



Innovation and Experimentation in Late Seventh-Century Law: the Case of Theodore, Hlothhere, Wihtræd and Ine

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ABSTRACT

The late seventh century was a particularly active period of legal writing in the Anglo-Saxon kingdoms: three royal decrees, two church council decrees and a number of royal diplomas have survived. This article aims to show that this unusual period was characterised by innovation and experimentation. A key part of the argument is that the form of Anglo-Saxon royal laws changed from the early to the late seventh century due to influence from the form of church council decrees. Other external influences on royal law are also detected. The article introduces the closely connected group of kings and ecclesiastics who were involved in law-making and it places Anglo-Saxon legal production in a wider context of legal learning, by looking at the kinds of legal texts that were known, studied and used in Anglo-Saxon England and especially by this period's many travellers and expats.

A lot happened in the final three decades of the seventh century in the Anglo-Saxon kingdoms. Archbishop Theodore arrived in Canterbury from Rome, bringing church reform and advanced education. Wilfrid, abbot and bishop, roamed Northumbria, Wessex, Mercia, Kent and the continent, navigating allegiances and quarrels with kings. Aldhelm balanced life as a scholar, abbot and political player from his base in Malmesbury. Kentish and West Saxon kings were fighting to expand and consolidate their territories, while also lavishing monasteries with land and privileges. This is the main cast involved in an exceptional moment in the history of law and writing in England: the 670s to 690s produced no less than five surviving pieces of legislation, a higher number than almost any other equivalent period before the Norman conquest. Kings Hlothhere, Eadric, Wihtræd and Ine produced decrees of royal law,¹ while Theodore was behind the decrees of two church councils.²

¹ Text and translation of the laws of Hlothhere & Eadric and Wihtræd are from L. Oliver, *The Beginnings of English Law* (Toronto, 2002), using this edition's chapter numbers, with references in brackets to chapter numbers in F. Liebermann, *Die Gesetze der Angelsachsen*, 3 vols. (Halle, 1903–16). The laws of Ine will be cited from Liebermann, *Gesetze* I, 88–123; the text is translated in *English Historical Documents c. 500–1042*, ed. D. Whitelock, Eng. Hist. Documents 1, 2nd

The late seventh-century royal laws of Wessex and Kent have not been neglected by historians. They have attracted attention, in part, because they are so different in form, language and textual expression from the earliest written laws produced in England, those attributed to King Æthelberht of Kent (d. ?616).³ The style of Æthelberht's enigmatic laws is probably a result of the text's genesis: it seems to be a record of oral law, remembered and recited before it was recorded, probably after Roman missionaries arrived in Kent in 597.⁴ Two generations later, laws look different in content, structure and style, with Æthelberht's evocative prose replaced by *Hlothhere's* legalese. The traditional view – of which more later – takes these textual differences to be a result and expression of internal changes in the Anglo-Saxon legal and judicial system over the course of the seventh century.

I want to suggest a different explanation, namely that the royal laws took on this new form and style through influence from church council decrees.⁵ In this article, I propose that the arrival of Theodore and Hadrian to Canterbury around 670 and the subsequent start of an English tradition of recording church council decrees was crucial both in causing the burst of royal legislation in the 680s and 690s and in shaping the new form these laws took. But other texts and traditions may have spurred on and inspired English legislation too; for instance, Ine's laws show many points of similarity with Frankish law. The same is the case for royal diplomas, the production of which kicked off at this time. I will suggest that the late seventh century was a period of experimentation and of openness to external influences.

Explaining the seventh-century textual changes in this way has the advantage of not isolating the royal laws from their wider context. Furthermore, based on what we know about the 670s to 700 in Anglo-Saxon England, it seems unlikely that royal law-texts would have occupied their own sphere, untouched by broader

ed. (London, 1979) [hereafter *EHD*], no. 32 (pp. 398–407). A new edition and translation is available in L. Oliver and S. Jurasinski, *The Laws of Alfred: the Domboc and the Making of Anglo-Saxon Law* (Cambridge, 2021). The following abbreviations will be used throughout: Abt = Æthelberht's laws, Hl = Hlothhere & Eadric's laws, Ine = Ine's laws, Wi = Wihtræd's laws.

² The church councils were recorded by Bede; see *Bede's Ecclesiastical History of the English People*, ed. and trans. B. Colgrave and R. A. B. Mynors (Oxford, 1969) [hereafter *HE*, cited by book and chapter], with Hertford (672) in IV.5 (pp. 348–55) and Hatfield (679) in IV.17–18 (pp. 384–91).

³ For text, translation and commentary to Abt, see Oliver, *Beginnings*, pp. 52–116.

⁴ On the potential oral past of Æthelberht's laws, see Oliver, *Beginnings*, pp. 34–5; P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, I: *Legislation and its Limits* (Oxford, 1999) [hereafter *MEL*], pp. 95–6; T. Lambert, *Law and Order in Anglo-Saxon England* (Oxford, 2017), pp. 27–62. The surviving text was copied in the twelfth century (see below, n. 9), but the text is believed to date to the seventh century; see, e.g., Oliver, *Beginnings*, pp. 25–32 and C. Hough, 'The Earliest English Texts? The Language of the Kentish Laws Reconsidered', *Textus Roffensis: Law, Language, and Libraries in Early Medieval England*, ed. B. O'Brien and B. Bombi, Stud. in the Early Middle Ages 30 (Turnhout, 2015), 137–53.

⁵ A similar suggestion was raised in passing in Oliver and Jurasinski, *The Laws of Alfred*, pp. 49, 52; they suggest that *Wihtræd* and *Ine* consist of secular judgments attached to synodal decrees.

intellectual, textual and legislative developments. Each section of this article will make this case in different ways. Section I brings together what we know about the people involved in secular and ecclesiastical law-writing, emphasising that they were well-connected both in England and abroad and that the people behind the royal laws were also authors of canon law, scholars with knowledge of other legal traditions and participants in charter production. This forms the context for Section II, which shows that the late seventh-century royal and ecclesiastical legal texts did not just emerge out of the same circles but that they also have formal and linguistic features in common. I argue that these arose because the royal laws were modelled on the genre of church council decrees. The personal connections set out in Section I offer a plausible scenario for such cross-fertilization as well as for the other external influences found in the laws of Ine and in royal diplomas. The section concludes that these twenty or so years represent a particular moment of innovation, experimentation and interest in law and writing. Section III places this moment within a broader context of legal knowledge and legal study. It sets out the potential ways in which Roman law, canon law and the local laws of the Franks, Irish and Lombards may have been studied or brought to England, arguing that this knowledge contributed the inspiration and ability to write law in new and different ways. It will become clear that the Anglo-Saxon royal laws – just like other textual genres in this period – were not as home-grown as they are often presented.

SECTION I: THE PEOPLE

The second oldest law text from an Anglo-Saxon kingdom survives as a joint statement by the Kentish kings Hlothhere (d. 685) and Eadric (d. 686/7). They seem an unlikely pair for joint law-making: in 685, Hlothhere was killed in battle when his nephew Eadric made a violent grab for the Kentish throne. They may have had a period as co-rulers before this point, as suggested by the laws, though the evidence is inconclusive.⁶ In any case, Eadric must surely have been eager to secure the kingship for himself, given that he (and his brother Wihtræd) had been passed over for succession in favour of Hlothhere at the death of their father Ecgberht in 673.⁷ But Eadric's rule was short-lived: he died after a year and a half.⁸

Whether the laws which survive in their names should be dated to before Hlothhere's death or before Eadric's is uncertain. The fact that *Hlothhere & Eadric*

⁶ Liebermann presented the arguments against seeing them as co-rulers (*Gesetze* III, 18); for arguments to the contrary, see e.g. B. Yorke, *Kings and Kingdoms of Early Anglo-Saxon England* (London, 1997), p. 32.

⁷ Oliver, *Beginnings*, pp. 117–20; Yorke, *Kings and Kingdoms*, pp. 29–30.

⁸ For Eadric's death, see Yorke, *Kings and Kingdoms*, p. 30, and *Charters of St Augustine's Abbey, Canterbury, and Minster-in-Thanet*, ed. S. E. Kelly, AS Charters 4 (Oxford, 1995), 195–6.

only survives in one twelfth-century manuscript – alongside *Æthelberht* and *Wihtræd* – makes its textual history hard to reconstruct.⁹ Therefore, all we can say is that the surviving text is either a result of joint issuing or of Eadric ratifying his uncle's laws after his death.¹⁰ The prologue to the text may be original (if issued jointly) or added/modified slightly later (if ratification by Eadric). In either case, the text is the earliest of the late seventh-century royal laws, dating to the first half of the 680s or slightly earlier.¹¹ What we can date with more certainty is the oldest surviving certainly authentic English royal diploma, issued in the name of Hlothhere in 679.¹² This charter concerns a grant of land at Reculver in Kent to Abbot Berhtwald (later Archbishop of Canterbury and lawmaker), made with the agreement of Eadric and Archbishop Theodore. In fact, it has been argued that royal diplomas as a legal instrument were only introduced to England with Theodore's arrival a decade before and that this charter may be, if not *the* first charter, one of

⁹ The manuscript is *Textus Roffensis* (Strood, Medway Archive and Local Studies Centre, MS DRc/R1; Rochester, s. xii¹); see N. Ker, *Catalogue of Manuscripts Containing Anglo-Saxon* (Oxford, 1957), no. 373 (pp. 443–7). For issues relating to the Kentish laws and *Textus*, see Oliver, *Beginnings*, pp. 20–5; P. Wormald, 'Laga Eadwardi: the *Textus Roffensis* and its Context', in his *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience* (London, 1999), pp. 115–39; and the various essays in C. Hough, "*An Ald Reht*": *Essays on Anglo-Saxon Law* (Newcastle, 2014). Oliver's *The Beginnings of English Law* argued that the language of the Kentish laws as preserved in *Textus* is close to the original; however, she did observe that there are fewer 'archaic' features in the language of HI (pp. 120–1).

¹⁰ See e.g. Oliver, *Beginnings*, p. 120. Liebermann (*Gesetze* III, 18) dated the content of HI to 673–86 and suggested that the text as it stands was made or confirmed 685–6.

¹¹ As Liebermann pointed out, it is unlikely to be a later forgery, given the relatively obscurity of these kings after their deaths; *Gesetze* III, 16. Note, however, Hough, who argued that the text may have been issued piecemeal, though the argument for this appears rather thin; 'Numbers in Manuscripts of Anglo-Saxon Law', in her "*An Ald Reht*": *Essays on Anglo-Saxon Law* (Newcastle, 2014), pp. 251–271 at 263. It is possible that there were further laws issued in seventh-century England, now lost; there is no evidence either way.

¹² S 8 (*CantCC* 2). Charters are cited by their number in P. H. Sawyer, *Anglo-Saxon Charters: an Annotated List and Bibliography* (London, 1968), in its revised form available online as the 'Electronic Sawyer' (www.esawyer.org.uk), abbreviated S + number. Where possible, texts are cited from the editions published in the multi-volume British Academy series: *Charters of Barking Abbey and Waltham Holy Cross*, ed. S. E. Kelly, AS Charters 20 (Oxford, 2021), *Charters of Chertsey Abbey*, ed. S. E. Kelly, AS Charters 19 (Oxford, 2015), *Charters of Christ Church, Canterbury*, ed. N. Brooks and S. E. Kelly, 2 pts, AS Charters 17–18 (Oxford, 2013), *Charters of Glastonbury Abbey*, ed. S. E. Kelly, AS Charters 15 (Oxford, 2012), *Charters of Malmesbury Abbey*, ed. S. E. Kelly, AS Charters 11 (Oxford, 2005), *Charters of St Paul's, London*, ed. S. E. Kelly, AS Charters 10 (Oxford, 2004), *Charters of Abingdon Abbey, Part 1*, ed. S. E. Kelly, AS Charters 7 (Oxford, 2000), *Charters of Selsey*, ed. S. E. Kelly, AS Charters 6 (Oxford, 1998), *Charters of Shaftesbury Abbey*, ed. S. E. Kelly, AS Charters 5 (Oxford, 1995), and *Charters of St Augustine's Abbey, Canterbury, and Minster-in-Thanel*, ed. S. E. Kelly, AS Charters 4 (Oxford, 1995), pp. 195–6, using abbreviations for the archive (*Bark*, *Chert*, *CantCC*, *Glast*, *Malm*, *LondStP*, *Abing*, *Sel*, *Shaft*, *CantStA*), with number. Texts of charters not yet covered by the new edition are cited from earlier editions: W. de G. Birch, *Cartularium Saxonicum*, 3 vols. (London, 1883–94), abbreviated BCS with number.

the first charters ever written in an Anglo-Saxon kingdom.¹³ Hlothhere is also mentioned in another textual output of the year 679, namely the decrees of Theodore's Council of Hatfield. His name appears only in the dating clause, meaning that he was not necessarily present at the meeting itself.¹⁴

After Eadric's death, more trouble was in store for the family. His brother Wihtræd didn't succeed to the throne until 690 or 691, because Kent was invaded and ruled by a series of foreigners, including Mul (a West Saxon royal), Oswine (backed by the Mercian king) and Swæfheard (an East Saxon royal), who ruled alongside Wihtræd for a while.¹⁵ But from *c.* 694, Wihtræd appears to be the only ruler,¹⁶ and shortly thereafter, in 695, he issued his laws, made at a council held with Archbishop Berhtwald of Canterbury and others. Wihtræd's laws complete what was essentially a family project: the late seventh-century Kentish laws were produced by an uncle (Hlothhere) and his two nephews (Eadric and Wihtræd).

There are connections to our fourth lawmaker too, namely Ine, King of the West Saxons (r. 688–726). The invader Mul was the brother of Ine's predecessor, King Caedwalla (r. 685–8). Mul was killed in 687 at the hands of the Kentish people, and in 694, Ine received a payment from Wihtræd and the people of Kent as compensation for his murder.¹⁷ Additionally, despite subsequent tensions between the two kingdoms, both Wihtræd and Ine held on to their thrones for a long time: Wihtræd until his death in 725, and Ine until he abdicated to go to Rome in 726, where he died shortly thereafter.¹⁸ Like Wihtræd, Ine also appears to have issued laws at the start of his long reign: his laws are traditionally dated to between 688 and 693, when the king and both bishops mentioned in its preface, Hædde and Earconwald, were alive and in office.

There is another story to tell from the late seventh century, closely intertwined with this royal narrative. It concerns the church, its clergy and its laws. The most important person for our purposes is Archbishop Theodore, who arrived in Canterbury in 669, having been consecrated in 668 by Pope Vitalian in Rome.¹⁹ The abbot Hadrian was the pope's initial choice for a replacement of the

¹³ For S 8 and its dating, see S. Kelly, 'Reculver Minster and its Early Charters', *Myth, Rulership, Church and Charters*, ed. J. Barrow and A. Wareham (London, 2008), pp. 67–82, at pp. 74–6.

¹⁴ C. Cubitt, *Anglo-Saxon Church Councils c. 650–c. 850* (London, 1995), pp. 254–5 for a discussion of the dating clause in the Hatfield decrees.

¹⁵ Yorke, *Kings and Kingdoms*, p. 30.

¹⁶ Yorke, *Kings and Kingdoms*, p. 30.

¹⁷ S. Keynes, 'England, 700–900', *The New Cambridge Medieval History*, II: *c.* 700–*c.* 900, ed. R. McKitterick (Cambridge, 1995), 18–42, at 25.

¹⁸ Tensions are apparent in a letter sent by Bishop Wealdhere of London to Archbishop Berhtwald in 704; *EHD*, no 164 (pp. 792–3). See also Keynes, 'England, 700–900', p. 26.

¹⁹ For Theodore's life, see M. Lapidge, 'The Career of Archbishop Theodore', *Archbishop Theodore: Commemorative Studies on his Life and Influence*, ed. M. Lapidge (Cambridge, 1995), pp. 1–29; 'The School of Theodore and Hadrian', *ASE* 15 (1986), 45–72.

archbishop-elect, Wigheard, who died of the plague in Rome. Hadrian turned down the offer but followed as Theodore's associate the year after, becoming abbot of St Peter and St Paul in Canterbury.²⁰

Among Theodore's many achievements in England was the strengthening of Canterbury's authority.²¹ With more vacant than occupied sees in England, the situation was ripe for renewal when Theodore arrived.²² With royal backing, he filled these sees and, in the process, strengthened Canterbury's position.²³ These efforts were partly intended to regularize the English church and bring it into line with the rest of the organisation.²⁴ Further efforts are clear from the church councils convoked by Theodore: at Hertford in 672²⁵ attendees discussed matters of organization and discipline, while the council of Hatfield in 679 sought to confirm the orthodoxy of the English church. These assemblies produced the earliest written Anglo-Saxon council decrees, which will be discussed in depth in Section II. As mentioned, Theodore has also been linked to the introduction of another significant textual output of the late seventh century, namely royal diplomas.²⁶ Yet, Theodore's main achievement in modern eyes is perhaps the school he ran with Hadrian at Canterbury. The subjects taught there included canon law and Roman law as well as grammar, patristic texts, scripture, Greek, metre, astronomy, computation and more.

Such achievements on the part of Theodore and Hadrian are perhaps unsurprising: both were well-connected, learned and somewhat significant political and ecclesiastical players. Hadrian, originally from North Africa (perhaps Libya), was at the time of the start of our story a monk near Naples, seemingly an advisor to the pope in Rome and perhaps also to the Byzantine emperor.²⁷ Both he and Theodore, originally from Tarsus in modern-day southern Turkey, may have fled

²⁰ For Hadrian's life, see B. Bischoff and M. Lapidge, *Biblical Commentaries from the Canterbury School of Theodore and Hadrian* (Cambridge, 1995), pp. 82–132.

²¹ For Theodore's career, see A. Thacker, 'Gallic or Greek? Archbishops in England from Theodore to Ecgberht', *Frankland: the Franks and the World of the Early Middle Ages*, ed. D. Ganz and P. Fouracre (Manchester, 2008), pp. 44–69, e.g. at 55–64; N. Brooks, *The Early History of the Church of Canterbury: Christ Church from 597 to 1066* (Leicester, 1984), pp. 74–5.

²² Canterbury had been vacant since 664, York was occupied by the uncanonically consecrated Caedda [Chad]. There were no bishops in Mercia, Wessex, East Anglia or Rochester; Brooks, *Early History*, p. 71.

²³ Thacker, 'Gallic or Greek?', pp. 56–7.

²⁴ Brooks, *Early History*, pp. 71–6 for more on Theodore's reforms.

²⁵ There are some problems in dating this council, though Cubitt has argued persuasively for 672 over 673; see Cubitt, *Church Councils*, pp. 249, 256.

²⁶ For example, B. Snook, 'Who Introduced Charters into England? The Case for Theodore and Hadrian', *Textus Roffensis*, ed. Bombi and O'Brien, pp. 257–89.

²⁷ Bischoff and Lapidge, *Biblical Commentaries*, pp. 123–4. The case for suspecting that Hadrian may have known the Byzantine Emperor is set out in Bischoff and Lapidge, *Biblical Commentaries*, pp. 129–30.

from disruptions caused by Arab conquests, and, in any case, both ended up as monks in Italy around the 640s and 650s until their English appointments came along.²⁸ Their journeys to England demonstrate their many connections to the wider church and to politics. Theodore (and his English travelling companion Benedict Biscop) stayed with Agilbert, Bishop of Paris and former bishop of Wessex, who we will encounter again below. Before crossing the Channel, they were met by an emissary of Ecgbert king of Kent, brother of Hlothhere and father of Eadric and Wihtræd.²⁹ It is also said that he received permission to travel from the Merovingian Mayor of the Palace, Ebroin. The same Ebroin held Hadrian back in Francia, suspecting the abbot to be on a mission for the Byzantine emperor. Hadrian then spent two years on the continent, staying with the bishops of Sens and Meaux.³⁰

Theodore's successor, Berhtwald, may not have been as well-connected as his predecessor, though the start of his time in office shows that there were still close ties between English churchmen and the continent. He was consecrated by the Archbishop of Lyon in 693, before travelling to Rome to receive the pallium from the pope.³¹ A few years into his reign he participated in, perhaps convened, a council which produced the text we know as Wihtræd's laws.

The two bishops named as advisors in Ine's law-code, Bishop Hædde of Winchester and Bishop Earconwald of London, were in a similar situation. Both appear to be English, like most other bishops consecrated by Theodore in the 670s.³² However, Earconwald's family may have had Frankish connections, and his monastery at Barking, founded with his sister Æthelburh, looks to have been inspired by Frankish houses.³³ He may have made at least one journey to Rome.³⁴ Hædde, for his part, will have had strong Frankish ties through his institution: he was the successor to a long line of Frankish bishops of Wessex, which included the first ever bishop of that kingdom, Birinus, as well as Agilbert and his nephew Leuthere. Hædde honoured this heritage when he translated Birinus's body from Dorchester-on-Thames to

²⁸ For Theodore and the Arab conquests, see Lapidge, 'The Career of Theodore', pp. 8–10 and *Biblical Commentaries*, pp. 37–41; for Hadrian, see *Biblical Commentaries*, pp. 90–2.

²⁹ *HE* IV.1 (pp. 329–33).

³⁰ *HE* IV.1 (pp. 332–3).

³¹ *HE* V.8 (pp. 474–7); Brooks, *Early History*, pp. 76–80.

³² For a list of bishops consecrated at this time, see C. Platts, 'Bede, Bishops and Bisi of East Anglia: Questions of Chronology and Episcopal Consecration in the *Historia Ecclesiastica gentis Anglorum*', *ASE* 49 (2020), 7–41, at 11–13.

³³ I. Wood, 'The Continental Connections of Anglo-Saxon Courts from Æthelberht to Offa', *SettSpol* 58 (2011), 443–80, at 469–70; 'Ripon, Francia and the Franks Casket in the Early Middle Ages', *NH* 26 (1990), 1–19.

³⁴ For Earconwald's journey to Rome, see S 1246 (*Bark* 2), see also Kelly, *Charters of Chertsey Abbey*, pp. 4, 119.

Winchester.³⁵ Hædde and Earconwald's continental connections may account for some of the external influences we can detect in the laws of Ine and some of the features of the royal diplomas they may have produced.³⁶

Our next two cast members are not explicitly associated with any written legislation, though both were part of the social, political and intellectual network I have been setting out. Aldhelm, abbot of Malmesbury and later bishop of Sherborne, is best known for his extensive and complex Latin prose and poetry. But he was also a political player, a close associate of kings Caedwalla and Ine of Wessex and the Northumbrian king Aldfrith, and possibly himself part of the West-Saxon royal family.³⁷ The involvement in royal affairs of this 'well-connected prince-bishop'³⁸ is clear for instance from the charter evidence, where Aldhelm's name appears not just as beneficiary but also as witness, policy advisor and perhaps even scribe.³⁹ He is, for instance, given prominence as advisor in a charter of Ine's granting freedom from taxation for the West-Saxon Church.⁴⁰ He seems to have travelled to Rome to obtain privileges for his monastery at Malmesbury from Pope Sergius I, perhaps while accompanying King Caedwalla who abdicated to Rome in 688.⁴¹ His connection to other churchmen is also clear. He was a student at Theodore and Hadrian's school – where he appears to have studied Roman law – and he may have had connections to Iona, a major centre for learning. A surviving letter suggests that he may have been present at the council of Hertford in 672 alongside Theodore.⁴² He witnessed charters alongside Berhtwald, Hædde, Earconwald and Wilfrid and corresponded with Hadrian and Leuthere.⁴³ Aldhelm, therefore, had close connections to both our

³⁵ *HE* III.7 (pp. 232–3).

³⁶ For the charter evidence, see P. Wormald, 'Bede and the Conversion of England: the Charter Evidence' in his *The Times of Bede, 625–865: Studies in Early English Christian Society and its Historian*, ed. S. Baxter (Oxford, 2006), pp. 135–66 at 142–3; H. Edwards, *The Charters of the Early West Saxon Kingdom* (Oxford, 1988), p. 12.

³⁷ For Aldhelm's life, see M. Lapidge, 'The Career of Aldhelm', *ASE* 36 (2007), 15–69.

³⁸ Lapidge, 'The Career of Aldhelm', p. 66.

³⁹ Aldhelm appears as a beneficiary in e.g. S 1245 (*Malm* 1), 1166 (*Malm* 2), 71 (*Malm* 3), 73 (*Malm* 4), 1169 (*Malm* 5), 1170 (*Malm* 8), 243 (*Malm* 9), 256 (*Malm* 12), as a witness in e.g. S 45 (*Sel* 2), 235 (BCS 72), 237 (*Glast* 4), 248 (*Glast* 7); as policy advisor in S 245 (*Malm* 10); and as scribe in the possibly spurious S 237 and S 230. For more on some of these, see Kelly, *Charters of Malmesbury Abbey*, pp. 107–8.

⁴⁰ S 245 (*Malm* 10)

⁴¹ Lapidge, 'The Career of Aldhelm', pp. 61–4 and C. Rauer, 'Pope Sergius I's Privilege for Malmesbury', *Leeds Stud. in Eng.* 37 (2006), 261–81.

⁴² *Aldhelmi Opera*, ed. R. Ehwald, MGH Auct. Antiq. 15 (Berlin, 1919), 480–6, with *Aldhelm: the Prose Works*, trans. M. Lapidge and M. Herren (Woodbridge, 1979), pp. 155–60, with commentary at 140–3.

⁴³ See the charters cited above. For Aldhelm's letters, see Lapidge and Herren, *The Prose Works*, pp. 136–70.

ecclesiastical and our secular cast, he travelled, and he was learned in Roman and canon law. Aldhelm may be one of the channels for transmitting legal texts and knowledge to Anglo-Saxon kings and law-writers.

The same is the case for Wilfrid, bishop of Hexham. He worked with kings across the island, including Caedwalla of Wessex, Aldfrith and Ecgfrith of Northumbria, Æthelred and Wulfhere of Mercia, Egbert of Kent and Æthelwealh of Sussex.⁴⁴ Wilfrid also had significant contacts in Francia. This included Bishop Agilbert (first of the West Saxons, later of Paris), who worked with Wilfrid at the Council of Whitby (664) and who consecrated him as priest and later bishop.⁴⁵ Other continental contacts included Aunemundus (Archbishop of Lyon), with whom he studied for three years, perhaps Roman law, as suggested in Section III. He also had several royal connections abroad. In the 660s, his consecration as bishop took place at Compiègne, a Merovingian royal vill.⁴⁶ On one of his three trips to Rome, he stayed with King Aldgisl of Frisia, King Dagobert II of Austrasia and King Perctarit of the Lombards.⁴⁷ He even seems to have organized Dagobert's return to Francia from exile in Ireland.⁴⁸ However, as easily as he attracted royal patronage, he managed to turn kings against him. This led to much of his travelling: he spent twenty-six of his forty-six years as bishop in exile either on the continent or in various Anglo-Saxon kingdoms and two of his trips to Rome were to make appeals to the pope (679 and 704).⁴⁹

⁴⁴ For Wilfrid's association with kings, see *The Life of Bishop Wilfrid by Eddius Stephanus*, ed. and trans. B. Colgrave (Cambridge, 1985) [hereafter *VW*]. Wilfrid's *vita* mentions twenty-three kings and four queens, several described as Wilfrid's *amici*; see P. Wormald, 'Bede and Benedict Biscop' in his *The Times of Bede*, ed. Baxter, pp. 3–29 at 11. For further discussion, see D. Pelteret, 'Saint Wilfrid: Tribal Bishop, Civic Bishop or Germanic Lord?', *The Community, the Family and the Saint: Patterns of Power in Early Medieval Europe*, ed. J. Hill and M. Swan (Turnhout, 2008), pp. 159–80 and R. Sharpe, 'Caedwalla and Wilfrid', *Cities, Saints, and Communities in Early Medieval Europe: Essays in honour of Alan Thacker*, ed. S. DeGregorio and P. Kershaw, Stud. in the Early Middle Ages 46 (Turnhout, 2021), 195–222.

⁴⁵ C. I. Hammer, "'Holy Entrepreneur': Agilbert, a Merovingian Bishop between Ireland, England and Francia', *Peritia* 22–3 (2011), 53–82, at 67–8.

⁴⁶ *VW*, ch. 12 (pp. 24–7). For context, see Wood, 'Continental Connections', p. 460.

⁴⁷ *VW*, chs. 26–28 (pp. 52–7). For more on these journeys, see I. Wood, 'The Continental Journeys of Wilfrid and Biscop', *Wilfrid: Abbot, Bishop, Saint: Papers from the 1300th Anniversary Conferences*, ed. N. Higham (Donington, 2013), pp. 200–11, 'Northumbrians and Franks in the Age of Wilfrid', *NH* 31 (1995), 10–21; and É. Ó Carragáin and A. Thacker, 'Wilfrid in Rome', *Wilfrid: Abbot, Bishop, Saint*, ed. Higham, pp. 212–30.

⁴⁸ For his stay in Lyon, *VW*, chs. 4–6 (pp. 10–15) and P. Fouracre, 'Wilfrid and the Continent', *Wilfrid: Abbot, Bishop, Saint*, ed. Higham, pp. 186–199 at 187–90. For his connection to Dagobert, see P. Fouracre, 'Forgetting and Remembering Dagobert II', *Frankland: the Franks and the World of the Early Middle Ages*, ed. D. Ganz and P. Fouracre (Manchester, 2008), pp. 70–89, at 74–5.

⁴⁹ For his conflicts see *VW*, chs. 24, 34–6, 43–9 (pp. 48–51, 70–5, 68–101). For context, see C. Cubitt, 'Wilfrid's "Usurping Bishops": Episcopal Elections in Anglo-Saxon England, c. 600–c. 800', *NH* 25 (1989), 18–38.

We have no direct evidence that Wilfrid was involved in law-making in England (he sent legates to represent him at the Hertford council), but he seems to have set great store by formal legal documents. Not only is there evidence of his involvement in charter production for *inter alia* King Caedwalla and Bishop Earconwald,⁵⁰ but the biography written shortly after his death gives us a few glimpses of the importance of legal documents to Wilfrid. One episode describes Wilfrid reading out a list of lands for which he had charters at what appears to be a lavish feast with kings, reeves and abbots for the consecration of Ripon Abbey.⁵¹ The *Vita* also shows us how Wilfrid twice submitted written petitions to the pope, securing papal decrees in return, which he took back to England ‘all stamped with bulls and seals’ to read out before kings, councillors and bishops.⁵² On the occasion of his second written petition, he also ended up as signatory to a synodal decree produced at the Synod of Rome (680).⁵³ All in all, Wilfrid was no stranger to writing, reading and relying on formal legal texts and he was in a good position to have known and spread knowledge of continental, Roman and canon law to the many English kings he was associated with.

These were not the only people travelling between England and the continent in the late seventh century. Wilfrid’s early travel companion, Benedict Biscop, made six trips to Rome. On these occasions, he also spent time at Frankish monasteries and he accompanied Theodore from Rome through Francia.⁵⁴ He seems to have been close to the West Saxon king Cenwalh and later the Northumbrian king Ecgfrith, who granted him land where he set up the famous Wearmouth monastery in 674.⁵⁵ Biscop was a major channel for continental influences in England: he brought back Frankish and Roman books, relics, builders, art, someone to teach Roman chants and his own monastic rule based on seventeen of those he had come across while travelling.⁵⁶

Another group who may have transmitted continental legal ideas and texts are the many Franks who took up posts in the English church. The first bishop

⁵⁰ C. Cubitt, ‘St Wilfrid: a Man for his Times’, *Wilfrid: Abbot, Bishop, Saint*, ed. Higham, pp. 311–33, at 319–21 and with a list of charters associated with Wilfrid at 331–3. See also P. Sims-Williams, ‘St Wilfrid and Two Charters Dated AD 676 and 680’, *JEH* 39 (1988), 163–83.

⁵¹ *VW*, ch. 17 (pp. 34–7). As David Woodman has pointed out, the language of this chapter has parallels in early charters, see D. Woodman, ‘Hagiography and Charters in Early Northumbria’, *Writing, Kingship and Power in Anglo-Saxon England*, ed. R. Naismith and D. Woodman (Cambridge, 2017), pp. 52–70, at 68.

⁵² *VW* chs. 29–32, 51–5 (pp. 56–66, 104–21).

⁵³ See *VW* ch. 53 (pp. 112–5) and *HE* V.19 (pp. 522–7). See below, pp. 14, 29.

⁵⁴ Wood, ‘Continental Journeys of Wilfrid and Biscop’, pp. 200–11.

⁵⁵ P. H. Blair, ‘Benedict Biscop’s Early Years’, in his *The World of Bede* (Cambridge, 1990), pp. 155–64, at 160–1.

⁵⁶ *Bede: Abbots of Wearmouth and Jarrow*, eds. C. W. Grocock and I. Wood (Oxford, 2013), chs. 4–6, 9–11 (pp. 30–38, 43–9).

of the East Anglians in the 630s, Felix, was from Burgundy, and around the same time Birinus, an Italian or Frank, became the first bishop of the Gewisse (later West Saxons).⁵⁷ His successor Agilbert we have already met: born into an important family in Neustria, he seems to have been educated in Ireland before becoming bishop of the West Saxons after 646 at the invitation of King Cenwalh.⁵⁸ He fell out with the king, departed from Wessex and ended up in Northumbria in the 660s, where he ordained Wilfrid priest and participated at the Council of Whitby in 664.⁵⁹ Agilbert returned to his native Francia, and by 668 he was bishop of Paris.⁶⁰ Agilbert was invited back to Wessex as bishop in the 670s, which he declined, but he sent his nephew Leuthere, who held the bishopric under Kings Centwine, Caedwalla and Ine. Leuthere was present at Theodore's council of Hertford, alongside other bishops of Kent and Mercia, and was involved in charter writing, possibly introducing Frankish conventions to both genres.⁶¹

SECTION II: ENGLISH LEGAL TEXTS IN THE SEVENTH CENTURY

The fact that seventh-century Anglo-Saxon ecclesiastics were cosmopolitan and learned is well-known. But the previous section aimed to show that this is relevant to the royal laws, a point which is well worth repeating given our tendency to treat these laws as mostly home-grown. By itself, the existence of these learned networks does not solve the problem this article started with, namely how the textual changes between *Æthelberht* and the late seventh-century laws came about. But in this section, we will see how it is relevant: I argue that textual and formal changes took place because of influence from other legal traditions, which came from the knowledge and connections of law-makers and their circles. My first argument is that the late seventh-century royal laws were written after the model of church council decrees, seemingly introduced in England by Theodore in the 670s. The second example of external influence are the Frankish features of Ine's laws, which are found in its form, language and content. Towards the end of the section, I will show how royal diplomas offer us a further way to understand and think about the boundaries between legal genres in this period.

⁵⁷ B. Yorke, *Wessex in the Early Middle Ages* (London, 1995), p. 171, and Brooks, *Early History*, pp. 65–6.

⁵⁸ For an account of Agilbert's life, see Hammer, “Holy Entrepreneur”, and Wood, ‘Continental Connections’, p. 462.

⁵⁹ *HE* III.7 (pp. 234–5), *VW*, chs. 9–10 (pp. 18–23) and Hammer, “Holy Entrepreneur”, pp. 66–71.

⁶⁰ Hammer, “Holy Entrepreneur”, pp. 69–70.

⁶¹ P. Sims-Williams, ‘Continental Influence at Bath Monastery in the Seventh Century’, *ASE* 4 (1975), 1–10, esp. at 5–6.

In 664, the Council of Whitby set out to decide the correct keeping of Easter. There are no surviving decrees from this council and descriptions in narrative sources make it seem as though there never were any.⁶² What is more, these accounts describe a council ruling on the basis of scripture, custom and patristic examples – not the written laws of the church.⁶³ Less than a decade later, this had changed. Theodore's councils at Hertford (672) and Hatfield (679) relied heavily on other written documents. For instance, the Hertford decrees consist in discussion of topics Theodore had 'marked in certain places' in his book of canons and both decrees make frequent references to councils of the past, the texts of which seem to have been present.⁶⁴ Most importantly, both councils also resulted in written decrees in Latin written in the form and style of council decrees of the wider church.⁶⁵

Before turning to the English texts, let us first look at the conventional features of this genre. By Theodore's day, this type of text had been produced in the church for almost four hundred years. Its purpose was to record the decisions reached by consensus in a council, usually as discrete chapters following a preface giving context of that meeting. There were many variations within this type of text, most notably between those texts that were complete minutes of the whole council and those texts that recorded only the final decisions.⁶⁶ The latter form is most common amongst surviving decrees and it has several different sub-genres. One of these is what Hamilton Hess has labelled the *statutum* form. It is characterised by terse renditions of the final decisions, leaving out the discursive accounts of proposals, opinions and

⁶² *VW*, ch.10 (pp. 20–3) and *HE* III.25 (pp. 294–309).

⁶³ The accounts by Bede and Eddius mention the council of Nicaea. However, there is no reference to the text of Nicaea or concrete points.

⁶⁴ In Hertford, Theodore gets the participants to promise to uphold past canonical decrees (*HE* IV.5 (pp. 350–1)). The Hatfield council declared that it confirmed all earlier ecumenical council decrees, as well as the Lateran Council of 649, a text of which was present and possibly used for the wording of the creed (*HE* IV.17 (pp. 386–9)).

⁶⁵ There is little reason to believe that decrees existed before these two. The lack of written texts involved in Whitby would suggest that councils were not recorded as a matter of course at the time and there is no narrative evidence of any metropolitan (as opposed to local) synods before Theodore; see Cubitt, *Church Councils*, p. 8. R. Shaw suggested that previous decrees may have been lost, in fact, that almost all evidence of activity at Canterbury before Theodore was lost at some point in the 660s: R. Shaw, *The Gregorian Mission to Kent in Bede's Ecclesiastical History: Methodology and Sources* (London, 2018), pp. 211–6 and n. 196. The argument is not very persuasive, relying, for instance, on the assumption that a lack of archbishop and personnel during the plague and conflicts with rulers meant that 'it was only natural' (p. 214) that documents wouldn't survive.

⁶⁶ For description of the distinction, see A. Weckwerth, *Ablauf, Organisation und Selbstverständnis westlicher antiker Synoden im Spiegel ihrer Akten* (Münster, 2010), pp. 5–8.

consensus that other types of decrees include.⁶⁷ This is the form we observe in, for instance, the sixth- and seventh-century councils of the Visigothic and Frankish kingdoms, as well as our English decrees.⁶⁸ These usually include a preface with information on the time, place, participants, convenors and occasion of the council; a list of canons reported as final decisions; sometimes a penalty clause or sanction for breach of any of the included canons; and a list of subscriptions.⁶⁹ Instead of a list of canons, some texts treat just a single issue, usually doctrinal or disciplinary.⁷⁰

These conventional elements are all present in the surviving texts of Hertford and Hatfield, as Katy Cubitt has shown.⁷¹ Their prefaces set out the time, place, convenors and main participants, including relevant rulers (who may have supported or allowed the gathering).⁷² Hertford contains some procedural descriptions – not unknown in the *statutum* type of text – in its description of Theodore getting each participant to confirm that they will observe previous canons.⁷³ This section renders the direct speech of Theodore and participants

⁶⁷ H. Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford, 2002), p. 85. For other forms, see pp. 62–71.

⁶⁸ For the diplomatics of Frankish and Visigothic councils, see Weckwerth, *Ablauf, Organisation*, pp. 34–42, 91–8.

⁶⁹ Weckwerth, *Ablauf, Organisation*, pp. 7–15 and Cubitt, *Church Councils*, pp. 77–87.

⁷⁰ For examples, see Weckwerth, *Ablauf, Organisation*, p. 7.

⁷¹ Cubitt, *Church Councils*, pp. 77–87. Both decrees survive in Bede's *Historia Ecclesiastica* as documents inserted into the narrative (*HE* IV.5 (pp. 348–55), IV.17–18 (pp. 384–91)). Bede also included several papal letters and these appear to be faithfully transcribed from the originals; see J. Story, 'Bede, Willibrord and the Letters of Pope Honorius I on the Genesis of the Archbishopric of York', *EHR* 127 (2012), 783–81 at 785–9; Colgrave and Mynors, *Bede's Ecclesiastical History*, pp. xl, xxxii; E. A. Lowe, 'The Script of the Farewell and Date Formulae in Early Papal Documents as Reflected in the Oldest Manuscripts of Bede's *Historia Ecclesiastica*', *RB* 69 (1959), 22–31. There is no good reason to think that Bede would be less faithful to the conciliar decrees. We know he procured Kentish documents from Albinus (Hadrian's successor in Canterbury) (*HE*, preface (pp. 2–5)); the decrees might well have been among them. So, while there are signs that Bede shortened both decrees – the Hatfield text is explicitly abridged, and the Hertford decrees mention a subscription list which was not reproduced – there is no reason to think that the extant texts are not close to the originals.

⁷² Hertford mentions the presence of Theodore, Bishop Bisi of the East Angles, representatives sent by Wilfrid, Bishops Putta of Rochester, Leuthere of the West Saxons, Winfrith of the Mercians. We cannot rule out that the king or other secular leaders were there: Bede (*HE* V.24, pp. 564–5) mentions elsewhere that King Ecgrith was present. Hannah Vollrath argued that kings and perhaps important seculars were present (*Die Synoden Englands bis 1066* (Paderborn, 1985), pp. 69, 96). The Hatfield decrees mention Theodore and 'the other reverend bishops of the island of Britain' as well as king's names in the dating clause; see below n. 100 for more on the participants at Hatfield.

⁷³ *HE* IV.5 (pp. 350–1). For other texts with such features, Weckwerth, *Ablauf, Organisation*, p. 8.

(recording their consensus), as we see elsewhere too.⁷⁴ There are also other such textual expressions of consensus and deliberations, another characteristic of the genre of church councils.⁷⁵ Both council texts say that they include a list of subscriptions, which do not survive, though there is no reason to doubt that the originals had these attached.⁷⁶ In Hertford, the main body of the decree consists of ten canons on clerical discipline and matters of church organization; each canon is in straightforward prose, rendering a decision without justifications or discussion, a style found in many other council texts, including Frankish.⁷⁷ Hatfield has no chapters: it is an example of a single-issue decree, setting out the doctrinal stance of the church and its confirmation of previous councils. The English councils thus conform to the characteristics of the well-established genre of church council decrees, and they are especially close in form, scope, and style to Frankish councils of the sixth and seventh centuries.⁷⁸ Clearly, the Hertford and Hatfield texts did not find their form accidentally.

It makes sense that Theodore would make sure the English decrees conformed to formal standards, because these decrees were not written purely for internal use. The Hatfield decree was written as a preparatory document – confirming the orthodoxy of the English church – for a synod at Rome (680) (the one where Wilfrid participated).⁷⁹ This council was itself held in preparation for what would be the sixth ecumenical council (Council of Constantinople, 680–1), called by the Byzantine emperor Constantine IV to deal with the monothelite controversy.⁸⁰ Bede tells us that the Hatfield text was brought to the pope.⁸¹ Following a standard

⁷⁴ For example, in the Frankish Council of Mâcon (585), in *Concilia Galliae*, I, ed. C. de Clercq, CCSL 148A (Turnhout, 1963), 237–50.

⁷⁵ Hess, *Early Development*, pp. 71–2.

⁷⁶ See above n. 71.

⁷⁷ However, chapters 7 and 9 in Hertford make reference to the decision-making process by mentioning ‘various hindrances’ that hindered agreement on a topic; *HE* IV.5 (pp. 352–3).

⁷⁸ See e.g. the first part of the Council of Paris (614) or the Council of Losne (673–5); in *Concilia Galliae*, I, 274–82 and 315–17.

⁷⁹ Bede and Eddius include accounts of Wilfrid’s participation; see *VW* ch. 53 (pp. 112–15) and *HE* V. 19 (pp. 522–7). The synodal letter sent by Agatho to Constantinople includes Wilfrid in the list of participants (see Agatho, Epistola III, *PL* 87, cols. 1215–48 at cols. 1236–7). For more on the relationship between the English council and Monothelism, see H. Chadwick, ‘Theodore of Tarsus and Monothelism’, *Logos: Festschrift für Luise Abramowski zum 8. Juli 1993*, ed. H. Brennecke, C. Marksches and E. Grasmück (Berlin, 1993), pp. 534–44; see also S. Lin, ‘Bede, the Papacy, and the Emperors of Constantinople’, *EHR* 136 (2021), 465–97.

⁸⁰ For general background, see A. Louth, ‘Byzantium Transforming (600–700)’, *The Cambridge History of the Byzantine Empire c. 500–1492*, ed. J. Shepard (Cambridge, 2009), pp. 221–48, at pp. 228–35.

⁸¹ *HE* VI.18 (pp. 390–1). The text of Hatfield council does not survive in the records of the Council of Constantinople. Nevertheless, the English involvement in this council may be why Æthelstan, 250 years later, gifted a manuscript of the Constantinople council to the monks at Bath (London, British Library, Cotton Claudius B. v (s. ix¹, W. Germany, prov. England/Bath by s. x¹)).

form and textual convention made sure that the texts would fit within the wider corpus of ecclesiastical legislation. Producing texts in this venerable genre – texts that would not look out of place in a book of canons – must have seemed like a significant step to the churchmen (and perhaps kings) involved. The royal laws that appeared only a few years thereafter may owe both their existence and form to this innovatory step.

Royal law

The Kentish laws: Hlothbere & Eadric and Wihtræd

The argument might already be clear by now. Many of the features of *Hlothbere* and *Wihtræd* that distinguish them from *Æthelberht* correspond to the conventional characteristics of church decrees. These features are exactly the ones that have been set out by Wormald and others already: the late seventh-century laws have prefaces; their chapters are more detailed and more grammatically complex; topics appear to be judgments made by kings, adding to an existing body of law.

Prefaces are one of the most conspicuous differences to *Æthelberht*.⁸² That of *Hlothbere* reads: ‘Hlothhere and Eadric, kings of the people of Kent, increased the laws that their ancestors made before with these decrees [*domas*], which are stated hereafter’.⁸³ It is not long and gives little detail compared to Theodore’s council decrees. Nevertheless, just the fact that it sets out the kings responsible for *making* these laws marks a change. In the preface, *dom* ‘decree, judgment’ is set in opposition to *æ* ‘the law’, conveying law that is being made, in this case by kings, perhaps at a meeting.⁸⁴ The similarity to conciliar prefaces is most obvious in

⁸² *Æthelberht* has a rubric saying that it was made in the ‘days of Augustine’, but this seems to be a feature of the manuscript, not the text; see Liebermann, *Gesetze* III, 3–4; C. Hough, ‘Palaeographical Evidence for the Compilation of *Textus Roffensis*’, *Scriptorium* 55 (2001), 57–79, at 70–1. Oliver, *Beginnings*, p. 83 proposes that the rubric was not original though composed before 747. It is sometimes suggested that *Æthelberht* had a preface similar to the later laws, since Bede mentioned that he made laws ‘cum consilio sapientium’ (*HE* II.5 (pp. 150–1)). The assumption seems to be that he could only have got this information from a preface; see, e.g., Shaw, *Gregorian Mission*, p. 188; also Liebermann, *Gesetze* III, 3. But Bede could have assumed such a practice based on what he knew from his own day or have known it from other sources.

⁸³ ‘Hloþhære 7 Eadric, Cantwara cyningas, ecton þa æ þa ðe heora aldoras ær geworhton ðysson domum, þe hyr efter sægeþ’; Oliver, *Beginnings*, pp. 126–7.

⁸⁴ See ‘“Inter cetera bona genti suae”’: Law-Making and Peace-Keeping in the Earliest English Kingdoms’, in his *Legal Culture in the Early Medieval West: Law as Text, Image and Experience* (London, 1999), pp. 179–200, at 186–7 and Oliver, *Beginnings*, pp. 134–5; for Lambert’s take on these words, see below n. 96. See also T. Charles-Edwards, ‘Law in the Western Kingdoms between the Fifth and the Seventh Century’, *The Cambridge Ancient History*, XIV: *Late Antiquity: Empire and Successors, AD 425–600*, ed. A. Cameron, B. Ward-Perkins and M. Whitby (Cambridge, 2001), 260–87, at 265, n. 22 and 267–9.

Wihtræd, which resembles almost word-for-word the preface of Hertford. It states that the laws were made at a gathering, which it dates by indiction year and season, and it names the place and participants of the council.⁸⁵ *Wihtræd*'s name opens the text as part of the dating clause and the preface later says that he was present at the meeting, alongside Archbishop Berhtwald of Canterbury, Bishop Gebmund of Rochester and other churchmen. The preface also tells us that 'each order of the church ... spoke with a single mind' and that the council 'devised, with the consent of all, these decrees'.⁸⁶ These are exactly the kind of terms, as we saw above, in which consensus was expressed in church council decrees. Not only do these sentiments and themes in *Wihtræd* echo church decrees, but they are often in Latinate language too.⁸⁷ The preface was surely written from the model of a Latin church council decree.⁸⁸

Other differences between *Æthelberht* and the later Kentish laws include the level of detail of each topic and their content, as Wormald and others have highlighted. Most sentences in *Æthelberht* are short and there are few exceptions or complicating factors.⁸⁹ In fact, *Æthelberht*'s c. 1000 words are spread over about seventy clauses, most of them single sentences without any exceptions or follow-ups.⁹⁰ In contrast, *Hlothhere* and *Wihtræd*, each just over 600 words, cover no more than respectively twelve and twenty clauses. *Hlothhere*'s laws, especially, is full of exceptions, further conditions and concerns arising.⁹¹ Furthermore, these laws are, like church council decrees, presented as an itemised list of decisions, with few grammatical and thematic connections between clauses, which is to some extent different from *Æthelberht*, which occasionally relies on a notional syntax set up by previous sentences.⁹² There is also a wider spread in topics and less obvious structure in *Hlothhere* and *Wihtræd* than in *Æthelberht*, with its relatively neat

⁸⁵ For a more detail comparison of prefaces, see I. Ivarsen, 'A Vernacular Genre? Latin and the Early English Laws', *JMH* 47 (2021), 497–508, at 500–1. See also Oliver, *Beginnings*, pp. 164–6.

⁸⁶ '7 cwæð ælc had ciricean ðere mægðe anmodlice mid þy hersuman folcy. Þær ða eadigan fundon mid ealra gemedum ðas domas 7 Cantwara rihtum þeawum æcton, swa hit hyr efter segeþ 7 cwyp.' Text and translation adapted from Oliver, *Beginnings*, pp. 152–3.

⁸⁷ Ivarsen, 'A Vernacular Genre?', p. 501.

⁸⁸ Wormald (*MEL*, p. 102, n. 355) suggested that the whole text might be a translation from Latin, though the preface is the only clear evidence.

⁸⁹ Wormald, "'Inter cetera'", p. 187; Liebermann, *Gesetze* III, 18. See P. Wormald, *The First Code of English Law* (Canterbury, 2005), pp. 10–11 and *MEL*, pp. 95, 102 for further issues of syntax and grammar in Abt.

⁹⁰ By 'clause' here, I mean rules on the same topic/situation, including any follow-ups and exceptions/conditions raised.

⁹¹ Wormald, "'Inter cetera'", p. 187.

⁹² For this suggestion, see P. Lendinara, 'The Kentish Laws', *The Anglo-Saxons from the Migration Period to the Eighth Century: an Ethnographic Perspective*, ed. J. Hines (Woodbridge, 1997), pp. 211–44, at 237.

organisation and long head-to-toe injury list.⁹³ These things suggest that each law (chapter) in *Hlothbere* and *Wibtræd* may have arisen from individual judgements or discussions of discrete issues. All in all, as Wormald pointed out, the late seventh-century Kentish laws look like *made* law, records of decisions reached by kings and advisors.⁹⁴

To Wormald, this textual change from *Æthelberht* arose at this time because kings' role in justice and in law-making had changed. In his view, a king like *Æthelberht* was only indirectly involved in the judicial settlement of disputes and the laws written down in his reign were largely traditional.⁹⁵ As a contrast, kings in the later seventh century were more actively involved in justice. Crucially, to Wormald, it seemed that these kings recorded judgments made in response to cases, to promote their own new policies, and in reaction to particular circumstances. This made the late seventh-century laws fundamentally different from the laws contained in *Æthelberht*, which were written representations of custom.⁹⁶ These laws also saw the emergence of fines to the king for offences that did not involve his person directly, another sign of active intervention on kings' part.⁹⁷ Wormald argued that kings' more active role in making and enforcing law was a new practice and that this change in the king's role manifested itself in textual form.⁹⁸

⁹³ For Abt, see Wormald, "Inter cetera", pp. 184–6; D. Korte, *Untersuchungen zu Inhalt, Stil und Technik angelsächsischer Gesetze und Rechtsbücher des 6. bis 12. Jahrhunderts* (Meisenheim am Glan, 1974), pp. 71–7; Oliver, *Beginnings*, pp. 37–8. For Hl, see e.g. Liebermann, *Gesetze* III, 17 and Korte, *Untersuchungen*, pp. 77–8.

⁹⁴ Wormald, "Inter cetera", p. 188 and also Lambert, *Law and Order*, p. 71.

⁹⁵ Wormald, "Inter cetera", pp. 188, 191–4, 197–8.

⁹⁶ Lambert makes more of this difference, arguing that *Æthelberht* contains *a* ('law'), which is 'formalized and prestigious' customary law, covering 'affronts and compensation' (p. 70). He suggests that the term *þeaw* ('custom'), refers to less prestigious customs, which were never formalized and memorized (p. 36 and n. 35, pp. 69–70). *Domas* are new laws, made by kings as judges/in assemblies and do not cover the prestigious rules of *a* but aim to fill the gaps (pp. 76–7). This type of rule, he proposes, is new in the seventh century, as kings claimed the right to legislate in this way. *Æthelberht* would be the only extant written example of *a*, which was mostly oral, while *Hlothbere*, *Wibtræd* and *Ine* are *domas*. This seems to me to be building too much on too little: *a* appears in two texts (Ine, Hl), *domas* in two (Ine, Hl), and *þeaw* only in one (Wi). The theory does not take into account the sentence in Ine's preface which explicitly says that his code contains both *domas* and *a* (Ine 1.1). It is also weakened by the likelihood that the preface to Wi was written in Latin/after a Latin model and that Ine may have been composed in Latin too (see below). For more on this issue, see I. Ivarsen, 'The Production of Anglo-Saxon Law: from Alfred to Cnut' (unpubl. PhD thesis, St Andrews Univ., 2020), pp. 68–9. Lambert seems to use these terms to talk about the rules/laws themselves (p.70), rather than the types of texts as I do here, so I will not address these issues much below.

⁹⁷ On fines to kings, see Wormald, "Inter cetera", pp. 192–5. See Lambert, *Law and Order*, pp. 66–7, 83–104 for further royal punitive rights and how they changed in the seventh century.

⁹⁸ See also Lambert, *Law and Order*, pp. 64–6, 80–2.

But a more persuasive reason why these features suddenly appeared at this time was that kings and their advisors were handed a model for how to record their decisions as legislation. It seems too much of a coincidence that only a few years previously, English conciliar decrees were first written down and that the characteristics of these ecclesiastical laws correspond so closely to those of the new royal laws: there are prefaces giving context for the law-making, followed by lists of itemised rules on a variety of topics, not necessarily connected to each other in content or grammatically, because they are the result of deliberations. Wihtræd's law is the clearest example of the conciliar decree form being fully adopted and adapted by a king,⁹⁹ but *Hlothbere* has close parallels too. The choice of Old English for these royal laws – as opposed to the Latin of church council decrees – could simply be because deliberations happened in English or because the language of *Æthelberht* guided them. All in all, this kind of external textual influence is more persuasive than endogenous explanations that isolate the Anglo-Saxon royal laws from the wider textual and personal contexts.

How may the influence from church council decrees have come about? If kings were present at church council meetings – and it is not certain that they were¹⁰⁰ – we could imagine that they became directly motivated to commit their own assembly decisions to writing in a similar form. Alternatively, we can imagine influence via the churchmen who were present at council meetings or worked closely with Theodore and who also functioned as advisors to kings. As we saw above, such connections were numerous. One such person is Berhtwald, who as archbishop would undoubtedly have been very familiar with Theodore's innovative decrees. Berhtwald presided over the meeting that produced Wihtræd's laws and he also acted as policy advisor on other matters for Wihtræd later (e.g. S 20). He was the recipient of Hlothhere's 679 charter, and witnessed several charters for

⁹⁹ *Wihtræd's* content is also ecclesiastical, though mostly as relevant to the laity. For thematic connections between *Wihtræd* and the Hertford decrees, see C. Cubitt, 'Bishops and Councils in Late Saxon England: the Intersection of Secular and Ecclesiastical Law', *Recht und Gericht in Kirche und Welt*, ed. W. Hartmann (Munich, 2007), pp. 151–64, at 154–5; L. Oliver, 'Royal and Ecclesiastical Law in Seventh-Century Kent', *Early Medieval Studies in Memory of Patrick Wormald*, ed. S. Baxter, C. Karkov, J. Nelson and D. Pelteret (Farnham, 2008), pp. 97–114 at 102–3. Oliver's paper also sets out similarities between Theodoran teaching and *Wihtræd*, though there are few close parallels and note M. Gretsch's criticisms of these results in 'Review: *Early Medieval Studies in Memory of Patrick Wormald*', *JEGP* 110 (2011), 119–123, at 120.

¹⁰⁰ The council texts do not mention that kings were present – but several kings are mentioned in the dating clause in Hatfield and Bede mentions elsewhere that King Ecgfrith was present at Hertford (*HE* V.24 (pp. 564–5); see also Vollrath, *Die Synoden*, pp. 69, 96). An interpolation in MS E of the *Anglo-Saxon Chronicle* for the year 675 – partly a forged privilege for Peterborough Abbey – alleges that Pope Agatho sent a writ asking Theodore to hold a council, which he then did at Hatfield. This text says King Æthelred of Mercia convened and was present at this council too; see *The Anglo-Saxon Chronicle MS. E*, ed. S. Irvine, *AS Chronicle: a Collaborative Edition* 7 (Cambridge, 2004), 675 (pp. 30–1) and p. xciii for commentary.

Wihtræd, Caedwalla, Ine and others. We do not know who – if anyone – advised Hlothhere and Eadric on their laws, though if any churchmen were involved, it may have been Theodore, who appears elsewhere advising Hlothhere (e.g. S 8). Another candidate is the bishop of Rochester, which could have been Putta (d. 676), one of the attendees at Hertford, or, after 678, Gebmund, who was also present for the making of Wihtræd's laws. Perhaps Earconwald, bishop of London c. 675–693, was involved, given that Hlothhere's laws suggest that the kings of Kent had interests in London.¹⁰¹ As we will see shortly, Earconwald did not just have a hand in making Ine's laws, but may have been behind several charters too. Other possible advisors include the several unnamed bishops mentioned as participants at Hertford and Hatfield.

Parallels elsewhere allow us to imagine how such co-operation and influence might have worked. In Francia there were close connections between church councils and the issuing of royal law. Childebert I's edict may have been issued in connection with the council of Orleans (538). Guntram's edict of 585 was not only issued at the Council of Mâcon of that year, but the edict itself emphasises how canons and worldly law must work together to ensure justice.¹⁰² Clothar II's edict was issued shortly after the Council of Paris (614) and was based on material from this council.¹⁰³ In fact, two English clerics attended the Paris council, which serves as a reminder that Anglo-Saxon kings may have been aware of other types of text in the conciliar form too, such as these Merovingian council decrees and royal decrees, and that this may also have played a part in their adoption of this form of law-writing later in the seventh century.¹⁰⁴ Even so, there is nothing quite like the Frankish situation in England. But these parallels make it easier to imagine a situation where Anglo-Saxon kings were intimately familiar with the Church's council decrees, perhaps even witnesses to their promulgation, and could thus have been influenced by such occasions and their texts when it came to recording their own laws.

Another parallel is found in Ireland. As in Kent and Wessex, the late seventh century in Ireland appears to be a period of particularly active legislative efforts,

¹⁰¹ Hl 16. What's more, Earconwald's monastery at Chertsey seems to have been founded with support from the Kentish king Ecgberht (brother of Hlothhere and father of Eadric and Wihtræd).

¹⁰² On royal law-making and councils, see Wood, *Merovingian Kingdom*, pp. 104–6, 154–5; M. E. Moore, *A Sacred Kingdom: Bishops and the Rise of Frankish Kingship, 300–850* (Washington, DC, 2011), pp. 134–8; S. Esders, *Römische Rechts tradition und merovingisches Königtum: zum Rechtscharakter politischer Herrschaft in Burgund im 6. und 7. Jahrhundert* (Göttingen, 1997), pp. 316–57; Council of Mâcon (585), *Concilia Galliae* I, 237–50 with J. N. Hillgarth, *Christianity and Paganism, 350–750: the Conversion of Western Europe* (Philadelphia, 1986), pp. 96–7.

¹⁰³ Council of Paris (614) and Clothar's edict, *Concilia Galliae* I, 274–85.

¹⁰⁴ Justus of Rochester and Abbot Peter of Canterbury appear in the witness list, see *Concilia Galliae* I, 274–85.

both in Latin ecclesiastical law and in vernacular worldly law.¹⁰⁵ A new form appeared, the *cáin* (pl. *cánaí*), a decree promulgated at assemblies of both ecclesiastics and secular leaders.¹⁰⁶ The earliest surviving *cáin* is in the name of Adomnán, abbot of Iona, dating to 697.¹⁰⁷ This vernacular decree was issued with the assent and seemingly presence of several kings.¹⁰⁸ In a legal text from around 700, *Cáin Adomnáin* is described both as *recht Adamnáin* ‘the law of Adomnán’ and *rechtgae rig* ‘royal edict’, suggesting that it was closely connected to both ecclesiastical and secular powers.¹⁰⁹ This makes the Irish decrees a close equivalent to *Wibtræd* in particular, which was written only two years before *Cáin Adomnáin*.¹¹⁰ Robin Chapman Stacey has suggested that the *cánaí* were an ecclesiastical innovation, ‘something suggested to kings by ecclesiastics interesting in building up the royal office ... rather than a native genre appropriated for clerical use’.¹¹¹ Perhaps this is what we should imagine for England too. The Irish and Frankish situations allow us to see not just how ecclesiastics had a

¹⁰⁵ On the burst of texts around 700 in Ireland, see R. Chapman Stacey, *Dark Speech: the Performance of Law in Early Ireland* (Philadelphia, 2007), pp. 177–8; T. Charles-Edwards, *The Early Gaelic Lawyer* (Cambridge, 1999), p. 9. It was also an age of legal compilations. Liam Breatnach has dated the worldly compilation *Senchas Már* to the period 660–80; see *The Early Irish Law Text Senchas Már and the Question of its Date* (Cambridge, 2011), p. 42, while the ecclesiastical *Collectio canonum Hibernensis* dates to the early eighth century; see *The Hibernensis, I: a Study and Edition*, ed. and trans. R. Flechner (Washington, DC, 2019), pp. 59*–61*.

¹⁰⁶ For more on the *cánaí*, see Chapman Stacey, *Dark Speech*, p. 148 and n. 61, pp. 177–8; T. Charles-Edwards, ‘Early Irish Law’, *A New History of Ireland, I: Prehistoric and Early Ireland*, ed. D. Ó Cróinín (Oxford, 2005), pp. 331–70, at 334. For other forms of Irish law, see Charles-Edwards, *The Early Gaelic Lawyer*, pp. 7–8 and F. Kelly, *A Guide to Early Irish Law* (Dublin, 1988), pp. 225–41.

¹⁰⁷ *Cáin Adomnáin*, as it survives in the early modern manuscript, is a composite text and some parts appear to have been added to a core of the original decree; see D. Dumville and P. Ó’Neill, *Cáin Adomnáin and Canones Adomnani* (Cambridge, 2003), pp. xxxiv–xxxviii. *Cáin Fhuitbirbe* may date to 678 × 684, but it exists only in fragments and the circumstances of its issue are not fully understood; see L. Breatnach, ‘The Ecclesiastical Element in the Old-Irish Legal Tract *Cáin Fhuitbirbe*’, *Peritia* 5 (1986), 36–52, at 45.

¹⁰⁸ M. Ní Dhonnchadha, ‘The Guarantor List of *Cáin Adomnáin*, 697’, *Peritia* 1 (1982), 178–215 and Dumville and O’Neill, *Cáin Adomnáin*, pp. xxxiv–xxxvii.

¹⁰⁹ Charles-Edwards, ‘Early Irish Law’, p. 334.

¹¹⁰ Frankish, Visigothic and Anglo-Saxon decrees have been suggested as models for the *cánaí*; see Charles-Edwards, ‘Early Irish Law’, pp. 335–6; T. Charles-Edwards, ‘Early Irish Law, St Patrick, and the Date of the *Senchas Már*’, *Ériu* 71 (2021), 19–59, at 28; Stacey, *Dark Speech*, pp. 174–7. There have also been suggestions of legal similarities between *Wibtræd* and *Cáin Domnaig*; N. McLeod, ‘External Influences on Medieval Irish Law: AD 600–1600’, *Australian Celtic Jnl* 11 (2013), 31–54, at 45.

¹¹¹ Stacey, *Dark Speech*, p. 148. See also D. Dumville, *Councils and Synods of the Gaelic Early and Central Middle Ages* (Cambridge, 1997), p. 26, which explains the *cánaí* as an extension of kings’ existing powers to legislate in an emergency by using the opportunity of a moral emergency to promote social legislation, calling it an innovation by ‘a clever ecclesiastic or lawyer (or perhaps even king)’.

hand in law-making – as we know they did in Anglo-Saxon England too – but that ecclesiastical councils could play an important role in the writing and promulgation of royal law.

The West-Saxon laws: Ine

Ecclesiastical involvement is in no doubt in the case of *Ine*, where bishops Hædde and Earconwald are mentioned in the preface as the kings' advisors, alongside the king's father Cenred. The preface also mentions preparatory meetings of ecclesiastics and secular leaders. Such strong clerical involvement may account for its conciliar features: *Ine*'s laws follow the model of a contextual preface followed by a list of decisions. The same argument therefore holds for *Ine* as it did for the Kentish laws regarding inspiration from church council decrees, although *Ine*'s laws (688 × 693) may well have been prompted by the legislative activity and legislative tradition in Kent rather than by church councils directly.¹¹² The 680s and 690s had seen tensions between the two kingdoms and such rivalries may have led *Ine* to provide Wessex with its own written laws.¹¹³ Or perhaps the impetus to law-making came to West-Saxon kings through Aldhelm, who studied with Theodore at Canterbury and may thus have been familiar both with Theodore's decrees and Kentish royal law.

However, *Ine*'s laws have some significant differences from the Kentish laws, too. The text is much longer, at over 2700 words, and it deals with a greater variety of topics. There are clauses on animals, field management, trees, family and inheritance, theft, Sunday work, baptism, enslaved people, church dues, fighting and much more. This makes it different from the ecclesiastically focused *Wihtræd* and the trade- and procedure-dominated *Hlothhere & Eadric*, each about a fifth of *Ine*'s length. It is closer in its contents to some continental texts, including *Pactus legis salicæ*, *Pactus pro tenore pacis* of Childebert I and Clothar I (c. 525 × 555), the *Decretio* of Childebert II (594–596) and *Excerpta de libris romanorum et francorum*.¹¹⁴

I have set out my theories about *Ine* elsewhere, the most important of which are that it was originally written in Latin and that it contains some near-verbatim

¹¹² Liebermann, *Gesetze* III, 65 argues that *Ine*'s circle may have known *Æthelberht* and *Hlothhere & Eadric* based on legal similarities. The near-identical clause in *Ine* 20/Wi 28 might suggest that Kentish and West Saxon kings were aware of each other's laws; see I. Ivarsen, 'King *Ine* (688–726) and the Writing of English Law in Latin', *EHR* 137 (2022), 1–46, at 4, n. 14; see also S. Jurasinski, 'Royal Law in Wessex and Kent at the Close of the Seventh Century', *Languages of the Law in Early Medieval England: Essays in Memory of Lisi Oliver*, ed. A. Rabin and S. Jurasinski (Groningen, 2019), pp. 25–44, at 35–6.

¹¹³ For the relationship between the two kingdoms, see Jurasinski, 'Royal Law in Wessex and Kent', pp. 31–2.

¹¹⁴ Ivarsen, 'King *Ine*', pp. 12–14 and n. 52 and pp. 18–19 and n. 83.

parallels to continental laws.¹¹⁵ Ine's laws suggest that the bishops and the king of Wessex were inspired by Frankish *leges* and edicts, perhaps because Wessex was in a different sphere of influence than Kent when it came to legal writing. In fact, textual influence from across the Channel has long been recognised in early West Saxon charters issued in Ine and other kings' reigns.¹¹⁶ For both charters and laws, influence from Frankish texts and genres may be attributed to Wessex's succession of Frankish bishops. In Ine's case, influence may also have come from Earconwald, who, as Ian Wood has argued on other grounds, was 'an agent of Frankish influence in England'.¹¹⁷

Some would disagree that Ine and his bishops set out to make a continental-style law-code of seventy-six clauses. Wormald proposed that Ine's laws were made up of up to six decrees issued at different times in Ine's – or even his successors' – reigns.¹¹⁸ This argument is based on the lack of apparent logic in the laws' structure, the nature of some laws and repetitions across the code.¹¹⁹ Wormald thought that 'it is hard to see how Ine's laws could appear in the order that they do, were the code in any way pre-planned'.¹²⁰ But, as he saw it, it would make sense if the code consisted of decrees that had been added to an original core, and that these decrees stemmed from legislative sessions where the law-makers responded to issues brought to them.¹²¹ Others have agreed on various parts of this theory. Stefan Jurasinski found it difficult to imagine Ine and his advisors legislating on 'minutiae of agricultural practice and other obscurities', Tom Lambert has seen it as 'inconceivable' how certain laws in *Ine* would have come into being if not as real-world cases, and John Hines commented 'redundant repetition can be taken to be the surest sign of layered traditions'.¹²²

¹¹⁵ Ivarsen, 'King Ine', pp. 12–14 and 18–19 for continental parallels. When discussing *Ine* in the current article, I refer to the lost original seventh-century text, of which the ninth-century version is our only witness, and my arguments are based on the possibility that this lost version was in Latin. Whether or not one agrees with this theory, it is undeniable that the original text of *Ine* is lost and that we have to treat the extant version as a ninth-century text, albeit with legal content dating to Ine's reign (Ivarsen, 'King Ine', pp. 3–6).

¹¹⁶ Edwards, *Charters of the Early West Saxon Kingdom*, p. 12; Wormald, 'Bede and the Conversion', p. 150; W. Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), pp. 226–8.

¹¹⁷ Wood, 'Ripon, Francia', p. 15

¹¹⁸ Wormald, *MEL*, pp. 104–5 and "'Inter cetera'", pp. 190–2.

¹¹⁹ Wormald, *MEL*, pp. 104–5.

¹²⁰ Wormald, *MEL*, p. 105. See Lambert, *Law and Order*, p. 78 for a similar view.

¹²¹ Wormald, *MEL*, p. 105 and "'Inter cetera'", p. 191.

¹²² Jurasinski, 'Royal Law in Wessex and Kent', p. 30; Lambert, *Law and Order*, p. 77; J. Hines, 'Social Structures and Social Change in Seventh-century England: the Law Codes and Complementary Sources', *Hist. Research* 86 (2013), 394–407, at 395. See also Oliver and Jurasinski, *The Laws of Alfred*, pp. 47–8.

I am not convinced that these features point to *Ine* being an accumulation of decrees nor that it is mostly based on issues ‘coming up from the ground and forcing themselves on the legislator’s attention’.¹²³ Most obviously, the clauses that have near-verbatim equivalents in Latin law-codes are good candidates for laws that did not arise this way. Other overlaps with continental laws also suggest that kings took inspiration from external written sources. These include clauses on assaults and fighting;¹²⁴ the distinctions made between groups of more and less than seven;¹²⁵ laws that make certain ethnic distinctions (*Romanus/Francus* and *wealh/englisc*);¹²⁶ laws on fencing, fields and trees;¹²⁷ and *Ine*’s concepts of *bereteam*, *gafoldgyld* and *ceac*.¹²⁸ Knowledge of *Lex Salica* or Merovingian royal decrees might have led *Ine* and his advisors to discuss and legislate on topics like these. Some of these could then have made it into the king’s own code – perhaps in the same way that Theodore marked out chapters here and there in his canon book, which were then discussed and formed the basis of the canons of the Hertford council.¹²⁹ This would then account for some of *Ine*’s haphazard structure. The repetitions in *Ine* mostly do not strengthen the argument either: they are few and can be explained in other ways.¹³⁰

There may have been an element of inherited practices that led to some of the similarities between *Ine* and continental law and, undoubtedly, some of *Ine*’s

¹²³ Wormald, “‘Inter cetera’”, p. 191.

¹²⁴ For example, *Ine* 6–6.4 and *Pactus Legis Salicae* chs. 42 and 43 in MGH LL nat. Germ., IV, ed. K. A. Eckhardt (Hanover, 1962) [hereafter *Pactus*].

¹²⁵ *Ine* 13 and *Pactus* 43.1–2.

¹²⁶ *Ine* 23.3, 24.3, 32, 46.1, 54.2 and *Pactus* 14.2–3, 16.5, 32.3–4, 39.5, 41.9–10, 42.4. This includes the category of *wealh gafoldgelda* (*Ine* 23.3) and *Romanus tributarius* (*Pactus* 41.10); see Ivarsen, ‘King *Ine*’, pp. 23–7, 38–9. *Wealh* ‘Briton, foreign, slave’ (adj. *wilise*) is the equivalent to *romanus*, i.e. potentially part of the Romano-British population. In fact, the Malberg glosses to *Lex Salica* give *walas* for *romani*; see T. Charles-Edwards, ‘The Making of Nations in Britain and Ireland in the Early Middle Ages’, *Lordship and Learning: Studies in Memory of Trevor Aston*, ed. R. Evans (-Woodbridge, 2004), p. 14. Other categories that are either legally or linguistically unusual in *Ine* and have parallels Frankish law include *mon landagende* and *landbabbende* (*homo possessor*) and *cyninges geneat* (*conviva regis*).

¹²⁷ *Ine* 40, 42, 43–43.1, 44 and *Pactus* 26, 27, 34.

¹²⁸ Ivarsen, ‘King *Ine*’, pp. 10–15, 23–9.

¹²⁹ *HE* IV.5 (pp. 350–1).

¹³⁰ For instance, clauses 16 and 21 both deal with the killing of a thief but are separated because clause 16 is in a block concerning the swearing of clearing oaths, whereas 21 is a follow-up to a clause on the killing of strangers travelling off the road. The law-writer seems to have recycled phrases from the general situation of clause 16 to explain what to do in the special circumstances of clause 21. The general injunction to pay church dues in clause 4 is in a section which sets out basic church laws, all presumably quite new. But the specification of what estates these are to be paid from in clause 61 fits in with this section’s focus on the animals and household of (seemingly) normal freemen. In addition, some of the close verbal echoes (e.g. *Ine* 16/35, *Ine* 18/37) would make more sense if the code was written as one block; it would be strange if law-writers reached for the same sentences on separate occasions.

clauses will stem from issues brought to the king's attention. But my argument is the same as before. Explanations for the form, content and development of Anglo-Saxon royal law in the late seventh century that isolate these laws from the wider legal, textual, intellectual and cosmopolitan context are unlikely to capture the whole story. Any account of the oddities of *Ine* – from its legal puzzles to its language to its topics – must take into consideration the knowledge and connections of people associated with the West Saxon court, such as Agilbert, Leuthere, Aldhelm, Wilfrid and Earconwald. As with *Hlothbere* and *Wibtræd*, we should look beyond endogenous explanations to explain the form and content of Ine's laws.

Royal diplomas

Ine's differences in form and language from the Kentish laws are testament to experimentation within law-writing or at least that it was a 'genre' still finding its form. The same is the case for the third legal written output of this period, the royal diplomas. This is not the place to go through the long debate about the introduction of charters to Anglo-Saxon England. It has been suggested that they were introduced with Augustine,¹³¹ Theodore¹³² or gradually in between.¹³³ As mentioned above, a charter in Hlothhere's name (S 8) survives on a single sheet original from 679 and is therefore the earliest charter we can authenticate.¹³⁴ But, more importantly, the practice of issuing charters only really kicked off after the 670s. This is further evidence of a boom in legal writing and of external influences – whether Frankish or Italian or British – in the late seventh century, right around the time that church council decrees and royal laws were being recorded.¹³⁵

¹³¹ P. Chaplais, 'Who Introduced Charters into England? The Case for Augustine', *Jnl of the Soc. of Archivists* 3 (1969), 526–42.

¹³² Snook, 'Who Introduced Charters into England?', pp. 257–89.

¹³³ For example, Wormald, 'Bede and the Conversion of England', pp. 147–8; S. Kelly, 'Anglo-Saxon Lay Society and the Written Word', *The Uses of Literacy in Early Mediaeval Europe*, ed. R. McKitterick (Cambridge, 1992), pp. 36–62, at 40–3.

¹³⁴ Chaplais, 'Who Introduced Charters', p. 541 suggests that it was the practice of writing charters on separate sheets that originated in Theodore's time.

¹³⁵ For the British/Celtic charter tradition, see e.g. W. Davies, 'The Latin Charter Tradition in Western Britain, Brittany and Ireland in the Early Medieval Period', *Ireland in Early Medieval Europe: Studies in Memory of Kathleen Hughes*, ed. D. Whitelock, R. McKitterick and D. Dumville (Cambridge, 1982), pp. 258–80. This period also saw a number of papal privileges arriving in England, obtained by ecclesiastics such as Wilfrid, Benedict Biscop and Aldhelm; see B. Savill, *England and the Papacy in the Early Middle Ages: Papal Privileges in European Perspective, c. 680–1073* (Oxford, 2023), pp. 111–48.

There are, in fact, some similarities between some early charters and these other legal texts.¹³⁶ The opening formula of the Hertford and Hatfield councils ('In nomine Domini nostri Jesu Christi Salvatoris...') is found in charters of the same period, including Hlothhere's 679 charter (S 8) and charters associated with Ine, Hædde and Leuthere.¹³⁷ The Hertford text names the scribe (one Titillus), a practice known from Frankish charters, and which we see in a small number of late seventh-century charters, including one in which Aldhelm names himself (S 237).¹³⁸ More general similarities include the presence of invocation, sanction and dating clauses as well as a witness list.¹³⁹ It has been suggested that Theodore's English church council texts influenced the form and phrasing of early charters.¹⁴⁰ This suggests that various types of documents were finding their form, their makers drawing on other types of texts actively.

Some of this experimentation is evident in two charters of the late seventh and early eighth centuries, namely Wihtræd and Ine's tax relief charters (S 20, S 245).¹⁴¹ These charters grant universal freedom of taxation to the churches of respectively Kent and Wessex, making them unusual in the context of Anglo-Saxon royal diplomas, which almost always have specific foundations or people as beneficiaries. Wihtræd also stated the same law – that the church is exempt from taxation – in his law-code (Wi 1). This could suggest that there was no fixed textual form for this kind of legal content, not necessarily a go-to genre for every legal message.¹⁴² There is some possibility that these charters were drafted by Hadrian (for

¹³⁶ Set out in B. Snook, *The Anglo-Saxon Chancery: the History, Language and Production of Anglo-Saxon Charters from Alfred to Edgar* (Woodbridge, 2015), pp. 280–3. See also Cubitt, *Church Councils*, pp. 78–9.

¹³⁷ For example, S 248 (*Glast* 7), 1164 (*Shaf* 1). See W. H. Stevenson, 'Trinoda Necessitas', *EHR* 29 (1914), 689–703, at 702–3.

¹³⁸ Kelly argued that S 237 (*Glast* 4) was, at least, based on a genuine charter; see Kelly, *Charters of Glastonbury*, p. 229. Aldhelm is named as scribe in a further charter (S 230, *CantCC* 3), though its authenticity is uncertain, as argued by Brooks and Kelly, *Charters of Christ Church*, I, 273–8. Other scribes include Wynbert (named in S 239 (*Abing* 2), 243 (*Malm* 9) and 1164 (*Shaf* 1); see Edwards, *Charters of the Early West Saxon Kingdom*, pp. 12–13) and Hædde (S 236, *Glast* 3; spurious but probably based on a genuine charter). For further suggestions of charter writers, see Sims-Williams, 'St Wilfrid and Two Charters', p. 166.

¹³⁹ Snook, *Anglo-Saxon Chancery*, pp. 281–2.

¹⁴⁰ Cubitt, *Church Councils*, pp. 86–7; Snook, *Anglo-Saxon Chancery*, p. 283.

¹⁴¹ Some scholars have rejected the authenticity of Ine's charter (S 245, *Malm* 10), though Edwards persuasively argues that it is authentic: *Charters of the Early West Saxon Kingdom*, pp. 107–13 and 'Two Documents from Aldhelm's Malmesbury', *Hist. Research* 59 (1986), 1–19. Most accept the authenticity of S 20 (*CantStA* 10/*CantCC* 7); see Brooks and Kelly, *Charters of Christ Church*, I, 297–303.

¹⁴² This is reminiscent of the situation set out in S. MacLean, 'Legislation and Politics in Late Carolingian Italy: the Ravenna Constitution', *EME* 18 (2010), 394–416, e.g. at 397.

Wihtræd) and Aldhelm (for Ine), two authors with the knowledge and experience to experiment.¹⁴³

As this suggests, charter production too was a sphere where ecclesiastics and royals mixed and where learned ecclesiastics may have contributed their knowledge to legal writing. Archbishop Berhtwald was present for Wihtræd's tax exemption charter (S 20), and he was listed first among the participants of the 695 council that produced Wihtræd's laws. As abbot of Reculver, he was also the beneficiary of the first extant charter, Hlothhere's 679 grant. Aldhelm's aforementioned scribal attestation to S 237 may well indicate that he was responsible for drafting the text; and if so, it was probably not the only charter he produced, given his close associations with the West Saxon court. He may also have been present at Hertford and may have been tasked with spreading its message in writing to Wessex's western neighbours.¹⁴⁴ Another named scribe is the abbot Wynbert of Nursling – a learned contemporary of Aldhelm and teacher of the missionary Boniface – who seems to have been influential at the West Saxon court.¹⁴⁵ He can be added to the ranks of learned clerics, involved in legal writings and royal affairs. Hædde, Ine's advisor, is also named as scribe in one charter (S 236), though this is considered spurious by most scholars.¹⁴⁶ And while Ine's other named advisor, Bishop Earconwald, is not explicitly named as scribe anywhere, he may have written a handful of charters.¹⁴⁷ One of these 'correspond[s] startlingly' with a 587 charter of Gregory the Great, suggesting that Earconwald was open to continental textual models in his charter writing as well as in his law-writing.¹⁴⁸

Wormald connected Earconwald to another characteristic stylistic feature of some early charters, that is proems expressing the importance of writing.¹⁴⁹ In a charter granting land to Aldhelm in 685, it is phrased like this:

...although speech alone should suffice, yet, because of the uncertain nature of future times, should be confirmed with public writings and documentary records.¹⁵⁰

¹⁴³ Suggested in Sims-Williams, 'St Wilfrid and Two Charters', p. 166.

¹⁴⁴ *Aldelmi Opera*, ed. Ehwald, pp. 480–6, with Lapidge and Herren, *The Prose Works*, pp. 155–60 and 141–3.

¹⁴⁵ S 239 (*Abing* 2), 243 (*Malm* 9) and 1164 (*Shaft* 1). See above n. 139. Aldhelm wrote to Wynbert asking his help to recover an estate for Malmesbury, suggesting a close connection to the court; *Aldelmi Opera*, ed. Ehwald, pp. 502–3, with Lapidge and Herren, *The Prose Works*, p. 170. For Wynbert's education and teaching, see B. Yorke, 'Boniface's West Saxon Background', *A Companion to Boniface*, ed. M. Aaij and S. Goodlove (Leiden, 2020), pp. 27–45, at 33 and M. Lapidge, *The Anglo-Saxon Library* (Oxford, 2008), pp. 37–40.

¹⁴⁶ Edwards, *Charters of the Early West Saxon Kingdom*, pp. 11–15.

¹⁴⁷ Including S 1171 (*Bark* 1), 1165 (*Chert* 1), 235 (BCS 72); see Wormald, 'Bede and the Conversion', pp. 142–3.

¹⁴⁸ S 1171 (*Bark* 1). Wormald, 'Bede and the Conversion', p. 142.

¹⁴⁹ Wormald, 'Bede and the Conversion', pp. 144–5.

¹⁵⁰ '...quamuis solus sermo sufficeret, tamen, pro incerta futurorum temporum conditione, scriptis publicis et documentorum gestis sunt confirmanda' (S 1169, *Malm* 5). Similar themes are found

This topos is found in other charters of our period too, including one of Ine's, where witnesses included Berhtwald, Hædde and Aldhelm.¹⁵¹ This is one sign among many, then, that kings and ecclesiastics involved in charter writing and law writing took a particular interest in the written word in the late seventh century. This seems to have resulted in a spurt in the writing of charters, in addition to the appearance of new forms of royal and ecclesiastical law.

SECTION III: THE INTELLECTUAL MILIEU

The innovation and experimentation we can observe in legal writing is only one part of the story. The late seventh century was a period of legal learning too. The school run by Theodore and Hadrian at Canterbury saw the study of both canon law and Roman law. The many travellers to Rome, Ireland and Francia encountered other legal systems, law-makers and law-texts. In this section, I will give a brief overview of the types of texts that might have been read, studied and brought to England in this period. This offers plausible routes of transmission for the external influences I have suggested above, but it also reveals the broad intellectual horizons of ecclesiastics and kings and suggests that there was a wider legal sphere in Anglo-Saxon England beyond what we can observe in domestic texts.

There are a few relevant manuscripts from the seventh century in England that can tell us which texts were known though more can be gleaned from textual clues. As we saw above, the Hertford decrees were written using Theodore's 'canon book', and we know that a text of the 649 Lateran Council was present at Hatfield, brought by the papal legate John the Archcantor, who had travelled with Benedict Biscop. Since this council also confirms the five ecumenical councils, perhaps a collection containing these was present too. Other texts associated with Theodore, Hadrian and their school at Canterbury – such as *Iudicia Theodori* (or 'Canons of Theodore') and the *Biblical Commentaries* – reveal further canon law sources.¹⁵² None of this evidence is unproblematic. However, Michael Elliot's comprehensive review of the evidence – building on studies by Martin Brett and Michael Lapidge – allowed him to conclude that *Collectio Dionysiana* (an enlarged version), *Collectio Quesnelliana* and *Collectio Sanblasiana* may have existed in Canterbury and/or Northumbria in the late seventh

in S 1164/1256 (*Shaft* 1), 1260 (BCS 308), 1266 (*CantCC* 55), 65 (*CantCC* 9), 1787 (*LondStP* 6), 248 (*Glast* 7).

¹⁵¹ S 248 (*Glast* 7); for the text and discussion of authenticity, see L. Abrams, 'A Single-Sheet Facsimile of a Diploma of King Ine for Glastonbury', *The Archaeology and History of Glastonbury Abbey: Essays in Honour of the Ninetieth Birthday of C. A. Ralegh Radford*, ed. L. Abrams and J. Carley (Woodbridge, 1991), pp. 97–134.

¹⁵² The glosses, commentaries and *Iudicia Theodori* are discussed in Lapidge and Bischoff, *Biblical Commentaries*, p. 149–54.

century.¹⁵³ He suggested further that *Quesnelliana* – which had relevance to the monothelete controversy – may have played a role at Hatfield or perhaps been acquired by Wilfrid on his visit to Rome in 680.¹⁵⁴ *Collectio Sanblasiana*, which survives in an early eight-century manuscript with connections to England, may also have been used or acquired by Wilfrid.¹⁵⁵

The evidence for Roman law is of a similar kind.¹⁵⁶ *Iudicia Theodori* seems to have drawn on the *Digest* of Justinian,¹⁵⁷ and there are legal terms with ‘very close (often verbatim) parallels in the Justinianic corpus’ in the *Biblical Commentaries*.¹⁵⁸ While there isn’t enough evidence to argue for the existence of any one text,¹⁵⁹ the existence of some form of Roman law-text at Canterbury is more or less confirmed by a letter written by Aldhelm, where he said he had studied Roman laws and the ‘secrets of the jurisconsults’ there.¹⁶⁰ Other texts may also have given access to knowledge of Roman law, including Isidore of Seville’s *Etymologiae*, which can be detected in works by Theodore, Hadrian, Aldhelm and others.¹⁶¹ The text *Instituta regularia divinae legis*, by Junillus Africanus, Emperor Justinian’s chief legal minister in the 540s, has survived in what may be a late seventh- or early eighth-century manuscript copied in the south of England, and Aldhelm seems to have known it.¹⁶² This exegetical work is a guide to biblical law, but it also deals

¹⁵³ M. Elliot, ‘Canon Law Collections in England ca 600–1066: the Manuscript Evidence’ (unpubl. PhD thesis, Univ. of Toronto, 2014), pp. 194–276. See also M. Brett, ‘Theodore and the Latin Canon Law’, *Archbishop Theodore: Commemorative Studies on his Life and Influence*, ed. M. Lapidge (Cambridge, 1995), pp. 120–40 and T. Charles-Edwards, ‘The Penitential of Theodore and the *Iudicia Theodori*’, *Archbishop Theodore*, ed. Lapidge, pp. 141–74.

¹⁵⁴ Elliot, ‘Canon Law Collections in England’, pp. 227–8

¹⁵⁵ Köln, Dombibliothek, 213 (Northumbria, s. viii in). For the Wilfrid connection, see Elliot, ‘Canon Law Collections in England’, pp. 272–3, 249–50. See also D. Ganz, ‘Roman Manuscripts in Francia and Anglo-Saxon England’, *SettSpol* 49 (2002), 627–8, which suggests a connection between this manuscript/collection and Theodore.

¹⁵⁶ For a general overview, see J. F. Winkler, ‘Roman Law in Anglo-Saxon England’, *The Jnl of Legal Hist.* 13 (1992), 101–27.

¹⁵⁷ P. W. Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen* (Weimar, 1929), p. 205; Winkler, ‘Roman Law’, p. 105; Lapidge and Bischoff, *Biblical Commentaries*, p. 61.

¹⁵⁸ Lapidge and Bischoff, *Biblical Commentaries*, p. 61.

¹⁵⁹ It has been suggested that the twelfth-century copy of the *Breviary of Alaric* in William of Malmesbury’s hand was based on an exemplar from Aldhelm’s time (see, e.g., A. S. Cook, ‘Aldhelm’s Legal Studies’, *JEGP* 23 (1924), 105–13). R. Thomson has supported this, pointing out that William’s copy of the *Breviarium* is close to an early version, perhaps unlikely to have reached William in other ways: R. Thomson, ‘Identifiable Books from the Pre-Conquest Library of Malmesbury Abbey’, *ASE* 10 (1981), 1–19, at 14–15. However, there is no other evidence to suggest this.

¹⁶⁰ *Aldelmi Opera*, ed. Ehwald, pp. 475–8, with Lapidge and Herren, *The Prose Works*, p. 152.

¹⁶¹ Lapidge, *AS Library*, pp. 176–7, 181, 311 for manuscripts and citations of *Etymologiae*. See also Bischoff and Lapidge, *Biblical Commentaries*, pp. 204–5 for potential use of Isidore at Canterbury.

¹⁶² London, BL, Cotton Tiberius A. xv, fols. 175–80 (s. vii/viii, prob. S. England). For the manuscript’s connections to Malmesbury and Aldhelm, see Thomson, ‘Identifiable Books’,

with issues such as the governance of the world and secular law-giving, presenting ‘the biblical and exegetical foundation for the emperor’s lawgiving’.¹⁶³ The Canterbury school and its students may thus have come across several different kinds of texts dealing with canon law, Roman law and the relationship between divine law and worldly.

There are other ways in which knowledge of law made its way to England, namely with the period’s many travellers and expats. We have already come across an example of how law-texts travelled: John the Archcantor brought the decrees of the 649 Lateran council from Rome to Hatfield, and a copy of these decrees was made at Jarrow.¹⁶⁴ John took the text of the Hatfield council back to Rome, which was then used to confirm the orthodoxy of the western church at the Synod of Rome (680), which produced a synodal letter, which was incorporated into the records of the Council of Constantinople (680–681). And while John was on a special mission, legal knowledge and texts may also have been acquired by those travelling on other business, some of whom, we are told, had a habit of bringing books back from their travels.¹⁶⁵

The big destination for travellers at the time was Rome, where Wilfrid, Benedict Biscop, Ceolfrith, Aldhelm, Ine, Caedwalla and others went, and where Theodore and Hadrian had come from. But just as important were the places they stayed along the way, sometimes for years. This includes monastic and ecclesiastical foundations such as Lyon (Wilfrid, Biscop), Vienne (Biscop), Lérins (Biscop), Paris (Wilfrid, Theodore, Biscop) and Meaux (Wilfrid, Hadrian). The Paris travellers stayed with Agilbert, whose family also had close

pp. 8–9 and Lapidge, *AS Library*, p. 318. For an introduction to the text, see M. Maas, ‘Junillus Africanus’ *Instituta Regularia Divinae Legis* in its Justinianic Context’, *The Sixth Century: End or Beginning?*, ed. P. Allen and E. Jeffreys (Brisbane, 1996), pp. 131–44.

¹⁶³ M. Pollheimer, ‘Divine Law and Imperial Rule: the Carolingian Reception of Junillus Africanus’, *The Resources of the Past in Early Medieval Europe*, ed. C. Gantner, R. McKitterick and S. Meeder (Cambridge, 2015), pp. 118–34, at 123.

¹⁶⁴ *HE* IV.17–8 (pp. 386–91).

¹⁶⁵ Biscop and Ceolfrith brought books home; see *Historia Abbatum* chs. 4, 6, 9, 11, 15 and *Vita Ceolfridi* chs. 9, 20, *Bede: Abbots of Wearmouth and Jarrow*, ed. and trans. C. W. Grocock and I. N. Wood (Oxford, 2013). See also D. Dumville, ‘The Importation of Mediterranean Manuscripts into Theodore’s England’, *Archbishop Theodore*, ed. Lapidge, pp. 96–119, at 103–6 and Lapidge, *AS Library*, pp. 26–9. There are several other ways in which texts could have made their way to England too. For instance, think of Bede requesting documents from the papal archive as he relates in the preface to the *Historia Ecclesiastica* or Bertila of Chelles, who sent ‘many volumes of books’ to Anglo-Saxon monasteries (*Vita Bertilae* quoted in P. Sims-Williams, *Religion and Literature in Western England, 600–800* (Cambridge, 2005), p. 110). In general, see, e.g., R. McKitterick ‘Exchanges between the British Isles and the Continent, c. 450–c. 900’, *The Cambridge History of the Book in Britain*, I: c. 400–1100, ed. R. Gameson (Cambridge, 2011), pp. 311–37 and ‘The Diffusion of Insular Culture in Neustria between 650 and 850: the Implications of the Manuscript Evidence’, in her *Books, Scribes and Learning in the Frankish Kingdoms, 6th–9th Centuries* (London, 1994), pp. 395–432, esp. 409–12.

associations to Meaux and Jouarre, as well as Chelles and Faremoutiers-en-Brie, where several English royal women resided, including Hlothhere's sister Eorcengota.¹⁶⁶ Personnel might have been sent from Chelles to populate and found monasteries in England.¹⁶⁷ These foundations in the Paris basin were important for their royal connections too; as Wood pointed out, 'it surely brought Wilfrid, Theodore, Hadrian and Biscop as close to the Merovingian court as one could come'.¹⁶⁸ At other times, travellers came even closer to kings, such as Aldhelm (if he did accompany Caedwalla to Rome), who stayed with the Lombard king Cunicpert, and Wilfrid, who stayed with Dagobert II and the Lombard king Perctarit.¹⁶⁹

Manuscript evidence from the sixth and seventh centuries suggests what would have existed at such monasteries, cathedrals and royal courts, though bear in mind that dates and provenances are tentative, and I am merely suggesting the *kinds* of texts which may have been in the *kinds* of places our people visited. Travellers to Rome would have come across, used and perhaps brought back various canon law collections.¹⁷⁰ Biscop and Ceolfrith are explicitly said to have learnt church law (*ecclesiae statuta*) in Rome and Wilfrid may have interacted with canon books when participating in the synod of Rome and when preparing his cases for the pope.¹⁷¹ The same may be the case for travellers in Francia, from which thirteen canon law manuscripts have survived from the sixth and seventh centuries, perhaps produced in places such as Lyon and Corbie.¹⁷² There are also several manuscripts of Roman law made in southern France in this period, especially (parts of) Theodosius' Code and *Lex Romana Visigothorum* (extracts from Roman law with interpretations, also known as the *Breviary of Alaric*).¹⁷³ We shall come back to these shortly. No Merovingian worldly law – whether *Lex Salica*, *Lex Ripuaria* or other texts – have survived in manuscripts from the sixth or seventh century,

¹⁶⁶ Wood, 'Continental Connections', pp. 467–70. *HE* III.8 (pp. 236–41).

¹⁶⁷ Chelles was founded by the Merovingian queen Balthild (herself of English extraction); Sims-Williams, 'Continental Influence at Bath', pp. 3–4; Wood, 'Continental Connections', p. 470.

¹⁶⁸ Wood, 'Continental Connections', p. 462.

¹⁶⁹ Wood, 'Continental Connections', pp. 450–1.

¹⁷⁰ Ganz, 'Roman Manuscripts', pp. 625–9. The *Vita* of Wilfrid mentions that Theodore arrived bringing from Rome 'statuta iudicia apostolicae sedis' (*VW* ch. 15 (pp. 32–3) and that Biscop brought back from Rome lots of books on 'omnis diuinae eruditionis' (*Historia Abbatum*, ch. 4 (pp. 30–1)).

¹⁷¹ *Vita Ceolfridi*, ch. 10. See above n. 79 for references to the council and to Wilfrid's appeals to the pope. For other English ecclesiastics at foreign councils, see Cubitt, *Church Councils*, p. 294.

¹⁷² R. McKitterick, 'Knowledge of Canon Law in the Frankish Kingdoms before 789: the Manuscript Evidence', *JTS* 36 (1985), 97–117, at 97.

¹⁷³ I. Wood, 'The Code in Merovingian Gaul', *The Theodosian Code: Studies in the Imperial Law of Late Antiquity*, ed. J. Harris and I. Wood (London, 1993), pp. 161–77.

though a couple of the Merovingian royal decrees do.¹⁷⁴ For instance, a decree of Childebert I and a decree of Clothar I or II are found in a sixth- or seventh-century canon law manuscript from southern France.¹⁷⁵ There is also a seventh-century manuscript of Rothari's edict, the Lombard law issued in the 640s, a text which may have been available at the Lombard courts and perhaps monasteries where some of our travellers stayed.¹⁷⁶

It seems relatively certain that our ecclesiastical travellers would have come across canon law while travelling, but it's clear that different types of law did not exist in isolation from each other. As we just saw, a Merovingian royal decree survived in a canon law manuscript; the same is the case for Clothar II's Paris decree, which is found next to the Paris church council decree in a collection of canon law from the eighth century.¹⁷⁷ Eighth-century manuscripts also suggest that texts such as *Lex Saliica* – to which several royal decrees became attached – could appear in manuscripts alongside versions of Roman law.¹⁷⁸ David Ganz has found further connections in annotations in sixth- and seventh-century legal manuscripts, concluding that 'it is evident that the line between the secular government of the Merovingian palace and the theological and canonical learning of Merovingian bishops and abbots is not so hard and fast'.¹⁷⁹ Some canon law manuscripts have annotations in a hand with features of chancery script, including the manuscript containing Clothar and Childebert's decrees.¹⁸⁰ And it seems that clerics studied, annotated and corrected Roman law, sometimes in centres with close connections to the royal court.¹⁸¹ Manuscript evidence thus points to a single shared legal sphere.

There is textual evidence too. We have already seen that there was close collaboration between kings and bishops in the sixth and early seventh centuries,

¹⁷⁴ The content of surviving manuscripts can be found at <http://www.leges.uni-koeln.de/en/mss/period/>.

¹⁷⁵ Paris, Bibliothèque nationale de France [BnF], Lat. 12097; E. A. Lowe, *Codices Latini Antiquiores*, 11 vols and supplement (Oxford, 1934–71) [hereafter CLA and cited by volume and item number], V:619.

¹⁷⁶ St Gallen, Stiftsbibliothek, 730; CLA VII:949. See N. Everett, 'Literacy and the Law in Lombard Government', *EME* 9 (2000), 93–127, at 100–2 for more on the promulgation of the edict.

¹⁷⁷ Berlin, Staatsbibliothek, Preußischer Kulturbesitz Philipps 1743; CLA VIII:1060.

¹⁷⁸ For example, Wolfenbüttel, Herzog August Bibliothek, Cod. Guelf. 97 Weiss and St Gallen, Stiftsbibliothek, 731; see Wood, 'The Code in Merovingian Gaul', p. 176. R. McKitterick, 'Perceptions of Justice in Western Europe in the Ninth and Tenth Centuries', *SettSpol* 44 (1997), 1075–1104, at 1094.

¹⁷⁹ D. Ganz, 'Bureaucratic Shorthand and Merovingian Learning', *Ideal and Reality in Frankish and Anglo-Saxon Society*, ed. P. Wormald (Oxford, 1983), pp. 58–75, at 74.

¹⁸⁰ Ganz, 'Bureaucratic Shorthand', pp. 67, 74.

¹⁸¹ D. Ganz, 'Les plus anciens manuscrits de Lyon et leurs annotations, témoins des activités culturelles', *Lyon dans l'Europe carolingienne. Autour d'Agobard (816–840)*, ed. F. Bougard, A. Charansonnet and M.-C. Isaïa, Haut Moyen Âge 36 (Turnhout, 2009), 35–47, at 41–5.

which resulted in royal decrees made or issued in connection with church councils. Some of these texts also show influence from external sources. For instance, the royal decrees of Childeric and Clothar show influence from Roman law, which may be due to clerical involvement, since Roman law seems to have been copied, studied and annotated at ecclesiastical centres.¹⁸² The council of Mâcon (585) shows influence from Roman law and Merovingian royal law; in fact, this occasion may also have played a role in the preservation of the collection of Roman imperial laws known as the Sirmundian Constitutions.¹⁸³ Such crossover was not limited to the late sixth and early seventh centuries. In the 670s – a ‘period of considerable legal activity’ in Francia – Bishop Leodegar of Autun in Burgundy revised the laws of earlier kings, perhaps including a version of *Lex Salica*.¹⁸⁴ He may also have edited the canon law collection *Collectio Vetus Gallica* and his biographer tells us that he was learned in Roman law.¹⁸⁵ Native law, canon law and Roman law could be found in the same manuscripts and in the same centres and seem to have been known and read by the same people, both secular and ecclesiastic. Our travellers, who were mainly ecclesiastics, may therefore have come across and studied not just the laws of the church, but also those of the Romans and Franks.

This seems especially likely on one particularly important journey: Wilfrid’s three years of studying in Lyon in the 650s.¹⁸⁶ Lyon was a centre for book writing, book trade and legal learning,¹⁸⁷ and in particular, it appears to have been a place for the ‘collection, adaptation and reconfiguration of Roman law’.¹⁸⁸ Since Wilfrid was ‘in iudiciis Romanorum eruditissimum’,¹⁸⁹ according

¹⁸² Wood, *Merovingian Kingdoms*, pp. 107–8.

¹⁸³ Moore, *Sacred Kingdom*, pp. 135–6, see also S. Esders and H. Reimitz, ‘After Gundovald, before Pseudo-Isidore: Episcopal Jurisdiction, Clerical Privilege and the Uses of Roman Law in the Frankish Kingdoms’, *EME* 27 (2019), 85–111, at 95–104. Use of the text *Collatio Legum Mosaicarum et Romanarum*, a late-antique comparison of biblical and Roman law, has been detected in Merovingian church council decrees of the sixth century; see R. Frakes, *Compiling the Collatio Legum Mosaicarum et Romanarum in Late Antiquity* (Oxford, 2011), pp. 37–8.

¹⁸⁴ Wood, ‘The Code in Merovingian Gaul’, p. 169, see also pp. 164–9.

¹⁸⁵ Wood, ‘The Code in Merovingian Gaul’, p. 168. For his involvement in the *Vetus Gallica*, see H. Mordek, *Kirchenrecht und Reform im Frankenreich: die Collectio Vetus Gallica, die älteste systematische Kirchenrechtssammlung des Fränkischen Gallien (Studien und Edition)* (Berlin, 1975), pp. 82–5.

¹⁸⁶ *VW* chs. 3–6 (pp. 8–15); *HE* III.25 (pp. 296–7).

¹⁸⁷ For learning in Lyon, see B. Bischoff, *Manuscripts and Libraries in the Age of Charlemagne* (Cambridge, 1994), pp. 33–35; R. McKitterick, ‘The Scriptoria of Merovingian Gaul: a Survey of the Evidence’, *Columbanus and Merovingian Monasticism*, BAR International Series 113 (Oxford, 1981), 173–208, at 177–81; Ganz, ‘Les plus anciens manuscrits’, pp. 35–47; and P. Ganivet, ‘L’«Épitomé de Lyon»: un témoin de la réception du Bréviaire dans le sud-est de la Gaule au VI^e Siècle?’, *Le Bréviaire d’Alaric: aux origines du Code civil*, ed. M. Rouche and B. Dumézil (Paris, 2008), pp. 279–328. For more on Wilfrid in Lyon, see H. Mayr-Harting, *The Coming of Christianity to Anglo-Saxon England* (London, 1972), pp. 132–4.

¹⁸⁸ Esders and Reimitz, ‘After Gundovald’, p. 96.

¹⁸⁹ *VW* ch. 43 (pp. 86–7).

to his biographer, Lyon may well be where he gained this knowledge. Surviving manuscripts from the sixth and seventh centuries probably from Lyon suggest that he may have come across *Codex Theodosianus*,¹⁹⁰ *Lex Romana Visigothorum*,¹⁹¹ the Sirmundian Constitutions¹⁹² and more.¹⁹³ The canon law manuscript containing Clothar I/II's decree and the *Collectio Vetus Gallica*, a systematic collection of ecumenical and Gallic councils, may also originate from Lyon.¹⁹⁴ As Ganz has observed, Merovingian cursive notes in several of these Lyon manuscripts demonstrate that the same people were working with texts of exegesis, liturgy and Roman law.¹⁹⁵ Wilfrid surely then took part in similar work. What is more, Wilfrid's patron and teacher in Lyon, Archbishop Aunemundus, had been fostered at the court of King Dagobert and was godfather to King Clothar III. Though he fell out of favour with the royal family later, his library or teachings may have held some secular law-codes and royal decrees too.¹⁹⁶

The things Wilfrid learnt in Lyon could easily have spread to his many clerical and royal friends (and enemies). But his education is just as important as an example of what was possible for travelling ecclesiastics in the seventh century. We lack detailed evidence for the other churchmen who may have been more

¹⁹⁰ Paris, BnF Lat. 9643; CLA V:591 and E. A. Lowe, *Codices Lugdunenses antiquissimi* (Lyon, 1924), p. 29. See D. Ganz, 'Les plus anciens manuscrits', p. 36, for an annotation that suggest the manuscript was in Lyon in the seventh century. Note, however, that it is not possible to confirm that all these manuscripts were at Lyon in the seventh century, though many were there by the ninth; for doubts, see McKitterick, 'The Scriptoria of Merovingian Gaul', pp. 178–82.

¹⁹¹ Berlin, Staatsbibliothek, Preußischer Kulturbesitz, Phill. 1761; CLA VIII:1064 and Lowe, *Codices Lugdunenses*, p. 41. Another copy of the *Breviary* (München, Bayerische Staatsbibl., Clm. 22501; Lowe, CLA, IX:1324) may also have been made at Lyon (or elsewhere in Southern France) in the sixth or seventh century; see Dumville, 'The Importation of Mediterranean Manuscripts', p. 116, and Ganz, 'Les plus anciens manuscrits', p. 42.

¹⁹² Preserved with a canon law collection in Berlin, Staatsbibliothek, Preußischer Kulturbesitz, Phill. 1745 + St. Petersburg, Rossijskaja Nacional'naja Biblioteka, F.v.II.3; CLA VIII:1061 and Lowe, *Codices lugdunenses* p. 45. See Mordek, *Kirchenrecht*, pp. 62–82 for the dating, place of origin and authorship of this collection and Esders and Reimitz, 'After Gundovald' for more context on its making.

¹⁹³ Other manuscripts possibly from Lyon in this period include a copy of the *Lex Romana Visigothorum* (Louvain, Bibliothèque de l'université, Frg. H. Omont 2 A U. B; see B. Bischoff, V. Brown and J. J. John, 'Addenda to Codices Latini Antiquiores', *MS 47* (1985), 317–66, at 333–4) and parts of the Theodosian Code (Vatican, Biblioteca Apostolica Vaticana, Reg. Lat. 886 (CLA I:110)). For further suggestions, see Ganz, 'Les plus anciens manuscrits', p. 42. For canon law, see McKitterick, 'Knowledge of Canon Law', pp. 105–6.

¹⁹⁴ Paris, BnF, Lat. 12097; for potential link to Lyon, see Ganz, 'Les plus anciennes manuscrits', p. 43. For the *Vetus Gallica*, see Mordek, *Kirchenrecht*, pp. 63–81.

¹⁹⁵ Ganz, 'Les plus anciens manuscrits', p. 37; see also pp. 41–5 for notes in law manuscripts and Ganz, 'Bureaucratic Shorthand' pp. 73–5.

¹⁹⁶ *Acta Aunemundi in Late Merovingian France: History and Hagiography 640–720*, trans. P. Fouracre and R. Gerberding (Manchester, 1996), pp. 180–2.

closely involved in the production of Anglo-Saxon royal law, such as Aldhelm and Eorcenwald, but it seems entirely possible that they too may have acquired knowledge of other forms of law when they studied and travelled.

Another place with ‘a single legal culture, embracing the Latin and vernacular laws’ was Ireland, a popular destination for other students and travellers.¹⁹⁷ Agilbert is said to have joined the West-Saxon clergy after a period of study in Ireland,¹⁹⁸ and Aldhelm may have been there too.¹⁹⁹ From various sources we know that other Englishmen were students in Ireland, and there may have been Irish students at Canterbury.²⁰⁰ This is in addition to any number of links between Ireland and various Anglo-Saxon kingdoms in the seventh century, from Aidan in Northumbria to Fursey in East Anglia to Diuma in Mercia.²⁰¹

It is, however, difficult to say what impact this may have had on legal writing in England. Although Aldhelm’s writings display knowledge of Hiberno-Latin texts, there is no direct evidence of secular legal knowledge derived from Ireland in Aldhelm’s writings.²⁰² Agilbert has not left us with any writings. But we cannot rule out that they or their fellow students came across law-texts, both ecclesiastical and secular, in Ireland and that they brought knowledge and/or texts back with them to Wessex and elsewhere. As in Francia, monasteries appear to have been sites of legal study and production of both ecclesiastical and worldly law.²⁰³ It has been suggested that ‘the law tracts, in Latin and in the vernacular, are the work of a single class of learned men who were as well versed in scripture as in the legal lore of their ancestors...’²⁰⁴ It is possible, then, that English students in

¹⁹⁷ D. Ó Corráin, ‘*Synodus II Patricii* and Vernacular Law’, *Peritia* 16 (2002), 335–43, at 335.

¹⁹⁸ *HE* III.7 (pp. 234–5); Hammer, “‘Holy Entrepreneur’”, p. 62.

¹⁹⁹ Lapidge, ‘Career of Aldhelm’, pp. 22–30. For further literature, see B. Yorke, ‘Aldhelm’s Irish and British Connections’, *Aldhelm and Sherborne: Essays to Celebrate the Founding of the Bishopric*, ed. K. Barker and N. Brooks (Oxford, 2010), pp. 164–180; R. C. Ireland, ‘Where Was King Aldfrith of Northumbria Educated? An Exploration of Seventh-Century Insular Learning’, *Traditio* 70 (2015), 29–73.

²⁰⁰ For references, see Ireland, ‘Where Was King Aldfrith of Northumbria Educated?’, pp. 33–4 and Yorke, ‘Aldhelm’s Irish and British Connections’, pp. 166–7.

²⁰¹ For this vast field, see e.g. T. Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000), pp. 308–26, and K. Hughes, ‘Evidence for Contacts between the Churches of the Irish and English from the Synod of Whitby to the Viking Age’, *England Before the Conquest: Studies in Primary Sources presented to Dorothy Whitelock*, ed. P. Clemoes and K. Hughes (Cambridge, 1971), pp. 49–67, esp. at 49–50.

²⁰² For Irish knowledge in Aldhelm, see, e.g., A. Orchard, ‘Aldhelm’s Library’, *The Cambridge History of the Book in Britain*, I: c. 400–1100, ed. R. Gameson (Cambridge, 2011), pp. 591–605, at, e.g., 595; M. Herren, ‘Scholarly Contacts between the Irish and the Southern English in the Seventh Century’, *Peritia* 12 (1998), 24–53, at 42–44.

²⁰³ Flechner, *Hibernensis* I, 76*–80*; Stacey, *Dark Speech*, p. 59; Kelly, *Guide*, pp. 242–50.

²⁰⁴ D. Ó Corráin, L. Breatnach and A. Breen, ‘The Laws of the Irish’, *Peritia* 3 (1984), 382–438, at 412. See also L. Breatnach, ‘Canon Law and Secular Law in Early Ireland: the Significance of *Bretha Nemed*’, *Peritia* 3 (1984), 439–59 and ‘The Ecclesiastical Element’, pp. 36–52.

Irish monastic schools may have come across law-texts of all kinds, perhaps written by or used for teaching by clerics.²⁰⁵ While there are more obstacles to establishing knowledge of Irish worldly law in England than there is for Roman or Frankish,²⁰⁶ it is worth considering the possibility of influence, because, as we saw above, there are intriguingly similar developments in Ireland and England. Both places experienced a flourishing of law-writing around the same time and both places saw the emergence of new types of text, taking the form of council statutes issued as a result of close cooperation between ecclesiastics and kings. Some of these similarities may well be related to the many scholarly, royal and ecclesiastical contacts of the period.

This section has taken us away from the more restricted idea of the church decrees, Frankish law and their influence on early Anglo-Saxon royal laws. But it is an important context to that argument. It offers a background to the interest and boom in legal writing in this period, and it also suggests that the intellectual horizons of churchmen – and the kings they advised – were broad. And it reminds us that when they contributed to putting law into writing or advising kings, they would have done it with the awareness of the various ways it was done elsewhere and had been done in the past, and they would have been familiar with many different legal genres and forms. The Kentish and West-Saxon royal laws were not written in a vacuum.

CONCLUSION

It is nothing new to suggest that the start of law-writing in England had something to do with Christianity. The arrival of Roman missionaries in Canterbury in 597 is often seen as a catalyst for the writing of Æthelberht's laws.²⁰⁷ Wormald's famous argument is that the laws of the Church and the Bible provided a model and inspiration to Christian kings in the early Middle Ages.²⁰⁸ In this article, I have made the case for a more concrete way in which the Church shaped worldly law, namely through genre and textual form. In addition, I have showed that the late seventh century was a distinctive moment in the legislative tradition in Anglo-Saxon England, characterised not just by this ecclesiastical influence on kings' laws, but also by an interest in law and writing, experimentation with written law and legal documents, and knowledge of external legislative traditions.

²⁰⁵ There are few signs of the existence of Roman law in Ireland, see McLeod, 'External Influences', pp. 34–5.

²⁰⁶ Problems include, e.g., the late date of the Irish law manuscripts, see Kelly, *Guide*, pp. 225–41.

²⁰⁷ See, e.g., Oliver, *Beginnings*, pp. 14–7.

²⁰⁸ P. Wormald, 'Lex scripta and verbum regis: Legislation and Germanic Kingship from Euric to Cnut', in his *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience* (London, 1999), pp. 1–44, esp. at 31–4.

In fact, it is not just in the legal sphere that things were happening in Anglo-Saxon England, which led John Blair to ask: ‘why did so much change in the seventh century?’²⁰⁹ Among the developments of the late seventh century are the appearance of emporia (e.g., at London, Southampton and Ipswich), of silver coins, of the social and economic consequences of the plague,²¹⁰ of new royal building and burial practices, and, not least, of the boom in monastic foundations, made possible by royal land grants and privileges, and the resulting transformation of the episcopate.²¹¹ Blair argued that it was no coincidence that monastic sites and trading sites started to appear in the ‘brief three decades of circa 670s–700’ and that ‘we should simply locate the formation of these places in the cosmopolitan cultural milieus that leading ecclesiastics shared with kings’.²¹² The appearance of a new form of land title, charters, at this time was also an effort ‘directed by highly educated and cosmopolitan religious leaders and supported by kings’.²¹³ Seen within this broader context, our royal laws is yet another thing to have come out of this new and close relationship between the royal and ecclesiastical spheres.

Another aspect of this relationship manifested itself in the short-lived phenomenon of kings who ‘opted out’: kings who abdicated to become monks or to go on pilgrimage to Rome.²¹⁴ One of them was King Ine, who in 726 followed in the footsteps of his predecessor Caedwalla (d. 689) by abdicating to Rome. Oswiu of Northumbria had planned to retire to Rome the 670s, but died before he could go. An early adopter of monastic retirement was King Sigebert of East Anglia in the 630s and several others followed him: King Centwine of Wessex in the 670s, King Sebba of the East Saxons in the 690s, King Æthelred of Mercia in c. 700 and a couple of more in the early eighth century.²¹⁵ Barbara Yorke saw this as part of the same pattern that produced the saintly kings of Northumbria in the late seventh century (e.g., Oswald), the royal princesses and widows who became nuns and abbesses on the continent, and the twenty-five to thirty royal nunneries established in England in the late

²⁰⁹ J. Blair, *Building Anglo-Saxon England* (Princeton, 2018), p. 174.

²¹⁰ See J. Maddicott, ‘Plague in Seventh-Century England’, *Plague and the End of Antiquity: the Pandemic of 541–750*, ed. L. Little (Cambridge, 2006), pp. 171–214. For a recent contribution arguing for a severe impact of the plague of the sixth and seventh centuries, see P. Sarris, ‘New Approaches to the “Plague of Justinian”’, *Past & Present* 254 (2022), 315–46.

²¹¹ Blair, *Building*, pp. 113–38, 174–6; J. Blair, *The Church in Anglo-Saxon Society* (Oxford, 2005), pp. 79–80. On the episcopate, see Savill, *England and the Papacy*, pp. 135–9.

²¹² Blair, *Building*, p. 173.

²¹³ J. Blair, ‘The Limits of Bookland’, *ASE* 49 (2020), 197–252, at 200.

²¹⁴ C. Stancliffe, ‘Kings who Opted out’, *Ideal and Reality in Frankish and Anglo-Saxon Society*, ed. P. Wormald (Oxford, 1983), pp. 154–76.

²¹⁵ Stancliffe, ‘Kings who Opted out’.

seventh and early eighth century.²¹⁶ Yorke located these developments in the ‘transition point’ from the first to second phases of conversion around the 660s, when Christianity had become the only option for kings. Royal families wanted to demonstrate their links to the new supernatural power and ensure that the royal line maintained its sacrality.²¹⁷ Law-making and law-writing could be another aspect of this new relationship between kings and their religion, which appears to be quite different to the conversion context that may have led to Æthelberht’s laws being written down.

Clearly, there were many relatively sudden changes between 670 and 700. I have argued that the developments we see in the form of royal law-texts in the late seventh century were directly inspired by church council decrees, but the appearance of both forms of law at this time may well be the result of these wider changes caused by new relationships between kings and ecclesiastics and a new relationship between the English Church and the continental.

This takes us back to Wormald, who argued for close connections between Christianity and the commitment of early medieval law to writing, suggesting an ideological and cultural debt to Christian law (as well as Roman).²¹⁸ My response to this (simplified version of Wormald’s) view is that we are also looking at more concrete Romano-Christian influence through the adoption and adaptation of an ecclesiastical law-genre to royal needs. This influence could happen because courts and monasteries shared the same cosmopolitan and legally learned milieu. A second response follows from this. If the form of royal law in the late seventh century was modelled directly on the conciliar laws of the Church, then we have reason to suspect that this new genre did not develop endogenously because of new modes of kingship. In this case, changes in text do not necessarily reflect changes on the ground in the way that Wormald proposed. But this textual adoption does nevertheless tell us about realities on the ground in terms of seventh-century learning and legal knowledge and about the permeability of the legal system.

The experimentation and innovation in the forms of royal law of the late seventh century is also relevant to our understanding of the following two centuries. The seventh-century laws are usually seen as part of a distinct vernacular tradition of Anglo-Saxon written law which started with Æthelberht in the seventh century and ended with the law-code of King Cnut in the eleventh century.²¹⁹ But the late seventh-century burst of legislative activity is better seen

²¹⁶ B. Yorke, ‘The Adaptation of the Anglo-Saxon Royal Courts to Christianity’, *The Cross Goes North: Processes of Conversion in Northern Europe, AD 300–1300*, ed. M. Carver (Woodbridge, 2003), pp. 244–57, at 252–4.

²¹⁷ Yorke, ‘Adaptation’, pp. 247, 252–4, 257.

²¹⁸ Wormald, ‘*Lex scripta*’, esp. pp. 31–4.

in the context of the legal, political and ecclesiastical changes and innovations of that century, rather than as part of the later Anglo-Saxon tradition of written law. Of course, the seventh-century texts were integrated into the later tradition, especially by King Alfred, who drew on both *Æthelberht* and *Ine* for his ninth-century law-code.²²⁰ But while the early period may have sowed the seeds for the later tradition, there is little reason to think of it as a continuous tradition, with all that implies for our scholarly methods (e.g., using evidence for the production of later laws to speculate about earlier ones and vice versa).

This acknowledgment helps us to understand what appears to have been almost two hundred years of legislative silence following the seventh century. In fact, we do not necessarily need to think of it as a period of silence. Rather, the 670s to 690s was the exception in a period when law was not committed to writing. Alternatively, it encourages us to think differently about what counts as ‘an Anglo-Saxon law’ in the eighth and (most of) the ninth century. Wormald famously argued that the ‘lost’ eighth-century law-code of Offa survived only in the form of a church council decree – an intriguing suggestion in light of the argument presented in this article.²²¹ Texts such as the eighth-century *Dialogues of Ecgbert* offer examples of further experimentation with the form of written law, which Kristen Carella has drawn attention to recently.²²² That is to say, we should not be looking for something that resembles the seventh-century laws or the tenth-century laws, because there was no established convention for how law ought to look. The experimentation we see in the late seventh century could have continued into the eighth or it may have dwindled.

The seventh-century laws should be seen as part of a wider intellectual and legal sphere of the Anglo-Saxon kingdoms and their neighbours in the seventh century. This means that we can and *have to* use evidence from other textual genres and other types of law, from England and from other places, to understand the royal laws of Hlothhere, Eadric, Wihtræd and Ine. This opens up our source-base: the seventh century is not as well attested as we should like but claims about how little we can know about these laws are unnecessarily pessimistic and seemingly based

²¹⁹ See references in Ivarsen, ‘A Vernacular Genre?’, p. 499.

²²⁰ See, e.g., Ivarsen, ‘A Vernacular Genre?’, pp. 502–6. The preface to Alfred’s code describes a period after the English became Christian where ‘synods ... of holy bishops and also other distinguished wise men’ established the monetary fines owed to ‘worldly lords’ for various crimes, writing these down in various ‘synod books’. It’s tempting to see this as a reference to the process that produced the seventh-century laws; see Liebermann, *Gesetze* I, 44–5.

²²¹ P. Wormald, ‘In Search of King Offa’s “Law-Code”’, in his *Legal Culture in the Early Medieval West: Law as Text, Image, and Experience* (London, 1999), pp. 201–24.

²²² K. Carella, ‘Northumbrian Law before the Vikings: a Preliminary Assessment of the Evidence’, *Languages of the Law in Early Medieval England: Essays in Memory of Lisi Oliver*, ed. A. Rabin and S. Jurasinski (Groningen, 2019), pp. 44–57, esp. at 55.

mostly on the lack of other Anglo-Saxon secular sources.²²³ When we acknowledge that these laws emerged out of a cosmopolitan and intellectual milieu that was both royal and ecclesiastical and closely connected across the Channel, the world that produced them does not look quite as hazy.²²⁴

²²³ See, e.g., Oliver and Jurasinski, *The Laws of Alfred*, pp. 50–1. There is a parallel for this tendency in the field of canon law, where, as Elliot observed, scholarship is still influenced by the assumption that ‘the earliest prelates of the Anglo-Saxon church ignored the Continental canonical tradition in favour of basing “English” canon law on the secular institutions and jurisprudence already in place on the island’, see Elliot, ‘Canon Law Collections’, e.g., pp. 44–5 (quote) and 55–69.

²²⁴ I would like to thank John Blair and Levi Roach for their comments on this article. Versions of this article were presented at the Oxford Medieval Seminar in 2022 and the conference ‘Law in Transmission’ at the University of St Andrews in 2021 and I am grateful to the audiences for their comments and questions.