a collection of pontifical services, now London, British Library, MS Cotton Vespasian D. xv (fols. 1–68), which also includes *ordines* for consecrating church vessels and vestments, the installation of an abbot, the consecration of a cemetery, and an *ordo* for holding a synod, as well as the rite for the reconciliation of excommunicants²⁹. The script suggests this pontifical was copied in England in the mid-twelfth century, although the last three items, which include the rite for the reconciliation of excommunicants, were copied in a slightly later hand than that which copied the main part of the manuscript³⁰. The rite for the benediction of an abbot gives a clue as to the book's location: the abbot must promise obedience to the see of Exeter but the text originally read *Dorobernensi*, i. e. Canterbury, not Exeter.

The third manuscript to contain a copy of the English rite is Oxford, Bodleian Library, MS Barlow 37. This manuscript is a late copy of Wulfstan's 'Commonplace Book', copied at Worcester in the late twelfth or early thirteenth centuries. As Hans Sauer established in 1980, the text of Barlow 37 is closely related to, although not a direct copy of, that in CCCC 265. Both include what he identified as "Block X" of the texts shared amongst Wulfstan's 'Commonplace Book' manuscripts, that is rites for both the excommunication and reconciliation of excommunicates, suggesting they shared a common exemplar³¹. Sauer has also edited the text of the English rite, as it appeared in CCCC 265 and Barlow 37, but, as appendix 2 demonstrates, the differences between the rite in CCCC 265 and that in MS Barlow 37 can, in part, be explained by the rite as it was recorded in the twelfth-century Canterbury/Exeter pontifical (Vespasian D. xv), which was not, seemingly, known to him³². These developments suggest that, as on the Continent, the English rite evolved over time.

Society, in: *idem*, *Legal Culture in the Early Medieval West. Law as Text, Image and Experience* (London 1999) 225–251.

²⁸ *Hans Sauer*, *Zur Überlieferung und Anlage von Erzbischof Wulfstans "Handbuch"*, in: *DA* 36 (1980) 341–384.

²⁹ *The Pontifical of Magdalen College with an Appendix of Extracts from Other English Mss of the Twelfth Century*, ed. *Henry A. Wilson* (Henry Bradshaw Society 39, London 1910) xxvii–xxix.

³⁰ The decoration is different too: the rubric is highlighted by a green line running through it, rather than being written in red as elsewhere in the manuscript. But the initials are written in red and green as elsewhere in the manuscript. The ruling is the same as in earlier parts of the manuscript. The rite for the reconciliation of excommunicants begins on the last three lines of fol. 57^v, continuing on from the *ordo* for holding a synod written in the earlier hand, and was thus not copied in a separate *libellus* but added to the existing text.

³¹ *Sauer*, *Zur Überlieferung* (as in n. 28) 369–373.

³² *Idem*, *Die Exkommunikationsriten aus Wulfstans Handbuch und Liebermanns Gesetze*, in: *Bright is the Ring of Words. Fs. für Horst Weinstock zum 65. Geburtstag*, ed. *Clausdirk Pollner, Helmut Rohlfing and Frank-Rutger Hausmann* (Abhandlungen zur Sprache und Literatur 85, Bonn 1996) 283–307.

Whilst the English rite shares a similar structure to that of the Frankish rite, it is largely comprised of different elements, suggesting its independent origins. The English rite begins with a very different rubric: *Placuit uniuerso senatui ut hi qui excommunicati ad emendationem ueniunt et indulgentie ueniam petunt, ac corde compuncto penitentiae subdantur*³³. By contrast the Frankish rite begins with an abrupt injunction to the penitent and excommunicant to present himself before the bishop in front of the doors of the church, *ante ianuas aecclisiae*³⁴. The English rite, however, instructs the contrite excommunicants to come, with their intercessors, to the gate of the cemetery, barefoot and clad in ashcloth, *cum intercessoribus ad cimiterii portam perueniunt maneat illic discalciati laneisque induti*. The intercessors must present the excommunicant's case to the bishop, before the excommunicant is allowed to present himself to the bishop in front of the gate. The *locus* of the English rite, therefore, is seemingly very different. The Frankish rite takes place, as did the contemporary rites for the reconciliation of penitents on Maundy Thursday, before the doors of the cathedral church³⁵; the English rite took place outside the entrance to the consecrated ground of the *cimiterium*.

It is worth noting here that the Greek word *coemeterium* (and its variant spellings of *cemeterium*, *cimeterium*, and *cymeterium*), although used by Gregory of Tours and Bede, is not commonly found in early medieval texts: *cemeterium* only gained wider currency in the eleventh and twelfth centuries³⁶. This semantic shift is supported by legal, liturgical and archaeological evidence which combines to suggest that a concern with defining the boundaries of graveyards, placed around churches, only began in the late ninth and tenth centuries and, moreover, that this concern emerged first in Anglo-Saxon England³⁷. Legal evidence suggests the first attempts to define sacred burial grounds were made in this period. 'II Æthelstan' c. 26 (< 933) prescribed that anyone who swore false oaths should be excluded from burial in a consecrated burial ground unless he did penance at the behest of his bishop³⁸. The earliest reference to the payment of a burial fee, soul scot, comes

³³ See appendix 2.

³⁴ See appendix 1.

³⁵ The PRG's rite for the reconciliation of penitents on Maundy Thursday is more precise: the bishop sits in front of the doors, whilst the penitents are brought into the atrium and presented to him: PRG, *Ordo XCIX*, 224, vol. 2, 59.

³⁶ See the entry for *coemeterium* and its various spellings in: *Charles du Fresne, Dominus du Cange*, *Glossarium Mediae et Infimae Latinitatis*, revised *Pierre Carpentier*, G. A. L. *Henschel* and *Léopold Favre* (Paris 1937) vol. 2, 329, 388; *Ronald E. Latham*, *Dictionary of Medieval Latin From British Sources* (London 1981) vol. 2, 370; *Jan F. Niermeyer*, *Mediae Latinitatis Lexicon Minus* (Leiden 1976) 164. This conclusion is confirmed by a search for the word (under its various spellings) in the on-line *Patrologia Latina* database: <<http://www.pld.chadwyck.co.uk>>.

³⁷ For what follows see: *Helen Gittos*, *Creating the Sacred: Anglo-Saxon Rites for Consecrating Cemeteries*, in: *Burial in Early Medieval England and Wales*, ed. *Sam Lucy and Andrew Reynolds* (Society for Medieval Archaeology Monograph 17, London 2002) 195–208.

³⁸ *Die Gesetze der Angelsachsen*, ed. *Felix Liebermann*, 3 vols. (Halle 1903; repr. Leipzig 1935) vol. 1, 164f. It should be noted that the twelfth-century Latin translator of this text (the 'Quadrupartitus') referred to a prohibition on burial in *sanctificato atrio*, *ibid.* 165; the dis-

in two late ninth-century leases, but references to soul scot were only codified in the legislation in the early eleventh century by Archbishop Wulfstan³⁹. The injunction in 'V Æthelred' (12.1) "And if any body is buried elsewhere, outside the proper parish, the payment for the soul is to be paid to the minster to which it belongs", suggests that burial practices had become prescribed by the early eleventh century, and that rival churchyards were increasingly in competition with each other⁴⁰. Whilst the ninth- and tenth-century Frankish sacramentaries and pontificals, with two exceptions, omit any reference to a rite for the consecration of a cemetery, such a rite is recorded in the Anglo-Saxon pontificals copied from the last quarter of the tenth century onwards⁴¹. The two Frankish exceptions are the 'Sacramentary of Ratoldus', copied for the Abbot of Corbie 972 x 986, and the earliest recension of the 'Romano-German Pontifical'⁴². The rite in the 'Sacra-

tion between *cemeteryum* and *atrium* was sometimes blurred as *atria* were often the site for early medieval burials, but nonetheless remained an important one. Patrick Wormald suggested that this particular clause was an appendix to the 'Grately code', because it is included after a clause concerned with provisions to enforce obedience to the code, and that it was related to a conspiracy against the king c. 933: Wormald, *Making* (as in n. 27) 307f. Wormald also suggested, on the evidence of the coinage clause, that the Grately code was probably post-928 (*ibid.* 440).

³⁹ *Sawyer*, Anglo-Saxon Charters (as in n. 2) S 1275 (Winchester), S 1279 (Worcester); for the text see the on-line edition compiled by Susan Kelly and Sean Miller at the Electronic Sawyer: Regesta Regum Anglorum <www.trin.cam.ac.uk/sdk13/chartwww/NewRegReg.html>. On these particular charters see *Francesca Tinti*, Dal church-scot alla decima: Origine, natura e sviluppo dei tributi ecclesiastici nell'Inghilterra altomedievale, in: *Studi medievali*, 3rd series 44 (2003) 219–251. Patrick Wormald also argues that earlier references in the legislation of Æthelstan, Edmund and Edgar to soul-scot were added by Wulfstan: Wormald, *Making* (as in n. 27) 342, n. 368. *John Blair*, The Church in Anglo-Saxon Society (Oxford 2005) 437, argues that soulscot's appearance in late ninth-century Worcester leases from 871 x 877 and 899 means that "it cannot, as a compulsory payment, be a European import, and it may be seen as an established and distinctively English custom which allowed at least some churches to demand the soulscots of those who lived and died in their territories. This looks rather at variance with the indications ... that the English laity before the tenth century had wide freedom in choosing their places of burial. One solution is to interpret the soulscot of these leases as a payment for last rites and funerary ministrations, not for a grave-plot in a specific place ... It is on the other hand possible that the piecemeal extension of ecclesiastical control over land had produced local variation: whereas tenants on certain monastic estates were tied to the head churches, other people still had freedom to pay their soulscots to burial churches of their choice."

⁴⁰ V Æthelred c. 12.1 (*Liebermann*, *Gesetze*, as in n. 38, vol. 1, 240f.; translated, *English Historical Documents I: c. 500–1042*, ed. *Dorothy Whitelock*, London 2nd 1979, 444). *Blair*, Anglo-Saxon Church (as in n. 39) 444, argues this clause "reflects both the growing prescriptiveness of burial arrangements and the rising competition of manorial churchyards", although he suggests in *ibid.* n. 76, "it also reinforces the idea that soulscot was basically a payment for funerary ministrations rather than a graveplot".

⁴¹ *Gittos*, *Creating the Sacred* (as in n. 37).

⁴² The Sacramentary of Ratoldus (Paris, Bibliothèque nationale de France, lat. 12052), ed. *Nicholas Orchard* (Henry Bradshaw Society 116, London 2005) 30f.; this book represents the reworking of a sacramentary from St Denis (subsequently adapted for the cathedral of Dol, and the monastic churches of Saint-Symphorien, Orléans and Saint-Vaast, Arras) and a

mentary of Ratoldus' is very similar to, but by no means a copy of, that in the 'Romano-German Pontifical'. Both rites are markedly less complicated than those which appear in the Anglo-Saxon manuscripts. Whilst the rite in the 'Romano-German Pontifical' required the singing of the seven penitential psalms, the placing of four candles in the four corners of the church yard, and a procession around the church, that in the Anglo-Saxon pontificals was much more elaborate, requiring ritual purification of the ground, through sprinkling with holy water, and the demarcation of the area through prayers as the bishop and clergy processed around the churchyard twice⁴³. The Anglo-Saxon rite ended with mass on a portable altar in the churchyard. Other rites in the 'Sacramentary of Ratoldus', including the 'Second English Coronation Ordo', have an Anglo-Saxon origin; it is therefore probable that Ratoldus's rite for the consecration of a cemetery was based on an Anglo-Saxon exemplar, in an earlier stage of development than that which survives in the late tenth-century Anglo-Saxon pontificals. It is also possible that the rite in the 'Romano-German Pontifical' was derived from an Anglo-Saxon exemplar⁴⁴. Whatever the case, this liturgical evidence suggests a renewed interest in the consecration of churchyards in tenth-century Anglo-Saxon England. The limited archaeological evidence supports this view: local churches, like that at Raunds Furnell in Northamptonshire, were established surrounded by bounded churchyards in this period, at the same time as burial archaeology has identified the existence of specific graveyards for execution victims⁴⁵. To sum up, the way in which the bounded cemetery is regarded and used as sacred space within the Anglo-Saxon rite for the reconciliation of excommunicants, with the bishop meeting the excommunicant at the gates of the cemetery, fits very well with an Anglo-Saxon context, and suggests that this particular reconciliation rite was composed in England. Moreover, as concerns with defining and consecrating cemeteries only came to the fore in the tenth century, this interest in defining cemeteries as sacred spaces provides a possible tenth-century date for the composition of the English rite for the reconciliation of excommunicants.

tenth-century Canterbury pontifical written at Corbie 972 x 986, *ibid.* xiii–xxix; *Christopher E. Hovler*, *Some Service Books of the Later Saxon Church*, in: *Tenth-Century Studies: Essays in Commemoration of the Millennium of the Council of Winchester and Regularis Concordia*, ed. *David Parsons* (London 1975) 60–83, 217–227, at 65–69; Ordo LIV (PRG, vol. 1, 192f.).

⁴³ *Gittos*, *Creating the Sacred* (as in n. 37) 195f., with a list of the Anglo-Saxon *exempla* at 196, n. 6.

⁴⁴ The Anglo-Saxon origins of the rite in the 'Ratoldus Sacramentary' and the PRG are suggested by *Gittos*, *Creating the Sacred* (as in n. 37) 199. Orchard is more circumspect, drawing attention merely to the parallels between the rite in the 'Ratoldus Sacramentary' and that in the PRG: *The Sacramentary of Ratoldus* (as in n. 42) cxix, especially n. 196.

⁴⁵ *Andy Boddington*, *Raunds Furnells: The Anglo-Saxon Church and Churchyard* (English Heritage Archaeological Report 7, London 1996) 5–8, 11–15; *Andrew Reynolds*, *The Definition and Ideology of Anglo-Saxon Execution Sites and Cemeteries*, in: *Death and Burial in Medieval Europe. Papers of the "Medieval Europe Brugge 1997" Conference 2*, ed. *Guy de Boe and Frans Verhaeghe* (Zelik 1997) 33–41.

The English rite also departs from the Frankish rite in mentioning, and attributing a significant role to, the intercessors. In doing so the English rite does not so much echo the role attributed to the parish priest in the rite for the reconciliation of penitents on Maundy Thursday recorded in the 'Romano-German Pontifical', in which the priest should hand the penitent to the bishop for reconciliation, with an account of his behaviour, but rather embodies the mechanics of secular dispute settlement within the political community so clearly outlined by Gerd Althoff⁴⁶. Here several intercessors promote the cause of the excommunicants to the bishop, perhaps reflecting earlier and complex negotiations within the local community which culminated in the rite⁴⁷.

The excommunicants then proceed to meet the bishop at the edge of the cemetery, prostrating themselves before him, whilst he says the seven penitential psalms over them. They then follow the bishop to the doors of the church, and the bishop then takes each one by the hand and leads each excommunicant into the church, where they prostrate themselves on the pavement. Here the English rite therefore echoes the provisions of the Frankish rite; both rites require the bishop to take the penitent excommunicant by the hand and introduce him into the church. But the English rite starts outside the cemetery, before the penitents are led into the church, whilst the Frankish rite occurs before the doors of the church. The Frankish rite also puts much greater emphasis than the English rite on ensuring that the excommunicant has accepted his penance; no mention of this is made in the English rite. But both the English and Frankish rites end with the penitent being led by the bishop into the church. Whilst the Frankish rite concludes that the penitent excommunicant is thus restored to Christian society, the English rite concludes with absolution. The bishop, in place of St Peter, absolves them. The excommunicants then leave the church, put on their best clothes, and return to the bishop to seek his blessing. The service ends with the absolution of the penitents.

Looking for further clues as to the date of the English rite, an investigation of the corpus of early medieval Frankish and Anglo-Saxon liturgical collections suggests that prayers for the absolution of excommunicants belong to a different tradition to those used in the Frankish rites. The first, a petition that the Lord absolve the faults and sins of his servants, *Absolve quæsumus domine tuorum delicta famulorum et a peccatorum suorum nexibus que per sua fragilitate contraxerunt tua benignitate. Per.*, belongs to the Gregorian tradition. A version of this text is used in the temporal liturgy in the 'Hadrianum' for Mass at St Peter's⁴⁸. Whilst the

⁴⁶ Ordo XCIX, 229 (PRG, vol. 2, 61) (on which practice see *Hamilton*, Practice, as in n. 25, 119f., 158); *Althoff*, Das Privileg der deditio (as in n. 7).

⁴⁷ In the later Middle Ages both the doors of the church and the gate of the cemetery were often the venue for local peacemaking: *Nicolas Offenstadt*, Interaction et régulation des conflits. Les gestes de l'arbitrage et de la conciliation au Moyen âge (XIIIe–XVe siècles), in: *Les rites de la justice. Gestes et rituels judiciaires au Moyen âge*, ed. *Claude Gaurvard* and *Robert Jacob* (Paris 1999) 201–228, at 207f.

⁴⁸ *Absolve quæsumus domine tuorum delicta populorum* (n. b. changed to *famulorum* in the English rite) *et a peccatorum nostrorum nexibus quæ pro nostra fragilitate contraximus tua benignitate liberemur* (ed. *Jean Desbusses*, Le Sacramentaire Grégorien. Ses principales

text in the ‘Hadrianum’ requested the Lord’s absolution of the faults of the people (*populus*), that in the English rite requested it for his servants (*famuli*). In my researches into liturgical collections produced in both England and the Frankish kingdoms between c. 750 and c. 1050 I have come across only one example of this latter version, with its reference to *famuli*; this is in an expanded version of the prayer included in the ritual for trial by ordeal in the early eleventh-century ‘Lanalet Pontifical’, probably composed somewhere in south-west England around 1000⁴⁹. This variant therefore also suggests an Anglo-Saxon origin for the reconciliation rite.

The second absolution prayer, beginning *Absoluimus uos uice beati petri*, also appears to be unique to the Anglo-Saxon liturgy⁵⁰. Outside the three examples of the Anglo-Saxon reconciliation rite for excommunicants under consideration here, variants of this particular prayer appear only in a rite for the episcopal reconciliation of penitents on Maundy Thursday, which is in turn found only in an Anglo-Saxon context⁵¹. Variants on *Absoluimus uos uice beati petri*, including a translation into Old English, feature in the Maundy Thursday service for the reconciliation of sinners in Anglo-Saxon pontificals from the 970s onwards⁵². A longer version of the last prayer, *Deus innocentiae restitutor et amator qui non uis mortem peccatoris et ut conuertatur et uiuat quique beato petro apostolo*, is also

formes d’après les plus anciens manuscrits, *Spicilegium Friburgense* 16 and 24, Fribourg 1971, 1979, no. 702, vol. 1, 274).

⁴⁹ *Missa iudicii*: Pontificale Lanaletense. Bibliothèque de la Ville de Rouen, A.27 cat. 368. A Pontifical Formerly in Use at St German’s Cornwall, ed. Gilbert H. Doble (Henry Bradshaw Society 74, London 1937) 117: *Absolutio quesumus domine tuorum delicta famulorum ut peccatorum suorum nexibus quae pro sua fragilitate contraxerunt tua benignitate liberentur et in hoc iudicio prout meruerunt tua iustitia preueniente ad ueritatis censuram peruenire mereantur. Per dominum nostrum.* (Additions in normal typeface). There is a “straight” version of the ‘Hadrianum’ text in Rouen, Bibliothèque municipale, Ms 274 (Y.6): The Missal of Robert of Jumièges, ed. Henry A. Wilson (Henry Bradshaw Society 11, London 1896) 132. On the date and provenance of the ‘Lanalet Pontifical’ see now *Gneuss*, Handlist (as in n. 27) no. 922, 141.

⁵⁰ For confirmation of this consult the list of penitential prayers and their place in the manuscript tradition, in *Adrien Nocent*, La Pénitence dans les ordines locaux transcrits dans le De Antiquis Ecclesiae Ritibus d’Edmond Martène, in: Paschale Mysterium. Studi in memoria dell’abate Prof. Salvatore Marsili (1910–1983), ed. *Giustino Farnedi* (Studia Anselmiana 91/Analecta Liturgica 10, Rome 1986) 115–138, at 119.

⁵¹ 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 (Henry Bradshaw Society Subsidia 5, London 2005) 65–103; M. Bradford Bedingfield, Public Penance in Anglo-Saxon England, in: Anglo-Saxon England 31 (2002) 223–255.

⁵² Hamilton, Rites (as in n. 51) 95, 99, and passim for dates of the manuscripts listed there. It also appears in the rite in the late eleventh-century Worcester supplement to CCC 146, 90. The later medieval history of this prayer also points to its English origins: it does not feature in the ‘Roman Missal’ but continued to be used in the Sarum liturgy for Ash Wednesday and the Maundy Thursday service for the reconciliation of penitents: Andrew Hughes, Medieval Manuscripts for Mass and Office: A Guide to Their Organization and Terminology (Toronto 1982) 255.

recorded in this rite from the earliest record of it, the 'Dunstan Pontifical' (Paris, Bibliothèque nationale, Ms lat. 943, s. X^{3/4}, Canterbury), onwards⁵³.

Whilst the episcopal ministers of absolution in the Frankish rite were content to request God that the penitent excommunicant might merit absolution, their Anglo-Saxon counterparts were willing to declaim absolution in the first person plural, citing the source of their authority, St Peter's power of the keys: *Absoluimus uos uice beati petri apostolorum cui dominus potestatem ligandi atque soluendi dedit* The cult of St Peter was well-known throughout the early medieval west, but was especially popular in England, where its origins lay with the Roman missions⁵⁴. Recent research has demonstrated the continuing importance of his cult in the later Saxon period: as the subject of church dedications⁵⁵, as an ideal for clerical and monastic reformers⁵⁶, and in the liturgy, where in English calendars St Paul was often omitted from the *natale* of SS Peter and Paul on the 29th June⁵⁷. Private prayers, and prayers in other rites, emphasised St Peter's powers of intercession, whilst he was usually depicted in manuscripts tonsured, and holding the keys.

⁵³ *Hamilton*, Rites (as in n. 51) 100. The dating of the 'Dunstan Pontifical' is contentious but it was probably made at Christ Church, Canterbury in the 970s and taken to Sherborne after Archbishop Dunstan's death in 988: *Joel T. Rosenthal*, The Pontifical of St Dunstan, in: *St Dunstan, His Life, Times and Cult*, ed. *Nigel Ramsey, Margaret Sparks and Tim Tatton-Brown* (Woodbridge 1992) 143–163; *David Dumville*, Liturgical Books for the Anglo-Saxon Episcopate: A Reconsideration, in: *idem*, *Liturgy and the Ecclesiastical History of Late Anglo-Saxon England* (Woodbridge 1992) 66–95, at 82–84. Different prayers with a similar incipit may be found in the 'Gelasian Sacramentary': *Liber Sacramentorum Romanae Ecclesiae Ordinis Anni Circuli* (Cod. Vat. Reg. lat. 316/Paris, Bibliothèque nationale 7193 41/56) (*Sacramentarium Gelasianum*), ed. *Leo C. Mohlberg* (*Rerum Ecclesiasticarum Documenta, Series Maior Fontes IV*, Rome 1968) no. 495, 80; the 'Gellone Sacramentary': *Liber Sacramentorum Gellonensis*, ed. *Antoine Dumas* (CC 159, 159 A, Turnhout 1981), nos. 1470 and 2161; the 'Hadrianum': *Le Sacramentaire Grégorien*, ed. *Deshusses* (as in n. 48) vol. 1, no. 883, 319; and the PRG, *Ordo LXIV*, 2, vol. 1, 229 (*Orationes istae dicandae sunt a domno papa super archiepiscopum ante pallium*).

⁵⁴ *Theodor Zwölfer*, Sankt Peter, Apostelfürst und Himmelspförtner. Seine Verehrung bei den Angelsachsen und Franken (Stuttgart 1929); *Eugen Ewig*, Der Petrus- und Apostelkult im spätrömischen und fränkischen Gallien, in: *idem*, *Spätantikes und fränkisches Gallien. Gesammelte Schriften (1952–1973)*, ed. *Hartmut Atsma*, 2 vols. (Beihefte der Francia 3, Munich 1976, 1979) vol. 2, 318–354; *Veronica Ortenberg*, The English Church and the Continent in the Tenth and Eleventh Centuries: Cultural, Spiritual and Artistic Exchanges (Oxford 1992) 32 f., 44–47, 162–168; *Catherine Cubitt*, Universal and Local Saints in Anglo-Saxon England, in: *Local Saints and Local Churches in the Early Medieval West*, ed. *Alan Thacker and Richard Sharpe* (Oxford 2002) 441–453, at 443–448.

⁵⁵ For the earlier period see *Wilhelm Levison*, England and the Continent in the Eighth Century (Oxford 1943) 35, 260 f.; for the later period see *Scott DeGregorio*, Ælfric, Gedwyld, and Vernacular Hagiography: Sanctity and Spirituality in the Old English Lives of SS Peter and Paul, in: *Ælfric's Lives of the Canonised Popes*, ed. *Donald Scragg* (Old English Newsletter Subsidia 30, Kalamazoo, Michigan 2001) 75–98, at 94 f.

⁵⁶ *Catherine Cubitt*, Images of St Peter: the Clergy and Religious Life in Anglo-Saxon England, in: *The Christian Tradition in Anglo-Saxon England: Approaches to Current Scholarship and Teaching*, ed. *Paul Cavill* (Cambridge 2004) 41–54; *DeGregorio*, Ælfric, Gedwyld (as in n. 55).

⁵⁷ *Ortenberg*, English Church (as in n. 54) 163, n. 8.

This iconography was based on earlier Roman models, but it has been suggested that the keys were often enlarged in late Anglo-Saxon art, such as in the frontispiece of the 'New Minster Liber Vitae' (AD 1031)⁵⁸. The anathema clause of King Edgar's confirmation of the lands at Downton, Calbourne and Chilcomb belonging to the Old Minster, Winchester (c. 964 x c. 975) similarly emphasises Peter as the doorkeeper to heaven enjoining:

"May the name be deleted from the Book of Life of any daring, presumptuous person, having been seduced in an imprudent attempt by avarice, who should try to violate or diminish it and, having been banished from the doors of Paradise by the authority of the Blessed Peter, the foremost of the apostles and the keeper of the keys of the kingdom of Heaven, having been scorched continually by the eternal fires of the Abyss, having been choked in the stinking and torrid Underworld, let him be punished with Judas, the betrayer of Christ, and his accomplices, with continual injury and perpetual misery, condemned in just judgement by God and all the saints, unless he had restored with suitable reparation that which he presumed to diminish in Christ's property"⁵⁹.

Winchester Old Minster was, however, dedicated to the Trinity and SS Peter and Paul: the appeal to St Peter here may thus reflect the church's dedication rather than any wider cult⁶⁰. Whether the late Anglo-Saxon Church was unusual in the respect it accorded to St Peter and his powers as an intercessor is impossible to say without detailed research on comparable evidence from the tenth- and eleventh-century Reich; given the number of prominent sees, including Trier, dedicated to St Peter, such a conclusion would seem unlikely. The significance attached to St Peter, and the power of the keys, by tenth-century English clerics nevertheless provides a context for the evolution of such a prayer, although no

⁵⁸ John Higgitt, *The Iconography of St Peter in Anglo-Saxon England, and St Cuthbert's Coffin*, in: *St Cuthbert, His Cult and Community to AD 1200*, ed. Gerald Bonner, David Rollason and Claire Stancliffe (Woodbridge 1989) 267–285; Ortenberg, *English Church* (as in n. 54) 164–167; Mary Clayton, *The cult of the Virgin Mary in Anglo-Saxon England* (Cambridge studies in Anglo-Saxon England 2, Cambridge 1990) 160–167.

⁵⁹ S 821: *Qui uero audax presumptor ausu temerario philargiria seductus uiolare minuerue temptauerit deleatur eius nomen de libro uitae ac per beati Petri apostolorum principis regnique caelorum clauigeri auctoritatem paradysi ianuus eliminatus aeternis barathri incendiis iugiter ustulatus Acharonte putido torridoque suffocatus cum Iuda Christi proditore eiusque complicitibus perhenni calamitate iugique miseria a Deo et omnibus sanctis iusto dampnatus puniatur iudicio nisi satisfactione congrua restituerit quod in Christi possessione minuire presumpsit* (ed. Rumble, *Property and Piety*, as in n. 2, V, i, 108f.). The text survives only in a twelfth-century cartulary copy, which, despite the omission of boundary clauses, is thought to be authentic.

⁶⁰ Cf. the anathema clause in Pope John XII's privilege allowing Æthelwold to reform Winchester, where a similar emphasis is placed on St Peter and the power of the keys: *Councils and Synods, with Other Document Relating to the English Church I, A.D. 871–1204*, ed. Dorothy Whitelock, Martin Brett and Christopher N. L. Brooke, 2 vols. (Oxford 1981) vol. 1, 109–113, at 112f. However, this text has now been shown to be an Anglo-Norman forgery: Julia Barrow, *English Cathedral Communities and Reform in the Late Tenth and the Eleventh Centuries*, in: *Anglo-Norman Durham 1093–1193*, ed. David Rollason, Margaret Harvey and Michael Prestwich (Woodbridge 1994) 25–39.

doubt other differences, such as powerful insular liturgical traditions, also explain the English bishops' willingness to claim the powers to absolve excommunicants, using the active voice.

Returning to the English reconciliation rite, investigation of the *preces* used show some overlap with those used in the Frankish rites, but again they are by no means identical. Nor are the *preces* taken directly from the rite for the reconciliation of penitents on Maundy Thursday in either the Frankish or English rites. It also is perhaps worth pointing out that the English excommunication reconciliation rite, although it shares some prayers with the Maundy Thursday penitential rite, is not a simple variant of that rite directly: the Maundy Thursday rites were generally much longer, with as many as eight prayers, rather than three⁶¹. All in all, this comparison of the English and Frankish rites for the reconciliation of excommunicants suggests that whilst there is inevitably some overlap between the two, the rites are actually very different and probably had grown up independently of each other.

The manuscript evidence for the English reconciliation rite is late – the earliest copy in CCCC 265 is from the third quarter of the eleventh century – but this need not preclude an earlier date for the rite. The earliest manuscript of Regino, for example, is from the second half of the tenth century, that of a recension of the 'Romano-German Pontifical' which includes the reconciliation rite from the mid-eleventh century, that of Burchard's 'Decretum' from c. 1030⁶². There is, indeed, evidence that a rite for the reconciliation of penitents was known earlier in Anglo-Saxon England. The first part of Cambridge, CCCC 190 (pp. 1–294) is another copy of Wulfstan's 'Commonplace Book', copied probably at Worcester, in the first half of the eleventh century, which was at Exeter by the mid-eleventh century⁶³. It includes a table of contents which mention under the heading *Incipiunt (capitula de sace)rdotali jure Egcberti Archiepiscopi*, (c. xiv) *De his qui post excom-*

⁶¹ Compare the English rite for the reconciliation of excommunicants with that of the English *ordo* for the reconciliation of penitents on Maundy Thursday recorded in tenth- and eleventh-century pontificals, as set out in *Hamilton*, *Rites* (as in n. 51) 93–103.

⁶² On the manuscript history of Regino's 'Libri duo de synodalibus causis', see *Lotte Kéry*, *Canonical Collections of the Early Middle Ages* (ca. 400–1140). A Bibliographical Guide to the Manuscripts and Literature (History of Medieval Canon Law 1, Washington D. C. 1999) 129f. The excommunication rite appears in all the main recensions of the PRG except one (d) but does not appear in the earliest manuscript: Lucca, Biblioteca capitolare, Cod. 607 (s. X^{ex}); it is included in Montecassino, Biblioteca abbazia, Cod. 451 (c. 1050); Rome, Biblioteca Vallicelliana, Cod. D.5 (post 1050); Bamberg, Staatsbibliothek, Cod. Lit. 53 (s. XI); Vendôme, Bibliothèque municipale, Cod. 14 (s. XI¹); PRG, vol. 1, xli, vol. 3, 56. On the early manuscript history of Burchard's 'Decretum' see *Hoffmann*, *Pokorny*, *Dekret* (as in n. 23) 11–68.

⁶³ *Wormald*, *Making* (as in n. 27) 220–224. For the view that the main text is copied in a Worcester script, see *David Dumville*, *English Caroline Script and its Monastic History*. Studies in Benedictinism (Woodbridge 1993) 52 (n. 228), 55. See also *Mildred Budny*, *Insular, Anglo-Saxon and Early Anglo-Norman Manuscript Art at Corpus Christi College, Cambridge: An Illustrated Catalogue*, 2 vols. (Kalamazoo, Michigan 1997) no. 34, vol. 1, 535–544.

*municationem cum luctu penitentiae ad reconciliationem veniunt*⁶⁴. This quire of the manuscript is now missing but it suggests that the rite for the reconciliation of excommunicants belonged to an early recension of Wulfstan's 'Commonplace Book'⁶⁵. It was part of a section on excommunication beginning with a canon, entitled, (c. xi) *De excommunicatis ex concilio Antioceno*. This canon is almost certainly the one found in other copies of Wulfstan's canon law collection, taken from Pseudo-Dionysius, which states that an excommunicant must either be reconciled by his own bishop, or, at least, give an account of himself to a synod⁶⁶. The evidence of the text now missing from CCCC 190, taken with Patrick Wormald's suggestion that CCCC 265 represents a later and more polished example of Wulfstan's 'Commonplace Book', locates the origins of the English rite for the excommunication of penitents at Worcester in the first two decades of the eleventh century, at the latest⁶⁷.

Should we assume, therefore, that this rite was composed by Archbishop Wulfstan? There is a good deal of other evidence which suggests that Wulfstan was anxious to promote the practice of both public penance and excommunication in England. In his early eleventh-century synodal 'Injunction on the Behaviour of Bishops' he argued:

"It befits bishops that they never pronounce a curse on any man, unless they must of necessity. If anyone does so of necessity for great transgressions, and the man still will not submit to right, it is then to be announced to all colleagues, and they are all then to pronounce the same on him, and announce that to him. Then let him submit afterwards and atone the more deeply, if he cares about God's mercy and blessing"⁶⁸.

Wulfstan's own canon law collection also promoted the practice of excommunication⁶⁹. The secular law codes he composed similarly promoted excommunication: the 'Laws of Edward and Guthrum' enjoined: "If wizards or sorcerers, perjurers or murderers, or foul, polluted manifest whores are caught anywhere in the

⁶⁴ Montague R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Corpus Christi College, Cambridge*, 2 vols. (Cambridge 1912) vol. 1, 452–463, at 454.

⁶⁵ Sauer, *Zur Überlieferung* (as in n. 28) 369.

⁶⁶ Recension A, no. 78: Wulfstan's Canon Law Collection, ed. James E. Cross and Andrew Hamer (*Anglo-Saxon texts 1*, Cambridge 1999) 99. This canon is found in CCCC 265, *ibid.* 32f., amongst others. Confusingly, Wormald described the entire body of texts shared between all six manuscripts as Wulfstan's Canon Law Collection, whilst Cross and Hamer use this term merely to describe the canon law anthology described by earlier authors, following Henry Spelman, as the 'Excerptiones Ecgerhti'.

⁶⁷ Wormald, *Archbishop Wulfstan* (as in n. 27) 231–240; *idem*, *Making* (as in n. 27) 211–219, especially at 216f.

⁶⁸ Wulfstan, *Injunction on the Behaviour of Bishops* c. 12 (*Councils and Synods I*, ed. Whitelock et al., as in n. 60, vol. 1, 412).

⁶⁹ Wulfstan's Canon Law Collection, ed. Cross and Hamer (as in n. 66) A. 76–78, A. 80, 98–100. See also the discussion and references in Sarah Hamilton, *Remedies for 'Great Transgressions': Penance and Excommunication in Late Anglo-Saxon England*, in: *Pastoral Care in Late Anglo-Saxon England*, ed. Francesca Tinti (*Anglo-Saxon Studies*, Woodbridge 2005) 83–105, at 99f.

land they are to be driven from this country and the nation is to be purified, or they are to be completely destroyed in this country unless they desist and atone very deeply"⁷⁰. 'V Æthelred' (c. 29) requested that all excommunicants should not remain in the king's neighbourhood on pain of death and loss of all their possessions unless they submitted to ecclesiastical penance⁷¹. In his laws, as in his other writings, Wulfstan was concerned both to enforce excommunication, in order to purify and protect the nation, but also to allow for reconciliation of the penitent.

Concern with excommunication need not, of course, mean that Wulfstan invented this rite for the reconciliation of penitents. Extensive study of Wulfstan's writing patterns shows that, like modern academics, he revisited the same materials, repeating not only words and phrases but reworking themes⁷². His 'Institutes of Policy' demonstrate his view that bishops should preach God's law eagerly and forbid wrongdoing, a message repeated in later tracts and sermons, as well as the law code he composed for King Cnut: "Bishops are the heralds and teachers of God's law and they must eagerly preach and make clear by example spiritual needs, let him pay heed who will"⁷³. Wulfstan's vision of bishops as policing the sinful helps explain the presence of texts of the Anglo-Saxon rite for the reconciliation of sinners in copies of his handbook, even if it does not confirm whether he was the author of the rite. That he had an interest in the liturgy is made clear from the presence of other sorts of liturgical material, including a mass for blessing the chrism, in the manuscripts of his 'Commonplace Book'⁷⁴.

It is thus impossible to come to any firm conclusions as to whether Wulfstan invented the English rite for the reconciliation of excommunicants. Its appearance in a twelfth-century Canterbury pontifical need not countermines such a suggestion, for there is another, earlier, episcopal handbook with a Wulfstan connection compiled at Canterbury in the second quarter of the eleventh century, almost cer-

⁷⁰ Laws of Edward and Guthrum c. 11 (Councils and Synods I, ed. *Whitelock* et al., as in n. 60, vol. 1, 312). This code was composed by Archbishop Wulfstan 1002 x 1008: *Dorothy Whitelock*, Wulfstan and the So-Called Laws of Edward and Guthrum, in: *EHR* 56 (1941) 1–21; also *Wormald*, Making (as in n. 27) 389–391, who suggests Wulfstan's main motive for this "forgery" was to ensure "security for the Church" in the province of York, *ibid.* 391.

⁷¹ V Æthelred c. 29 (Councils and Synods I, ed. *Whitelock* et al., as in n. 60, vol. 1, 359).

⁷² *Jonathan Wilcox*, The Wolf on Shepherds: Wulfstan, Bishops and the Context of the *Sermo Lupi Ad Anglos*, in: *Old English Prose: Basic Readings*, ed. *Paul E. Szarmach* (London 2000) 395–418.

⁷³ I Cnut c. 26 (Councils and Synods I, ed. *Whitelock* et al., as in n. 60, vol. 1, 485); *Wilcox*, The Wolf (as in n. 72) 406.

⁷⁴ *Christopher A. Jones*, Wulfstan's Liturgical Interests, in: Wulfstan, Archbishop of York: the Proceedings of the Second Alcuin Conference, ed. *Matthew Townend* (Leiden 2004) 325–352; *idem*, The Chrism Mass in Later Anglo-Saxon England, in: *The Liturgy of the Late Anglo-Saxon Church*, ed. *Gittos and Bedingfield* (as in n. 51) 105–142, especially 142. Two manuscripts of Wulfstan's 'Commonplace Book' include a rite for the reconciliation of public penitents which shows influences of the PRG: *Jones*, Wulfstan's Liturgical Interests, 352, whilst another, Cambridge, Corpus Christi College, Ms 265 (s. XI^{3/4}, Worcester) includes several rites from the PRG at 298–326 added later in the century at Worcester which are not, in themselves, evidence the PRG was known at Worcester in Wulfstan's time: *Dumville*, Liturgical Books (as in n. 53) 73f.; *Sauer*, Zur Überlieferung (as in n. 28) 367–369.

tainly for an archbishop as it includes a Latin *ordo* for the ordination of a bishop as well as directions in Old English, amongst other materials⁷⁵. Moreover my review of the pontifical liturgies in west Frankia, east Frankia and England has not found any earlier precedents for the Anglo-Saxon rite. One possible clue to the origins of the English rite is found in a collection of penitential rites and texts, now London, British Library, Cotton Vespasian D. xx⁷⁶. This collection is preserved in a small codex, written in the mid-tenth century in square Anglo-Saxon minuscule. The collection includes a rite for giving a penance, which concludes by making provision for reconciliation of the penitent, with a prayer to be said after the priest has absolved the penitent (*Et postea absoluat eum et dicat*), in which the priest requests Mary, the virgin mother of God, and blessed Peter, prince of the apostles, who has power in heaven and on earth to bind and to loose, that almighty God will absolve and free you from all evil. If the man is *intellectuosus* the priest should advise him that he should return on Maundy Thursday to be formally reconciled as it is set out in the sacramentary. If for any reason he is not able to come, according to the rubric, "this is the reconciliation". A prayer then follows under the rubric *Absolutio excommunicat*⁷⁷. The prayer which follows is not found in any of the versions of either the Frankish or English *ordo* for the reconciliation of excommunicants. The absolution is followed by the text of a mass for the penitent. Vespasian D. xx suggests that, at least in the mid-tenth century, an excommunicant might just be a penitent who had not yet been formally reconciled by the bishop on Maundy Thursday. But the rite for the reconciliation of penitents found in the Wulfstan 'Commonplace Book' manuscripts was found in the context of texts of excommunication *formulae*; by the early eleventh century, then, a liturgy for the excommunication of contumacious sinners, and the reconciliation of penitent excommunicants, had evolved in England, perhaps at Worcester. That it evolved in England is clear from the reference to the cemetery and the use of prayers found only in English rites. As cemeteries only came to be regarded as sacred spaces in late ninth and tenth centuries, it seems likely that this rite was compiled in the tenth or eleventh century. But it is impossible to provide an earlier date for these rites than Wulfstan's pontificate, or a more precise location.

It is perhaps worth remarking also on the longevity of the indigenous Anglo-Saxon tradition, as evidenced by its presence in the twelfth-century Canterbury/Exeter pontifical. The Frankish rite for the reconciliation of excommunicants may have been known in England by the late eleventh century: that for the imposition of excommunication certainly was. London, British Library, MS Cotton Tiberius

⁷⁵ These include a copy of the 'Regularis Concordia' glossed in Old English, and twelve short homiletic pieces in Old English in a style very closely derived from that of Wulfstan. Donald Scragg, *Dating and Style in Old English Composite Homilies* (H. M. Chadwick Memorial Lectures 9, Cambridge 1999).

⁷⁶ On this manuscript see *Ker*, Catalogue (as in n. 27) no. 212, 278; *Gneuss*, Handlist (as in n. 27) no. 395, 72.

⁷⁷ Fols. 56^r–57^r. On this manuscript see now *Catherine Cubitt*, *Bishops, Priests and Penance in Late Saxon England*, in: *Early Medieval Europe* 14 (2006) 41–64.

C. i contains a copy of the 'Romano-German Pontifical' which was made in Germany in the mid-eleventh century but was in use at Sherborne by 1075⁷⁸; the portion of the pontifical written in the main (German) hand ends with the excommunication *formulae* and the rite for imposing excommunication, but finishes in the midst of the rite on the last line fol. 199^r⁷⁹. The rest of the text was erased, and a rite for vespers and matins *De resurrectione domini* added in a later Norman hand beginning on the first line of fol. 199^v; the text of the excommunication rite may, originally, have concluded with the reconciliation rite but it was not needed at Salisbury⁸⁰.

It is also worth pointing out that the evolution of such a ritual in Anglo-Saxon England provides a wider context for the Frankish text first found in Regino. Whether the English rite evolved at the same time as that in Lotharingia and east Frankia or independently, perhaps in the later tenth or early eleventh century, is not clear. The late ninth and tenth centuries were a time for innovation as well as consolidation in liturgico-legal practice. Liturgies are, of necessity, prescriptive texts. Whilst the inclusion of actual names in some excommunication *formulae* are evidence that they were used by frustrated churchmen, we have no way of knowing whether the rites outlined in the pontifical and episcopal handbooks discussed above were used to mark the conclusion of negotiations in dispute settlements between bishops and secular lords, or with local communities⁸¹. But the independent emergence in the tenth century of two very different rites in the English and Frankish kingdoms point to more than the relative isolation of Anglo-Saxon liturgical culture. They also demonstrate that the shared concern of Frankish and Anglo-Saxon bishops with both the defence of their authority through spiritual means, and with *correctio*; bishops in both the Frankish and Anglo-Saxon king-

⁷⁸ Neil R. Ker, Three Old English Texts in a Salisbury Pontifical, Cotton Tiberius C.i, in: The Anglo-Saxons. Studies in Some Aspects of Their History and Culture Presented to Bruce Dickinson, ed. Peter Clemoes (London 1959) 262–279. Gneuss, Handlist (as in n. 27) no. 376, 69.

⁷⁹ Fols. 196^r (l. 1)–199^r; edited as *ordines* XC, LXXXV, 1–6 (PRG, vol. 1, 315–317, 308–311). Ordo LXXXV ends abruptly on the last line of fol. 199^r: *Debent autem XII sacerdotes episcopum circumstare et lucernas ardentes in manibus tenere, quas in conclusione anathematis vel excommunicationis proiecere debent in terram et pedibus conculcare. Post haec episcopus plebi ipsam excommunicationem comuni...* Ker identified the scribe of fols. 196–199 as the main German scribe (1) and that of fol. 199^v, as by scribe 6: Three Old English Texts (as in n. 78) 263, 267. The only other copies of the PRG known to have been in England in the eleventh century omit all the excommunication rites: London, British Library, MS Cotton Vitellius E. XII, and Cambridge, Corpus Christi College, MS 163. For the close relationship between these last two manuscripts see: Michael Lapidge, Ealdred of York and MS. Cotton Vitellius E. XII, in: The Yorkshire Archaeological Journal 55 (1983) 11–25; *idem*, The Origin of CCC 163, in: Transactions of the Cambridge Bibliographical Society 8 (1981) 18–28.

⁸⁰ Fols. 196–199 represent the first four folios of quire 21: *ibid.* 263.

⁸¹ For example see the individuals listed in the excommunication formula in the 'Sens Pontifical': Spicilegium, ed. d'Achery (as in n. 10) vol. 3, 320f.; and the record of individuals excommunicated added to The Benedictional of Archbishop Robert, ed. Henry A. Wilson (Henry Bradshaw Society 24, London 1903) 166, in late eleventh-century Normandy after it had left England.

doms thus sought to make provision for the reconciliation of excommunicants, and give a reality to the *nisi* sub-clause found in the anathema clauses of so many early medieval charters.

Appendix 1: The Evidence of the Frankish Rite

Editions used:

Burchard of Worms, Decretum XI, 8 (*Migne PL* 140) cols. 860 f.

Gelasian: Liber Sacramentorum Romanae Ecclesiae Ordinis Anni Circuli: Sacramentarium Gelasianum, ed. *Leo C. Mohlberg* (*Rerum Ecclesiasticarum Documenta series maior fontes* 4, Rome 1968).

‘Hadrianum’: Le Sacramentaire grégorien. Ses principales formes d’après les plus anciens manuscrits, ed. *Jean Deshusses* (*Spicilegium Friburgense* 16, Fribourg 1971).

PRG: Le Pontifical Romano-Germanique du dixième siècle, ed. *Cyrille Vogel* and *Reinhard Elze*, 3 vols. (*Studi e Testi* 226, 227, 269, Vatican City 1963–1972) vol. 1, 317–321.

Pontifical romain du s. XII: Le pontifical romain du XIIe siècle, ed. *Michel Andrieu* (*Studi e testi* 86, Vatican City 1938).

Reginonis Prumiensis Libri duo de synodalibus causis et disciplinis ecclesiasticis, ed. *Friedrich W. H. Wasserschleben* (Leipzig 1840), revised and translated by *Wilfried Hartmann*, *Das Sendhandbuch des Regino von Prüm* (Ausgewählte Quellen zur deutschen Geschichte des Mittelalters 42, Darmstadt 2004) 446.

Regino, Libri duo II, 418

Qualiter episcopus reconciliet vel recipiat excommunicatum.

Cum aliquis excommunicatus vel anathematizatus poenitentia ductus veniam postulat et emendationem promittit, episcopus, qui eum excommunicavit, ante ianuas ecclesiae venire debet, et XII presbyteri cum eo, qui eum hinc inde circumstare debent, ubi etiam adesse debent illi, quibus iniuria vel damnum illatum est, et ibi secundum leges divinas et humanas oportet damnum commissum emendari, aut si iam emendatum est, eorum testimonio comprobari.

Romano-German Pontifical, Ordo XCI

Qualiter episcopus reconciliet vel recipiat excommunicatum.

Cum aliquis excommunicatus vel anathematizatus, poenitentia ductus, veniam postulat, et emendationem promittit, episcopus, qui eum excommunicavit, ante ianuas aecclesiae venire debet et XII presbyteri cum eo, qui eum hinc inde circumdare debent; ubi etiam adesse debent illi quibus iniuria vel damnum illatum est et ibi, secundum leges divinas et humanas, oportet damnum commissum emendari aut, si iam emendatum est, comprobari.

Burchard of Worms, Decretum XI, 8

Reconciliatio excommunicati (Ex eodem. i. e. Ex concilio Arausic., capite v).

Cum aliquis excommunicatus, vel anathematizatus, poenitentia ductus veniam postulat, et emendationem promittit, episcopus, qui eum excommunicavit, ante ianuas ecclesiae venire debet, et duodecim presbyteri cum eo, qui eum hinc inde circumstare debent. Ubi etiam adesse debent illi quibus iniuria vel damnum illatum est. Et ibi secundum leges divinas oportet damnum commissum emendari, aut si iam emendatum est, eorum testimonio comprobari.

Deinde interroget episcopus, si poenitentiam, iuxta quod canones praecipiant, pro perpetratis sceleribus suscipere velit; et si ille, terrae prostratus, veniam postulat, culpam confitetur, poenitentiam implorat, de futuris cautelam spondet, tunc episcopus, apprehensa manu eius dextra, eum in ecclesiam introducat, et ei communionem et societatem Christianam reddat.

Deinde interroget episcopus si penitentiam iuxta quod canones praecipiant pro perpetratis sceleribus suscipere velit. Et, si ille in terram prostratus veniam postulat, culpam confitetur, paenitentiam implorat, de futuris cautelam spondet, tunc episcopus, apprehensa manu eius dextra, eum in aecclesiam introducat et ei communionem et societatem christianam reddat.

Deinde interroget episcopus si poenitentiam iuxta quod canones praecipiant, pro perpetratis sceleribus suscipere velit. Et si ille terrae prostratus veniam postulat, culpam confitetur, poenitentiam implorat, de futuris cautelam spondet, tunc episcopus,

septem Psalmos decantet, cum istis precibus.

Kirie eleison. Pater noster.

Saluum fac servum tuum,

Deus meus sperantem in te.

Mitte ei, Domine, auxilium de sancto,

Et de Sion tuere eum.

Nihil proficiet inimicus in eo

Et Filius iniquitatis non etc.

Esto ei, Domine, turris fortitudinis,

A facie inimici.

Domine exaudi orationem meam,

Et clamor meus ad te veniat.

Dominus vobiscum.

Et cum spiritu tuo.

Oratio. Oremus.

Praesta quaesumus, Domine, huic famulo tuo dignum poenitentiae fructum ...

(Gelasian, no. 357; PRG, XCIX, 235)

Item alia.

Majestatem tuam quaesumus, Domine, sancte Pater

...

(Gelasian, no. 366; PRG, XCIX, 240)

Tunc episcopus, apprehensa manu ejus dextera, in ecclesiam eum introducat, et ei communionem et societatem Christianam reddat, et hanc orationem dicat:

Post haec secundum modum culpa poenitentiam ei iniungat, et literas per parochiam dirigat, ut omnes noverint, eum in societate Christiana receptum. Aliis etiam episcopis hoc notum faciat. Nullus autem episcopus alterius parochianum excommunicare vel reconciliare praesumat, sine conscientia vel consensu proprii episcopi.

Post hoc secundum modum culpa poenitentiam ei iniungat et literas per parochiam dirigat, ut omnes noverint, eum in societate christiana receptum. Aliis etiam episcopis hoc notum faciat. Nullus autem episcopus alterius parochianum excommunicare vel reconciliare presumat sine conscientia vel consensu proprii episcopi.

Absolutio excommunicatorum.

Primitus dicat episcopus hos psalmos:

Domine ne in furore tuo II totum (37).

Miserere mei Deus, usque, omnes iniquitates meas dele (50.1–11).

Deus in nomine tuo salvum (53).

Benedic anima mea domino, usque, renovabitur ut aquilae iuventus tua (102.1–5).

Sequitur.

Pater noster qui es in caelis.

Oratio. Preces.

Ego dixi: Domine miserere mei.

Exaudi me, domine, quoniam benigna est misericordia tua.

Salvum fac servum tuum, domine (PRG XCIX, 229).

Convertere, domine, usquequo.

Illustra, faciem tuam super servum tuum (PRG XCIX, 229).

Deus misericors, Deus clemens, qui secundum multitudinem miserationum tuarum peccata poenitentium deles ...

(similar beginning to PRG XCIX, 239, although the body of the prayer is different; similar to a combination of Gelasian, nos. 364 and 367)

Post haec secundum modum culpa poenitentiam ei injungat, et litteras per parochiam dirigat, ut omnes noverint, eum in societate Christiana receptum. Aliis etiam episcopis hoc notum faciat. Nullus autem episcopus alterius parochianum excommunicare vel reconciliare praesumat sine conscientia vel consensu proprii episcopi.

Exaudiat te dominus in die
 tribulationis.
 Mittat tibi domini auxilium
 de sancto (PRG XCIX, 229).
 Tribuat tibi dominus secun-
 dum cor tuum.
 Dominus custodiat introi-
 tum et exitum tuum.
 Domine exaudi orationem
 (PRG XCIX, 229).
 Ad te levavi oculos meos.
 Sequitur oratio.
 Maiestatem tuam.
 (Only the incipit is given;
 possibly Gelasian, nos. 365
 or 366; PRG XCIX, 240)
 Deus inmensae clementiae et
 inestimabilis indulgentiae,
 qui humanae fragilitatis lap-
 sum ...
 Praesta, quaesumus, domine
 huic famulo tuo N. dignum
 penitentiae fructum ... (Ge-
 lasian, no. 357; PRG XCIX,
 235)
 Deus qui peccantium ani-
 mas ... (Hadrianum, no.
 861.)
 Deus cui proprium ... (Ha-
 drianum, no. 851.)
 Omnipotens sempiterne
 Deus misericordiam tuam ...
 (Hadrianum, no. 720)
 Omnipotens sempiterne
 Deus, humani generis benig-
 nissime conditor ... (Gela-
 sian, no. 358)
 Absolutio pluralis.
 Fratres Ill. absolutionem et
 remissionem peccatorum ve-
 strorum, per invocationem
 sacraei nominis Dei et per
 ministerium nostrum, perci-
 pere mereamini hic et in
 aeternum. Et R. Amen.
 (Pontifical romain du s. XII,
 XXX A.25, p. 219)
 Deinde sequentur benedic-
 tiones.
 Benedic, domine hos peni-
 tentes ...
 Prostratos alleva ...

Dele ab eis omnem peccati
 maculam ...
 Quod ipse praestare ...
 Hic aspergat eos aqua bene-
 dicta, addens odorem in-
 censi.
 Et postea dicat: Exurge qui
 dormis, exurge a mortuis et
 illuminabit te Christus.
 (PRG XCIX, 251)

Appendix 2: The Evidence of the Anglo-Saxon Rite

(All the printed transcriptions have been checked against the manuscripts; in some cases my transcription departs from that of the printed edition).

(1) Cambridge, Corpus Christi College Ms 265, pp. 213 (l. 23)–215 (l. 17), ed. *Hans Sauer*, *Die Exkommunikationsriten aus Wulfstans Handbuch und Liebermanns Gesetze*, in: *Bright is the Ring of Words. Fs. für Horst Weinstock zum 65. Geburtstag*, ed. *Clausdirk Pollner, Helmut Rohlfing, Frank-Rutger Hausmann* (Abhandlungen zur Sprache und Literatur 85, Bonn 1996) 283–307, at 293f.

DE HIS QUI POST EXCOMUNICATIONEM CUM LUCTU PENITENTIE AD RECONCILIATIONEM VENIUNT.

Placuit uniuerso senatui ut hi qui excommunicati ad emendationem ueniunt et indulgentie ueniam petu/n\nt, ac corde conpuncto penitentiae subdantur, et cum intercessoribus ad cimiterii portam perueniunt maneat illic discalciati laneisque induti, quousque eorum interuentoires promoueant episcopum, qu/o\ecumque modo potuerint. Tardante autem episcopo, bis aut ter, uel sepius suos inuentores ad illum mittant flebiliter ueniam rogant/es\ . Procedente ad ultimum episcopo ante portam se prosternant, et super illos tunc dicat uiu. penitentiae psalmos cum precibus ceteris. Hac expleta oratione sequantur episcopum ad ostium aeclesiae, et singulos illos per manum tunc inducat, psalmum canens, Miserere mei, deus. Prosternantur que in pauimento aeclesie. Et post hec absoluat eos uice sancti petri apostoli, cui dixit dominus ‘Quodcumque ligaueris super terram’, et reliqua. His ita peractis progrediantur exterius et induant se uestimentis suis optimis, et reuertentes ad episcopum pet/a\nt benedictionem, dataque benedictione panem quoque accipiant benedictum edentes coram episcopo uel cum episcopo more penitentis filii substantia luxuriose deuorata, cui adgaudebat pater eius dicens: Adducite uitulum saginatum et occidite et manducemus et epulemur, quia filius meus mortuus fuerat et reuixit. Hisque peractis incipiat cantor ANTIPHONAM: Dedit pater penitenti filio stolam primam pariter et anulum (manui) et calciamenta illi tribuens celebrauit magnum conuiuuium, habemus stolam primam in lauacrum et anulum fidei signaculum. Hacque finita dicat presul: Saluum/os\ fac seruum/os\

tuum/os\ . Mitte ei/os\ domine. Esto ei/os\ domine. Dominus uobiscum. Et cum sp(irit)u tuo. ABSOLUTIO PENITENTIIUM. Absoluimus uos/te\ uice beati petri, apostolorum principis, cui dominus potestatem ligandi atque soluendi dedit, et quantum ad uos/te\ pertinet accusatio et ad nos remissio sit deus omnipotens uobis/tibi\ uita et salus et omnibus peccatis uestris/tuis\ indultor /o\ . Et qui uobis/tibi\ compunctionem cordis dedit det ueniam peccatorum, longeuamque uobis/tibi\ atque felicem uitam in hoc seculo largiatur et in futuro cum Christo et omnibus sanctis eius sine fine manentem, per eundem saluatorem nostrum qui uiuit et regnat in saecula, Amen. Hisque peractis unusquisque redeat ad propria.

(2) London, British Library, Ms Cotton Vespasian D. xv, fols. 57^v (l. 10)–fol. 61^r (l. 9), transcribed: Pontifical of Magdalen College, ed. *Henry A. Wilson* (Henry Bradshaw Society 39, London 1910) 237f.

Incipit de his qui post excommunicationem cum luctu paenitentiae ad reconciliationem ueniunt.

*Placuit uniuerso senatui ut hi qui excommunicati ad emendationem ueniunt, et indulgentiae ueniam petunt ac corde compuncto penitentiae subdantur et cum intercessoribus ad portam cimiterii quandoque perueniunt, maneant illic dicalciati laneisque induti quosque eorum interuentoresh promoueant episcopum quocumque modo potuerint. Tardante autem episcopo bis aut ter uel sepius aliquando suos interuentoresh ad illum mittant flebiliter ueniam rogantes. Procedente adultimum episcopo ante portam excommunicati se prosternant, et super illos dicat episcopus vii penitenciales psalmos cum his precibus: Kyrie eleison. Christe eleison. Kyrie. Pater noster. Et ne nos. Pecca/uimus⁸² cum patribus nostris. Domine non secundum peccata nostra. Domine ne memineris. Adiuua nos deus. Non nobis domine non nobis. Reminiscere miserationum tuarum domine. Saluum/os\ fac seruum/os\ tuum/os\ . Non intres in iudicium cum seruis/o\ tuis/o\ domine. Mitte eis domine auxilium. Esto eis domine turris fortitudinem. Exurge. Absolve quaesumus domine tuorum/i\ delicta famulorum/i\ et a peccatorum suorum nexibus que per sua fragilitate contraxerunt/it\ tua benignitate liberentur/retur\ . Per. *Completa autem oratione sequantur episcopum ad hostium aecclisiae episcopo incipiente*, Cor mundum crea in me deus, *et choro prosequente* Ps(almus), Miserere mei deus, *et ibi accepta disciplina singulas inducat episcopus in aecclisiam* Ps(almus) *supradictum canens. Tunc prosternantur in pavimento aecclisiae et absoluat eos episcopus dicens.* Absoluimus uos /te\ uice beati petri apostolorum principis cui dominus potestatem ligandi atque soluendi dedit et quantum ad uos/te\ pertinet accusatio et ad nos remissio sit uobis/tibi\ deus omnipotens uita et salus et omnium peccatorum uestrorum/tuorum\ pius indultor. Et qui uobis/tibi\ compunctionem cordis dedit det ueniam omnium delictorum morumque emendationem et in bonis operibus perseuerantiam ut ad uitam perueniatis/at\ sempiternam prestante domino nostro iesu christo qui uiuit.*

⁸² The word *d(omi)ne* is written in the margin at the beginning of this line.

Deus innocentiae restitutor et amator qui non uis mortem peccatoris sed ut conuertatur et uiuat quique beato petro apostolo pontificium ligandi atque soluendi tradidisti quique nos indignissimos tui operis ministros esse uoluisti adesto officiis oris nostri et quia sine tuae pietatis auxilio frustrantur humanae officia seruitutis uincula quesumus peccatorum horum/uius\ famulorum/i\ tuorum/tui\ absolue et preteritorum criminum reatum dimitte quatinus omni grauedine peccatorum exonerati/us\ et aecclesiae seruicio mancipati/us\ ab antiqui insidiatoris laqueis euulsi/us et angelorum custodiis deputati/us\ perseuerantia que conuersionis decorati ad caelestia regna peruenire mereantur. Per.

His per actis egrediantur et induant se uestimentis suis et reuertentes ad episcopum petant benedictionem dataque benedictione panem quoque benedictum ab eo accipiant edentes coram episcopo uel cum eo more poenitentis filii substantia luxuriose deuorata cui ad gaudebat pater eius dicens, Adducite uitulum saginatum et occidete et manducemus et epulemus. Quibus peractis incipit cantor:

An(tiphon): Dedit pater poenitenti. Gloria patri. Kyri eleison. Pater noster. Saluos fac et reliqua. *Et his ita gestis accepta benedictione episcopali reuertantur ad propria.*

(3) Oxford, Bodleian Library, MS Barlow 37, fols. 41^r (ll. 30f.)–41^v (l. 20), ed. *Sauer*, *Die Exkommunikationsriten*, 293 f.

De his qui post excommunicationem cum luctu penitentiae ad reconciliationem ueniunt.

Placuit uniuerso senatui, ut hii qui excommunicati ademendationem ueniunt, et indulgentiae ueniam petunt ac corde compuncto penitentiae subduntur, et cum intercessoribus ad portam cimiterii perueniunt, maneat illic discalciati laneisque induti, maneat ibi quosque eorum interuentoires promoueant episcopum quocumque modo potuerint. Tardante autem episcopo bis aut ter uel sepius aliqu(em) suos interuentoires ad illum mittant flebiliter ueniant rogantes. Procedente adultimum episcopo ante portam seprosternant et super illos tunc dicat episcopus vii penitentiae psalmos cum precibus ceteris. Hac expleta oratione, sequantur episcopum ad ostium ecclesiae et singulos illos per manum tunc inducat psalmum canens, *Miserere mei deus, prosternanturque in pauimento ecclesiae*. Et post hec absoluat eos uice sancti petri apostoli cui deus dixit, *‘Quodcumque ligaueris super terram et caelem’*. His peractis progrediantur exterius et induant se uestimentis suis optimis et reuertentes ad episcopum petant benedictionem panem quoque accipi/a\unt benedictum edentes coram episcopo uel cum episcopo more penitentis filii substantia luxuriose deuorata cui ad gaudebat pater eius dicens, *Adducite uitulum saginatum et occidite et manducemus et epulemur, quia filius meus mortuus fuerat et reuixit*. Hisque peractis incipiat cantor: *Dedit pater penitenti filio. Gloria patri. Kiri eleison. Pater noster. Saluos fac. Et Israel. Et his ita rite gestis accepta benedictione episcopale disiungant se singuli remeantes cum pace ad propria.*