THE RECTITUDES SINGULARUM PERSONARUM:

A PRE- AND POST-CONQUEST TEXT

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THE RECTITUDINES SINGULARUM PERSONARUM:

A PRE- AND POST-CONQUEST TEXT

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Dissertation

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This dissertation examines manorial society in the Anglo-Saxon and the Anglo-Norman periods. The central focus of this study is a document scholars have called the *Rectitudines singularum personarum* (*Rect.*). This text provides the most detailed account of estate social-structure in the Anglo-Saxon period. Originally composed in Anglo-Saxon in the early eleventh century, in the early twelfth century it was compiled with other Anglo-Saxon legal texts, and in one of these compilations was also translated into Latin. A central thesis of the dissertation is that the Anglo-Saxon and the Latin versions of this treatise are to be regarded as two separate texts, each being produced to meet different needs and written to address different audiences.

Few scholars have tried to ascertain the original purpose for which the *Rect.* was written. This dissertation places the *Rect.* within the context of changes in estate morphology during the Anglo-Saxon period, most notably the process of nucleation. It is here argued that nucleation caused significant social change, undermining the traditional and customary rights of the residents of estates. The *Rect.* was a treatise that held up the author’s own estate as an example of how nucleation can be implemented without undermining the customary rights of the residents.
After the Conquest the residents of English estates came to be re-classified as workers dependent on their lord. This in addition to the practice of estate farming diminished the status of peasants and undermined their customary rights. In an effort to preserve pre-Conquest rights legal thinkers of the early twelfth century integrated the *Rect.* into the collection of texts that represented the Anglo-Saxon legal tradition, a tradition the Norman kings said they would uphold. This dissertation examines the way the *Rect.* was contextualized within this legal canon, and how the compilers used it as a means of integrating manorial rights into the legal discourse. The compiler of the *Quadripartitus*, one of the most important of these compilations, also translated the *Rect.* into Latin. This study examines how he used translation as a means to render the text immediately relevant to the administration of justice in rural society.
The production of this dissertation is due in no small part to the members of my dissertation committee, particularly Dr. Michael Levin and Dr. Michael Graham. They encouraged and guided me through every step of writing and rewriting, giving me invaluable advise on how to clarify my ideas and to high-light the most important points of my work. I want especially to express my gratitude to my advisor, Dr. Constance Bouchard, who endured my endless visits, when I bounced off new ideas, complained about how slow the writing is going, and expressed fears of not getting done. Through it all she was patient and encouraging, providing guidance, and keeping me on task.

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the Parker Library and the John Rylands Library, whose cheerful assistance make
accessing the manuscripts a pleasant experience. In particular I need to remember Gill
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images of the Corpus Christi College, Cambridge 383.

Ad extremum, deo pro inspiratione, quam solus mihi donavit, gratias agere debo.
Sine divinito adiumento, ductu et consilio numquam haec dissertatio mea scripta esset.
Cuius propter gratiam ego cum Paulo confiteri possum, Πάντα ισχυον εν τω ενδυναμούντι
με Χριστῷ.

SOLI DEO GLORIA
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>LIST OF FIGURES</th>
<th>xi</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHAPTER</strong></td>
<td></td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>The Text</td>
<td>2</td>
</tr>
<tr>
<td>The Sources</td>
<td>5</td>
</tr>
<tr>
<td>The Question of “Peasants”</td>
<td>8</td>
</tr>
<tr>
<td>The Chapters</td>
<td>10</td>
</tr>
<tr>
<td>II. HISTORIOGRAPHY OF THE <em>RECTITUDINES</em> AND THE <em>QUADRIPARTITUS</em></td>
<td>24</td>
</tr>
<tr>
<td>The Historiography of the <em>Rect.</em> and the <em>Quadr.</em></td>
<td>25</td>
</tr>
<tr>
<td>The <em>Rect.</em> and Debates Over Anglo-Saxon Rural Society</td>
<td>58</td>
</tr>
<tr>
<td>Conclusions</td>
<td>71</td>
</tr>
<tr>
<td>III. THE ANGLO-SAXON ESTATE</td>
<td>76</td>
</tr>
<tr>
<td>Anglo-Saxon Estates</td>
<td>77</td>
</tr>
<tr>
<td>Anglo-Saxon Estates: Their Residents</td>
<td>90</td>
</tr>
<tr>
<td><em>Geneat.</em></td>
<td>91</td>
</tr>
<tr>
<td><em>Gebur.</em></td>
<td>96</td>
</tr>
<tr>
<td><em>Cotsetla</em> and Other Workers</td>
<td>108</td>
</tr>
</tbody>
</table>
### Conclusions

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV</td>
<td>THE RECTITUDINES, ITS CONTEXT AND PURPOSE.</td>
<td>115</td>
</tr>
<tr>
<td></td>
<td>The Evolution of Anglo-Saxon Estates.</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>The Estate of the <em>Rect.</em></td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>The Origin of the <em>Rect.</em> Estate</td>
<td>130</td>
</tr>
<tr>
<td></td>
<td>The Purpose of the <em>Rect.</em></td>
<td>133</td>
</tr>
<tr>
<td></td>
<td>The Effects of Nucleation on Estate Residents.</td>
<td>139</td>
</tr>
<tr>
<td></td>
<td>The Purpose of the <em>Rect.</em>: The Internal Evidence.</td>
<td>142</td>
</tr>
<tr>
<td></td>
<td>Conclusions.</td>
<td>152</td>
</tr>
<tr>
<td>V</td>
<td>THE CONQUEST, DOMESDAY BOOK, AND THE PROCESS OF RE-CATEGORIZATION.</td>
<td>154</td>
</tr>
<tr>
<td></td>
<td>Anglo-Saxon Categorical Systems.</td>
<td>155</td>
</tr>
<tr>
<td></td>
<td>Normandy and the Rise of Lordship.</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>The Conquest and the “Tenurial Revolution”.</td>
<td>167</td>
</tr>
<tr>
<td></td>
<td>The Categories of the <em>Domesday Book</em>.</td>
<td>173</td>
</tr>
<tr>
<td></td>
<td>The Impact of Farming on Rural Social Status.</td>
<td>195</td>
</tr>
<tr>
<td></td>
<td>Conclusions: Categorical Change and Anglo-Saxon Tenurial Structure.</td>
<td>201</td>
</tr>
<tr>
<td>VI</td>
<td>THE RECTITUDINES AND THE QUADRIPARTITUS: PART 1: THE EFFECTS OF CONTEXTUALIZATION.</td>
<td>204</td>
</tr>
<tr>
<td></td>
<td>The Legal History of Anglo-Norman England.</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>Legal Compilations and the Search for Edward’s Law.</td>
<td>212</td>
</tr>
<tr>
<td></td>
<td>The Three Great Compilations.</td>
<td>216</td>
</tr>
<tr>
<td></td>
<td><em>Textus Roffensis</em> [H].</td>
<td>217</td>
</tr>
</tbody>
</table>
Rect. and CCC 383 [B] ........................................... 219

Rectitudines and Quadripartitus ........................................ 225

Quadr.: The Manuscripts and the Recensions ......................... 226

Quadr.: The Purpose of the Collection ................................ 229

Rect. and the Quadr.: The First Strategy: The R Recension ........ 232

Rect. and the Quadr.: The Second Strategy: The T, M, & Hk Recensions 238

Recension T: Rect. and the III Em. Group ............................ 244

Recensions M & Hk: The Addition of the Ew-Em Group .......... 249

The I Ew-III Em Group: The Union of III Em and Ew-Em Groups 258

Conclusions ................................................................. 260

VII. THE RECTITUDINES AND THE QUADRIPARTITUS:
PART 2: THE EFFECTS OF TRANSLATION .............................. 264

The Audience and the Context ............................................ 265

Strategies One and Two: The Socio-Linguistic Sphere of Norman Lords 268

Strategy Three: Teaching Normans Anglo-Saxon ..................... 275

Translation as Changing the Text ......................................... 283

Adjustment of Rect. to Twelfth-Century Conditions ................ 284

Concern for the Rights of Tenants ...................................... 295

Extension of Rect.’s Applicability and Authority ..................... 304

Conclusions ................................................................. 308
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII. TEXT EDITIONS OF THE RECTITUDINES.</td>
<td>311</td>
</tr>
<tr>
<td>The Anglo-Saxon Text Edition</td>
<td>313</td>
</tr>
<tr>
<td>The Latin Text Edition</td>
<td>313</td>
</tr>
<tr>
<td>The Modern English Translation</td>
<td>316</td>
</tr>
<tr>
<td>The Philological Commentary</td>
<td>317</td>
</tr>
<tr>
<td>The Anglo-Saxon Rectitudines of CCC 383.</td>
<td>319</td>
</tr>
<tr>
<td>The Latin Rectitudines of the Quadripartitus.</td>
<td>334</td>
</tr>
<tr>
<td>Textual Commentary</td>
<td>348</td>
</tr>
<tr>
<td>Excursus I: The Use of Lagu.</td>
<td>390</td>
</tr>
<tr>
<td>Excursus II: The Use of Geriht, Riht, Rectudo and Rectum.</td>
<td>394</td>
</tr>
<tr>
<td>IX. CONCLUSION</td>
<td>399</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>415</td>
</tr>
<tr>
<td>APPENDICES</td>
<td>427</td>
</tr>
<tr>
<td>APPENDIX A. THE TIDENHAM CUSTUMAL.</td>
<td>428</td>
</tr>
<tr>
<td>APPENDIX B. EADWEARD'S GRANT OF STOKE AT HURSTBOURNE.</td>
<td>431</td>
</tr>
<tr>
<td>APPENDIX C. SUMMARY OF LEGAL TEXTS DISCUSSED IN CHAPTER FIVE.</td>
<td>433</td>
</tr>
<tr>
<td>APPENDIX D. DEVELOPMENT OF TEXT-GROUPS IN THE QUADR.</td>
<td>439</td>
</tr>
<tr>
<td>APPENDIX E. TRANSCRIPTIONS OF THE MANUSCRIPTS.</td>
<td>442</td>
</tr>
<tr>
<td>APPENDIX F. INDEX OF ANGLO-SAXON AND LATIN WORDS.</td>
<td>502</td>
</tr>
<tr>
<td>APPENDIX G. ABBREVIATIONS</td>
<td>525</td>
</tr>
</tbody>
</table>
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Rect. and DB Categories.</td>
<td>203</td>
</tr>
<tr>
<td>6.1</td>
<td>The II Atr. Group.</td>
<td>219</td>
</tr>
<tr>
<td>6.2</td>
<td>Introductions of the Quadr.</td>
<td>230</td>
</tr>
<tr>
<td>6.3</td>
<td>The Rect. in Ms. R.</td>
<td>233</td>
</tr>
<tr>
<td>6.4</td>
<td>The Rect. in Mss. T, M, and Hk.</td>
<td>243</td>
</tr>
<tr>
<td>6.5</td>
<td>The I Ew-III Em Group.</td>
<td>250</td>
</tr>
<tr>
<td>8.1</td>
<td>The Latin Manuscripts of the Rect.</td>
<td>314</td>
</tr>
<tr>
<td>8.2</td>
<td>Symbols Used for Critical Apparatus.</td>
<td>314</td>
</tr>
<tr>
<td>8.3</td>
<td>Abbreviations Used in Commentary.</td>
<td>318</td>
</tr>
<tr>
<td>8.4</td>
<td>The Conceptual Segments of Rect. 20 &amp; 20,1</td>
<td>383</td>
</tr>
<tr>
<td>8.5</td>
<td>Comparison of the A-S and Latin Rect. 21,4</td>
<td>388</td>
</tr>
<tr>
<td>8.6</td>
<td>Rect. 21,4 lines 19 &amp; 20.</td>
<td>388</td>
</tr>
<tr>
<td>8.7</td>
<td>The Uses of geriht/riht and rectitudo/rectum in the Rect.</td>
<td>394</td>
</tr>
</tbody>
</table>
The most important extant document for our understanding of Anglo-Saxon manorial social structure is a text scholars call the *Rectitudines singularum personarum* (hereafter, *Rect.*). This treatise was originally composed in the early eleventh century in Anglo-Saxon, but in the early twelfth century it was translated into Latin and included in a compilation of Anglo-Saxon and Anglo-Norman legal documents called the *Quadripartitus* (hereafter *Quadr.*). While the *Rect.* has been used within broader discussions on Anglo-Saxon and Anglo-Norman rural social structure, it has not been an object of study itself since it was last edited over a century ago. This dissertation will not use the *Rect.* as an unproblematic witness for pre- and post-Conquest rural social life, but will do the opposite, making the *Rect.* the central focus, determining the changing contexts that gave this text meaning and explain the purposes for which it was used.

An important contention of this dissertation is that the Latin version should not be understood as merely a translation of the Anglo-Saxon. The circumstances and needs that prompted the composition of the Anglo-Saxon *Rect.* were very different from those that spurred its translation into Latin and its inclusion in a canon of legal texts. By virtue of its translation and its re-contextualization, the Latin version of the *Rect.* must be seen as a
distinct text from the Anglo-Saxon, the former being in reality a post-Conquest document while the latter pre-Conquest. This dissertation will be concerned with ascertaining the circumstances and the motives for these two different incarnations of the *Rect.* In the process we will see how the *Rect.* came to be used as a discursive tool in both ages (pre- and post-Conquest), a mechanism by which competing regimens, older and newer, came to be harmonized. Consequently, analyzing this function of the *Rect.* also provides new insight into social changes at the manorial level in the eleventh and twelfth centuries. Finally, in conducting this analysis, it is necessary to address the issue of how translation and contextualization affect and redefine texts. In the end, what is offered here is not simply a social history, but an intellectual and legal history as well as a theoretical exploration of how texts should not be regarded as static entities, but as vital and changing, finding new value, life, and application through time.

The Text

Before providing an overview of the *Rect.*’s contents, it should be mentioned that all Anglo-Saxon and Anglo-Norman legal texts, the *Rect.* included, have been divided into sections (and often into subsections) by later scholars, first by Reinhold Schmid in his *Die Gesetze der Angelsachsen* (1858), and by Felix Liebermann, who expanded and standardized the section numbering in his definitive edition of the text in his *Die Gesetze der Angelsachen* (1903).\(^1\) The validity of these divisions for the *Rect.*, and indeed for all

\(^1\)For the edition of the text see GA I, 444-453. For his discussion of the text and section by section commentary, see GA III, 244-255.
of the laws, has recently come into question, and scholars have discussed redistributing the sections in a way that would more accurately reflect their context. Nevertheless, Liebermann’s section and subsection numbers have become the standard means by which these documents are cited, and they will be used here.

The Rect. can be roughly divided into three parts. The first comprises sections 1 and 1,1, which discuss the “law of the thegn” (“Degenlagu”). A “thegn” was both a legal and economic social classification, which was primarily defined by the amount of land and wealth an individual owned, the well-known minimum of five hides. As a result of his landownership, or “for his land” as the Latin would have it, a thegn owed what is now commonly (though questionably) referred to as the trimoda necessitas, i.e. military service, the building of bridges, and the building of fortifications. Among the other duties he owed were maintaining the king’s deer fence, being on coast watch and serving as a bodyguard.

The second and lengthiest part of the Rect. is made up of sections 2 through 6, and discusses the various types of tenants on the estate: the geneat (section 2), the cotsetla (section 3), the gebur (section 4), beekeepers (section 5) and tenant swineherds (section 6). For the most part these sections are concerned with the rents and services that the various kinds of tenants owe the estate. The bulk of this material is dedicated to the gebur, which takes up 41 lines of the text, nearly 40% of this part of the Rect. and almost

---

2More on this in chapter two.

3Certain Anglo-Saxon and Latin terms will be used untranslated, since by their technical (and often debated) nature there is no modern English equivalent. These will, however, be explained in the body of the dissertation and in the philological commentary.
23% of the whole. Clearly, for the compiler of the Rect., the status of the gebur was a major concern.

The third and final part of the Rect. (sections 7-20) switches gears and discusses the perquisites which the estate owes to its various workers: the aehteswan (section 7), slaves (section 8), women slaves (section 9), the folgera (section 10), the sower (section 11), the ox-herd (section 12), the cow-herd (section 13), the shepherd (section 14), the goat-herd (section 15), the cheese-maker (section 16), the barley keeper (section 17), the bydel (section 18) and the woodward (section 19). As will be seen in chapter three, most discussion of the Rect. focuses understandably on the second section, while the third is frequently ignored. Yet, its mere existence is significant. As we will see, the Rect. is unique in Anglo-Saxon literature in spelling out what the estate owes to its workers. That the Rect. specifies, for example, that shepherd is to receive twelve nights' worth of dung at Christmas (Rect. 14) may not be overtly insightful, but the fact it is mentioned at all provides evidence of the purpose for which the treatise was written.

The treatise concludes with section 21 and its subsections, which is comprised of the author’s reminder that practices on estates vary, and the assurance that he is not trying to impose the rights and obligations of his estate on all regions. He admonishes his readers to learn the “laws” (lagu) that are particular to each estate. He concludes with the words, “This is, however, an exhortation regarding the provisions of people and all that, which I have previously discussed above.”4 These last words, as well as other

4“Dis ðeah myngung manna biwiste and eal þaet ic aer beforan ymberehte.” Here as elsewhere in this study, unless otherwise indicated, the translation is my own. Abbreviated words or portions of words are indicated by italic.
statements scattered through the text, indicate that the central concern of the author was the protection of customary rights of tenants. The importance of this will be discussed in chapter four.

The Sources

There are two major sources for the Rect. The first is a single manuscript, which provides the only witness for the Anglo-Saxon version, Corpus Christi College, Cambridge 383, which is often referred to by its siglum, B. It is a collection of various Anglo-Saxon legal documents; some are royal law-codes, while others touch on legal matters though not themselves having any (known) binding authority as would a statute or code. These texts, such as the Rect., we shall here call “paralegal.” Liebermann describes this manuscript as mostly being written by one hand, which he dates 1125 x 1130. In the sixteenth century two laws of Eadgar (II and III Eg.) were placed at the beginning of the manuscript.5 Because it is the earliest of the extant compilations, Patrick Wormald regarded this document as especially important, since it marks a transition in the way that laws were being preserved, the first time that a single manuscript was produced with its sole concern being the collection of law.6 This manuscript, however, has not fared well over the years. Three quires are missing: one after quire 1, another before quire 2, and the third before quire 7. This was the condition of the manuscript

5GA I, xix.

when Bishop Parker\textsuperscript{7} acquired it, as is indicated by the pagination which he supplied with his now famous red crayon.\textsuperscript{8} Fortunately for us, the \textit{Rect.} and the other documents with which it is associated are all within the seventh quire, so we know their order has not been compromised.

A much more comprehensive analysis of B’s contents will be provided in chapter six, but for now a few general comments can be made. The texts are not presented in chronological order. For example, the laws of Cnut (r. 1016-1035) follow the laws of Ine (688-726) and Alfred (871-899), but in turn are followed by the laws of Edward the Elder (899-924) and then by Eadmund (939-946). The significance of this is that there must have been certain thematic principles of organization involved, the identification of which can help us better understand what the compiler regarded as important in these texts and how he understood them. The \textit{Rect.} itself is the penultimate text occupying pages 96-102, according to Parker’s numbering, and according to the more recent foliation, 63v through 66v.

The other source for the \textit{Rect.} is the \textit{Quadr.}, another early twelfth-century compilation of Anglo-Saxon and Anglo-Norman legal texts, all of which are in Latin. The title, \textit{Quadripartitus}, is derived from the flyleaf of one of its manuscripts, which was

\textsuperscript{7}Matthew Parker (1504-1574) was archbishop of Canterbury from 1559 until his death. Among his achievements was the collection and preservation of many Anglo-Saxon manuscripts, most of which are now housed in the library that bears his name at Corpus Christi College, Cambridge.

\textsuperscript{8}Wormald, \textit{Making of English Law}, 230.
the basis for Liebermann’s use of it as the title for his 1892 study by the same name. The term means “divided into four parts,” even though there are only two books extant. The first for the most part provides Latin translations of Anglo-Saxon laws, while Book II presents contemporary, post-Conquest legal material beginning with Henry I’s Coronation Charter.10

The Quadr. is represented by nine different manuscripts. Four of them are actually part of another compilation called the London Collection, which was a thirteenth-century assemblage of legal texts from Ine (r. 688-725) to Henry II (1154-1189), drawing from the Quadr. for the documents that predate the twelfth century.11 Of the remaining five manuscripts, which date from around 1120 to the beginning of the thirteenth century, the Rect. is included in four. The one manuscript, in which the Rect. is not found, is missing most of its quires. What is important is that the five manuscripts reflect five different versions of the Quadr. In each of these recensions the legal texts are arranged in somewhat different order, reflecting changes in the way that the compiler, sometimes referred to as Q, understood these documents, made associations between them, and wanted to define them by these associations. In these recensions the Rect. finds


10Wormald, “Quadripartitus,” 121-123.

11Wormald, Making of English Law, 238.
somewhat different companions, always near the end of Book I. One of the premises of this study is that these various contextualizations of the Rect., both in B and in Quadr., can tell us how this treatise was understood and used as an ideologically important text in the early twelfth century.

The Question of “Peasants”

The issue of whether one can use the word “peasant” to describe the people who form the primary social category of rural society in medieval England has taken on a new life since the rise of post-colonial history. In an effort to adequately describe pre-industrial societies and understand the impact of colonization and decolonization upon them, historians have looked to the methods and categories of anthropologists. The result has been to understand “peasant” as a ubiquitous (almost Platonic) category, a condition of rural society that can be found in many cultures. The medievalists taking this approach see the rural societies of the Middle Ages as simply a particular manifestation of a global social phenomenon. Thus, these historians hope to both respect the particularity of medieval social institutions, while also discerning similarities and dissimilarities with other peasant cultures.¹²

However, there are reasons that should make us cautious about using the term peasant for Anglo-Saxon and Anglo-Norman England. First of all, the word carries with it connotations that are anachronistic and which cannot be universally applied to all those

in rural society. The term conjures ideas of ignorance and servitude, and suggests the economy of the manor as we have come to see it through Marxist eyes. Yet, in Anglo-Saxon England, the *geneat* was a free independent land-holder, who could have a lord other than the lord of the estate on which he lived. It should also be noted that the English themselves did not use the word when referring to their own society until 1313.13

The issue here is a methodological one. When we use non-indigenous terminology to describe a society’s categories, we leave ourselves open to the possibility that we are projecting onto that culture connotations embedded in these terms that may not be truly applicable. It is always safest to use the nomenclature used by the society we are examining, and thereby preserving its own semantic categories. If the English never used the term peasant to describe themselves, it is probably also better that we do not.

Because of the above, the word peasant will be avoided in referring to the people who lived and worked on Anglo-Saxon and Anglo-Norman estates. In fact, as will be seen in chapter three, even the term “tenant” could be misleading. Since many of those living on estates, such as the *geneat*, held their own land, the term “resident” far more accurately reflects their status. Consequently, throughout this study words such as “resident,” “cultivator,” and (when applicable) “tenant” will be used instead of peasant.

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The Chapters

The Rect. has been known, of course, since its inclusion in the Quadr. through the Middle Ages into early modern times. However, it was not until the eighteenth century that scholars began analyzing the treatise, though often in the pursuit of different agendas. Chapter two will be a historiographic survey, recounting how the Rect. and the Quadr. have been studied and applied to these various agendas, and how they have informed our knowledge of pre- and post-Conquest manors and social law. The recognition of the Quadr. itself as a coherent composition in its own right (as opposed to a random collection of documents) is fairly recent, and this chapter will also trace the development of its study, which has been leading toward a more gnosiological analysis, the approach espoused and employed here. While the Rect. has certainly been mined for its information regarding the rural economy in Anglo-Saxon England, even if it represents only one specific manor, more recently its function as a moral treatise has been recognized, seeing in the Rect. an effort to mitigate abuses against the lower echelons of rural society. However, previous scholarship has not tried to isolate those social changes and abuses that would have made the writing of the Rect. necessary. This dissertation will address this need.

Chapter three will provide an overview of our current understanding regarding the Anglo-Saxon estate and the society that lived and worked on it. Of particular importance is the recognition that the Anglo-Saxon estate was very different from the classic, medieval manor, and that if we are to understand the Rect., we cannot import into it the

\[14\text{For a definition of the term see below under the description of chapter four.}\]
image of the village, serfs or tenants. Unlike the lords of the thirteenth century, the Anglo-Saxon lords were not seen as actually owning the land under their authority; they merely received the benefits from it that were originally rendered to the king and the royal farms on the land. Thus, many of the people living on these estates, particularly the *geneatas*, were regarded as holding their own land, and simply paid the dues and performed the services that were part of the customary obligations that came with being a free resident. Lords did set aside portions of their estate for the production of their own crops, the *inland*, and established settlements of slaves and other workers to cultivate and maintain them. Among the workers of the *inland* were tenant-laborers, the *geburas*, who were contracted to work the lord’s *inland*. Though eventually bound to the estate, they were, nevertheless, free and paid the same *gafol*, the monetary payment of the free resident, that the *geneatas* paid. Thus, the Anglo-Saxon estate was an institution very different from that known from the thirteenth-century custumals.

Turning to the *Rect.* proper, chapter four will be primarily concerned with ascertaining the purpose for which it was written. However, in order to address this question, the *Rect.* must be placed within its historical context. This requires the recognition that the physical morphology and the social dynamics of Anglo-Saxon estates were not static, and that throughout the late Anglo-Saxon period (c. 850-1066) and beyond they underwent profound changes, the most important of which was nucleation. During the course of this process, as the physical layout of their estates were changing, lords began to alter the older privileges and obligations (*riht*) of the tenants by new and greater demands. Some of these may have been necessary to meet the needs of a new
manorial morphology; others may have simply been exploitative. This chapter will argue that the *Rect.* was written as an example to lords that it was possible not to overturn the pre-existing customs and practices even while accommodating these changes in the agricultural regime. The internal evidence of the *Rect.* indicates that the main concern of its author was the preservation of local customs and tenurial arrangements. For example in *Rect.* 4,6 the author writes, "He who holds an estate should take care to always know what the established practice of the land is, and what the custom of the people is." Within its social and historical context the *Rect.* becomes more than just a guide to running an estate, and even more than a broad moral treatise about treating one’s tenants rightly. It functions as an instrument by which an ideological reconciliation between the old and new economic regimes could be forged. It may be seen as an attempt to adjust both the expectations on tenants to meet the needs of a new manorial structure, and to preserve their ancient and customary rights.

It is the recognition of this use and meaning of the *Rect.*, a text which Patrick Wormald asserted as having barely any legal content at all, that can explain its inclusion within the two major legal compilations of the early twelfth century. However, before exploring the new life that the *Rect.* found in the twelfth century, chapter five discusses the major social and ideological shifts that had occurred after the Conquest. The first and the most obvious of these changes was the massive transfer of landownership from

15 "hede se ðe scire healde þaet he wite a hwaet ealdlandraeden sy1 · 7 hwaet ðeode ðeaw."

Anglo-Saxon to Norman lords. There can be little doubt that changes at the landowner level affected the lives of the Anglo-Saxon tenants and resulted in the transformation, redefinition and even abolition of certain ancient rights, just as changes in manorial morphology during the tenth and early eleventh centuries (a process, by the way, that was still in progress during the twelfth century) resulted in the same social upheaval. The function of the Rect. as a means of reconciling an older economic regime with a new one could clearly find a new application in this environment.

However, this chapter will argue that there was also a second, more subtle shift in the way that social categories, especially manorial ones, came to be perceived. In Normandy the eleventh century was a time when notions of lordship and landownership were undergoing change. Land that was once perceived to be allodial, i.e. under the complete possession and control of an owning family, was coming to be regarded as under the proprietary authority of one’s lord, thus altering the understanding of land and the use of its resources, and the people on it. These changes in the discourse of land, its owners and occupants were imported into England with its new Norman lords. We can see the beginning of this shift already in the Domesday Book and the categories that it used in defining the occupants of the land. What this means for the Rect. is that social categories in England that had once been defined and governed by local custom were now coming to be defined by one’s commendation to his lord, and thus regarded as legal relationships. The inclusion of the Rect., whose primary concern is the nature of manorial categories, within a collection of laws is perhaps the most obvious witness to this shift. The “rights” (riht) of the gebur, the geneat, the slave, and the beekeeper, which were
once solely the concern of local custom, had come to be seen as a matter of legal, and, as we will see, eventually royal concern.

This leads us to the third major change that occurred after the Conquest early in the twelfth century, i.e., the greater involvement of the Crown in the administration of local justice. It is this change, and the concomitant developments in legal thought that chapter six will address. The watershed of this development is the reign of Henry I (1100-1135), during which local and royal justices became more involved in the shire and hundred courts. This move toward administrative centralization of judicial administration naturally produced attempts at centralizing and standardizing legal practices. Previously, the Norman kings had ruled under the legal discourse that the “laws of Edward,” meaning the Confessor (1042-1066), would remain in effect. The fact that Edward himself had never issued any legal codes suggests that the Norman kings intended to rule according to pre-Conquest laws and legal traditions. The legal thinkers of Henry’s day, especially Q, the compiler of the Quadr., tried to define more clearly what that “law of Edward” actually entailed, and in the process integrate into that tradition the new legal developments that had occurred since the Conquest. One of these developments was the reassertion that the relationship of lords to those commended to them was a matter of royal concern. I will argue that the use of the Rect. in the Quadr. indicates that this royal interest would penetrate down to the level of manorial tenants.

The means by which this definition and augmentation of the “laws of Edward” was carried out was through the compilation of Anglo-Saxon laws, and in the case of the Quadr., the assimilation of post-Conquest legal decisions with them. This process
affected the meaning and application of the Rect. in two ways, first through its association with other Anglo-Saxon and Anglo-Norman laws, and secondly through the act of translating the Rect. into Latin. In regard to the first, as mentioned above, the legal collections of the early twelfth century did not simply present laws in the chronological order of the kings who issued them. Rather the compilers of these collections organized the texts on the basis of legal themes. These assemblages of texts need to be understood as organized bodies of knowledge, and so to properly understand them, one needs to take a gnosiological approach.

While the concept of epistemology is fairly familiar to historians, the study of how societies select and organize authoritative knowledge, gnosiology, is less well known. Not only do cultures determine what sources of information are to be held as part of the body of legitimate knowledge, they also define the interrelationships of these quanta of knowledge through the construction and ordering of literary canons. Each element of knowledge is given further meaning and definition by its association with other elements, through contextualization. Though most medievalists rarely use the term gnosiology, the importance of these matrices of knowledge, and their reflections in bodies of literature have come to be increasingly recognized among medieval historians.17

Perhaps the most thorough application of gnosiological analysis within the Anglo-Saxon intellectual tradition is found in Martin Irvine’s discussion of compilatio in his

book, *The Making of Textual Culture*. Irvine illustrates how textual compilations were structured within a cultural library, a body of accepted literature. The scribes and scholars who worked within the discipline of *grammatica* were not only the custodians of this library, but also compiled “earlier texts into a new interpretive arrangement.” through intertextual references and allusions, as well as through physical juxtaposition. Having studied the major texts that made up the Anglo-Saxon literary canon, such as Clement of Alexandria’s *Stromateis*, Isidore of Seville’s *Etymologiae* as well as Adlhelm’s *Epistola ad Acircium*, Bede’s *Historia ecclesiastica* and even the *Anglo-Saxon Chronicle*, Irvine pointed out that the common principle that all these works share, the main principle of *compilatio*, is, “the selection of materials from the cultural library so that the resulting collection forms an interpretive arrangement of texts (emphasis his).” Irvine alerted us to the fact that there are documents that work within the principles of *compilatio*, even though to our eyes they might appear to function within another genre. As one example, he looked at Alfred’s translation of Augustine’s *Soliloquies*. He pointed out that in his preface Alfred used metaphors for his work that are associated with compilations, in particular the image of the *silva*, which speaks of gathering materials from the “forest,” from which a new document is built. He argued, then, that Alfred did not approach his work as simply a representation of the *Soliloquies* in the form of translation, but as part of

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the larger task of “compiling earlier texts into a new interpretive arrangement.” Alfred was quite consciously aware of his role as a “compilator bibliothecae.”

While it is clear that there is now a much greater awareness of the importance of the codicological context, this same sensitivity has been somewhat lacking when it comes to analyzing Anglo-Saxon and Anglo-Norman laws. The most prominent exception is, of course, Patrick Wormald. In studying the legal compilations of the early twelfth century he recognized the importance of understanding how certain laws came to be transmitted in groups, and that these blocks of texts were regarded by their compilers as interrelated. However, Wormald analyzed these textual blocks mostly in terms of their textual-transmission, largely ignoring the conceptual themes that bound the texts together. For him the chief factor that determined the construction and order of these blocks was the order in which the compiler found them in his exemplars. In Wormald’s view, if there was a thematic organizing principle behind these collections, it was determined by scribes and scholars who wrote the compilations which the scholars of the twelfth century used as their exemplars. What has not been addressed, therefore, is why these orderings were preserved (or in some cases altered) by the legal scholars of the twelfth century. Because of the perspective from which he was working, Wormald often missed how the structure of these legal compilations was determined by post-Conquest realities and legal needs.

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21Irvine, Textual Culture, 437.

22Wormald, Making of English Law, 239.

23It should be noted, that no such pre-twelfth compilations have been found.
Therefore, the goal of this study is, while building on the insights of Wormald, to apply the principles of textual analysis pioneered by Robinson, Irvine and others\(^\text{24}\) to the *Rect.*, namely to study how the *Rect.* fits within the body of knowledge constructed by the compilers of the twelfth century, and how its ideological place in that corpus is defined by its contextualization with other texts. Using this gnosiological approach, it is possible to ascertain why Q and others of his time believed that the *Rect.* was still a relevant document, whose importance warranted its inclusion in a body of texts held up as authoritative for the definition of the Anglo-Saxon legal tradition. It also reveals how these scholars hoped to apply its tenets, originally written for an early eleventh-century audience, to the radically different social realities and needs of England a century later.

When reading the major legal compilations of the twelfth century, *CCC 383* and *Quadr.*, from this perspective, one sees that law-codes were grouped together as much by legal topic as by the king who issued them. Further, this method of organization enabled their compilers to associate paralegal texts, such as the *Rect.*, with royal law-codes on the basis of those themes. This provided the ideological justification for making the manorial economy a matter of legal and hence of royal interest. One can detect two distinct strategies by which this was accomplished. The first connected the *Rect.* with other

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laws/treatises defining the relationship between two different (and often adversarial) ethnic groups. Through this process of association, the relationship of lords, who were now mostly Norman, with their tenants, who were completely Anglo-Saxon, came under royal purview in the same way as the oversight of relations between ethnically different legal traditions were a matter of law and treaty.

However, the trend during Henry I’s reign toward greater royal oversight of justice naturally enough led to a more centralized approach, with the king at the epicenter. With this centralization we move toward a more consistent approach to and application of law, toward a “common law,” though one should be cautious indeed in invoking this term. The legal strategy of CCC 383 outlined above was dissonant with this movement, emphasizing legal differentiation and social division. One can detect in the manuscripts of the Quadr. a new approach in the way the Rect. was employed. While the treaties and laws establishing relations between the “English” and non-English groups were retained in the Quadr., the Rect. was moved to a group of laws that regulated relations between different social groups within English society, particularly those texts that emphasized the legal responsibilities of lords towards those dependent on them. Thus contextualized, the Rect. was used by Q to argue that the preservation of the traditional tenurial arrangements and customary practices were part of the lord’s legal responsibility. It was through the office of lordship that Q sought to integrate matters of rural social justice (issues that previously had not been the stuff of law) to the broader legal discourse of the twelfth century.
Chapter seven explores how Q’s translation techniques (i.e. which Anglo-Saxon terms he imports into the Latin) reveal the audience that he was addressing, namely, Anglo-Normans who, though literate in Latin, were familiar with only certain types of Anglo-Saxon terms. By analyzing the types of Anglo-Saxon words they knew, it is also possible to determine the degree and the spheres within which these Anglo-Norman lords directly interacted with their estates. In addition, by his use of one particular translation-strategy (that is, importing an Anglo-Saxon term into the Latin followed by a Latin translation of that word) we can also determine which words Q did not expect his audience to know, but believed they should know in order to use the Quadr. From this we can discern at least one venue for which the Rect. was intended, the lord’s court. We also can gain some insight into the types of cases that were brought before his court, i.e. those mostly centering on issues of labor service and perquisites.

In addition, it will be argued that Q did not merely intend to provide a simple rendering of the Rect. in Latin, but that he also had no compunction about altering the text in translation in order to make it a text relevant for the legal needs of the twelfth century. Not only did Q adjust certain terms to reflect the new, post-Conquest social realities, his translation bestows on the Rect. a broader application and a legal authority to which the original Anglo-Saxon version never made any pretense. This, however, would have been necessary in order for Q to argue that the Rect. represented “the” Anglo-Saxon legal tradition regarding rural society, and thus was part of the “Laws of Edward,” which the Anglo-Norman kings were ideologically bound to uphold. Q’s translation reflects his concern that the traditional and customary rights of the Anglo-Saxon estate residents
should be preserved, even in the face of profound social change: the intrusion of Normans into the upper echelons of land-holding, the redefinition of residents and tenants in terms of their dependence on their lords, and the economic pressures induced by the increased farming out of estates. The ultimate conclusion to which this evidence leads is to recognize that the Latin version of the *Rect.* is not simply a translation of its Anglo-Saxon predecessor, but is in fact a different text, a twelfth-century, post-Conquest treatise, written by Q to address the social and legal needs of his day.25

Finally, chapter eight provides the Anglo-Saxon and Latin texts of the *Rect.* each with their own translation. The Latin edition includes textual critical notes at the bottom of each section. An accompanying philological commentary, organized by the section numbers, will not only address lexical, grammatical and historiographic issues, but will also coordinate the Anglo-Saxon and Latin translations. The two excurses at the end of chapter eight address, at least in a preliminary way, the issues of what terms such as *lagu* ("law"), *riht*, and *geriht* (both translated as "rights") really meant, especially in the context of the *Rect.*

The study of the *Rect.* necessitates coordinating it with the two other most important documents we have regarding Anglo-Saxon estates, the custumals for Tidenham and Stoke at Hurstbourne. Appendices A and B provide transcriptions, translations and select bibliographies for each, respectively. The other texts that will be referenced in this dissertation, especially in the latter half, are the Anglo-Saxon legal

25Here I disagree with Wormald, who suggested that Q was not necessarily motivated by practical needs. Wormald, “Quadripartitus,” 144.
texts. In order to help the reader navigate what is doubtlessly a somewhat unfamiliar body of literature, appendix C presents brief summaries of legal texts most relevant to this study. How the Rect. is contextualized with these law codes and paralegal treatises is addressed in chapter six, and will necessarily discuss how blocks of texts were organized and reorganized in the various recensions of the Quadr. Appendix D charts the contents of the most relevant text groups and how they progressively changed in each recension. Appendix E provides complete transcriptions of the Latin versions of the Rect. with notes regarding orthography, mise-en-page features, and marginalia. Finally, appendix F is an index to the Anglo-Saxon and Latin Rect., a comprehensive list that includes most of the words found in the text, with the exception of the verbs for “to be,” and prepositions.

A historical and social analysis of the Rect. may seem to be a deceptively narrow project; it focuses on a single document, and one which apparently deals with a rather confined topic, the management of an estate. However, as seen from the above, this single text touches on far deeper issues. The Latin and Anglo-Saxon versions of the Rect. are two separate texts, each created for different purposes and used in different ways. These different Rect.s, then, provide us with an opportunity to explore how Anglo-Saxon and Anglo-Norman society addressed issues of significant social change at the ground level of the manor. Though previously scholars have regarded the Rect. as a single, static text, when we examine it in light of its social and its literary contexts, we see that it is very much a vital document, being not only used to address eleventh-century, pre-Conquest issues, but also drafted to serve as a discursive instrument in the redefinition of
post-Conquest social categories and their assimilation into the sphere of law and royal interest.
CHAPTER II

HISTORIOGRAPHY OF THE RECTITUDINES AND THE QUADRIPARTITUS

The historiography of the Rectitudines (Rect.) is complicated by the fact that it must in reality be regarded as two texts. One was written in Anglo-Saxon in the early eleventh century and the other in Latin (a translation of the former) in the early twelfth century. The latter was incorporated into a collection of legal treatises known as the Quadripartitus (Quadr.). Consequently, the historiography of the Rect. in its latter incarnation is bound with that of the Quadr. Further, the Quadr. has been shown to have been the source book for the composition of the Leges Henrici Primi (Hn.), which means that the scholarly study of the Hn. is connected with that of the Quadr. One cannot, therefore, discuss the historiography of the Rect. alone, but must coordinate these discussions with those regarding the Quadr. and the Hn., especially in regard to issues of date, authorship and purpose.

The Rect. has been an extremely important document for our understanding of Anglo-Saxon estate social structure. It is referenced by every significant scholarly work dealing with this subject. Therefore, in addition to studying the secondary literature that directly deal with the Rect., the Quadr. and the Hn., this chapter will examine how the
Rect. has been used as a supporting document in discussions about Anglo-Saxon social structure.

The Historiography of the Rect. and the Quadr.

Scholars first encountered the Rect. within the Quadr. Consequently, the history of how they have understood and interpreted this collection of texts must be examined. The title, Quadripartitus, which means “in four parts,” reflects more the intentions rather than the actual implementation of the collection’s author. In §32 of his Argumentum, the compiler of this collection, often referred to as Q, stated his intention of dividing his work into four parts. The first book was to contain a collection of Anglo-Saxon laws, the second the contemporary legal pronouncements of Q’s day; the third was to deal with the types and presentation of causes, and the fourth with the issue of theft and its parts. However, only the first two books appear in the manuscripts of the Quadr., the remaining seemingly never to have been written.

Scholars of English law have known of the Quadr. ever since its compilation in the twelfth century. However, by the time portions of it were first printed in the seventeenth century, it was no longer recognized as unified composition. Rather, all that was known was that there were manuscripts including various laws, Anglo-Saxon and Anglo-Norman. The first printing of the Latin version of Anglo-Saxon and Anglo-Norman laws that included material from the Quadr. was in 1652, when they were

26 Argumentum, 32, “Primus liber continet leges Anglicas in Latinum translatas; secundus habet quedam scripta temporis nostri necessaria; tertius est de statu et agendis causarum; quartus est de furto et partibus eius” (GA I, 535).
published in Roger Twysden’s *Historiae Anglicanae Scriptores X*. The text from which these laws were drawn was the *Chronicon Johannis Brompton* (represented by the siglum Br). 27 This chronicle, ascribed to John Brompton, who became abbot of Jorvaux, Yorks. in 1436, included many of the legal texts which would later be recognized as part of the *Quadr.*, and organized them by the kings under which they were promulgated. However, many important texts, such as the introduction to *Af. Duns. Wer*, and (important for our concerns) *Rect.* are not included. 28 However, by the time David Wilkins published his *Leges anglosaxonicae* (1721), a much wider variety of manuscripts had come to be used, including *Textus Roffensus* (siglum H), Corpus Christi College, Cambridge 383 (siglum B), BL Cotton Nero A i (siglum G), BL Cotton Julius C II (siglum Jl), and *Scaccarii liber rubeus* (siglum Sc). 29 Nevertheless, Br remained the primary source for the publication of early English laws.

Since the *Rect.* was among the texts not represented in Br, it was not until 1833 that extracts of the *Rect.* were published by Sir Henry Ellis. 30 Ellis commented that he was unaware of the existence of the *Rect.* until after volume one of his book was already

27 Other laws such as *Hn., Hn Cor.* and the laws of William had been published before, such as in William Lombard’s *Archaionomia, sive de Priscis Anglorum Legibus Libri* (1568) or Abraham Wheeloc’s updated version in 1644, but these did not include material from the *Quadr.*


printed, and so naturally it did not inform his discussion of the various social classes in that volume. The first mention of the Latin Rect. gives the source as Cotton Titus A viii, which was in fact Cotton Titus A xxvii, manuscript T, a thirteenth century copy of the Quadr.\textsuperscript{31} Ellis was also the first to mention the existence of an Anglo-Saxon version of the Rect. in the library of Corpus Christi College, Cambridge, i.e. manuscript B.\textsuperscript{32} He regarded the Rect. as a “Glossary of ancient services.” He used the Rect. to define certain social and tenurial terms as they appear in his abstract of the population of different counties, citing the relevant sections of the Rect. in footnote, but making few comments on the passages cited.\textsuperscript{33} The only aspect worth noting is that he seems to have regarded the gafolswayne (Rect. 6 - 6,4) and aehteswayne (Rect. 7) as essentially the same, since he did not separate those sections.

The following year, 1834, Johann Martin Lappenberg published the first full text of the Latin Rect. (under the title De dignitate hominum) from a seventeenth-century copy of the Quadr., manuscript Lh, Lindenborg’s copy housed in the Hamburg (Stadtbibliothek, Jur. 127), itself a copy of manuscript R (BM Regius 11 B II).\textsuperscript{34} In his

\begin{footnotesize}
\begin{enumerate}
\item Ellis, General Introduction, vol. 2, 453 later corrects this, citing the correct manuscript.
\item Ellis, General Introduction, vol. 2, 425, n. 3.
\item The sections of the Rect. which he quotes in General Introduction, vol 2 are: 4-4,5 on the gebur (p. 425, n. 3); 2 on the villanus (p. 427, n. 1); 3-3,4 on the cotselta (p. 435, n. 4); 5-5,5; 6-6,4; 7 on bocherus, gafolswayne and aehteswayne, resp. (p.453, n. 1); 9 on the ancilla (p. 504, n. 1) and 18-18,1 on the bedellus (p. 504, n. 2).
\end{enumerate}
\end{footnotesize}
very brief introduction, Lappenberg suggests that the text was used as a manual for itinerant Anglo-Saxon or Norman judges to assist them in deciding cases.\textsuperscript{35} He seems to also be the first to discuss a passage in the argumentum of the Quadr., found in Lh, which describes a collection of laws comprised of four books. Lappenberg recognized Lh as containing the material that comprised the first of these books, but had no idea as to what the other three books might be.\textsuperscript{36} He was fully aware of Ellis’ translation and the manuscripts T and B and compared those documents with ms Lh, with which he was working, noting variants among them in the footnotes.

In 1840 the Anglo-Saxon version of the Rect. was published for the first time in Ancient Laws and Institutes of England,\textsuperscript{37} originally begun by Richard Price and completed by Benjamin Thorpe. This was the first edition that claimed to have provided a carefully collated version of the Quadr. based on several manuscripts: K2 (BL Cotton Claudius D II, early 14\textsuperscript{th} c.), R (BL Regius 11 B II, c. 1160), T (BL Cotton Titus A xxvii, late twelfth or early thirteenth century), M (John Rylands MS Lat. 420, c. mid-twelfth century), and Hk (BL Additional MS 49366, turn of the thirteenth century).\textsuperscript{38} Felix

\textsuperscript{35}“...als Instruction für wandernde angelsächsische oder normannische Richter zu dienen.” Lappenberg, “De dignitate,” 145.

\textsuperscript{36}Lappenberg, “De dignitate,” 145-146. This is found in §32 of the argumentum. That Lappenberg did not comment on the whole argumentum is not surprising. Manuscript Lh is a copy of manuscript R, which preserves only §32 from the argumentum.


\textsuperscript{38}These manuscripts and the recensions which they represent will be discussed more fully in chapter six.
Liebermann, writing some fifty years later, however, was unimpressed by Thorpe’s effort, noting that in actuality Thorpe failed to distinguish the readings of the various manuscripts, made no effort to describe and classify them, and seems to have misunderstood collations originally made by others for Price.\textsuperscript{39}

Thorpe was also the first to publish the Rect. under the title \textit{Rectitudines singularum personarum},\textsuperscript{40} a title found in manuscripts Hk and M, and by which it has been known ever since. In Thorpe’s edition the Anglo-Saxon was published alongside the Latin, but there was no English translation accompanying the text. This was because, as Thorpe himself admits, there were a lot of technical terms used in the Rect. which scholars at the time did not yet understand.\textsuperscript{41} The mid-nineteenth century was a time when students of English law were still discovering and compiling Anglo-Saxon legal texts, and much lexical work still needed to be done. Because of the difficulty even specialists, including Thorpe, had in understanding them, little had, or in fact could have, yet been done to synthesize the information to form a broad picture of Anglo-Saxon manorial structures.

One of the first attempts at such a synthesis was Heinrich Leo’s deceptively titled \textit{Rectitudines singularum personarum}. Despite the book’s title, its focus is not the Rect. The majority of the work is an attempt to reconstruct a kind of \textit{Deutsche Urkultur}, indiscriminately drawing from Scandinavian and old Germanic as well as Anglo-Saxon

\textsuperscript{39}Liebermann, \textit{Quadripartitus}, 73.

\textsuperscript{40}Thorpe, \textit{Ancient Laws}, vol. 1, 432-441.

\textsuperscript{41}Thorpe, \textit{Ancient Laws}, vol. 1, xi.
sages, and as such is the most blatant example of the *Rechtsschule* scholarship founded by Jakob Grimm. Ample testimony to the contribution of his work is given by the fact that he is almost never cited in subsequent scholarly literature. Nevertheless, his was the first attempt at a German translation of the *Rect.*, which he published with the Latin and Anglo-Saxon (as well as his improved, “Verbeszerter,” version of the Anglo-Saxon) without commentary at the end of his book.

An important analysis of Anglo-Saxon legal literature was published by John Mitchell Kemble (1849). Among the texts that Kemble translated in his discussion on *laenland*, i.e. land that was leased, were portions of the *Rect.* using Thorpe’s edition, though only those dealing with the *geneat*, the cottager and the *gebur*. The uncertain understanding of the text’s legal terminology is illustrated by his leaving some terms untranslated, such as *saete* and *landgafol*. Nevertheless, he translates most of them, and the quality of his translation and analysis is very high. He misinterprets “grass-ploughing,” as referring to the plowing of virgin field, but this is understandable given that little had been previously done to integrate information from later medieval manorial practices into an understanding of Anglo-Saxon practices. His interpretation of *werige his hlaforde inland* (Rect. 3.4) is particularly insightful, translating it as "acquit," with

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42 Heinrich Leo, *Rectitudines singularum personarum* (Halle: Eduard Anton, 1842), 221-247.

43 Kemble, *The Saxons in England: A History of the English Commonwealth till the Period of the Norman Conquest*, (1849; reprint, London: Bernard Quaritch, 1876), vol. 1, 322-325. Kemble was also the first to call attention to the similarities between the Tidenham and the Hysseburne charters on pages 319-322.
the note, "...perform for his lord the duty of coast-guard, and attending the king's hunt: from which it follows that, ..., these services could be demanded of the lord."  

Nearly a decade later Reinhold Schmid published the second edition of his collection of Anglo-Saxon legal documents. Schmid’s innovation in editing the texts of the Quadr. was his division of each document into numbered sections. Even though his edition is theoretically based on the various manuscripts of the Quadr., Liebermann and more recently Patrick Wormald have pointed out that Schmid had constructed his edition and the sectional divisions without ever seeing any of the manuscripts. Rather, he based this second edition on the work of Benjamin Thorpe, which, as noted above, had problems of its own. Consequently, these divisions have come under reexamination, modern scholars pointing out that these subdivisions are at times based on a misinterpretation of the manuscripts. Nevertheless, his division of the Quadr. into sections was adopted and expanded by Felix Liebermann and has become standard ever since.

In regard to Schmid’s treatment of the Rect., instead of seeing it as a guide for itinerant Anglo-Norman judges, as Lappenberg had, he regarded it as probably being

\footnote{Kemble, The Saxons, vol. 1, 323, n. 2.}

\footnote{Reinhold Schmid, Die Gesetze der Angelsachsen (Leipzig: F. A. Brockhaus, 1858).}

more a manual for an estate reeve.  He acknowledged the difficulties in translating a text with so much technical terminology, as well as his debt to Leo and Kemble. Nevertheless, his German translation was a vast improvement over Leo’s and one seems to have influenced Liebermann’s later, authoritative edition.

During the course of the nineteenth century interest arose regarding medieval agricultural systems and their origins. One of the most important works on this topic was by Frederic Seebohm in 1883. In order to understand the manorial structure described in Ango-Saxon texts Seebohm looked to the pre-enclosure fields of England. He studied many such villages, primarily the township of Hitchen, to gain a clearer picture of the open-field system and the social structure they required. Understandably, the Rect. was a vital document for understanding the various types of peasants on an Anglo-Saxon estate and their social standing. He published the Rect. in Anglo-Saxon, Latin (both based on Thorpe’s reconstructed text), and modern English in side-by-side columns. Seebohm, however, confined his edition only to the sections dealing with the thegn, the geneat, the cottager and the gebur. Of the remainder of the text he simply notes, “Then follow the special services of the beekeeper, oxherd, cowherd, shepherd, goatherd, &c., upon which we need not dwell here; and the document concludes with another declaration that the

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47 Schmid, Die Gesetze, lxiii.

48 Schmid, Die Gesetze, lxiv.


services vary according to the custom of each district.” In essence he summarily brushes aside more than half of the text. Seebohm’s translation is a highly cautious one, importing many Anglo-Saxon terms into his modern English translation, such as *fyrd-faereld, burh-bot* and *brig-bot*, which by this time had been fairly well understood.

In the same year that Seebohm’s book was published, 1883, Felix Liebermann was visiting England, collating manuscripts for the *Monumenta Germaniae Historica*’s (*MGH*) new edition of “Angelsächsischen Rechtsdenkmäler.” In the following year he published the first article that actually dealt with the *Quadr.* as a composition, a “Rechtsbuch,” whereas previous scholars had simply been editing various manuscripts containing Anglo-Saxon and Anglo-Norman laws. He described the author of this text as a cleric, who, though regarding himself as English, no longer understood Anglo-Saxon very well. Liebermann regarded the author’s collection of laws as an artificial (“künstliche”) effort at systematization inspired by the clarity of Roman law. Ideologically and morally he bemoaned the oppression of the poor by those holding office and by newly devised laws of Norman lords (“neu ersonnenen gefährlichen Rechte der

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52 A further example is his translation of *werige* in section [3,4] as “defends,” which is highly conservative. Cf. comment on Kemble’s translation above. Also, see chapter eight, commentary on *Rect.* 3,4.

53 Felix Liebermann, “Zu den Gesetzen der Angelsachsen,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, germanistische Abteilung*, 5 (1884), 198-203 Liebermann however acknowledges (p. 199) that Frederic Madden (1801-1873), in his catalogue of manuscripts in the library of the Earl of Leicester at Holkham Hall (which was not to be published until 1932), was the first to recognize the scope of this work.

While Liebermann was unable to proffer candidates of his own, he nevertheless rejected Madden’s suggestion that folios 105-116 of manuscript Hk comprised Book III of the Quadr. Leibermann, Quadripartitus, 5-16.

Herren, d. h. des Normannischen Adels”). For the author, it was the Crown who was the protector of the poor and the only power that could constrain the magnates.54

In this article Liebermann was the first to apply the name Quadripartitus to this collection of Anglo-Saxon and Anglo-Norman laws, which he took from the title for it written in Rylands MS 420 (manuscript M). This title suggests that the work was divided into four parts, a designation that fit well with the author’s own description of his work in §32 of the Argumentum (on which Lappenberg had commented over forty years earlier). However, Liebermann was able to identify only the first two: Book I being for the most part a collection and translation of Anglo-Saxon laws into Latin, and Book II a collection of contemporary royal acts of Henry I.55

A fuller description and discussion of the author, context, manuscripts and contents of the Quadr. would have to wait for nearly a decade, when in 1892 Liebermann published Quadripartitus, ein englisches Rechtsbuch. He first argues for the unity of the work, noting how the Dedicatio (which occurs only in manuscript Dm), the Argumentum and the Praefatio (an introduction to Book II) were all the work of the same author and were part of the Quadr.56 He then ventures into an analysis of the author, who will be henceforth referred to as Q. He stresses that the author of the Quadr. had a strong “English” identity, referring to England as “our” land, Henry I as “our king,” even in


55 While Liebermann was unable to proffer candidates of his own, he nevertheless rejected Madden’s suggestion that folios 105-116 of manuscript Hk comprised Book III of the Quadr.

56 Leibermann, Quadripartitus, 5-16.
regard to his victories in Normandy.\textsuperscript{57} That this compiler would so connect himself with England is an important factor in the way that he would organize the laws that he collected, as will be seen in chapter six. Yet, despite this self identification, Q probably spoke French as his mother tongue, and in fact had a very poor understanding of the Anglo-Saxon language, which led to mistakes when it came to translating Anglo-Saxon laws into Latin, resulting in slavishly literal translations and which, according to Liebermann, explains the incorporation of Anglo-Saxon words into the Latin text.\textsuperscript{58}

Using the language of the \textit{Argumentum} Liebermann examines the possibility that Q was born after 1050 but before 1085. Given that the collection of laws fails to include the royal codes of Kent and Northumbria, he also concludes that the author was not native to these areas of England. Since few, if any, of the literati of England were laity, and that Q was familiar with the Latin of the Vulgate, Liebermann assumes that he was a cleric, though he was not a monk, as suggested by his criticism of monks as despisers of women and profiteers (\textit{Dedicatio}, 16). He also concludes that Q had close ties with Gerard, Archbishop of York, and that he was in fact his private secretary, because the second book of the collection includes Gerard’s letters.\textsuperscript{59} Liebermann proposed that the work was compiled between 1113 and 1118, a dating that is still accepted by scholars today. His dating is based on the historical persons and events alluded to in \textit{Argumentum}, which mentions queen Matilda, who died in 1118. But, though recounting the exploits of Henry

\textsuperscript{57}Liebermann, \textit{Quadripartitus}, 17 and note 3.

\textsuperscript{58}Liebermann, \textit{Quadripartitus}, 18-24.

\textsuperscript{59}Liebermann, \textit{Quadripartitus}, 28-37.

60 He indeed comes from the same school and library.” Liebermann, *Quadripartitus*, 55-56.

61 “Er ging wohl aus derselben Schule und Bibliothek hervor.”


63 Liebermann, *Quadripartitus*, 141-142.

64 Liebermann, *Quadripartitus*, 146.

I, the *Argumentum* also fails to mention his campaign in Wales in the middle of 1114, which suggests the *terminus ante quem* for the text.60 Finally, he notes the close relationship between the *Quadr.* and the *Hn.*, arguing that the author of the latter used earlier versions of the former in his work. Though at this stage he did not regard the two works as being written by the same individual, he does notice similarities in vocabulary and style, as well as the use of Frankish legal texts and Isidore of Seville, commenting, “Er ging wohl aus derselben Schule und Bibliothek hervor.”61

After his introduction Liebermann presents a full edition of the *Quadr.’s Dedicatio* and *Argumentum*. What follows is a rather uneven survey of the material which the compilation included. For example, for *I Cn.*, Liebermann merely gives a list of the rubrics for each section.62 In contrast, he gives the text of *Iudex* in full.63 For the most part, Liebermann simply gives the first and the last words of each text. Such is the case for the *Rect.*, for which Liebermann gives the Latin for only part of section 1 and the last four words, “--- et quod supra diximus,” of the last section, 21.64 Following this, Liebermann provides the full text of the *Praefatio* to Book II, after which a list of the rubrics for *Hn. Cor.* is provided. For the remainder of the book Liebermann presents in

60 Liebermann, *Quadripartitus*, 30-37.

61 He indeed comes from the same school and library.” Liebermann, *Quadripartitus*, 55-56.


63 Liebermann, *Quadripartitus*, 141-142.

64 Liebermann, *Quadripartitus*, 146.
full the text of various letters and narratives dealing with the investiture controversy that were included in the *Quadr.*. The collection concludes with a decree regarding archdeacons and other ranks of clergy (1108) and Henry I’s letter to all his “fideles” (1109-11).\(^{65}\)

The actual link in authorship between the *Quadr.* and the *Hn.* was to be made a few years later in Frederick Pollock and Frederic Maitland’s *The History of English Law*, which was first published in 1895.\(^{66}\) After discussing the *Quadr.* and reiterating Liebermann’s previous observations, Pollock and Maitland move on to discuss the *Hn.* They note that, though *prima facie* the *Hn.* seems to be a jumble of laws, the author had nevertheless made a serious attempt at expressing the law of England as it was in his time. Nevertheless, they question whether his training and his Latin were sufficient for the task. At this point, they suggest that the author of the *Hn.* was also the compiler of the *Quadr.*\(^{67}\) Despite the short-comings of the *Hn.*, Pollock and Maitland remind their reader that Q was blazing new trails, writing for the first time a book of English and not Roman or Canon law. Finally, they observe that the *Hn.* was significant in its reliance on Wessex law, thus relegating the legal traditions of other Anglo-Saxon groups (Kent, Mercia, Northumbria) to the periphery. For the author of the *Hn.*, it was the law of Wessex that was to be the law of the land, and all current practices were (re)defined

\(^{65}\)Liebermann, *Quadripartitus*, 146-166.


\(^{67}\)Pollock and Maitland, *English Law*, 100.
according to that template.\textsuperscript{68} This observation again underlines how the organization of
knowledge and the choices of which documents are to be regarded as canonical can affect
traditions for centuries to come.

By the time Liebermann tackled the \textit{Hn.} himself in 1901, he had fully accepted
Pollock and Maitland’s suggestion that the \textit{Hn.} and the \textit{Quadr.} were written by the same
person, and he linked this with his previous observations regarding the nature of \textit{Q}'s
Latin (which he describes as inflated, pompous and tedious to translate), the similarity in
the non-Anglo-Saxon sources relied upon, and the same expression of outrage over the
inequalities of the time.\textsuperscript{69} However, the real contribution of this work is in his
conclusions regarding the relationship between the \textit{Quadr.} and the \textit{Hn.} While, as
mentioned above, \textit{Q} had originally intended for the \textit{Quadr.} to comprise four books, only
books one and two seem to have come down to us. Liebermann concluded that the author
had changed his mind about the format of his work, and that the \textit{Hn.} was itself what
books three and four would have been.\textsuperscript{70}

\textsuperscript{68}Pollock and Maitland, \textit{English Law}, 101.

\textsuperscript{69}Felix Leibermann, \textit{"Uber das englische Rechtsbuch Leges Henrici} (Halle: Max
Niemeyer, 1901), 53-59. Hereafter \textit{ERLH}.

\textsuperscript{70}\textit{ERLH}, 4ff. Note that Lappenberg was the first to publish and comment on these
words. A translation and thorough study of the various introductions to the
\textit{Quadripartitus} was published by Richard Sharp, “Appendix: The Prefaces of
\textit{Quadripartitus},” in \textit{Law and Government in Medieval England and Normandy: Essays in
Naturally, the *Rect.* was included in Felix Liebermann’s monumental work, *Die Gesetze der Angelsachsen* (GA).\(^{71}\) The GA was in fact a series of different publications spanning thirteen years. The first volume, which contained the actual text editions, was published in 1903. What was to become the second volume was actually two separate fascicles, the first being a dictionary and partial concordance of Anglo-Saxon and Latin words found in the legal texts (GA IIa published in 1906), while the second was a topical index, published in 1912 (GA II b). Finally, Liebermann published the third volume in 1916, which contained textual and historical introductions to each of the legal texts as well as commentary on each of their sections (GA III).

In previous editions of medieval texts, scholars would use their various manuscripts to reconstruct a *Urtext*, a version of the document which represented the original composition. Deviations from this ideal text as found in actual manuscripts would be indicated in footnotes of a textual-critical apparatus. An important innovation of Liebermann, though in actuality taking his cue from Seebohm,\(^{72}\) was to present a transcription of each manuscript of a text side-by-side in parallel columns, the oldest manuscripts on the left and the more recent to the right, all copied with what Patrick Wormald would describe as, “near- (but not quite) superhuman immaculacy.”\(^{73}\) The *Quadr.* version of a text is placed in the second from last column in a composite version

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\(^{72}\)Seebohm in his edition of the *Rect.* presented the Anglo-Saxon, the Latin, and the modern English translation in parallel columns.

with critical footnotes indicating manuscript variants. The final, right-most column provided Liebermann’s German translation of the text. This approach to a large degree dispensed with the artificiality of an Urtext, the way the text “should have been,” and gave the scholar access to the text as it actually existed in manuscripts. Nevertheless, a priority was still conferred on the leftmost version, which was reinforced by Liebermann’s practice of marking deviant readings of later manuscripts (i.e. those in the columns to the right) with bold letters. This does not, however, detract from the real advancement Liebermann made in the way medieval texts were visually edited.

Liebermann’s editions do, however, have certain features which are of some concern to modern scholars. First of all, not only did Liebermann retain the division of texts into sections introduced by Schmid (which have no basis whatsoever in the manuscripts themselves), but he further subdivided these into subsections. As noted above, the first problem is that Schmid imposed the original section divisions on these documents without ever actually handling the manuscripts. While Liebermann cannot be accused of the same oversight, he retained Schmid’s divisions even when he knew they were wrong, and his subdivisions are still a matter of interpretation. For example, on closer inspection, the words *hwilces landsticces geann*, which begin *Rect.* 20,1 would be better placed at the end of *Rect.* 20, since they complete the thought of the clause.

Another area of concern touches on his analysis of the texts. As Wormald has recently remarked, Liebermann’s use of word forms as a means of dating manuscripts and

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parts of texts is based on “relatively insecure philological criteria.” Based on this type of analysis Liebermann reconstructs often complex manuscript Stammbäume, hypothesizing the existence of now non-extant exemplars and providing them with sigla. Finally, though faithfully reproducing the orthography of the various manuscripts, Liebermann never quite freed himself from the stereotypically German habit of presenting language as it should be, and could not resist the temptation to alert the reader to a word’s true form, as witnessed by the ubiquitous “besser” that infests his footnotes.

None of these criticisms can detract from the manifest erudition and precision of Liebermann’s work. He was clearly intimately familiar with the manuscripts and the relevant primary literature. His German translation of the Rect. is based on careful research in the secondary literature up to that point and can be very little improved upon. His has been recognized as the definitive edition of this text. Because of this, there has been no effort since to re-edit the text, and the only subsequent English translation is the one published by Susan Tucker in English Historical Documents, whose most significant contribution is a translation of sections [5] through [21], which until then had never been rendered into modern English. Tucker’s translation, however, is not a particularly careful one, and certain sections of the Rect. were missed and left untranslated (It must be born in mind that this translation was included in an anthology of

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75Wormald, Making of English Law, 23.

early English texts. It was intended merely to provide the reader with a broad exposure to its content, and to set it within the even broader context of other early English legal texts).

Liebermann’s linguistic analysis of the Corpus Christi, Cambridge MS 383, the only existing Anglo-Saxon version of the Rect., concluded that this manuscript was an early twelfth century copy of a manuscript compiled in the second or last third of the eleventh century. This eleventh-century document, however, was not the version of the Rect. upon which the Latin translation in the Quadr. was based. Liebermann noted that even though the eleventh-century version of the Rect. showed signs of modernization, i.e. the Anglo-Saxon had been updated to reflect the state of the language around 1070 to 1100, certain more archaic elements were still preserved, indicating the existence of the document at the turn of the eleventh century. However, the Latin version provides evidence for an even earlier date of composition of the Anglo-Saxon version. Many of the Anglo-Saxon words had been simply imported into the Latin version untranslated. These untranslated forms reflect the Anglo-Saxon of the mid- to late tenth century, perhaps around 970.77

The impact of Liebermann’s edition of Anglo-Saxon and early Anglo-Norman law can find no better attestation than in the fact that so little has been written on it since. The gargantuan, sixteen volume, 9000 page History of English Law by Sir William Holdsworth devotes barely 150 pages to Anglo-Saxon law.78 In the pages there is nothing

77GA III, 244.

78William Holdsworth, A History of English Law, 1956 (reprint, London: Methuen & Co. Ltd., 1966), primarily vol. 2, 3-118 as well as scattered discussions in vol. 1 presenting an overview of the judicial system from a broad diachronic perspective.
novel attempted. He simply reiterates the work done by Liebermann as well as Maitland and Pollock. Holdsworth’s discussion of the Rect. is even more terse than that of the Quadr. It makes a cameo appearance, along with the text known as Gerefa (Ger.) in a discussion of the “private compilations” that are recorded in the Anglo-Saxon legal collections, mentioning that its contents, “describe the various classes of persons on an estate, and give some information as to its management.” The only other time then the Rect. is discussed is when mentioning the duties of the thegn (which he does not even describe) and that there were classes of tenants, which may or may not have been free, who worked the estate. The brevity of Holdsworth’s considerations is a further illustration of how the Rect. was regarded as having little if any legal content. There is no reflection on why such paralegal documents would come to be included in collections of law in the first place. He does, however, seem to find in the Rect. evidence of the “feudalization” of English society, by which he means a legal shift in the society from the importance of kindred to wealth and royal service. A part of this process was the

79 Though Holdsworth mentions Liebermann, the reader is left with the sense that his real source is the English of Pollock and Maitland and not the German, let alone the Anglo-Saxon, of Liebermann’s volumes. While noticing that the author of the Hn. depended on the Quadr. for the Anglo-Saxon laws, he seems to have missed that by the beginning of the twentieth century Pollock and Liebermann regarded them as being written by the same author (Holdsworth, History of English Law, vol. 2, 152).


81 Holdsworth, History of English Law, vol, 2, 39. That Holdsworth here mentions the shepherd and goatherd along with the gebur shows that he was familiar with the whole document and not just the second part dealing with tenants. His citation of Thorpe here further suggests that he had the knowledge to access the Latin and/or the Anglo-Saxon of the text.
movement toward manorialism, which he seems to define by the service of free but dependent tenants on the land of the superior classes.\textsuperscript{82}

The next important insight into authorship and purpose of the \textit{Rect.} did not come until 1963 with Dorothy Bethurum.\textsuperscript{83} She linked the \textit{Rect.} with another document that had been previously overlooked, \textit{Ger.} Liebermann had discovered this document, which describes the duties and itinerary of an estate reeve. The reason this text had received little attention before was because it had never been translated into Latin or included in the \textit{Quadr.}. Liebermann argued that this document was part II of the \textit{Rect.}\textsuperscript{84} Bethurum proposed, based on mostly stylistic considerations, that the \textit{Rect.} and the \textit{Ger.}, as we currently have them, were a rewriting of an earlier work by archbishop Wulfstan.\textsuperscript{85} This earlier document, she surmises, dated from the episcopacy of Oswold (d. 992).\textsuperscript{86} Bethurum argues that the \textit{Rect.} had a primarily practical function, spelling out the customs of the bishop’s estates in a clear form.\textsuperscript{87} However, Bethurum hints that another

\begin{itemize}
\item \textsuperscript{82} Holdsworth, \textit{History of English Law}, vol. 2, 21.
\item \textsuperscript{84} GA III, 246.
\item \textsuperscript{85} Bethurum, “Episcopal Magnificence,” 162. Wulfstan was bishop of London in 996, and then held York and Worcester in plurality from 1002-1016, after which point he was archbishop of York alone until his death in 1023.
\item \textsuperscript{86} Archbishop of Worcester from 961 until his death in 992. He also held York in plurality from 971 to 992.
\item \textsuperscript{87} Bethurum, “Episcopal Magnificence,” 166.
\end{itemize}
function of the *Rect.* and the *Ger.* was to reflect the magnificent wealth and power of the bishop, God’s earthly representative.⁸⁸

The stylistic features Bethurum cites as evidence of Wulfstan’s hand are the use of two-stress phrases, alliteration, the use of the word *lagu* for “law,” and the formulaic “*he sceal,*” which she remarks, “reminds us of recurring formulas in Wulfstan’s legal writings.” The dates and provenance for the *Rect.* assigned by Liebermann are seen as further support for Wulfstan’s ultimate authorship.⁹⁰ However, as Bethurum herself points out, the use of two-stress phrases and alliteration are a common feature of Anglo-Saxon literature.⁹⁰ It should also be noted that the use of the *lagu* is hardly unique to Wulfstan, and rather than being seen as a purely stylistic feature, needs to be recognized as having a vital function in the meaning of the text. Though arguably tenuous, the arguments she presents definitely demand consideration, and have received qualified acceptance by some scholars ever since.⁹¹

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⁹⁰Bethurum, “Episcopal Magnificence,” 164 and 165.

Another important discussion of Anglo-Saxon and Anglo-Norman laws was that of Doris Stenton (1964). The focus of her book was primarily post-Conquest law. It examines two main issues: the rise of the writ of right (i.e., the principle that a disseised person should have his lands restored before having to defend his right in court) and the evolution of the judicial office. Chapter one indeed addressed Anglo-Saxon law, but largely as the backdrop for the later discussion dealing only with the propensity of Anglo-Saxon suits to work toward compromise and the importance of courses such as pleas and writs. However, at the beginning of her chapter on the courts of justice she slips in the then revolutionary notion (contra Maitland) that English Common law had its foundation in Anglo-Saxon England, an idea left stillborn in the rest of the book. Yet apart from this stalled observation, one gains the distinct impression that what can be said about Anglo-Saxon law had been said, and that it now only served as background against which the evolution of Anglo-Norman law can be compared.

A different type of contribution was made in 1966 with the publication of Law and Legislation from Aethelberht to Magna Carta, by H. G. Richardson and G. O. Sayles. Written for the non-specialist, it provides a basic narrative of English law without delving into its technical nature. Yet, this book did present innovative, if since


93Stenton, English Justice, 54.

discounted, arguments of its own. Perhaps the most glaring weakness in their understanding of early English law is the clear lack of interest in ecclesiastical law or in any impact of religion on law. Scattered through the book are dismissive comments such as in regard to *I Em.* where they write, it “is purely ecclesiastical and need not detain us.”

In the second chapter of the book, Richardson and Sayles discussed the *Quadr.* and reiterated the standard description of the work. However, when discussing Book I they commented that the author, “...does not methodise his texts in any way and the order in which he presents them is more than a trifle odd.” Here we must take exception. As will be seen in chapter six, the order in which the compiler of the *Quadr.* placed his texts was based on careful consideration of the topics and themes which they addressed. Richardson and Sayles further asserted that the author of the *Quadr.* was not the author of the *Hn.*, in particular because the latter “...has some idea of the practical application of the law and the requirements of litigants,” whereas the compiler of the *Quadr.* shows no trace of legal training, their judgement being strengthened by their conviction that the order, in which the legal documents are arranged in the *Quadr.*, is “odd.” Only when one seriously considers that the *Quadr.* was ordered after a well considered attention to legal themes, the legal mentality of the compiler become more apparent. Lastly, it should be noted that Richardson and Sayles gave but a passing nod to the existence of the *Rect.*


96 Richardson and Sayles, *Law and Legislation*, 42.

97 Richardson and Sayles, *Law and Legislation*, 43.

98 L. J. Downer, ed. and trans., *Leges Henrici Primi* (Oxford: Clarendon Press, 1972), 5-6. It is for this reason that she contends that the *Hn.* could not have functioned as a general treatise on the law.

99 In 1972 L. J. Downer reedited the *Hn.* and revisited the major issues surrounding the text. She pointed out that it is difficult truly to contextualize the *Hn.*, given that there is little contemporary law known and that the *Hn.* itself deals with such a small part of it. She saw the *Hn.* as a blend of what is fundamentally an Anglo-Saxon legal tradition with the newly developing feudal principles, i.e. with a new focus on the relationship between a man and his lord.

100 Downer confirmed Liebermann’s observation that the Anglo-Saxon laws of the *Hn.* are dependent on the *Quadr.* However, she questioned his assertion that the *Hn.* was using an earlier version of the *Quadr.*, i.e. when Q was at a stage at which he still had a poor understanding of the Anglo-Saxon terms he was translating, and so was inclined to retain them in his Latin translation. Downer noted that there is no such clean consistency. She also argued that the retention of Anglo-Saxon terms was not simply due to the Q’s lack of skill with the language, but that the Anglo-Saxon terminology was specialized, the Latin equivalents for which would not have conveyed its technical meanings. For example, the Latin translation of *apprehensio colli*

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99 L. J. Downer, ed. and trans., *Leges Henrici Primi* (Oxford: Clarendon Press, 1972), 5-6. It is for this reason that she contends that the *Hn.* could not have functioned as a general treatise on the law.

for the Anglo-Saxon term *healsfang*, which refers to the preferential share given to a slain man’s family, would scarcely have had any meaning.\(^{101}\)

This latter point has significant implications for how one should understand the *Rect.* Liebermann had concluded that the documents which occur towards the end of the *Quadr.*, of which the *Rect.* was one, are not in the earliest manuscripts and must have been added later, after the compiler had already composed the *Hn*. Consequently, these documents would have had little or no influence on the *Hn.*, or vice versa.\(^{102}\) However, if *Q* retained Anglo-Saxon terms not because he was using an earlier version of the *Quadr.*, but in order to preserve technical terminology,\(^{103}\) then these later documents, such as the *Rect.*, may well have informed his composition of the *Hn*. Nevertheless, it should be pointed out, even if the *Rect.* was added to the *Quadr.* after the *Hn.* was written, it would simply mean that the relationship of these two texts is reversed, not any less intimate. In this case, terms such as *gablum*, *dominium*, or *servus*, would have been understood in the *Rect.* according to the legal definitions they received in the *Hn*. In either case, the presence of the *Rect.* in the *Quadr.* and that document’s role in the formation of the *Hn.* indicate that the *Hn.* must be taken into consideration in the exegesis of the Latin *Rect.*

Downer accepted Liebermann’s conclusion regarding the common authorship of the *Quadr.* and the *Hn.* as well as the date of composition for these texts. However, she


\(^{103}\)See chapter seven for a discussion of the additional reasons why *Q* would have preserved Anglo-Saxon words in his Latin translation.
was more cautious about Liebermann’s assertion that Q was a cleric with legal training. Further, building upon Pollock and Maitland’s comments on the Hn., she also placed the composition of the text in Wessex, noting that Wessex is called the “caput regni... et legum,” and that legal rulings outside of Hampshire are described as in quibusdam locis. In addition, London and Kent are referred to as areas of foreign law. Downer found all of this curious, given that Liebermann had associated the author of the Quadr. and the Hn. with Gerard of York. She suggests that if Q had indeed been in the employ of Gerard, he may have found employment in service of the king in Winchester, perhaps due to his royalist leanings.

The most recent thorough discussion of the Rect. is by Paul Harvey (1993), primarily about the origin and relationship of the Rect. with Ger. Harvey argued that while these two documents had been “revised and welded” together early on, they had different origins and initial purposes. He regarded the Ger. as a literary work heavily influenced by Latin agricultural treatises more than a practical manual, a product of the literary and intellectual milieu of the late tenth and early eleventh centuries. By contrast, the Rect. had a far more complex transmission history, undergoing at least three


105 Downer, Leges, 44-45. Gerard had sided with Henry I in his conflict with Anselm over investiture. Though Henry ultimately lost his claim at the Council of London (1107), it seems reasonable that a cleric under the employ of a friendly archbishop would have received a warm welcome in Winchester after Gerard’s death in 1108.

106 Harvey, “Rectitudines”: 1-22, at 7-9, 11.
different revisions. The first version, he suggested, was probably written as a practical
text for the estates of St. Peter’s at Bath, a guide to its estate managers. This conclusion
was based on the similarities between the Rect. and the Tidenham custumal, both of
which describe the duties of the gebur and the geneat. Tidenham was a holding of St.
Peter’s, and its custumal appears to be an application of the same organizational
principles as found in the Rect. Harvey found linguistic confirmation for the text’s
origins in the use of the word berebrytta, a term known only from the area of Hampshire,
Wiltshire and Somerset – particularly east Somerset and west Wiltshire.

A second (possibly third) form of the Rect. was a revision made in the early
eleventh century that united the Rect. with Ger. In addition, it broadened the application
of the Rect., not merely describing the customs of a single estate, but mentioning the
practices of other estates. It was this version of the Rect. that Harvey suggested was
composed by Wulfstan, or by a cleric who shared his interested in social order. It was
this version that was latter modernized in language and became the text from which the
copyist of CCC 383 worked. Though together the Rect. and Ger. make a complete
treatise on the duties and obligations of all the personnel of an estate, Harvey suggests,
the two were again separated during the compilation of the Quadr. On this issue Harvey

107 Harvey, “Rectitudines”: 8.

108 For a transcription and translation of this text see Appendix A.


111 Harvey, “Rectitudines”: 22.
accepts Liebermann’s conclusions that the compiler probably felt Ger. did not speak to his legal concerns and that he was doubtless daunted by the prospect of translating into Latin the exhaustive list of implements enumerated in Ger.\textsuperscript{112}

A year later Patrick Wormald published an overview of the Quadr. and the scholarly work that had been done up to that point.\textsuperscript{113} He began with a description of all nine manuscripts which represent the Quadr., four of which are actually part of a fourteenth-century compilation of laws, which modern scholars call the London Collection, and which drew from the Quadr. for the legal material preceding Henry I.\textsuperscript{114} One important contribution of this article lay in Wormald’s observations regarding Q and the relationship between the Quadr. and Hn. Wormald reiterates and confirms the conclusions of Liebermann and Downer that there was one single author of the Quadr. and the Hn., and that the Hn. needs to be seen as replacing books III and IV of the Quadr., which the author had intended to write earlier.

However, Wormald’s greatest contribution is his study of the changes that occurred in the Quadr. over the course of time. He noted that Q had produced a number

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\textsuperscript{112}Harvey, “Rectitudines”: 4 & 7.


\textsuperscript{114}Listed by age of the manuscripts: Dm (BL Cotton Domitian viii), M (John Rylands Library MS Lat. 420), R (BL Royal MS 11 B ii), T (BL Cotton Titus A xxvii), Hk (BL Additional MS 49366). Those belonging to the London Collection: Rs (John Rylands Library MS Lat 155 + BL Add. MS 14252), K2 (BL Cotton Claudius D ii), Co (CCC Coll. MSS 70 + 258) and Or (Oxford, Oriel Coll. MS 46). Wormald, “Quadripartitus,” 114-121.
of recensions of this work, and that each time he rearranged the order of the texts that he used. Central to Wormald’s argument was the assertion that Q did not haphazardly collect these legal texts, but tried to organize them on the basis of legal themes. He also observed that certain texts were moved in groups, forming “blocks” of texts. In addition, paralegal texts, of which the Rect. is one, which Wormald called “unofficial codes,” were blocked together in a way that associated them with official royal codes. For example, in all of the recensions of the Quadr., the paralegal texts Swerian, Wif and Wer were placed in context with the first two law codes of king Edward (899-924) and Eadmund (939-946), which indicated to Wormald that these documents “were seen as part of, or at least appendices to, the royal legislation.” Wormald argues that the version of the Quadr. represented by the London Collection was the oldest. Thereafter, the recensions, as represented by their manuscripts, progressed from R to Dm to T and finally M/Hk. Wormald built on Liebermann’s earlier observations and revised the organization of the texts as his thinking about their legal application changed.

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116 The implications of Wormald’s observations will be further discussed in chapter six.

117 Wormald, “Quadripartitus,” 130.
concluded that the *Quadr*. was more than simply an intellectual exercise, and that it was in fact an “effort to create system.”

The most recent, and by far the most exhaustive, study of early English law is Wormald’s *The Making of English Law* (1999). It is impossible to overstate the importance of this book. Originally intended to comprise two volumes only the first was published, the second to be forever unwritten due to Wormald’s premature passing. The central thesis of his book is, *contra* Maitland, that the roots of English Common Law are not to be found in Angevin England, but in the legal tradition of the Anglo-Saxon kings, an argument, as we have seen, that had already been abortively made by Doris Stenton thirty-five years previously. What makes English law distinctive, according to Wormald, is that it is a tradition that has persisted since the existence of an English Kingdom (by whatever definition one wishes to use), and reflects the degree to which the power of government has been widely felt both geographically and temporally. In chapter four Wormald described the manuscripts that contain English legal texts. It is here that we find his discussion of the *Quadr.*, where he reiterated and built on the ideas he had presented in 1994, proposing that the impetus that drove Q to make revisions was that he kept finding new legal manuscripts. This presupposition affected how Wormald understood the way that paralegal texts came to be associated with royal codes; to him

118 Wormald, “Quadripartitus,” 143.


these affiliations were transmitted in the *Quadr.* largely because that was how Q had found them in his exemplars.¹²¹

However, this approach deals with these legal compilations from a purely pre-Conquest perspective, i.e. the order in which they were preserved in the twelfth century was due to the order in which they were found in pre-Conquest manuscripts. Consequently, the only rationale for the associations between these laws and paralegal texts that Wormald is willing to consider is a pre-Conquest one, despite the fact that he is looking primarily at post-Conquest compilations. Even if the order of these texts was that of Q’s exemplars, the fact that Q preserved them and copied them within the context and needs of his own time is important. Clearly, Q felt that the themes and tenets that bound these texts together still had meaning, or could find a new meaning within the legal developments of Henry I’s era.

By way of example, consider Wormald’s treatment of a text now called *Iudex*, which is included in the *Quadr.*. This text is essentially a moral treatise on how judges should not be influenced either by bribery or the status of the people bringing suit. *Iudex* itself is an Anglo-Saxon rewriting of chapter 20, “De iudicibus,” from the treatise *On Virtues and Vices* written by Alcuin to the Carolingian count, Guy of Brittany.¹²² Of this text Wormald writes, “It stands on its own: there is no sign that it was translated as part of a more widely conceived enterprise. ... It would be absurd to take it as reflecting

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the Anglo-Saxon (or Carolingian) judicial system."\textsuperscript{123} While Wormald was unable to reconstruct the Anglo-Saxon context that would have prompted the translation/composition of \textit{Iudex}, his failure to see \textit{Iudex} in a post-Conquest incarnation prevented him from perceiving a reason for its inclusion among legal documents in an Anglo-Norman reality. Alcuin’s chapter on the fairness of judges doubtless addressed the problem of French judges rendering decisions biased in favor of other Frenchmen, or at least detrimental to the native Bretons. The context of \textit{Iudex} is arguably analogous to that of post-Conquest England, a society in which one ethnic group ruled over another. With this in mind the applicability of such a text to twelfth-century English society becomes apparent; it now functions to admonish Norman judges to render equitable verdicts to Norman and Saxons alike.

As will be argued elsewhere, the place of the \textit{Rect.} within the various recensions of the \textit{Quadr.} should not be simply attributed to Q mindlessly copying texts as he found them in his exemplars. Even if the associations of the \textit{Rect.} are those found in the texts from which Q was working, he must have felt that these associations had meaning for the legal and social issues that were important in his own day. The \textit{Rect.} found in the \textit{Quadr.}, then, is not a pre-Conquest text preserved to meet pre-Conquest needs, but a post-Conquest document given an authoritative function to address the very different social and legal needs of the early twelfth century.

Wormald deals with the \textit{Rect.} itself in chapter five of his book, where he discusses Anglo-Saxon royal codes and the paralegal texts individually, noting their content.

\textsuperscript{123}Wormald, \textit{Making of English Law}, 383.
historical context, and textual associations. Wormald devotes much of his discussion to the relationship between the Rect. and Ger. As mentioned previously, Ger. deals with the expectations of the reeve on an estate: how he should treat workers, organize the resources and the labor of the manor, the rhythm of the agricultural year and the types of implements he should provide. In manuscript B Ger. follows immediately after Rect., yet was not incorporated into the Quadr. Wormald accepts Paul Harvey’s conclusion (contra Liebermann) that the Rect. and Ger. were originally two separate and differently motivated pieces. Even if they were combined in manuscript B, Wormald notes that they have divergent manuscript histories. In connection with this discussion, Wormald does not accept Bethurum’s conclusion that the form of the Rect. as we have received it was the work of Archbishop Wulfstan, noting that the Rect. differs in tone, vocabulary, and message from Wulfstan’s writings.124

Wormald concludes, rather unsatisfactorily, that because Rect. was of the genre of “estates literature” rather than estate management, someone was induced to add it to a legal collection, and that this was the reason Q put Rect. at the end of his editions of the Quadr. At the end of his discussion Wormald writes, “But neither parts nor whole are legal works as such. They have little legal content.”125 While the content of the Rect. may not strike us as being legal, and most likely did not so strike an eleventh-century Anglo-Saxon, its inclusion in the Quadr. means that Q saw some legal function for the text. Wormald’s explanation for its inclusion in the Quadr. is unconvincing, therefore,

124Wormald, Making of English Law, 387-388.
125Wormald, Making of English Law, 389.
and is generated by his unwillingness to see the Rect. as a twelfth-century document. By incorporating the Rect. into a collection of law, Q was giving the Rect. a legal meaning, one which it probably did not have before, but which spoke to his contemporary situation and found application to the administration of justice at the manorial level.

The Rect. and Debates Over Anglo-Saxon Rural Society

Thus far, much of our discussion has focused on the Rect.’s textual transmission and its place within the legal structure of pre- and post-Conquest England. But it is also a document concerned with life on a manor, and is, in fact, the only text from Anglo-Saxon England that spells out with such clarity the roles that the various tenants and residents played in the rural economy. Therefore a discussion regarding the impact of the Rect. on the major scholarly works dealing with early English social history is warranted.

The significant issues that occupied scholars during much of the nineteenth and the early twentieth centuries, and regarding which they searched the Rect. for evidence and information, was the origin of the serf. For much of this time the dominant view was that a free, Germanic rural society of independent farmers, who knew no lord but the king, slowly came to be subservient to landlords and fell into an increasingly servile status. With this paradigm in mind, the question scholars were trying to answer was when this devolution of peasant status began, and when did full “manorialization,” in this case meaning the reduction of tenants to total dependence, come to its fullest realization. As the Rect., was “...the only systematic record we have of the rights and obligations of

126 Harvey, “Rectitudines,” 17.
workers and tenants on an English estate before the Norman Conquest, scholars naturally turned to it for evidence of manorialization, servile labor of tenants, the presence of demesne, and traces of the free ceorl.

We return again to Frederic Seebohm. As mentioned above, his main interest was with the tenants listed in the Rect., and so he largely ignored the rest of the treatise. His began a trend, then, of failing to recognize what is perhaps the most important aspect of the Rect., that it uniquely deals with what the estate owes its tenants and workers. It was only natural that Seebohm and others would try to coordinate the social nomenclature of the Rect. with that of the Domesday Book (DB). For Seebohm, the geneat was equal to the villanus of the DB, as the Latin version of the Rect. makes clear. However, for Seebohm the group geneat/villanus was divided into two classes: the gebur, i.e, the villanus proper, and cotters. This method, of course, presumed that the Rect. and DB were working with the same system of categories, and were defining people in the same way, i.e. from a tenurial perspective. Finally, Seebohm takes the description of manorial tenants in the Rect. as a universal description of Anglo-Saxon society. For him, the Anglo-Saxon manor, at least from the seventh century, was exactly the same as a manor “in the Norman sense of the term.” This is somewhat surprising, given that Seebohm

127Harvey, “Rectitudines,” 1.

128“Then follow the special services of the beekeeper, oxherd, cowherd, shepherd, goatherd, &c upon which we need not dwell here.” Seebohm, English Village, 133.

129Seebohm, English Village, 128 and 147.

130Seebohm, English Village, 147.
had at his disposal both the Tidenham and the Hyssebourne charters, which describe the
duties of tenants differently than that of the Rect.

Among the most important works dealing with early English rural society must
stand Maitland’s Domesday Book and Beyond.\footnote{Frederic William Maitland, Domesday Book and Beyond: Three Essays in the
Early History of England (1897; reprint, Cambridge: Cambridge University Press, 1921).} The second essay in the work was
devoted to a description of pre-Conquest England, and it is here that he draws on the
Rect. However, he devotes, only three pages to the Rect, and this is mostly a reiteration
of what the Rect. says about the geneat, the cottier and the boor (i.e. the gebur). The
notations give evidence of his reliance on Schmid for this understanding of the text.
Nevertheless, he did make several important observations. First, he regarded the ense and
the ðeowa wifman of Rect. 8 and 9 not as slaves, but as serfs.\footnote{Maitland, Domesday Book, 328.} More importantly, while
noting that the Latin version of the Rect. translates geneat with villanus, Maitland was
careful to point out that this equation makes it clear that the villanus of the DB was “a
very different being from the villanus of the thirteenth century,”\footnote{Maitland, Domesday Book, 329} a man of much greater
independence and freedom.

Maitland’s use of the Rect. has important consequences for how it has been used
since. His book’s major concern was the DB and the social structures and categories that
are found in it. Thus, even in a section of his book in which he is describing the Anglo-
Saxon tenurial world, he selected the facets of that world that touch on related issues
Maitland was overall concerned with understanding the DB categories of the *coliberti*, the *radman*, the *cottarii* and *bordarii*. This concern determined what he chose to look at and consider in the *Rect.*, namely the *gebur*, the *geneat* and the *cotsetla*. He did not, however, succumb to the same temptation as Seebohm, making simple equations between the terms of the *Rect.* and the *DB*. Maitland saw the relationship between the two sets of nomenclature as an evolutionary one. Nevertheless, the material of the *Rect.* he chose to study was selective and he approached both the *Rect.* and the *DB* as if the same questions can be asked (and answered) about both.

While Seebohm projected into the *Rect.* the rural social structure of later Norman England, Paul Vinogradoff in his *Growth of the Manor*, read the text differently, using it to read back into the agricultural past of England.\(^{134}\) Dating the *Rect.* to 1025 he suggested that it was a manual used by royal stewards, perhaps sheriffs.\(^{135}\) As he traced the evolution of Anglo-Saxon rural society before the time of Alfred, he noted that there were two classes of *coloni* (a term taken from the late Roman Empire): the first held dependent land and paid rent, the second were given their houses and provided the work of the estate. *Coloni* were personally free, but lived in a state of indebted dependence.\(^{136}\) In contrast to the *coloni* were the *ceorlas*, independent small holders. In addition, he spoke of a dependent *ceorl*, who like the *gebur* had a 200 shilling wergeld. Though


\(^{135}\)Vinogradoff, *Growth of the Manor*, 231.

\(^{136}\)Vinogradoff, *Growth of the Manor*, 129.
Vinogradoff was not as clear as the reader might wish, he seems to have suggested that by the time of Rect. the geneat perhaps had become like the first class of ceorl, the 
twyhundmen" i.e. those whose wergeld was 200 shillings. 137 The gebur clearly were the descendants of the 
second class of coloni, those whose labor burdens were the result of economic dependence. The gebur, geneat and the cotselt were for Vinogradoff in the main 
personally free. The manorial system, he suggested, and the personally unfree state it implies, arose at the end of the Anglo-Saxon period when people of free descent were 
subjugated to a military class and when the authority of lords was growing. 139

While Seebohm looked to the post-Anglo-Saxon period to find analogous social categories by which to define those of the Rect., Vinogradoff looked to the past, trying to 
make an evolutionary connection from post-Roman structures to those reflected in the 
Rect. Yet, though their approaches are different, their focus remains the same. 

Vinogradoff read the Rect. only as a source of information for the three main tenants of 
the Anglo-Saxon estate (gebur, geneat and cotselt). He had no interest in the Rect. as a 
text in its own right, and ignored the rest of the text as beyond his scope of inquiry. He 
also failed to consider that the descriptions of these tenants reflects the reality of only one 
or some estates.

137 i.e. those whose wergeld was 200 shillings.

138 Vinogradoff, Growth of the Manor, 233.

139 Vinogradoff, Growth of the Manor, 233-235.

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A return to Seebohm’s strategy of reading the Rect. in light of later rural social structure is found in the work of Frank Stenton. As his predecessors had, Stenton focused exclusively on the thegn and the three main tenants of the Anglo-Saxon estate, mentioning in passing that the rest of the Rect. discusses “humbler estate servants and their perquisites, and his work ends with a long account of the manifold duties of the reeve himself.”

This statement is particularly interesting, indicating that Stenton regarded Ger. as a part of the Rect., instead of as a separate text. While discussing the social groups of the Rect., Stenton’s eye was always in the post-Conquest world, trying to find equivalents between the two societies. Thus, he equated the cotselta with the bordarii and the cottarii of the DB., the geneatas with the radknights or radmen, and more cautiously the gebur with the coliberti. He was even comfortable with defining the “yardland,” which the Rect. assigns to the geburas, with the typical tenement of the later Middle Ages, the virgate.

That this approach should be taken by Seebohm, Maitland and Stenton should, however, be of little surprise. Apart from the Rect. itself, there is very little Anglo-Saxon evidence that sheds further light on these social categories. Succumbing to the temptation, then, to draw from a period better understood and relatively proximate in time is understandable. Nevertheless, the problem here is that this approach ends up not trying to understand the gebur or the geneat as entities in and of themselves, but perceiving and

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141Stenton, Anglo-Saxon England, 466-468.
defining them merely as evolutionary steps to a final product. This teleological approach does further violence to the *Rect.* as a text. Since scholars have regarded the *Rect.* only as a source for information regarding tenants, it is never studied as a text in its own right. There was, therefore, little effort to understand the component parts of the *Rect.* in relation to a larger purpose, which necessarily must inform our interpretation of the information which the text provides.

The sum of the views held by Maitland, Vinogradoff and Stenton is that Anglo-Saxon society had originally been founded on the *ceorl*, a free farmer who owed no dues except to the king. These *ceorlas* lived together in free, nucleated villages. It was only later, especially after the Conquest, that great lords reduced the *ceorlas* to a tenant and servile status by taking advantage of economic strains and war. However, in 1958 T. H. Aston challenged this view, and asserted that while there was an independent peasantry, overall, it was not characteristic of Anglo-Saxon society. Most peasants were tenants dependant on the lords of large estates. As evidence of this Aston examined *Ine* 63-66, which prescribed that when a lord leaves an estate, he must make sure that a certain percent, roughly 60 percent, of his estate is made up of *gesett land*, i.e. land rented out to tenants. He demonstrated that this law illustrates the presence of the bipartite estate, i.e. an estate comprised of land held by tenants and land directly exploited by the lord, the demesne. He also asserted that this proportion of *gesett land* with *inland*, i.e. the lord’s

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demesne, roughly 60 percent to 40 percent respectively, was the norm. This relation between *gesett land* and *inland* needed to be preserved by law, he suggested, because *inland* was tax exempt, and it was necessary for the king to guarantee that there were enough tenants to provide the *gafol*, “tribute, tax,” upon which he relied. Aston concluded that as far back as the reign of Ine (688-725) there was a significant number of peasants who were tenants, dependent on lords of large estates. He regarded the terms *gesett land, gafolland, utland,* and *warland* as roughly synonymous, though the last three emphasize land from which public service was due, whether it was the tenant land of an estate or not.

In regard to the *gebur* in particular, Aston pointed out that their holdings seemed to be regular, about one yardland, indicating a great degree of seignurial control and regulation. The *gebur*, like the late Roman *colonus*, had his plot of land on the *gafolland*, and was tied to it. He concluded that all these various types of peasants comprised a large portion of the Anglo-Saxon cultivators and showed no sign of ever having been unattached, landowning peasants.

Yet, Aston pushed the existence of dependent peasantry back even further than the reign of Ine. He examines the nature of place names, and suggests that those ending in -*ingas* indicate settlements organized by estates and under lordly direction. These settlements were at first “unitary,” i.e. simple estates in which the manor was a single vill.

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These, however, grew into what Aston calls “discrete estates,” those covering more than one significant settlement, which resulted from population growth and the spread of settlement. In the historic period, however, these discrete estates came to be fragmented due to a variety of mechanisms: division of inheritance, grants to followers, leases, donations to ecclesiastical communities. These processes resulted in the tenurial landscape that we see in Anglo-Saxon documents.\[147\]

Aston’s article was an important reevaluation of the assumptions with which historians of Anglo-Saxon and Anglo-Norman England had been working. He primarily dispelled the notion that Anglo-Saxon peasantry was by-and-large free, only reduced to dependent tenancy late in its history, projecting the existence of a dependent peasantry all the way back to the period of Anglo-Saxon settlement. In addition he was also the first to define more clearly the morphology of the Anglo-Saxon estate, the types of land and their function. He established the tax-exempt nature of \textit{inland} and the importance of its distinction from \textit{gesett land}, \textit{gafolland}, \textit{utland} and \textit{warland}. His work brought us closer to understanding the morphology of the Anglo-Saxon estate, and provided a clearer backdrop against which later scholars could set the Rect. Most importantly, his work freed scholars from setting the Rect. solely within the context of the classic, medieval manor, opening up new perspectives in interpreting the text.

By 1991 H. R. Loyn presented a summation of our knowledge regarding Anglo-Saxon society up to that point. Following Liebermann and Paul Harvey’s lead, he saw the estate described in the Rect. in regional terms, concluding that it was compiled by a landlord in the “West Country,” and he recognized how it harmonized with descriptions of that region found in the DB. Also, Loyn looked beyond the sections dealing with the types of tenants and discussed, however briefly, the slaves and even the folgere (Rect. 10 and 10,1), defining him as a "free peasant who worked for another without possessing a holding in the open fields himself." As did Vinogradoff, Loyn found in the Rect. evidence that the peasants maintained legal freedom. However, Loyn argued that there were major changes in Anglo-Saxon society during the tenth and eleventh centuries, namely, territorialization of power, augmentation of lordly power, the regularization of peasant duties, and increasing differentiation between peasant and lord. Due to these facts, while remaining personally free, "peasants" found that their economic freedom had eroded.

However, even here Loyn displayed a conservative approach to the issue of land and society in Anglo-Saxon England. For example, even though the archaeology of the 1980s and 1990s was making it clear that the earliest Anglo-Saxon manors were multiple

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estates, Loyn held on to the old paradigm that from the time of Ine estates were using the open field system.\textsuperscript{152} While Loyn's work demonstrates a more sophisticated approach to the text of the \textit{Rect.}, the purpose for which he examined the text was the same as that of his predecessors, simply to mine it for information regarding tenurial social structure. The problem remains that what the \textit{Rect.} has to say about rural society will be largely determined by its purpose as a text.

This very question is taken seriously in the most thorough discussion of pre- and post-Conquest English rural society to date, Rosemund Faith's \textit{The English Peasantry and the Growth of Lordship}.\textsuperscript{153} She was very much aware of the work of Bethurum and Harvey, and argues that the \textit{Rect.} was probably the product of a particular estate, possibly Glastonbury Abbey. For her, the purpose of the \textit{Rect.} was to establish the rights and customs of a newly reformed and endowed minster, and she is aware that its contents do not represent landowners as a whole.\textsuperscript{154} An important part of her analysis of the \textit{Rect.} was based on the distinction between the two main types of land found on the estate: \textit{inland} and \textit{warland}. The former was land devoted to the provisioning of supplies and as such could have particular functions. This land was also exempt from a wide range of public services and eventually the payment of geld. \textit{Warland}, on the other hand, was land that

\textsuperscript{152}Loyn, \textit{Anglo-Saxon England}, 162 ff. For the archaeology of Anglo-Saxon estates, see chapter four of the dissertation.


owed *utware*, i.e. the public obligations of military, judicial, and administrative service. *Warland* and *inland* were further distinguished by the types of tenants who lived on and worked these lands.\textsuperscript{155}

The tenants of the *inland* are for Faith those whom we find in *Rect.* sections 2 through 4, i.e. the *gebur*, *geneat*, and the *cotsetl*. However, Faith also went beyond a study of just these three classes of tenants and discussed the other functionaries mentioned in the *Rect.* She categorized the beekeeper, dairymaid and the swineherd of the *Rect.* as slaves, and noted that the oxherd, shepherd, goatherd and cheesemaker, though not called slaves, did receive food allotments, which suggests a servile status. Estate officers, such as the sower, the supervisors of the granary, the pasture and the woodland, she suggested, were permanent resident estate staff and probably slaves.\textsuperscript{156}

Understandably, Faith devoted many pages to the *gebur*. For her the central role of the *gebur* was as plowmen, pointing out that there are no plowmen mentioned in the *Rect.* (and with that assessment we agree, as will be seen in chapter three).\textsuperscript{157} The importance of this observation is that she recognized that the *gebur* was not simply an estate resident or an ordinary tenant, but one contracted and given land in return for being primarily responsible for the plowing of the lord’s *inland*. However, she also pointed out

\textsuperscript{155}Faith, *English Peasantry*, 16 and 90-91.


\textsuperscript{157}Faith, *English Peasantry*, 77-78.
that, though legally free, the *gebras* was tied to the estate and regarded as part of its assets.\textsuperscript{158}

For Faith, the two prominent tenants of *warland* were the thegn and the *geneat*. Because they held land that owed *utware*, both were expected to render public service. The thegn chiefly owed the triple obligation of repairing bridges and forts and attendance in the army. The *geneat* rendered services to his lord, which otherwise would go to the king, such as providing food (*feorm*) and various agricultural services. However, the difference between the services rendered by the *geneat* and those of inland tenants, such as the *gebur*, was that the former were strictly defined.\textsuperscript{159}

Faith provides the most sophisticated discussion of the *Rect.* found thus far, understanding the tenurial categories in relation to the types of land that they held. Her analysis, however, presumes a relationship between land and tenants that the evidence may not be able to bear. Perhaps the most serious objection to Faith’s reconstruction is that the word *warland*, though an Anglo-Saxon word and found in the *DB*, is not attested in any Anglo-Saxon documents. The troubling question remains, if *inland* was so socially significant as to prominently figure in Anglo-Saxon texts, why was *warland* not. Yet, despite these concerns, Faith nevertheless approached the *Rect.* as a whole, and tried to understand its nomenclature (as much as is possible) within an Anglo-Saxon context, without defining its terms in relation to the social categories of the *DB*.

\textsuperscript{158}Faith, *English Peasantry*, 84-85.

\textsuperscript{159}Faith, *English Peasantry*, 94-104, 113-114.
As can be seen from the above, we can identify certain trends in the way that the *Rect.* has been used by medievalists studying Anglo-Saxon rural society. The earliest tack was to use the *Rect.* as a source for understanding the evolution of English manorialism, i.e. from the teleological perspective of ascertaining the origins of the classic, medieval manor. These first approaches were to influence the study of the *Rect.* until fairly recently, prompting scholars to focus on the tenants described in the *Rect.* while ignoring the rest the estate economy described in the text. Work by Aston and Faith are refreshing exceptions to that trend. Their work has freed the interpretation of the *Rect.* from the strait-jacket of the issue of manorialism, and has opened up the possibility of new constructs for the physical and social structure of the *Rect.* Nevertheless, there has been no work done in contextualizing the *Rect.* within our current understanding of the evolution of Anglo-Saxon estates, in particular, in light of the process of nucleation, which had been ongoing from the mid-ninth century through the twelfth. As will be seen in the following chapter, it is that dynamic that is responsible for the *Rect.*’s composition and against which it must be interpreted.

Conclusions

There are three major trends that are important to note regarding the study of the *Rect.* First of all, because scholarly interest has myopically concentrated on the evolution of manorial, feudal society, it has been mostly that portion of the *Rect.* describing the different types of tenure that has been the focus of scholarly study. This approach, however, presents some difficulties. Besides ignoring over half of the text, it also places
the emphasis on what the residents owed to the estate, and misses the arguably more important message of the *Rect.* that the estate also had obligations to its residents and workers. This latter part of the *Rect.* gives greater testimony to its real function, i.e. not merely to provide a practical model for running an estate, but to provide a *just* model for running an estate. This is intimately connect to another weakness in this common scholarly approach to the *Rect.*, that is, in their effort to mine the text for information on rural society, scholars have for the most part failed to try to understand the *Rect.* as a literary text in its own right, a document written within a specific context and with a specific purpose.

The second trend has been to read the *Rect.* purely within the context of other texts, i.e. in relation to the *DB*, the charters, or the Anglo-Saxon and Anglo-Norman laws. What is forgotten is that an Anglo-Saxon estate was a physical reality, one that has left its mark in the soil of England. Consequently, archaeological surveys can provide us with a great deal of information regarding the physical context in which the society described in the *Rect.* functioned. It is understandable, of course, that the first century or so of scholarship had not integrated much of such evidence to its interpretation of the text. However, since the 1980s there has been a growing body of archaeological data regarding the evolution of Anglo-Saxon estates, data that needs to be brought to mind in understanding the estate described in the *Rect.*

These first and second trends have worked together to inhibit our understanding of the *Rect.* Only when one coordinates the archaeological context of estate evolution with the literary structure of the *Rect.* as a whole can one ascertain the purpose and the
message of the text, namely, to advocate for the preservation of the traditional rights and privileges of the estate residents, even in the midst of profound changes in the physical and social structure of the Anglo-Saxon estates. The information that this treatise provides regarding the roles of the *geneat*, the *geburas* and the other workers of the estate must be understood in light of this broader purpose. And it is this function of the *Rect.* as a moral treatise that best explains its inclusion in the *Quadr.*, even though issues of tenant and worker relations to lords were never a focus of Anglo-Saxon law.

This leads to the third trend in the historiography of the *Rect.* The scholars who have studied and commented on the *Rect.* have universally regarded it as a pre-Conquest text. This ignores two very important facts. The first is that our only exemplars of the *Rect.* date from the early twelfth century. Equally important, and equally overlooked, is that these copies of the *Rect.* are always within a compilation of Anglo-Saxon laws. These facts necessitate that we try to understand the *Rect.* within a post-Conquest context. That is, we should be compelled to ask, why twelfth-century scribes felt the need to preserve the *Rect.*, and why in the process they contextualized it with other Anglo-Saxon laws. What has been missing, therefore, in our understanding of the *Rect.* is its role as a post-Conquest document, how it was recruited to fulfill a new (though not unrelated to its old) function in the midst of new social realities.

The most important of the legal compilations is the *Quadr.* which brings a new dynamic into the analysis of the *Rect.*, since all of the Anglo-Saxon legal and paralegal texts in the *Quadr.* were translated into Latin, including the *Rect.* The scholars who have studied this text have universally regarded the Latin version of the treatise as a simple
translation of the Anglo-Saxon. However, translation alters a text. Not only are there
issues regarding how the translator aligns the semantics of the source language’s words to
those of the target language, there is also the question of how the agenda of the translator
affects the strategies by which he translates his text. These factors require that we look at
the Latin Rect. as a different text altogether from the Anglo-Saxon version, created for a
separate purpose, directed to meet a new set of social needs, and expressing (sometimes
significantly) different meanings.

In regard to the study of the Quadr., a long-term trend can be perceived, the slow
evolution of a gnosiological approach to the collection. The study of how cultures
collect and organize knowledge as an organized intellectual field is relatively recent.
However, one can see its beginning in Liebermann’s recognition that the Quadr. is itself
the meaningful construct of a canon, a body of texts that would be regarded as
authoritative and definitive. Later, Pollock and Maitland would point out that the priority
given to laws from Wessex in the Quadr. is significant in elevating that legal tradition to
be the definitive one for the whole of England. Most recently, Wormald recognized that
certain texts were routinely grouped together, and that Q regarded these families of
documents as intimately connected, bound together by particular common themes.

However, the gnosiological method employed thus far by scholars has taken a
purely Gestalt approach to the Quadr., looking at how Q used texts and groups of texts as
a means of organizing and defining the whole compilation. However, an equally

\[160\] For a brief definition of gnosiology and its goals as a methodology, see the
Introduction.
important approach, and one as yet not undertaken, is to look at an individual text, such as the *Rect.*, and examine how its placement in the body of the *Quadr.* and its close association with other certain documents reveal how Q understood that text and even defined the meaning and purpose of the text through this form of contextualization. This study, then, is arguably the logical next step, studying how the process of canonization and gnosiological organization defines or redefines a single text, in this case the *Rect.*

For example, it is important to note that in all but one of the *Quadr.*’s recensions the *Rect.* is in a block of documents associated with King Eadmund’s third law code. Also consistently included in this block with the *Rect.* is the Anglo-Saxon document *Geþingðo* as well as William the Conqueror’s *Lad* (a document that established rights of proof between English and French) and his *Articuli X*, compiled c. 1110-1135. The implications of these associations will be further explored in chapter six.
CHAPTER III

THE ANGLO-SAXON ESTATE

Before one can understand the purpose for which the Rect. was written, it is necessary first to review the nature and social structure of Anglo-Saxon estates. This task has not been as simple as one might think. As we saw in the previous chapter, the earliest examinations of Anglo-Saxon estates were pursued from a teleological perspective, trying to find in them the origins of the manor as it came to be known in the thirteenth century. It is only since the work of Aston that scholars have tried to understand the estate of Anglo-Saxon England in its own terms, from indigenous laws and charters. The picture that has emerged is one very different from the classic, medieval manor. The institution of lordship and the nature of tenure, both of the lord and the estate residents, were radically different from their manifestations in the later Middle Ages. While much of the following is largely an overview of what is currently understood about Anglo-Saxon estates, there are certain points that need to be emphasized. First of these is the distinctive nature of the multiple estate, the form of estate that seems to have dominated the English landscape in the early Anglo-Saxon Period (c.400-c.650 A.D.). Secondly, it is important to understand the function and status of the gebur, a tenant-worker brought onto the estate for the primary task of cultivating the lord’s inland (demesne). Though
still regarded as personally free, the *gebur* was increasingly regarded as part of the estate and became bound to it. As will be seen in the next chapter, it is the social changes resulting from changes in estate morphology that will inspire the composition of the *Rect.*, and the *gebur*’s vulnerability, as well as that of the slaves and other workers of the *inland*.

Anglo-Saxon Estates

When scholars began reading the *Rect.* in the beginning of the nineteenth century, they did so with a particular question in mind: was there evidence for the existence of the classical medieval manor in Anglo-Saxon England? The distinction between the Celtic square, enclosed fields characteristic of the western side of the isle, and that region practicing “champion,” i.e. open-field, agriculture has long been recognized. The issue at question was whether champion agriculture, and manorial social structure existed before the Saxon migration, was imported to England by the Anglo-Saxons, or came to be imposed by the Normans. The archaeological evidence collected over the last thirty years, however, indicates that there was a third type of estate morphology, the multiple estate, that had been the common estate morphology of early Anglo-Saxon settlement, a large region dotted with small hamlets and settlements, some of which were inhabited by free residents working their own land, while others were populated by slaves and resident workers whose main function was to cultivate the land and livestock that produced for the lord’s needs.
The sources for our knowledge of Anglo-Saxon estates fall into two categories: literary and archaeological. The most important of these, until recently, had been literary sources, mostly comprised of Anglo-Saxon charters and laws. One of the most important of these sources is, of course, the Rect. However, there are two other documents that with the Rect. have provided the most information about the morphology and society of Anglo-Saxon estates: the custumals for the estates of Tidenham and Stoke at Hurstbourne. The latter of these is part of a charter witnessing Eadweard the Elder’s (899-924) gift of Stoke at Hurstbourne (or as it is known by its modern name, Hurstbourne) to the old minster of Winchester. This document describes the payments and labor services that the ceorlas (i.e. “commoners”) living on the estate owed to the monastery.

The Tidenahm custumal is one of three documents relating to this estate, which was held by St. Peter’s of Bath, all of which were recorded in the house’s cartulary, now in the Parker Library (CCC 111). The first of these is the initial charter witnessing King Eadwig’s (955-959) gift of the estate to St. Peter’s in 956 (S 610). Another is the document attesting to the conditions by which St. Peter’s leased the estate to Archbishop Stigand in 1060 (S 1426). Preceding this charter is the custumal (S 1555). Curiously, the

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161 For the transcription and translation of this text as well as a select bibliography see Appendix B.

162 Numbers preceded by S refer the charter number given in Peter Sawyer, Anglo-Saxon Charters: An Annotated List and Bibliography, Royal Historical Society Guides and Handbooks, 8 (London: Offices of the Royal Historical Society, 1968).
custumal is not bound next to Eadwig's initial grant, but is rather preceded by his affirmation of King Aethelstan's (924-939) gift of Aelfeston and Aeston to St. Peter's.\textsuperscript{163} However, since the late 1980s archaeological evidence has become more important in augmenting our conception of the morphology of Anglo-Saxon estates. It was at that time that there was a flurry of topographical surveys and archaeological excavations that has come to be known as the “quantitative revolution.” The cumulative evidence gathered by these studies indicates that from the Early Saxon period (c. 400-c. 650) and into the Middle Saxon period (c. 650-c. 850), the standard pattern of Anglo-Saxon settlement was in small, scattered settlements, few of which lasted more than a century.\textsuperscript{164} This pattern was to remain the dominant one well into the tenth century.\textsuperscript{165} Politically and administratively, these settlements fell under what G. W. S. Barrow called “extensive royal lordship.” These settlements were divided into regional units that owed...
payments, goods and services to a royal administrative center located within the unit.\(^{166}\)

These units were known by various names: *lathe, socn*, and *scir*, “shire,” which should not be confused with the more familiar, larger shire, which later became the “county” in England.\(^{167}\)

G. R. J. Jones has demonstrated similarities between the multiple estates known in southern England and those from Wales. He used the Welsh legal texts of the thirteenth century to reconstruct a picture of the early multiple estate as the Welsh lawyers envisioned them. Fully aware of the anachronistic nature of these documents, Jones was nevertheless able to demonstrate how much of what they describe coincides with the archaeological evidence.\(^ {168}\) These connections indicate that the “shire” was a very old unit of agricultural and pastoral production, dating in the Celtic period and through the Roman and post-Roman periods.\(^ {169}\) This indicates to Jones that the presence of the Britons was far greater than previous scholars had considered.

In Anglo-Saxon England, these units were administered by an *ealdorman*, who operated from a royal home-farm.\(^ {170}\) He oversaw the management of the king’s farm,

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\(^{167}\)Barrow, *Kingdom of the Scots*, 27.


\(^{169}\)Jones, “Multiple Estates,” 19.

collected the payments of the residents, and oversaw their labors. The residents of the
sciræ were expected to render to the king gafol, which consisted of payments in money
and kind, as well as the performance of certain services for royal farms within the region,
such as carting and carrying his produce, functioning as his body-guard, providing oats
for his horses, mowing hay in his meadows, maintaining deer-hedges, attending the
hundred court every three weeks. These various payments and services were called soen,
in post-Conquest times "soke."  

Among the renders given to the king was the provisioning of food for the king and
his household whenever he was in the region (in Anglo-Saxon called feorm). From a
law of King Ine (688-726) we know that by the latter seventh century the feorm consisted
of ten containers of honey, 300 loaves of bread, twelve pitchers of Welsh ale, 30 pitchers
of “clear” ale, two old heifers or ten wethers (i.e. castrated rams), ten geese, twenty hens,
ten cheeses, a jar-full of butter, five salmons, twenty pound-weights of fodder and 100
eels.  

171 Frederic Maitland, Domesday Book and Beyond: Three Essays in the Early
History of England (1897; reprint, Cambridge: Cambridge University Press, 1921), 239;
Faith, English Peasantry, 106.  

172 Barrow, Kingdom of the Scots, 11; Faith, English Peasantry, 90.  

173 Barrow, Kingdom of the Scots, 12-13.  

174 Ine, 70, 1, (ms E), “Aet ò hidum to fostre x fata hunies, ccc hlafa, xii ambra
wilisc aelað, xxx hluttres, tu eald hriðeru oððe x weðeras, x gees, xx henna, ð cesas,
amber fulne buteran, v leaxas, xx pundwaega foðres and hundteontig aela” (GA I, 118 &
120).  

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According to Ine’s law, the feorm was assessed on the basis of a fiscal unit called the hide, ten of them being responsible for the provisions mentioned above. The hide has been shown to represent a unit of land broadly estimated as being worth £1. The hide was also the basis for assessing the number of warriors expected from each region, as well as the basis by which the gafol was paid as well as the latter danegeld, the first recorded general tax.

From the seventh century on, kings began to reward their warrior-companions (gesiðas or þegnas) with land. However, these gifts of land were not permanent, being granted to an individual for his life-time, after which it reverted back to the king. This type of land was called laenland. In the days of the Venerable Bede (672-735), kings surrounded themselves with two classes of companions, the young, landless warriors called geogupa, and the older, more seasoned men, the duguðas, who had received from the king land as reward for their service. However, as Charles-Edwards has shown, these lands could not be passed down to these mens’ sons, who often had to render service abroad for the opportunity to gain land and be able to marry.

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In the mid to late seventh century, kings also began to grant *scirases* to ecclesiastical institutions by charter (Anglo-Saxon, *boc*). The earliest of these is CS 35, from Kent, dated to 675, and CS 36, which records land granted to St. Augustine’s, Canterbury in 674. The significant difference between land granted by charter (bocland) and laenland was that the former was given as a perpetual gift, land that never reverted back to the king, and which the grantee could alienate as he wished. It was at this point that these became what are now called by scholars multiple estates. However, these charters were not the conveyance of the land itself, but rather a granting of certain privileges and authority over the people, as well as usufruct of the land. An institution that received land by boc was granted the *gafol* and the *feorm* that the residents of the region originally provided to the king.

Another difference between leanland and bocland was that the latter was originally exempt from the taxes and services that were to be given to the king, including military service. However, as more and more land was donated to ecclesiastical institutions, the crown lost more and more of these services. This was the change in the reign of the Mercian king, Offa (757-796), who began to impose on bocland the most important services that were rendered to the realm on the basis of land holding: maintenance of bridges, the maintenance of fortresses, and military service. These

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three obligations have come to be called the *trimoda necessitas* by modern scholars.\textsuperscript{181}

Though this term is rarely used, these three obligations are ubiquitously mentioned in the charters and in *Rect. 1* itself.

It was also during the reign of Offa that *bocland* was first given as a reward to *gesiðas* and *þegnas* for their services, the first evidence of which to survive is charter CS 274. This meant that the land given was under the perpetual control of the grantee's family, able to be inherited or alienated as its holders saw fit. Certainly, *laenland*, on one hand, gave the king a certain leverage over his warriors and servants; it could be taken away, and at the end of the grantee's life, would revert to the king who may or may not grant it to the first grantee's heir. Yet, granting land by *boc* bound the holder and his heirs to the service of the king, and secured greater loyalty to him, since the sons of these families would no longer have to travel about looking for patronage in order to secure land and wealth. The trend of granting *bocland* to secular lords became so common that by the end of the ninth century, it was accepted as the normal reward for a *þegn's* service.\textsuperscript{182}

As mentioned above, the granting of land by *boc* did not actually convey ownership of the land itself, but rather a superiority and control of it as well as the

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\textsuperscript{182} John, E., 1964, 78-79.
\end{flushright}
usufruct of the *socn* and *gafol* due from the residents. However, the lord of these estates was also granted the right to directly exploit and farm a part of that estate. The lord was able to cultivate a portion of the estate for himself, the produce of which all belonged to him. This land, both the arable and the settlement of the people who worked it, was called *inland*.\(^{183}\) This was hardly a uniquely Anglo-Saxon institution. In the Frankish kingdoms, as in England, while there were nucleated villages, the trend of dispersed rural settlement increased during the seventh, eight and ninth centuries. Under this form of manorial organization, the demesne of the lord might be scattered among the various settlements.\(^{184}\) Evidence for a similar arrangement in Anglo-Saxon England can be found in the place names of hamlets which were once part of a multiple estate. Names such as Barton (*beretun* “barley farm”) and Hardwick (*herdwic* “dairy farm”) indicate that these settlements were often devoted to a particular agricultural function.\(^{185}\)

It was precisely this arrangement that Rosamond Faith described in regard to the multiple estate of Tidenham. The custumal mentions that the estate is comprised of 30

\(^{183}\) The word *inland* has often been translated as "demesne"; see for example T. H. Aston, “The Origins of the Manor in England,” *Transactions of the Royal Historical Society*, 5th ser., 8 (1958):, 67-68. However, this term is used in later medieval terminology to refer only to the arable. Faith has shown that the *inland* not only included the arable, but the settlement of the people who worked it; see Rosamond Faith, “Tidenham, Gloucestershire, and the History of the Manor in England,” *Landscape History* 16 (1994).


\(^{185}\) Carenza, Mitchell-Fox, and Dyer, *Village, Hamlet and Field*, 110.
hides, which is broken down as comprising 9 *inland* and 21 *gesettes landes*.\(^{186}\) Of this, a total of 14.5 hides are categorized as *gafolland*. It is clear that *gafolland* and *gesett land* are not the same thing, as Aston had contended.\(^{187}\) Faith defined *gesettland* as that which has been assessed for taxation, while *gafolland* is land that was rented out. The *gafolland*, on which tenants, presumably like the *geneat* of the Rect., was dispersed among the five major parts of the estate. Given that the *gafolland* at Stroat, Milton and Kingston (two of the settlements in Tidenham) accounts for only part of the hidage in each place, Faith proposes that the rest were *inland*. In addition the lines of the charter describing Bishton & Lancaut make no mention of *gafolland*, which means that their three hides each were either *inland* or *gesettesland*.\(^{188}\)

Faith noticed that even though Bishton and Lancaut seem to have no *gafolland*, they were nevertheless hidated, which indicates that they were inhabited. If, however, no rent-paying tenants lived there, and the arable was *inland*, she then concluded that the cultivators of the *inland* actually lived on the *inland*. This makes the Anglo-Saxon *inland* different from the classical, medieval demesne, which was only a plot of arable without tenants living on it. She further notes that if the yardland of Tidenham was equal to 36 acres, as it was later, then the *inland* of this estate would have been over 1000 acres. Were all this arable, it would take roughly 300 tenants to cultivate it, which is far too

\(^{186}\)Appendix A, CCC 111, p. 73, ll. 17-18.


many. Her conclusion is that many of these hides were not arable, but were the land on which the inland workers lived.\(^\text{189}\)

According to Faith, the origin of direct exploitation in Anglo-Saxon England rose out of the donation of lands to monastic houses. In these donations, all of the perquisites originally rendered to the king were transferred to the donee. One of the most important of these was the feorm, an amount of provisions given for the support of the king and his retinue when he was on the estate. \textit{Ine} 70.1 lists the provisions that every ten hides were to provide.\(^\text{190}\) The problem for the religious houses that received these donations was that the feorm of the estate would not be enough to meet their needs, i.e. to provide the food and drink for the whole community. Faith argued that it was the need for large amounts of consistent provisions that prompted these houses to set aside land for direct exploitation.\(^\text{191}\) However, if Jones is correct, and the multiple estate with a system of mixed farming, i.e. a bipartite estate, can be traced well before the post-Roman period,\(^\text{192}\) then the origin of inland must have arisen by some other means.

But whatever the origin of these directly exploited fields, the evidence from Tidenham indicates that such inland was not subject to taxation, an exception originally


\(^\text{190}\)\textit{Ine} 70, 1 (ms. E), “Æt x hidum to fostre x fata hunies, ccc hlafa, xii ambra Wilisc ealað, xxx hluttres, tu eald hriðeru oððe x weðeras, x gees, xx henna, x cesas, amber fulne buteran, v leaxas, xx pundwäga foðres & hundteontig æla” (GA I, 118-119).


\(^\text{192}\)Jones, “Multiple Estates,” 18.
given to religious houses, and which carried over to grants of *bocland* to nobles. This would explain evidence that suggests kings wanted to limit the amount of arable that a lord could dedicate to *inland*. In the laws of Ine (688-726) there is the requirement that:

If a noble man (*gesiðcund mon*) moves, then he may have his reeve with him and his smith and his nurses. He who has 20 hides must designate 12 hides as taxable land (*gesettes landes*), when he desires to go. He who has 10 hides, he must designate six hides as taxable land. He who might have three hides, should designate 1.5. 

While it might seem odd that a nobleman would abandon an estate in the first place, Finberg noted that during Ine’s reign Devon and Cornwall had been recently conquered, and that ambitious *gesiðcundmen* would have taken advantage of the opportunity to acquire newly forfeited or vacant lands in this area. It should also be noted, however, that Ine predates the first surviving instance of land being granted by *boc* to a secular lord. It is, therefore, most likely that what is being referred to here is *laenland*, land that remained under the direct control of the king, to grant or take away. If a lord had to leave an estate (for whatever reason), Ine’s regulations sought to limit what these lords could take with them. However, there was also the need for royal revenue to be protected, and this would explain why Ine sought to limit the amount of land that could be designated as

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193 *Ine* 63-66 (ms. E), “Gif gesiðcund mon fare, þonne mot he habban his gerefan mid him *and* his smið *and* his cildfestran. Se þe haefð xx hida, se sceal taecnun xii hida gesettes landes, þonne he faran wille. Se þe haefð x hida, se sceal taecnun vi hida gesettes landes. Se þe haebbe þreora hida, taecne oþres healfes.” (GA I, 118-119).

inland when a lord left.195 Ine’s ratios mandate that at least 60% of an estate must be comprised of taxable arable. Tidenham’s 21 hides of gesettes landes out of 30 comprises 70% of the hidated land, well within Ine’s restrictions.

Further, there is evidence in the Rect. itself that the right to hold inland required extra services to be performed by the grantee. Rect. 1,1 lists duties other than the trimoda necessitas that can imposed on the thegn, such as mending the king’s deer-fence, equipping a ship for defense, keeping watch at the coast, performing guard duty, and other such obligations.196 That these extra services are connected to the inland is suggested by Rect. 3,4, which makes the interesting comment that the cotselta (a type of estate resident to be discussed below) must “acquit his lord’s inland, if one should ask him, at coast guard-duty or at the king’s deer-hedges.”197 The word acquit (werian) in this context means to perform the duties and services required from it.198 Clearly, then, there were services that were required for the right to have inland, the two specifically mentioned in Rect. 3,4 is guard-duty along the coast and tending the king’s deer-hedges.


196 “eac of manegum landum mare landriht arist to cyniges gebanne swilce is · deorhege to cyniges hame and scorp to friðscipe · and saewearde and heafodweard and fyrdweard · aelmesfeoh and cyricsceat andmæneige oðere mistlice ðingc” (Rect. 1,1). These extra duties are kept grammatically distinct from the trimoda necessitas mentioned in Rect. 1; the latter are in a volitive subjunctive, expressing expectation, while Rect. 1,1 is in the indicative, and is explicitly more descriptive of possible extra services as opposed to prescriptive.

197 “And werige his hlafordes inland gif him man beode aet saewearde and aet cyninges deorhege” (Rect. 3,4).

198 BT, 1207; GA II a, 241; Abel, Lordship, 114; Faith, English Peasantry, 90.
One should not miss noticing that these two duties are also listed in Rect. 1,1. This suggests that in order for a lord to have the right to use some of the land on the estate for his personal cultivation, he was obligated to render extra services to the king.

Anglo-Saxon Estates: Their Residents

While the archaeological evidence can give us a clearer picture of the physical layout of estates, only the textual can give us information regarding the people living on them. We must dismiss the traditional image of the servile peasant as we see in classical manorial society of the thirteenth century. Many of the people living on the estate were freemen, having their own land and even their own dependents. As such they performed services and payments to the lord, but not as rent, rather as the renders that were customarily due for living on the land. Consequent, in their case the word resident represents them far better that the word “tenant.” Others, such as the gebur, were also free. He was a contracted worker, given some land, a house, and equipment, and in return, he was to be primarily responsible for the cultivation of the inland. Finally, there were slaves, whose job was to do the manual labor of the estate. Of these, we see that the second group, the geburas, were already slipping into a more servile state, a process that would accelerate and broaden after the Conquest.

199 Though gafol is often translated as rent, the term rent presumes a payment to reside on land not one’s own.
**Geneat**

The *geneat* should not be seen as a dependent peasant, as one might see the “serf” of the high Middle Ages, but rather as a relatively independent farmer, sometimes with substantial holdings with tenants of his own. As such, those having this status occupied the upper ranks of the Anglo-Saxon cultivators.\(^{200}\) As mentioned in the previous chapter, the agricultural services of the *geneat* as described in the *Rect. (Rect. 2)* are rather light, limited to mowing hay and harvesting, the two most work-intensive activities of the estate. Other than this, most of his duties center around the use of horses, either providing them for use by the estate or in providing escort, carriage, and message bearing services.

The Tidenham custumal is rather open-ended in describing his services, but the focus remains on his obligation to ride (*ridan*), to provide horses (*auerian*), to cart loads (*lade laedan*) and to drive herds (*drafe drifan*).\(^{201}\) Susan Kelly notes the clause in the custumal stating that the *geneat* “shall work as much on land as off land (i.e. at fishing) whatever one commands him,”\(^{202}\) and therefore assumes that his was a lower, more dependent status, with less autonomy.\(^{203}\) However, such an assessment is not necessitated by the text, which does not insinuate that the *geneat* was at the estate’s constant beck and

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\(^{201}\) Appendix A, CCC 111, p. 74, ll. 8-10.

\(^{202}\) “sceal wyrcan swa on lande.swa of lande.swa hweðer swa him man byt” (Appendix A, CCC 111, p. 74, ll. 8-9).

\(^{203}\) Kelly, *Charters*, 151.
call. Further, higher status of the geneat in Anglo-Saxon society is attested by the fact that the same duties accorded to him in the *Rect.* were also due from tenants of some leaseholds of Oswaldslaw,\(^{204}\) and the same agricultural services were owed by many other people of independent status, such as less thegns and the sokemen of the *DB.*\(^{205}\)

It should also be noted that the Anglo-Saxon *geneat* and *cniht* (a word that primarily means, “youth, boy, attendant, retainer”\(^{206}\)) as well as the later *radmann* and *radcniht* of the *DB*, have the same riding-services in common, which prompted Hollister to regard them as belonging to the same social class, an upper peasantry standing between the *ceorl* and the thegn. Many lease-holders of Oswaldslaw were *cnihtas*, and it struck Hollister that they were bound to fulfill the duties of the *trimoda necessitas*, which included military service.\(^{207}\) However, we need to exercise caution when making a wholesale equivalence between the *cniht* and the *geneat*, for no less reason than that they are separate terms. None of the texts that use the word *geneat*, including the *Rect.*, give any indication that they owed military service. What seems more likely is that the terms *geneat* and *cniht* are words used from different systems of categorization. The word *cniht* probably refers to a relational category, i.e. one that describes the relationship between

\(^{204}\) Faith, “History of Manor,” 45. Oswaldslaw was the land held by the bishop of Worcester, comprising 300 hides. A large collection of charters by which the bishops lent this land out as laenland have been preserved. For a thorough discussion see John, *Land Tenure*, chs. 5 and 6.


\(^{207}\) Hollister, *Military Institutions*, 82.
two people or groups of people, while *geneat* is a tenurial term, used to represent a specific set of conditions by which a person holds land. While the work and services of these two groups may have been similar, therefore, this does not mean that they represent the same social category.

The *geneat* not only owed certain labor services, he also paid *gafol*. The *Rect.* does not state a specific amount that the *geneat* paid, though it does mention that the *gebur* paid 10 d. for his *gierd* (Rect. 4.1). The Tidenham and the Hurstbourne customals also mention the amount of *gafol* that the residents paid. In the former, the *gebur* paid 12 d. per *gierd*, while at Stoke at Hurstbourne the *gafol* was 40 d. per *hiwisc*.

Etymologically, the *hiwisc* is the same as the hide, and it stands to reason that the value of the *hiwisc* was the same as well, about £ 1. Like the hide, the *gierd* seems not to have been a measure of specific area, but a relative unit of assessment, one quarter of a hide, and would thus be worth 60 d. At that rate, the *gafol* paid by the *Rect. gebur* was one-sixth the value of the *gierd*. By comparison, if the *hiwisc* was worth £ 1 or 240 d., then

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208 Appendix A, CCC 111, p. 74, ll. 1-2.

209 Appendix B, BM Add. MSS 15350, 72r, l. 10.

210 It is possible that, in the case of arable, the value of land was based on the yield, which could vary depending on soil and climate. According to *DB* I, 143b the yield of one acre of land was worth 4 d. (Sally Harvey, “Domesday England,” ch. 2 in *The Agrarian History of England and Wales*, vol. 2, 1042-1350, ed. Joan Thirsk [Cambridge: Cambridge University Press, 1988], 57, table 2.1). If so, it would take the yield of 60 acres to equal £ 1. It has been noted that the hide, when compared to actual acreage ranged between 40 or 60 to 120 (D. J. Fischer, *The Anglo-Saxon Age*, c. 400-1042, A History of England in Eleven Volumes [Burntmill Harlow, Ess.: Longman Group, 1973], 124).

211 See chapter eight, commentary on *Rect. 4,3*. 

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the *gafol* paid by the *ceorlas*, 40 d., was also one-sixth the value of the land. At Tidenham, the *gebur* paid 12 d. for his *gierd*, which would be one-fifth the value of the *gierd*. Although there is not much data with which to work, the similarity of the figures we do have are highly suggestive; the rate of *gafol* might have been between 16% and 20% of the assessed value of the land.

The *geneatas* lived in small homesteads or hamlets scattered in the *scir*. These were largely composed of collections of farms and cottages with irregular fields surrounding them. Most of these were inhabited by extended family members. The land they worked would have been partitioned among the members and worked cooperatively, producing a type of open-field system, which was called *gedaelland*. However, this field regimen should not be equated with the open-field system known from the high Middle Ages, which involved a nucleated village, a complex set of obligations to the lord, distribution of field strips, and system of cooperative labor that was monitored by the estate.

Previously it has been argued that open-field agriculture, including the demesne of the lord, can be discerned in the laws of Ine (688-726). The most famous of these is *Ine* 42, which is cited in almost all scholarly works on Anglo-Saxon society from Seebohm to

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Lyon as evidence of the existence of the open-field system as early as the late seventh

century.213 The importance of this text justifies presenting this portion of the law in toto:

If *ceorls* have an enclosed pasture in common or other divided-land
(*gedalland*) to enclose, and some have enclosed their part, some have not,
and they [cattle] eat their common acres or pasture, they, who own the gap
in the enclosure, should go then and make recompense to those who have
enclosed their part, for whatever damage might be done there. They (those
whose fields were damaged) should request of him such justice in respect
to the cattle, as it is appropriate. If then there are any cattle, that break
hedges and go in everywhere, and the one who owns it does not want to
restrain it, or is not able, let him, who comes across it on his field, seize
and slay it, and let the owner take its hide and flesh, and let him forfeit the
rest.214

The important word in this text is *gedalland*, that is, “land under joint ownership,”
or “common land divided into strips.”215 Loyn asks, “If this is not open-field farming, it
is hard to know what it can be?”216 Yet, the answer to his question can be found in
Loyin’s own description of a type of land ownership known as “gavelkind,” which was

213Frederic Seebohm, *The English Village Community: Examined in its Relations
to the Manorial and Tribal Systems and to the Common or Open Field Systems of
Husbandry*, 2nd ed. (London: Longmans, Green, and Co., 1883), 110; and H. R. Loyn,
*Anglo-Saxon England and The Norman Conquest*, 2nd ed. (London and New York:

214*Gif ceorlas gærstun hæbben gemænne oððe oþer gedalland to tynanne, &
hæbben sume getyned hiora dæl, sume næbben, & etten hiora gemænan æceras oððe
gær, gan þa þonne, þe ðæt geat agan, & gebete þam oðrum þe hiora dæl getynedne
hæbben, þone æwerdlan þe ðær gedon sie. Abidden him æt þam ceape swylc ryht swylce
hit kyn sie. Gif þonne hryðera hwelc sie þe hegas brece & ga in gehwaer, & se hit nalde
gehealdan, se hit age oððe ne mæge, nime se hit on his æcere mete & ofslea; & nime se
agenfrigea his fel & flæsc & þolie þæs oðres. Ine’s Laws 42, in *Dictionary of Old
English Corpus*, ed. Antonette diPaolo Healey (Toronto: University of Toronto, 2000)
[CD].


practiced in Kent. This pattern of rural settlement was in the form of scattered hamlets, and the arable land was concentrated in fields held by groups of kinsmen. Presuming, as the archaeology suggests, that the standard pattern of settlement in all of England was in fact the hamlet and homestead, it is also reasonable to assume that a similar type of land holding was practiced in Wessex. There is no reason why Ine 42 cannot be read as describing this pattern of settlement. Each homestead or hamlet would jointly own a concentrated and contiguous field. Yet the field would have been divided (gedaeld) among the families of the community into strips for them to cultivate. Consequently, c, 42 of Ine’s Laws can be read without presuming a nucleated village with an open-field system.

The geneat, in summary, was probably a free landowner. Originally living within a scir, and thus owing the king gafol and socn, he eventually rendered these payments and services to the lord of the estate. However, he was not a tenant. The land he worked was his. These payments, therefore, were not “rent,” as is so often stated, but rather customary renders that he owed as a free resident. The paying of the gafol was in fact a sign of his free status.

Gebur

While lords gained a certain amount of income from the gafol paid by the geneatas and other free residents of the estate, he also profited by the direct exploitation of fields and flocks whose produce was his own, the inland. Of course, these lords were

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not out in the fields working the land themselves. Much of the work would have been
done by slaves. However, as early as the mid-seventh century, lords were contracting out
the inland-labor, essentially hiring men and families whose primary work was to plow
and cultivate his fields in return for a house, some animals, and a small plot of land for
their own. These permanent, contract workers were the geburas. However, while legally
free, and even paying the gafol as a free resident of the estate,\textsuperscript{218} his total dependence on
the estate permanently bound him and his descendants to it. Consequently, the gebur was
been regarded as property much like the estate itself.

Perhaps the best evidence for the gebur’s function and labors comes from the
Rect. itself. He had to render week-work, two days a week normally, but three days a
week during harvest and from 2 Feb. to Easter, the period when the spring plowing is
taking place (Rect. 4).\textsuperscript{219} He spent the night with the lord’s sheep from 11 Nov. to Easter
(Rect. 4,1a) and plowed 1 acre a week from the time when the fall plowing begins
(possibly late September, early October) until Nov. 11\textsuperscript{th} (Rect. 4,1b).\textsuperscript{220} In addition, he
plowed 3 acres as his work-on-demand and 2 acres as his pasturage-plowing (Rect. 4,1c)
as well as another 3 acres as his payment-plowing (Rect. 4,2). The geburs were also to
provide the upkeep for the lord’s hunting-dogs (Rect. 4,2b) and to give the estate-
swineherd 6 loaves of bread (Rect. 4,3). What stands out in this description is the amount

\begin{itemize}
\item[\textsuperscript{218}]Faith, \textit{English Peasantry}, 106.
\item[\textsuperscript{220}]See discussion in chapter eight, commentary on this section [4,1b].
\end{itemize}
of plowing that the *gebur* did for the lord's field. When added up, it amounts to between 16 and 14 acres of plowing for the lord.\textsuperscript{221} In contrast, the *geneat* mostly performed carrying services, and his only agricultural duties were that he was to help with the mowing of hay and the harvest of grain (*Rect. 2*). The agricultural demands on the *cotselta* were also relatively light. He was to work for the lord every Monday and 3 days a week during the harvest (*Rect. 3*). He was also to "defend his lord's field," though exactly what this is saying is less than clear.\textsuperscript{222} From what can be seen, of all an estate's tenants it is only the *gebur* who plowed the lord's fields.

A similar function can be seen in the Tidenham custumal, though the services are less clearly spelled out. Here, as in the *Rect.*, the *geneat* does riding services, but also seems to be more subject to arbitrary labors. The *gebur*, also as in the *Rect.*, seems to be the estate's primary laborer, much of his work dealing with the fishing economy of the estate. But even here, he was also expected to plow the lord's fields - half an acre as week-work,\textsuperscript{223} which formed his principal agricultural duties, and also to plow a whole acre as *cyrcscette*, the church-dues. It is doubtful that he had to plow this every week as *cyrcscette* were normally rendered once a year on St. Martin’s Day (11 Nov.). Because of

\textsuperscript{221}Again, the “acre” cannot be understood as an absolutely standardized measure of land equaling 4840 square yards. The size of the aecer varied from area to area. See chapter eight, commentary on *Rect.* 3,3.

\textsuperscript{222}See commentary on section [3,4].

\textsuperscript{223}Faith states that the *gebur* of Tidenham had to plow one acre a week, which “is very heavy indeed by the standards of post-Conquest manorial tenants” (Faith, *English Peasantry*, 46). In this she is mistaken as the text says “healfne aecer to wice worce” (Appendix A, CCC 111, p. 74, ll. 11 & 12).
the heavy workload Finberg saw the gebur of Tidenham as being of a relatively more servile status than the geneat.\textsuperscript{224} As noted in the previous chapter, the gebur’s fishing and fishing-related duties seem to outweigh his agricultural ones, but it is important to know that the only service he renders on arable is plowing.

The custumal for Stoke at Hurstbourne is somewhat different. It speaks only ceorlas, which is probably best translated as “commoner.” Unlike geneat or gebur, which are terms defining tenurial status, the word ceorl is a socio-economic category, referring to someone whose wealth and status were between a slave (þeaw) and a noble (eorl).\textsuperscript{225} Both the geneat and the gebur socio-economically fell into the ceorl category, so it is difficult to know which of them the Hurstbourne custumal had in mind. Whatever his position, the ceorl of Hurstbourne has relatively light agricultural duties; he plowed only three acres (presumably per year), and mowed a half acre of meadow as gafol. Much of his service comprised conveyance; the hay he mowed he was to transport to the rick, he was to bring four cartloads of cut rent-wood and 16 yards of rent-fencing-wood. A thirteenth-century custumal written for the estate of Malling (Sx.), though much later, seems to preserve a record of ancient services owed by the tenants. The similarity between the Malling duties with those of Hurstbourne should be noted. The Malling estate divided its hamlets into those in-wood and without the wood. Those in-wood were expected to carry three cartloads of wood in their own carts as well as provide fencing

\textsuperscript{224}Finberg, “Anglo-Saxon England,” 512.

\textsuperscript{225}For a fuller discussion see chapter five.
and roofing for the estate (all made from wood).\textsuperscript{226} We might then assume that the
\textit{ceorlas} of Hurstbourne lived on small steads or hamlets near the woodlands of the estate.

The remainder of the Hurstbourne \textit{ceorl}'s labor dealt with sheep, indicating that
the \textit{ceorl} in this manorial economy was heavily engaged in shepherding. What these
labor-dues to the estate tell us about the economy and topography of the Stoke at
Hurstbourne estate has already been discussed in the previous chapter. What is important
here is that many of the \textit{ceorl}'s services resemble more those expected of the \textit{geneat} than
the \textit{gebur}. Since, as we will see below, the \textit{gebur}'s primary function was to cultivate the
\textit{inland}, we can assume that there was not enough \textit{inland} at Hurstbourne to require the
tenancy of \textit{geburas}. What little there was may have been easily managed by slave labor.
Despite this argument from silence, what we can know is that the \textit{ceorl}, at least as a
tenant at Hurstbourne, did little cultivation, in stark contrast to the \textit{gebur}.

The little evidence we have from the \textit{Rect.} and charters does not provide a clear,
definitive statement regarding the function of the \textit{gebur} on the estate. However, the one
feature all of the \textit{geburas} had in common is that they were required to do a lot of plowing
on the lord's \textit{inland}. It was this function that set the \textit{gebur} apart from the other residents
of the estate. This was certainly Faith’s conclusion after studying the Tidenham
custumal, “The Tidenham \textit{geburas} may have been responsible for the regular ploughing
which elsewhere was the task of a demesne team and permanent professional ploughmen,
often slaves, for no demesne plough teams were recorded there in 1086.”\textsuperscript{227} This

\textsuperscript{226}Jones, “Multiple Estates,” 22-23.

\textsuperscript{227}Faith, “History of the Manor,” 46.
conclusion regarding Tidenham she later extended to the gebur as a class on Anglo-Saxon estates in general. Their job was to plow and generally cultivate the inland of an estate. She noted that in the Rect. itself there are no plowmen mentioned, which would be an odd omission. Given the amount of land the gebur was expected to plow during the year, that role would have been well filled by him.228

It appears, then, that as early as the reign of Ine lords were trying to supplement the labor force for their inland. This need might be the result of two factors. First, lords were probably trying to increase the profitability of their estates through expansion of their inland. Secondly, the supply of slaves was probably greatly reduced after the unification of England under the kings of Wessex,229 since many slaves were doubtless captured during the inter-kingdom conflicts of the previous century.230 We can catch a glimpse of the process by which lords first acquired the services of geburas in Ine 67:

If one contracts for a gyrd of land or more for a fixed gafol and he plows (it), and the lord wants to increase for himself <the dues from> the land

228 Faith, English Peasantry, 77-78. While Faith, following Paul Harvey, entertains the possibility that the folgere of the Rect. was a plowman, neither Faith nor Harvey regard this as anything more that pure conjecture (See Paul Harvey, “Rectitudines Singularum Personarum,” The English Historical Review 426 [1993], 13-15).

229 A date as good as any other is 954, when Eric Bloodaxe was assassinated and northern England was permanently (though always tenuously) brought under the hegemony of Wessex.

for work and for _gafol_, he (the tenant) does not need to accept it, if he (the lord) does not give him a house and he should forfeit the fields.\textsuperscript{231}

From this law we see two processes at work. First, it is apparent that lords tried to attract new residents to their estates, assigning them a _gierd_ of land for a fixed _gafol_.\textsuperscript{232} The _gierd_ here need not be seen as a strip in common a common field. Jones has noted that the arable of the hamlets of Malling were all assessed as one _virga_ (the Latin equivalent of _gierd_), even though these could range from 75 to 100 acres.\textsuperscript{233} These tenants, then, when first contracted to live on the estate may well have been given their own homestead. The size of the arable they held could vary considerably in size, but was assessed at the favorable rate of a _gierd_, which probably meant that the _gafol_ to be paid would between 10 d. and 12 d.

However, we also see in _Ine 67_ that the need for labor for the _inland_ prompted lords to renegotiate these tenurial arrangements, imposing the further condition of working on their lands. The tricky part of interpreting this law is the ability of the tenant to refuse these new conditions, “he (the tenant) does not need to accept it, if he (the lord) does not give him a house and he should forfeit the fields.” The question centers around when the house was offered. If the giving of the house had already happened when the

\textsuperscript{231}“Gif mon geþingað gyrde landes oþþe mare to rædegafole & geereð, gif se hlaford him wile þæt land aræran to weorce & to gafole, ne þearf he him onfon, gif he him nan botl ne selð, & þolie þara æcra.” (Ine 67) in _Dictionary of Old English Corpus_, ed. Antonette diPaolo Healey (Toronto: University of Toronto, 2000) [CD].

\textsuperscript{232}The _gierd_ was a fixed value of land being one quarter of a hide, and thus worth 60 d. (see above).

\textsuperscript{233}Jones, “Multiple Estates,” 23.
tenant first took up residence (requiring that *selð* be read as an historic present), then the law would state that his original acceptance of a house forfeited his right to leave the estate, or to deny the lord’s demand for new labor.²³⁴ However, *Rect. 4,3-4,3b* indicates that part of what defined the tenancy of the *gebur* is that all the necessities for *landseten*, i.e. “the occupation of land” should be provided for him: two oxen, a cow, six sheep, seven acres sown on his yard land as well as all the tools for his work and the utensils for his house. It would not be much of a stretch to assume that the house itself would be included in this list. Such an interpretation would favor the second alternative for understanding *Ine 67*, i.e. that the provision of a house needed to be offered when the lord asked for the tenant’s labor on his *inland*. If the lord did not offer to provide this, the tenant may refuse, with, apparently, the loss of his original tenancy.

Of course, the question arises, why would the lord need to provide a house in the first place? Presumably, the tenant already had a house. However, if we assume that the lord’s *inland* were not adjacent to those of the tenant, and perhaps were some distance away, then this clause in the law may refer to a house provided by the lord that was on the *inland*.²³⁵ In this way, during the days that the tenant was supposed to cultivate the lord’s field he could stay in a dwelling near his work, and, in light of the *Rect.* , would be using the tools and animals provided for him by his lord. This further makes sense if we accept Faith’s argument that the *inland* was not simply arable, but included the area on which


²³⁵I would like to thank Dr. Constance Bouchard for suggesting this interpretation of the text.
the *inland*-laborers were housed, comprising its own little hamlet. These hamlets would have been inhabited by slaves and occasionally by the *geburas*, who remained only during the time they were fulfilling their labor services.

But there is also the other question of why a tenant would accept these new conditions. Scholars have pointed out that the fortunes of an Anglo-Saxon peasant could be quite uncertain, and it could take only one bad harvest to plunge him into destitution. This tenuous status of the peasant would have been made only the more precarious by the Scandinavian incursions of the ninth century and again in the late tenth/early eleventh centuries. As a further step in the reduction of his status, if a tenant fell into destitution he might fully commend himself to his lord, by which he became permanently bound to the lord and his estate. Under such circumstances, the fields that the tenant had originally plowed for himself might become the lord’s fields, or if he were already rendering service on the lord’s field, he might have given up his holding and permanently moved into the house provided for him by the lord in a settlement of *geburas* that were cultivating the lord’s field. Evidence of the latter process can be seen archaeologically. Brown and Foard have observed that already in the middle Saxon period (c. 600-850 A.D.) there is evidence for the desertion of *cotes* (settlements of free tenants).

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might assume that inhabitants of these settlements moved into pre-existing berewicks and bartons which worked the lord’s fields. Perhaps it was under these circumstances that lords also provided the geburas with a strip of land in the arable for their own upkeep, an arrangement with which they would have already been familiar from hamlets with gedalland.

As to the legal status of the gebur, the laws are rather silent. The gebur was a tenurial, not a legal category, one that was determined by local custom and by arrangements with the lord. Thus, matters regarding the gebur were not a matter of royal law, and the term rarely occurs in legal texts. The word neahgebur occurs in II As. 9; IV Eg. 7, 8.1 & 10 and Ine 40,\textsuperscript{239} in which cases it simply means “neighbor.”\textsuperscript{240} These laws merely stipulated the need for informing a neighbor if one were to attach (in the legal sense)\textsuperscript{241} cattle, ride after lost cattle, or make a business deal. The only clear instance of the word gebur is found in Ine 6,3, where it states that if one starts a fight in the house of either a rent-payer (gafolgelda) or a gebur, that he pays 120s. as punishment, and he pays the gebur a further 6s.\textsuperscript{242} What is of interest is that this law contrasts a gafolgelda, i.e. one who pays rent, with a gebur. By this one might surmise that the distinction was that the former paid rent (gafol) to the estate while the latter did not. However, we know from

\textsuperscript{239}Il Aethelstan, IV Eadgar and Ine’s Law in Dictionary of Old English Corpus, ed. Antonette diPaolo Healey (Toronto: University of Toronto, 2000) [CD].

\textsuperscript{240}Hall, Anglo-Saxon Dictionary, 246 and BT, 711.

\textsuperscript{241}I.e. to take and hold property and to have it before a court for legal disposal.

\textsuperscript{242}Ine 6,3, “Gif donne on gafolgelden huse oððe on gebures gefeohte, CXX scillinga to wite geselle & þam gebure VI scillinga” (GA I, 92-93).
the Rect. that the gebur did pay gafol by the late Anglo-Saxon period, which may indicate that the distinction between the gafolgelda and the gebur was that the former only paid rent, while the latter paid rent and worked on the lord’s field. One should finally note that in Ine 6,3 the gebur was paid 6s. while the gafolgelda was not, which may reflect the relative poverty of the gebur, who may not have been able to absorb the cost of any damages incurred by the fight.

If the laws shed little light on the personal condition of the gebur, there are other texts that demonstrate his dependent and near servile state. One of the most important of these is the will of Wynflaed (S1539), possibly dated to end of the tenth or beginning of the eleventh century.243 The pertinent passage reads as follows:

And with regard to the estate at Chinnock, let the community at Shaftesbury possess it after her death, and <since> she owns the stock and the men; she therefore grants to the community the geburas who dwell on the rented land (gafollande), and the bondmen (pera þeowa manna) she grants to her son’s daughter Eadgifu...244

The first thing to note is that the geburas are here given as part of the estate at Chinnock to the community at Shaftesbury. Yet, they are not regarded as slaves, since the slaves (Whitelock translates as “bondmen”), þeowas, are mentioned as a separate group, who are bequeathed to Eadgifu. What is important is that the relationship of the gebur is not to the lord but to the estate. They go with the land to the house at Shaftesbury. The slaves,

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244 “... be ðan lande aet Cinnuc hit agon þa hiwan aet Sceftesbyrig ofer hyre daeg and hio ah þæt yrfe and þa men þenne an hio ðan hywum þara gebura þe on þan gafollande sittað and þera þeowra manna hio an hyre syna dehter Eadgife...” Whitelock, Anglo-Saxon Wills, 12 and 13.
however, who lived at Chinnock were Wynflaed’s to give to her niece, no matter on what estate they were originally settled. Presumably, they were moved to one of Eadgifu’s estates. This confirms the personally free status of the gebur, who is not personally bound to a lord, as if a slave. The gebur was a tenurial category, not at relational one.

Another important document that illustrates the status of the gebur is an early eleventh-century list of geburas, who, having once lived on Ely’s estate of Hatfield (Herts.), had moved to other estates.245 According to the list, 17 different people of the gebur status had moved to other estates between six and twenty-three miles away. The reasons for the move, Pelteret explains, were marriage, assarting or shifts in manpower needs, i.e. the estate of Hatfield no longer needed their labor and they moved to other estates.246 The list was kept because it was necessary for Ely to keep track of its geburs and those descended from them, lest they become released from their legal obligations to the estate, presumably in reference to their labor services.247 While in another article Pelteret notes that the gebur did not normally have the right to be faerfrige, i.e. free to travel, to move to lands of one’s own choice, this and other documents illustrate that this right could be given.248 Yet, despite this surprising degree of mobility, the gebur and his offspring were still bound to serve the estate of their origin. We need to remember that


the estate had invested heavily in the gebur, providing him with his home, implements and cattle. In addition, the estate was (doubtless increasingly) dependent on the gebur for the cultivation of the inland, its primary source of revenue. Given these reasons, it is understandable that their services would be so covetously retained, even extending to the descendants of geburas as far as five generations, both through the male and the female lines.249

In sum, the gebur was apparently a free resident of the estate, permanently contracted to work the lord’s inland, in return for a house, its furnishing, his tools and some animals. He was, therefore, completely dependent on the estate, most of his possessions being the property of the lord, which reverted back to the lord upon his death. Consequently, the gebur, though legally free, was increasingly regarded as part of the estate, and could be granted along with an estate to ecclesiastical institutions. The Hatfield list unambiguously indicates that the bound nature of this tenure extended to subsequent generation. What is important is that the gebur was not bound to the lord, as if in personal servitude, but to the estate itself. As we saw in the Wynflaed will, he would move with the estate, but could not be transferred to the personal service of another.

Cotsetla and Other Workers

The Rect. makes it clear that beside the gebur there were other classes of individuals living on the estate and responsible for rendering service to the inland. One

of the most important was the *cotsetla*[^250]. There is little we can know about him without drawing from his near-namesake, the *cotarius*, in the *DB*, a method that is fraught with anachronistic dangers. The *Rect.* provides the most information we have about his work and status. It admonishes that he should have five acres of land, yet it also indicates that he did not pay the *landgafol*. This, perhaps, is because the amount of land he worked was so small. That he was free is suggested by the fact that he paid the *heorðpenig* (*Rect.* 3,4) – though the fact that his free status is explicitly mentioned does beg the question.

His labor obligations to the estate (at least the estate of the *Rect.*) were light, working normally only one day a week, though three during harvest. Yet, perhaps the most interesting facet of his obligations is to “acquit,” literally “defend” (*werian*) the *inland* of the estate. As discussed above, this portion of the *Rect.* suggests that the lord was responsible for the performance of certain duties to the king in return for the privilege of having an *inland*. While certain duties, such as body-guard duty and military watch (*Rect.* 1,1) were best done by the *þegn* himself, other labors, such as tending deer-hedges and keeping watch on the coast (*Rect.* 1,1 cf. 3,4) would have been within the *cotsetla*’s range of skills. All in all, his role on the estate seems to have been to provide the basic muscle labor. It has been argued that his five-acre allotment would not have been enough to live on, and that he was the estate’s hired hand, working for whatever

[^250]: In manuscript B the author of the Anglo-Saxon version of the *Rect.* devotes 15 lines to the *cotsetla*, second only to the mammoth sections dealing with the *gebur.*
residents of the estate that needed his labors.\textsuperscript{251} Apparently, this also included carrying out the more mundane labors required of the lord for his \textit{inland}.

It is difficult to be certain as to where the \textit{cotsetla} lived. However, given that the amount of land he held was determined by the estate, it is most likely that it was on the berewicks and \textit{beretunas} of the estate, settlements under the direct control of the lord. This does not mean, however, that he only performed hired labor for the lord and his workers. The other small, independent settlements of the estate would also have needed to pay for extra hands for the various tasks of their farms.

The status of the other \textit{inland}-workers, many of them slaves, was so low that these individuals, while mentioned, are not much discussed in the charters and laws. Nevertheless, from \textit{Rect.} 7-20,2 we do gain an idea of the diversification of functions and specialized tasks they performed. For the sake of discussion we might subdivide the workers listed in this section of the \textit{Rect.} into three major groups: 1) those that are specifically referred to as servile (the \textit{aehteswan}, \textit{esne}, \textit{peow wif}, \textit{aehtemann} [\textit{Rect.} 7-9,1]), 2) those defined by their function, and whom we may presume to be servile (\textit{folgere}, \textit{saedere}, \textit{oxanhyrde}, \textit{cuhyrde}, \textit{sceaphyrde}, \textit{gathyrde} and \textit{cyswyrhte} [\textit{Rect.} 10-16]), and 3) those holding positions of responsibility on the estate (\textit{berebrytta}, \textit{bydel}, \textit{wuduweard}, \textit{haegweard} [\textit{Rect.} 17-20]).

\textsuperscript{251}Finberg, “Anglo-Saxon England,” 511.
While the precise meaning of many of the terms from the first group, such as *aehteswan*, *esne* and *aehtemann* continue to elude current scholarship, it does seem clear that they were slaves and worked on the *inland* of the estate. They each received provisions from the estate, which insinuates that they had no independent means of support. Their primary function was to care for the lord’s property and provide the basic physical labor required on an estate.

Of the second group of *inland*-workers, only the role of the *folgere* in the estate economy remains a mystery. Those of the *saedere* (*Rect. 11*), *oxanhyrde* (*Rect. 12*), *cuhyrde* (*Rect. 13*), *sceaphyrde* (*Rect. 14*), *gathyrde* (*Rect. 15*) and *cyswyhte* (*Rect. 16*) are not in doubt, being the “sower,” “the ox-herd,” “the cow-herd,” “the shepherd,” “the goat-herd,” and the “cheese-maker” respectively. Of these, the ox-herd, shepherd, goatherd and cheese-maker, though not specifically called slaves, do receive food allowances and other perquisites associated with the home farm. Among such company, it would be reasonable to assume that the sower and cow-herd were of the same status. Thus, these individuals sowed the lord’s fields and tended to his oxen, cows, sheep and goats, and the cheese-maker, the only explicitly female member of the group.

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252 For a discussion of these terms and their possible meanings see chapter eight, commentary on these sections.


254 For discussion see chapter eight, commentary on *Rect. 10*.

made the cheese from the lord’s cows and goats. They, therefore, like the workers mentioned before them, were connected to the inland, tending to the lord’s inheord, “the lord’s herds kept on his estate.”

Finally, we come to a group of workers whose roles entailed a greater degree of responsibility, the berebrytta (Rect. 17), bydel (Rect. 18), wuduweard (Rect. 19) and the haegweard (Rect. 20). Faith sees this third group or supervisory workers as permanent residents of the estate, suggesting that they might have even been slaves. These were staff of a more skilled variety, and in them, Faith suggests, one sees the forerunners of the famuli, the permanent farm servants of thirteenth-century estates.²⁵⁶ Certainly, the performance of their duties would require being proximate to the resources of the inland and the home-farm, the caput, of the estate. It therefore seems fairly certain that all of these individuals, whose perquisites are described in the Rect., lived and worked on the estate’s inland, even if their statuses were of various degrees of servitude. Originally, they probably lived on the various hamlets and berewicks on which the inland of the lord was scattered throughout the multiple estate.

Despite the seemingly complete picture of the Anglo-Saxon estate presented here, we must be careful not to draw too many universal conclusions about these estates based on the meager evidence at our disposal. The Rect. itself warns us constantly that the practices and tenurial arrangements vary greatly from estate to estate (Rect. 2; 4; 4,4; 21; 21,4). From what we can tell from the Tidenham and Hurstbourne customals, the duties of the geburas and the geneatas varied with the ecology and the economy of the estate.

²⁵⁶Faith, English Peasantry, 66.
Even the physical layout and form of estates varied from place to place, and evolved over time.

Conclusions

From the above it is clear that the multiple estate of Anglo-Saxon England was profoundly different from that of the high Middle Ages. The geneatas living on these estates were not tenants but residents, the land they held being their own. The services and payments they rendered were not marks of servitude but those of a free subject. While the landlord had real authority over the residents of his estates, they and their lands were not regarded as his personal property. The arable fields of these estates were not organized in the classic, common-field known from the twelfth and thirteenth centuries, but were scattered about the estate, either on the homesteads and hamlets of the geneatas or on the berewicks and bartons of the lord, where his inland and inheord were cultivated and tended. It was on the latter, the lord’s dispersed inland settlements, that his workers lived and worked. While to varying degrees much of that labor was provided by slaves, lords also recruited free individuals (either from outside or from the residents of the estate), apparently those without much property or any land, to plow and cultivate their fields. These were the geburas, for whom the lord provided not only a gierd on the inland to cultivate for himself, but also his home, animals and equipment. The documentary evidence tells us that the gebur, doubtless because of his dependent condition, had come to be regarded as part of the estate itself; not only were he and his descendants bound to it, but they could also be transferred with it.
But as we will see in the next chapter, Anglo-Saxon estates not only varied from place to place, they also changed over time, particularly as they evolved toward the nucleated village with its surrounding open fields. Because of the dependent and vulnerable condition of the *geburas* and the other *inland*-workers, they would be the ones most affected by these changes. It is only in light of the evolving nature of Anglo-Saxon estates and the impact of these changes on their residents that we can fully understand the *Rect.*
CHAPTER IV
THE RECTITUDINES, ITS CONTEXT AND PURPOSE

While many scholars over the decades have carefully mined the Rect. for information regarding the structure of pre-Conquest rural society, few have inquired why it was written in the first place. One gets the impression that the overriding presumption was that it was a manual for running an estate. While there have been a few attempts actually to address its purpose, these have done so without setting the Rect. against the backdrop of the evolution of Anglo-Saxon estates, as we have come to understand it through archaeology. The evidence reveals that these estates were undergoing profound change during the course of the ninth, tenth, and eleventh centuries, particularly through the processes of nucleation and fragmentation of large estates. These changes doubtless also brought about upheavals in rural society, particularly the redefinition of the rights and services of estate residents. As I shall demonstrate, a careful reading of the Rect. finds that the estate it describes was in the process of such change, and if one pays attention to those matters on which the Rect. places emphasis, one can detect which aspects of estate life had become an issue. Given the particular focus of the Rect. on the gebur as well as the perquisites of the estate workers, I argue that lords were consolidating their inland, i.e. their demesne, through nucleation, the tenurial and
customary rights of those who dwelt on the *inland*, namely the *gebur* and the other estate workers, were also being redefined. Only in light of these developments can one then fully appreciate the *Rect.*’s continual admonition that the previous tenurial arrangements and customary rights should be respected. The *Rect.*, then, was a moral treatise, in which the author presented the reader with a model estate, one that had undergone limited nucleation, but one which also sought to retain the previous conditions under which its residents lived and worked.

The Evolution of Anglo-Saxon Estates

The multiple estate described in the previous chapter differs radically from the medieval estate as we have come to know it by the thirteenth century. These later manors are characterized by nucleated villages, open-field agriculture with fields distributed among the tenants, each holding a number of strips (*selions*) and *virgates*. Often these communities engaged in a cooperative agriculture allotting usage of meadow and draft animals, an estate regimen often called “champion” agriculture. A major question among historians of the transitional period from Anglo-Saxon to Anglo-Norman England has been, how and when did the multiple estates of the early Anglo-Saxon society eventually evolve into the classic medieval manor? Current research, while varying on

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details, agrees that the process was a long one, which would not come to completion until the thirteenth century or later. I contend that the Rect. provides evidence that the transition involved an intermediate stage unrecognized until now, one in which the estate inland and its workers had been consolidated into villages working a surrounding common field, while the other residents of the estate, notably the geneatas, continued to live on their independent homesteads.

Determining when the process of nucleation began means archaeologically detecting when the settlement patterns changed from the small, dispersed hamlets to larger villages with open fields. Beginning in the 1980s there was a flurry of field surveys and village excavations, known as the Quantitative Revolution. The accumulation of this field data has resulted in a general consensus among scholars that while the multiple estate was the dominant morphology of the Early Anglo-Saxon Period (c. 400-c.650), the shift to nucleated villages possibly began in the middle Anglo-Saxon Period (c.650-c.850), that is by the mid-ninth century, and is reflected in the

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language of Anglo-Saxon charters by the tenth. However, the movement toward nucleated villages did not progress at the same pace in every region, and in some, it never really occurred at all. Scholars such as Christopher Taylor as well as Carenza Lewis, Patrick Mitchell-Fox, and Christopher Dyer believe the process was so slow that there were still only a few nucleated villages by the middle of the eleventh century.

Part of the problem of fixing the chronology of when nucleated villages became the dominant estate form is the assumption that all the components of the common-field, nucleated manor came together at the same time. Tony Brown and Glenn Foard have advocated a more nuanced approached, arguing that the development of the champion field systems fell into three phases. The first stage, nucleation, occurred around the mid-ninth century, when scattered settlements were abandoned in favor of villages, but when a planned and highly organized common-field regimen had not yet been instituted. This would occur during the tenth century during the “great re-planning” phase, even

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261 Taylor, Village and Farmstead, 125-130; Lewis, Mitchell-Fox, and Dyer, Village, Hamlet and Field, 111.
establishing tenement plots that were initially empty.\textsuperscript{262} Finally, these plots were gradually assigned during the “filling in” phase, at which time the division of hides were further divided into component virgates in the “basic medieval pattern.”\textsuperscript{263} Brown and Foard’s schema for the evolution of the classic, open-field estate seems to fit well with the archaeological evidence, and, as we will see below, is in harmony with the evidence from the \textit{Rect.} regarding its own field morphology.

A second dynamic that was in progress concurrently with nucleation was fragmentation, the breaking up of large multiple estates into smaller ones. T. H. Aston, in tracing the hoary past of lordship in Anglo-Saxon society, argued that initially there were unitary settlements, i.e., those in which the estate was a village, the manor was a single vill. With increased population and the expansion of settlements these grew into what he calls “discrete estates,” by which he meant multiple estates. These multi-settlement estates, however, were eventually broken up by the complex factors of settlement, sales, mortgages, leases, rewards, donations, and partible inheritance.\textsuperscript{264} All of these factors fragmented larger estates into smaller ones.

Rosamond Faith is one of the few who described this process more fully. She made the connection of fragmentation with the now well-known assessment of military


\textsuperscript{263}Brown and Foard, “Saxon Landscape,” 90.

service based on the holding of five hides and multiples thereof, arguing that the five-hide unit became the basis for the establishment of smaller estates. The granting and leasing of smaller holdings based on a five-hide unit provided a simple way of determining the number of warriors that each estate owed. The best documented example of this process is found in the leases (laen) granted by Bishop Oswald of Worcester in the triple hundred of what is called Oswaldslaw between 962 and 992. These leases were given on a five-hide (or multiples thereof) basis. In these grants, the grantee is specifically required to fulfill the triple duty dubbed by scholars the trimoda necessitas, i.e. military service, the building of bridges, and fortress work. Since monks and canons would have been unable to fulfill the military services due to the king, it made sense for the bishop to lease out holdings in five-hide units to people who would be able to provide the necessary dues.

Faith has also argued that the division of multiple estates into smaller holdings, whether bocland or laenland, provided the impetus for the insertion of eschatocols, also called boundary clauses. A particular feature of Anglo-Saxon charters is the boundary clause, which describes the boundaries of the estate in question by describing its periphery through landmarks, moving in a complete circle around the land given. These clauses make their appearance in the eighth century and become more common in the ninth and tenth centuries. By examining when the eschatocols began to be inserted in the

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charters Faith concluded that the process of fragmentation began in the eighth century and picked up momentum in the subsequent two centuries.

It is difficult to know just how the dynamics of nucleation and fragmentation interrelated, how or whether they affected each other. However, one might speculate that it would be more difficult to break apart a large estate that was dominated by dispersed settlements. The process would have been much easier on estates where a degree of nucleation had already occurred, in particular consolidating the estate’s *inland*. Of course, nucleation did not necessarily imply fragmentation. As will be seen below, the internal evidence of the Rect. indicates that its estate was one where the *inland* had been collected into at least one large open-field with a village community, but was yet a *scir*, a multiple estate, in that the free residents were still living on their scattered hamlets and homesteads.

The Estate of the Rect.

It is important to remember that the Rect. was not written in isolation, and that it is prompted by and reflects the trends and events of its time. The archaeological evidence indicates that when the Rect. (at least in the form in which we have it) was being written in the early eleventh century, estates were undergoing significant changes in morphology, moving from multiple estates with their dispersed hamlets, berewicks and bartons to consolidated communities, nucleated villages surrounded by open fields. If we are to properly understand the Rect., then, it must first be determined where the estate it describes fit within the evolutionary scheme discussed above, where in the process of
nucleation it fell. When one examines the types of labor services that were owed by the residents and the function of estate officers, such as the hayward, the internal evidence strongly suggests that the estate of the Rect. was in an intermediate stage of the process, one in which the inland of the estate and its workers had been gathered and consolidated into nucleated villages utilizing a common-field agricultural regimen. However, the independent residents, the geneatas, seem to have still retained their ancient status, and probably yet remained on their own homesteads scattered about the estate.

We must begin by establishing the ecological and topological character of the Rect. estate. As noted above, the agricultural duties of the geneat were limited to reaping and sowing. What stands out are the requirements to erect deer-hedges, maintain hunting-blinds, and build fences. All of these labors suggest an area with woodlands, which provided the lord with hunting, but also meant that areas had to be fenced off, to protect arable from woodland creatures who would consume the crops. In connection with this the prominence of swineherds in the text should be noted, taking up 16 lines, almost 9 percent of the original text. Since woods were very important for the herding of swine, the focus of the Rect. on the swineherds supports the notion that woodland was significant on the estate of the Rect.

The agricultural aspect of this estate’s economy, however, was clearly dominant. The vast majority of the gebur’s duties were agricultural, plowing at least 15 acres of land per year, paying the estate 23 sesters of barley as well as providing 6 loaves of bread for the estate’s swinherd. Given that the lines devoted to the gebur comprise 23 percent of the text, it is clear that cultivation of the inland was an important component of the
estate’s economy. Even the geneat was also required to help with the reaping and sowing of fields, the two most labor intensive activities on a farm.

Finally, we also have a pastoral element of the estate’s economy well represented. The *Rect.* mentions the wages due to ox-herds, cowherds, shepherds and goatherds. The importance of herding to the estate might be gleaned from the fact that the cheese-maker received as her wages 100 cheeses per year. Assuming that her portion was only a fraction of the total cheese production, we are left with the impression that there was a substantial number of cattle, sheep and goats on the estate to provide the milk necessary for the amount of cheese the estate must have produced.

The cumulative effect of these observations is the impression that with the estate of the *Rect.* we are dealing with a relatively diversified ecology, arable mixed with woodland and substantial pasture. This kind of morphology fits well with Hooke’s “intermediate” land type, such as is found in mid-Berkshire. It is interesting that based on linguistic considerations scholars have concluded that the text was written in the same general region, south-west England, perhaps west Wilts. or east Som.267

The next question that needs to be addressed is whether the estate of the *Rect.* represented a multiple estate or a nucleated one. Here the results seem to be mixed, but are problematic only if one presumes that nucleation and the multiple estate are mutually exclusive. I will argue that *Rect.* provides evidence of a intermediate type of nucleation,

one in which only the *inland* had been consolidated into common fields with its cultivators and workers living in a nucleated village. The free residents of the estate, the *geneatas*, on the other hand, continued to live on their dispersed homesteads, separate from the inland.

The Rect. provides subtle indications that its estate was one that was still rather extensive with settlements spread out on the estate. The importance of carrying duties, which fell on the *geneat*, the *gebur*, and even the beekeeper would be in keeping with an estate with scattered settlements and the need of transporting goods to the estate’s central farm, the *curia*. The woodland duties of the *geneat* may also be significant. One might assume that in order to build deer-hedges and maintain hunting blinds, the *geneat* lived near woods, which would probably lie in the more peripheral sections of the estate. All of this suggests that the *geneat* lived on homesteads separate from the *inland* and probably closer to the woodlands of the estate.

Perhaps the clearest indication that the *geneatas* were still living in dispersed, small communities is that the list of services expected of them in the *Rect.* are the same as those for the sokeman of the *scira*. Those living in the hamlets of a *scir* were expected to pay a flat-rat tax, do carting/carrying services, perform bodyguard duty for the king, provide hospitality to the king and his court as well as oats for king’s horses, mow the king’s meadow, maintain deer-hedges, owe suit at the hundred court every three weeks, pay for the upkeep of the king or his representative, and use the king’s mill.\footnote{G. W. S. Barrow, *The Kingdom of the Scots: Government, Church and Society from the Eleventh to the Fourteenth Century* (London: Edward Arnold, 1973), 12-13.}
the duties of both the sokeman and the geneat were light in regard to direct cultivation of arable (plowing, reaping, etc.), but emphasized carting/carrying services, performing bodyguard and hospitality services, mowing of the meadow (for the king on one hand, for the lord on the other), and maintaining deer-hedges. In addition, as indicative of a free tenant, both were expected to pay landgafol. The parallels strongly suggest that the circumstance, both social and physical, of the geneat had not changed from those of the sokeman, and that the former, like the latter, still lived on small hamlets scattered about the larger area of the estate.

However, there is a passage in the Rect. which strongly suggests that the tenants’ holdings of its estates were cultivated in a common open field: the section describing the hayward [20-20,1]. Though it is impossible to be certain as to the duties of the hayward in the Anglo-Saxon period (to my knowledge this term occurs only in the Rect.), the closest understanding of this office that matches the description in the Rect. is the function known from later estate manuals in which the hayward was responsible for making sure that grazing livestock did not stray from the meadow and begin to eat the crops of the arable. To help insure that the hayward did his job the writer of the Rect. admonishes that the hayward's field be placed at the edge of the arable. This suggests that the holding of the hayward lay between the meadow and the holdings of other peasants. Further, the phrase on ðam endum, “on the ends,” indicates that his holdings were part of a group of holdings, along whose periphery the hayward’s fields were to lie. This would best fit a context in which there are consolidated fields, possibly using open-field agriculture.
Another possible indication that the Rect. refers to a consolidated, open-field system is that the lord provided the gebur with two oxen and that he held a gyrd \((\text{Rect. 4,3})\). Since the time of Maitland, the gyrd, or “yardland,” and its late Latin equivalent virgate \((\text{virga})\), is generally held to be a quarter of a hide.\(^{269}\) Even though the virgate is a unit of land later associated with the classical open-field, this is not necessarily the case in the Anglo-Saxon period. In the Malling custumal, which was a multiple estate, it mentions that certain hamlets were regarded as “in wood,” i.e. were further from the arable and closer to woodland. As mentioned above, these homesteads were assessed at one virgate, which could range in actual size from 75 to over 100 acres. In this context, the virgate was used as a unit of assessment, not a measure of area.\(^{270}\) The gyrd of the gebur, then, does not necessarily mean his unit of land dispersed among those of his fellow villagers in the open field. It could just as easily mean the central plot of arable on his homestead.

That being said, the presence of the hayward does suggested a common, open field, and, as we saw in our discussion of Ine 67, lords would assign land to new residents (at this point, tenants?) by units assessed at one gierd, which could just as easily refer to his portion of a common field. The combination of the gebur holding a gyrd and being provided with two oxen by the estate is suggestive of the later system of cooperative


aration, well-known in the high Middle Ages. In this system, a yardland (gyrd) was comprised to two bovates, the owning of one ox being associated with each bovate. It would take four peasants, each owning a full yardland, to provide the eight oxen needed for a full plow-team. This ratio seems to appear in the Rect., and may suggest that a similar system was in operation on its estate. This would mean that not only an open-field system of farming, but also a highly cooperative social structure among the cultivators was in place.

When reading the Rect., then, we are confronted with what seems to be contradictory evidence. On one hand the geneatas appear to still be living on their own farmsteads dispersed throughout the estate. On the other hand, there is evidence for open-field agriculture and cooperative aration, which also suggests the presence of a nucleated village. One way in which the apparently contradictory evidence could be reconciled is to suggest that the estate of the Rect. was only partially nucleated, that is, that some of the tenants and their holdings had been consolidated into a nucleated village with a contiguous, open field, while other tenants, the geneatas, still held their lands as farmsteads and hamlets scattered on the estate. Since, as we shall see in the following chapter, the primary function of the gebur was to tend to the lord’s inland, it would make

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271 Paul Vinogradoff, Villainage in England: Essays in Mediaeval History (1892; reprint, Oxford: Clarendon Press, 1968), 238. The reader should be cautious regarding the existence of the eight-ox plow-team. When illustrated, plow-teams are usually shown with only two or more usually four oxen. The eight-ox unit may be an ideal unit of assessment; since two bovates were associated with one gierd, and four gierda made up one hide, then a theoretical eight-ox team would be associated with the hide. Nevertheless, depending on soil type, more than one pair of oxen might be needed to plow the inland (and the gebur’s own gierd), requiring the plowmen to combine teams in a cooperative aration.
sense to consolidate the *geburas* at the estate’s home farm. In this way, they would be closer to the lord’s field and their work could be more easily supervised and coordinated.

This form of estate organization, with the *geneatas* being in scattered homesteads while the *geburs* worked an open field, fits well with the Hooke’s “less nucleated pattern of settlement”\(^{272}\) in intermediate regions with isolated patches of woodland.\(^{273}\) Hooke also noted that the charters for the area of Berks., “... occasionally refer to boundary settlements, apparently farmsteads like *dunanwyrpe* in Beendon.”\(^{274}\) Still, the labor duties of the *gebur* of the Rect. estate (far greater than those at Stoke at Hurstbourne) would reflect the greater labor services imposed on the tenants of nucleated estates.\(^{275}\) Rosamond Faith has envisioned this kind of estate existing in Anglo-Saxon England, having *curiae* with intensively farmed *inland* and tied inland labor within a landscape largely occupied by independent farmers, the *geneatas*.\(^{276}\)

These observations may help us refine Brown and Foard’s three step process of nucleation and re-planning. It is possible that during the period of great re-planning during the tenth century, it was only the *inland* and its workers who were resettled into nucleated villages. The other, independent residents of the estate remained on their own farms and hamlets. It would not be surprising that these new planned villages and fields

\(^{272}\) Hooke, “Regional Variation,” 146.

\(^{273}\) Hooke, “Regional Variation,” 144.

\(^{274}\) Hooke, “Regional Variation,” 146.

\(^{275}\) Jones and Page, “Characterizing Rural Settlement,” 82-83.

would leave room for expansion, lords doubtless expecting to attract new *geburas* or gain more slaves.

The internal evidence from the *Rect.* does give us hints as to its estate’s ecology and estate type. It appears to have been a large and sprawling estate, with a substantial amount of pasture for sheep and cattle, and yet large tracts of arable. It also seems that the *geburas* (and probably the other *inland*-workers as well) worked an open, common field and probably lived in a village, probably as part of the estate’s home farm. Yet, the *geneatas* appear to have had the same obligations as had been expected from the free residents of a *scir*, and the appearance of this word in the *Rect.* further implies that the its estate was a multiple estate, with the characteristic disperse homesteads of the free residents scattered over a large area. What the *Rect.* presents to us, then, is an estate that has undergone partial nucleation, i.e. only the *inlands* (and the people who worked them), formerly scattered among various berewicks on the estate, had been consolidated into an open field, while the other residents of the estate continued to live on their own hamlets and homesteads. As we will see in subsequent chapters, after the Conquest the process of nucleation will be completed, most of the remaining estate residents being relocated in the villages, corveed to working more intensely the lord’s demesne and being reduced to the status of tenant, thus completing the process of nucleation by the end of the twelfth century.
The Origin of the *Rect.* Estate

The language of the *Rect.*, especially the appearance of the words *scir* and *ealdormann*, strongly suggest that its estate was originally a multiple estate created directly out of a *scir*. The word *scir* (“shire”) occurs in *Rect.* 4, 6, which admonishes, *hede se ðe scire healde þaet he wite a hwaet ealdlandraeden sy · 7 hwaet ðeode ðeaw*. Susan Tucker translates this as, “Let him who has the shire always know what are the ancient arrangements about the estate and what is the custom of the district.”\(^{277}\) The difficulty of this translation lies in understanding the word “shire” (*scir*). Of course, the word *scir* can refer to the large administrative unit, which is otherwise known as a county, but, as we have seen above, it can also refer to another, smaller administrative unit, an economic unit comprised of scattered hamlets with an administrative center. An apparent difficulty with the use of the term for the estate of the *Rect.* is that it is clearly held by a lord (who is frequently mentioned in the text), and is not land directly under royal control. Barrow has pointed out, however, the term can also be used of an estate, a thegnage, i.e. a multiple estate held by a thegn.\(^{278}\) The retention of this word *scir* in the text does insinuate that the estate of the *Rect.* was one that originally had been a *scir*, one given by *boc*, i.e. “charter,” to a thegn.

The use of the word *ealdormann* confronts us with the same issues. Rosamund Faith has pointed out that the administrative unit of the *scir* was administered by an *ealdormann*, whose job it was to collect the tribute (*gafol*) from the inhabitants and to

\(^{277}\)Tucker, “Rectitudines,” 814.

\(^{278}\)Barrow, *Kingdom of the Scots*, 8.
oversee the delivery of goods and the performance of services by the population. The word occurs in the *Rect.* in two places; sections 12,1 and 17. In *Rect.* 12,1 it states that the oxherd may pasture two or more of his own oxen with the lord’s *be his ealdormannes gewitnesse*, i.e. “with the *ealdormann’s* knowledge.” *Rect.* 17 indicates that the barley-keeper (*berebrytta*) may be allowed to keep the grain that falls at the barn’s door, if the *ealdormann* grants him the perquisite. If the *Rect.*, however, is describing an estate held by a lord (as clearly it does), why does it use the word *ealdormann*? Though the references in the *Rect.* are few, one is left with the impression that the *ealdormann* functioned much like the later bailiff as the primary overseer of the running of the estate. This does not differ much from the duties of the *ealdormann* in administering the *scir*, as described by Faith. We might, then, conclude that when a *scir* was granted by the king to a noble, the *ealdormann* who oversaw it was transferred as well. The meaning of *ealdormann* as overseer is admittedly very rare, but not unknown. It does occur in Bede’s translation of the *Historia ecclesiastica* as a synonym of *tungerefa*, i.e. manager.

The idea that the estate of the *Rect.* was a multiple estate that had originally been a *scir* granted *in toto* to a lord explains the apparent diversified topology of the estate described above. Multiple estates were large and could, therefore, encompass woods, large tracts of pasture, as well as significant arable. It should not be surprising, then, that we find in the *Rect.* not only agricultural tenants, but a host of shepherds, oxherds and swineherds, as well as those who refine their products, such as the cheese-maker.


We might entertain the possibility that the Rect. estate was actually a smaller one created by the process of fragmentation. This would certainly explain the move to nucleation and a more intensive cultivation of the inland. It would also coincide well with Jones’ and Page’s contention that the reduction of holding to the gyrd, the “yardland,” was a result of this kind of division of larger estates. G. Jones has envisioned the possibility that fragmentation, or fission as he calls it, would result in small multiple estates. If this is the case, then the “se ðe scire healde” would need to be interpreted somewhat differently; the word “scire” would then be construed in the genitive case, giving the relative clause the meaning, “he who holds of a scir.” Such an interpretation is possible, but admittedly forced. The ealdorman would still be understood as an estate-manager, but his evolution from an administrator of a scir would be less obvious. However, perhaps the difficult feature of the estate described in the Rect. to reconcile with a smaller estate is the apparent variety of its topology. While it may well be possible to have such a versatile holding within a five hide unit, that it could contain a significant amount of arable while providing pasture sufficient for the number of sheep and cows necessary to produce the dairy-maid’s 100 cheeses per year seems unlikely.

The internal evidence of the Rect. indicates the use of open-field agriculture and nucleated villages, at least as far as the geburas and probably the cotsetlan were concerned. This would in turn suggest that this multiple estate had consolidated the inland and gathered the geburas, cotsetlan and slaves into larger cooperative communities. The estate of the Rect., then, was one that was undergoing changes that

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281 Jones, “Multiple Estates,” 34.
seem to have been common on Anglo-Saxon estates during the late ninth and the whole of the tenth centuries. Still, because of the diversity of the estate’s topology and the apparent prominence of both woodland and pasture, this estate was only partially nucleated. The *geneatas* were left to remain on their original homesteads, rendering now to the lord those renders originally owed to the king. The evidence suggests that the estate of the *Rect.* was an estate in transition, one with a morphology intermediate to that of the pure multiple estate and the classical nucleated village best known in the later Middle Ages.

Nevertheless, the movement of *inland*-workers and the shift to an open-field agricultural regimen doubtless resulted in significant changes in the duties and the expectations of the *inland*-workers.²⁸² Probably many of these new expectations ran counter to the customs that had been enjoyed on the estate before the change to open-field farming. The *Rect.* becomes, then, an appropriate document by which we can understand the social ramifications of estate metamorphosis, but more significantly, it will be argued below that the *Rect.* was in fact composed to address these very issues.

The Purpose of the *Rect.*

Previous scholarship has been rather uninterested in the purpose for which the *Rect.* was written. For the most part, scholars were more concerned with mining the text for information about Anglo-Saxon peasants, and determining their place within the evolution of England from a free peasantry to a dependent serfdom. The first real attempt

²⁸²Jones and Page, “Characterizing Rural Settlement,” 82-83.
to treat the *Rect.* as a literary text in its own right was by Dorothy Bethurum. She suggested that the *Rect.* was actually a rewriting by bishop Wulfstan (d. 1018) of an older document. She also argued that the estate upon which the *Rect.* was based was an ecclesiastic holding, because it seems that in the description of the thegn (*Rect.*1) only the *trimoda necessitas* was required of the lord of that estate. That these were the only services required of the *Rect.* estate is a reasonable conclusion, given that the other duties of the thegn are preceded by the phrase, “Moreover, concerning many estates more obligations from the land arise...”

In addition, Bethurum noted that the *Rect.*, and in particular the treatise *Gerefa* (*Ger.*), betray certain stylistic characteristics attributable to bishop Wulfstan. However, Bethurum herself admits that many of these features, such as phrases of two stresses, are common in Anglo-Saxon literature. The topic of the *Rect.* is one that Bethurum thinks would be of interest to a bishop, “The general theme of ... the relationship of everyone on the land to the land itself and to his overlord, is just such a theme as would interest the

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284 That is, military service, the building and maintenance of bridges and of fortresses. For the authenticity of the term *trimoda necessitas* see commentary on section [1]. Despite the origins of the term, it is well understood by modern scholars, and so I still use it.

285 *eac of manegum landum mare landriht rise...* [1].

286 Bethurum, “Episcopal Magnificence,”164.
Archbishop, for the orderly arrangement of society was one of his principal concerns through his whole life.” Ultimately, for Bethurum, the Rect. provides a glimpse of the magnificent wealth and power of the bishop, a theme that Wulfstan would have regarded as appropriate, as befitting an earthly representative of the heavenly king.

The assignment of Wulfstan to the authorship of the Rect. has not received universal acceptance. It is telling that Douglas and Greenway published their translation of the Rect. in English Historical Documents, volume two, covering 1042-1189, placing the text firmly within the latter half of the eleventh century. H. R. Loyn also regarded the Rect. as a mid-eleventh century text, composed well after Wulfstan’s death. Paul Harvey respects Bethurum’s credentials to recognize Wulfstan’s style, though looks forward to more work being done regarding the link between Wulfstan and this text. Wormald’s assessment was less ambiguous. He believed that the tone, vocabulary and message of the Rect. was discordant with those of Wulfstan’s writings. However, this last assessment rests on what one considers to be the tone and message of the Rect.

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287 Bethurum, “Episcopal Magnificence,” 166.


The only other person to have discussed in any detail the purpose of the *Rect.* was Paul Harvey. As noted previously, he saw a complex transmission history in the *Rect.*, perceiving at least three different stages of composition. Even if not wholly committed to Wufstanian authorship, he did believe that its final redactor at the very least had the same concerns and interests as Wulfstan. The *Rect.*, especially when joined with *Ger.*, provides a blue-print from the orderly structure of a rural community, enumerating the duties and responsibilities of all its members.\(^2\)

When one reads the sermons of Wulfstan, it is evident that one of his major themes is the morality of social order. In his most well-known sermon, *Sermo lupi ad anglos*, Wulfstan proclaimed that the devastations wreaked by the Vikings on England were a sign of God’s wrath over the moral and social decay in England. Among the sins of the nation was the oppression of the weak by the strong: “too many are reduced to poverty, and poor men are oppressed,” “the rights of thralls are restricted,” “freemen are not allowed to govern themselves, neither to travel where they will, nor to...”

\(^1\)Harvey, “Rectitudines,” 22.


\(^3\)The archaic term “thrall” is used here for *prael*, not only because of etymology, but because of its broad connotation of anyone bound to another. For a discussion of this term see David Pelteret, *Slavery in Early Mediaeval England*, Studies in Anglo-Saxon History (Woodbridge: Boydell Press, 1995), 317. The word is a Norse loan-word, which Pelteret defines solely as “slave.” However, the following quotations from Wulfstan suggest that the term was also used of dependent tenants.

move their possessions as they will,”

and “...neither are thralls allowed to have what they have acquired on their own time, gained by their labor.”

On the other hand, dependents were also rising up against their lords, and not respecting their social position:

“And there is also much foul lord-treachery in the world, that one plots against his lord’s life or drives him alive from his land,”

“Yet any thrall may run away from his lord...if that thrall foully fells that thegn, he lies without recompense (with wergild) to his family,”

“And often the thrall binds fast the thegn who was previously his lord, and by God’s wrath makes him into a thrall.”

Clearly, for Wulfstan, part of the moral decay of the land was the disintegration of the relationship between the lord and his dependents, not only thralls, but dependent free men -- tenants -- as well.

Wulfstan’s concern over the preservation of social order was not simply a political one. For him, the structure of society was a divine institution. Following very much in


the path of the Old Testament prophets, Wulfstan believed that when people stepped out of their place in the social hierarchy, this was a crime against God and His order. Every member of society had his duties and responsibilities and the whole was structured so as to be mutually beneficial to all. So when lords become oppressive of their tenants, restricting their freedoms and confiscating their possessions, it endangers the social order and threatens to bring God’s wrath down on the kingdom.

It is within this moral and social context that we need to point out that the author of the Rect. calls his work a *myngung*, an “exhortation,” which is used of spiritual as well as secular admonitions.\(^{301}\) The text’s own definition of purpose makes it more than simply a reflection of episcopal magnificence. Nor can we accept Faith’s passing statement that the Rect. (at least, not as we now have it) was a practical document, establishing the rights and customs of a newly reformed and endowed minster.\(^{302}\) It is a clarion call to all in society, especially those in positions of authority. The manorial structures and perquisites described in the text constitute more than a simple manual; they are held out to the reader as an example, a model of how an estate should run, not simply practically, but morally as well. Yet, I would argue that the Rect. is more than a treatise addressing a general concern over the breakdown of social order. The Rect. was composed during a time of significant changes in the morphology of Anglo-Saxon estates, changes that had profound effects on the tenants living on them. The social


disorder about which Wulfstan was concerned, then, was not simply the breakdown of a long established and static structure, but was occurring within a context of widespread and profound shifts in rural communities. I would contend that the *Rect.* was a deliberate response to specific concerns, to the changes that were happening on estates, not only those that affected the physical structure of manors, but those that altered the obligations and expectations of tenants. In describing the organization of an exemplary estate, the author of the *Rect.* is demonstrating that one can restructure an estate without undermining its previous customs and tenurial arrangements. For us to understand the purpose of the *Rect.*, then, we must examine more fully the impact these shifts in estate morphology (discussed in the previous chapter) on the people living on them.

The Effects of Nucleation on Estate Residents

The overall picture we are given in the *Rect.* and elsewhere is that this stage of nucleation had done little to change conditions for the *geneat*. He seems to have owed much of the same dues and services to his lord as did the independent farmer of the old *scir*. There is even some evidence that his standing remained fairly intact until the reign of Henry I (1100-1135). In the *Leges Henrici Primi* (*Hn.*) The *villanus*, the term by which the *Quadr.* translates *geneat*, is someone who can have men and land of his own. For this early period we must, therefore, banish from our minds the image of the villein/serf that has come down to us from later centuries. As a tenant the *geneat* owed

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the *gafol*, not commuted as rent, and the traditional labor services that were originally due to the king. During the time when estates were being granted by charter and undergoing nucleation, he seems to have been left pretty much alone.

However, if our reconstruction of a partial nucleation is correct, the consolidation and reconstruction of *inland* and the relocation of those who worked it would have had a profound effect on those living on the *inland*. This would have particularly impacted the *gebur*, whose primary purpose was to cultivate the lord’s fields, but who had also received a portion of the field for his sustenance. The dwellings in which he lived had already been provided for him, as doubtless were the implements needed to do his work. It would have been only natural for a lord to want to consolidate his fields and to gather together his *geburas* into a single community. By doing so, the work on the lord’s fields would have been much more easily supervised, the movement of tools, seed and produce would have been facilitated, and the actual plowing of the fields made more efficient.

As noted above, a type of open-field agriculture had probably long been practiced on the various homesteads of the *geneatas* as well as the berewicks of the lord that dotted the landscape of multiple estates. Applying the same principle to the field of a nucleated village would have simply meant adapting it to a larger community. Given that the *geburas* were completely dependent on their lord and probably did not own their homes, it would have been a relatively easy matter to relocate them to a central community.
The processes of fragmentation and nucleation doubtless made equally significant shifts in the labor expectations of the gebur. Land units such as the scir or the multiple estate that were divided up into smaller ones, perhaps (as noted in the previous chapter) into five hide units, would have encouraged even more intense exploitation of the arable; the inland-hamlets would have been divided up into different estates, reducing how much crop each estate would be able to produce. Nucleation, in this case the consolidation of inland into one large open-field, made both expansion of the inland possible, as well as the more intense labor service it would require. Pooling the resources and the manpower of the geburas and slaves, as well as forcing them to cooperate would have enabled lords to exact higher amounts of labor services.

The gebur, however, was not the only type of resident living on the estate’s inland. There were a host of other workers, at varying degrees of servility, responsible for the non-cultivating labor of the inland. Those that tended the lord’s flocks and herds would have had to live on that part of the inland where they were stabled and foddered. Other workers, such as the esne, provided the naked muscle work required for the upkeep of the estate’s property. Those who held positions of responsibility like the hayward and the berebrytta would also have to live and work in proximity to the spheres of their

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305 Faith, English Peasantry, 175.

306 Faith points out that the plowing services of the geburas of both Tidenham and those of the Rect. are “very heavy indeed by the standards of post-Conquest manorial tenants” (Faith, English Peasantry, 46).
responsibility, the edges of the *inland*-arable and the estate’s barn, respectively. All of these slaves, workers, and functionaries would have been affected by the relocation resulting from the consolidation of the *inland*.

While we may logically deduce that the *gebur* and the other *inland*-workers were impacted by the relocation due to nucleation, it is more difficult to ascertain its effect on their privileges and their labors. However if, as will be argued below, the *Rect.* was written as an exhortation for the protection of the rights and arrangements of the *geburas* and the *inland*-workers, we can better identify those facets of their tenancy and labors that were most threatened. By discerning those issues on which the author of the *Rect.* most dwells, we may identify those privileges, rights and labor services most affected by the estate metamorphosis occurring at the time.

The Purpose of the *Rect.*: The Internal Evidence

Three are three internal features that provide important clues for understanding the purpose for which the *Rect.* was written. The first of these is its own assertion, little regarded by scholars, that the work is a *myngung*, an “admonition.” The second are the related statements calling on lords to respect the pre-existing customs and tenurial arrangements of their estates. Finally, when one presumes that the author of the *Rect.* wrote the most about those issues that were of greatest concern to him, we must conclude that matters concerning the *gebur* and the perquisites of the *inland*-workers weighed most heavily on his mind. These three components, when placed within the context of the process of nucleation, provide us with sufficient evidence to reach certain conclusions.
about the purpose for which the Rect. was written, namely, that nucleation had provided lords with an opportunity to undermine the traditional arrangements and rights of the geburas and the other inland workers, and that the Rect. was a moral treatise, using as an example, an estate that had undergone nucleation (at least partially), but that had respected its ealdlandraeden and the peaw, the old arrangements and customs of the land.

At the very end of the text (Rect. 21,5) the author explicitly states, “This is, however, a myngung regarding the provisions of the people as well as all that <which> I have previously discussed above.” A myngung is a “warning, admonition, exhortation or claim of what is due.” One can easily see how all of these meanings are applicable to the Rect. The section immediately preceding this (Rect. 21,4) lists the “public rights” (folcrihtu) to which the residents of the estate are entitled. As we will see, the Rect. has two major sections where the reader is clearly “admonished” to preserve these ancient rights and conditions. We cannot read the Rect., then, as a simple, purely descriptive presentation of an Anglo-Saxon estate economy; it is a description written with a deeper purpose. It is an exhortation to the reader to follow the example of estate management provided in the text. That this has been previously unnoticed should be of little surprise.

Most examinations of the Rect. have focused on either what it can tell us about Anglo-Saxon estate economy, or how it coordinates with the social nomenclature found in the DB. Since Rect. 21,5 provided no information regarding these two questions, it has been

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307 “ðis is ðeah myngung manna biwiste · and eal þaet ic aer beforan ymbe rehte.” (Rect. 21,5).

308 BT, 704; GA II a, 151; Hall, Anglo-Saxon Dictionary, 243.
completely ignored. Overall, there has been little concern for ascertaining the original purpose for which the Rect. was written in the first place.

When we look for the actual content of the author’s intended exhortation, we find our attention drawn to two major portions of the text: Rect. 4,4-4,6 and Rect. 21-21,3. These two sections are remarkably similar in style, content, and vocabulary. Both begin with a reassertion that conditions and practices vary from estate to estate. (Rect. 4,4 and Rect. 21). Both end with an admonition that the lord of an estate should be aware of and hold to the old estate arrangements (ealdlandraeden), the customs (þeaw) (Rect. 4,6) and the tenurial agreements (laga) (Rect. 21,3) of the estate. It seems clear, then, that these two sections comprise the main content of the author’s exhortation, his claim for the traditional rights of the estates’ residents.

This presumption finds confirmation in the graphic presentation of these sections in manuscript B. In Rect. 4,4 the eth of δEOS is written in a large, red versal, taking up the space for one and half lines, which is at least as big as many of the versals that begin the major portions of the Rect. In addition, the words “δEOS LAND” are written in a type of Roman Rustic, which is used in the Carolinian style to introduction a major section of a text. The only other sections of the Rect. written in these characters are the very beginning of the treatise and Rect. 21, the beginning of the second major admonition portion. It too is introduced by a large versal, the vertical line of the “L” of “LAND LAGA” taking up two full lines. We must remember, of course that manuscript

309CCC 383, f. 64v. For the transcription of the manuscript see Appendix E.

310CCC 383, f. 66v. For the transcription of the manuscript see Appendix E.
B is an early twelfth-century copy of the Rect., and not the autograph of the author himself. Nevertheless, it seems rather likely that the scribe was copying his exemplar fairly closely, and it is not unreasonable to suppose that manuscript B preserves the original mise-en-page tradition of the text.

If similar in intellectual content and graphic presentation, these two portions of the Rect. share another feature; it is in them that one finds the predominance of the terms lagu and þeaw (or their compounds). The word lagu also occurs in Rect. 1, dealing with the tenurial conditions under which the lord held his estate, as well as in Rect. 6,4, in reference to the “law” that stipulates that the property of the servile swineherd and beekeeper revert back to the lord.311 The term þeaw, on the other hand, is found in only one other place outside of the two portions under current discussion, Rect. 3,3, which deals with how much land the cotsetla should hold. Apart from these three instances, the remaining occurrences of these terms are limited to Rect. 4,4-4,6 and Rect. 21-21,3. Paul Harvey has suggested that these portions of the text were added during a revision phase by the redactor who wrote the current version of the Rect.; either Wulfstan or someone influenced by him.312 Whether this is the case or not, these two words have an important function in the author’s admonition. The lagu of the estate, at least as the word is used in the Rect., refers to the tenurial agreements made between the lord and the tenant-workers

311 See chapter eight, commentary on Rect. 6,4.

312 Harvey, P., 1993, 13 and 16.
of the *inland*, particularly the *gebur* and the servile swineherd and beekeeper.\footnote{For a more thorough discussion on the meaning of *lagu* see chapter eight, Excursus I.} On the other hand, *peaw* means “customs,” and here refers to the traditional services, the *socn* (soke) that had always been expected from the residents of a *scir* — note that *peaw* is specifically mentioned in the one section that actually uses the word *scir* (*Rect.* 4,6).\footnote{For a discussion on the meaning and use of *peaw* in the *Rect.* see chapter eight, commentary on *Rect.* 3,3.} These are the two things that the author emphasizes that the lord should know and preserve.

It cannot be over-stressed that if the author of the *Rect.* felt obligated to specifically admonish that the *lagu* and the *peaw* of estates, the *ealdlandraeden*,\footnote{It is likely that *ealdlandraeden* does not encompass the customary services and perquisites of the estate, given that the *-raeden* element would be more applicable to the specific terms of tenurial agreements (*lagu*) and its being mentioned separately from *peaw* in *Rect.* 4,6. However, the overall sense of the term suggests that it might also express the overall conditions and arrangements which dictated the operations of the estate economy as a whole. See chapter eight, commentary on *Rect.* 4,3; 4,6; 5,1 and 8.} should be respected, that at the time they probably were not. As a rule, there is usually no need to encourage people in a behavior that is generally seen as commonly practiced. We can safely assume that at the time *Rect.* was being composed, that lords were commonly circumventing and overriding the *lagu* and the *peaw* of their estates. Certainly, the relocation of the *inland* tenant-workers during the process of nucleation would have afforded them the opportunity to renegotiate previous tenurial arrangements and to
redefine the custom of the estate. That the Rect. specifically calls for the preservation of lagu and peaw more than suggests that such practices were wide spread.

The question that confronts us next is what were the lagu and peaw that the author of the Rect. felt were being compromised. To answer that we merely need to consult the portions of the treatise that Rect. 4,4-4,3 and 21-21,3 conclude, i.e. the sections dealing with the gebur (Rect. 4-4,6) and those enumerating the perquisites of the inland-workers (Rect. 7-20,2). Not inconsequently, these are also the largest portions of the Rect. The sections dealing with the gebur comprise 33 of manuscript B’s 179 lines, or roughly 18 percent of the text. That part of the Rect. addressing the provisions and the perquisites of the estate’s workers is larger still, amounting to 78 lines or 44 percent of the text. The next largest portion of the Rect. is the one dealing with the cotsetla, and this entails only 8 percent of the lines. It is not unreasonable to conclude that if an author expends a large portion of this work dealing with a particular subject matter, that issue was an important one in his mind.

Rect. 7-20,2 is surprising in another way — its mere existence. While the custumals of the thirteenth century would catalogue the perquisites and rights of the tenants as well as their labor obligations, such a list is unprecedented in the Anglo-Saxon and Anglo-Norman periods. The next two fullest descriptions of estate economy, namely the Tidenham and Hurstbourne custumals, describe at length the labor services rendered by their residents, but are silent about what the estate owes to them. This unique feature of the Rect. has been largely overlooked. Again, most of scholarly attention has been directed at the tenants of the estate, the geneat, cotsetla, and the gebur, while few ever
mention these subsequent sections of the *Rect.*$^{316}$ *Rect. 7-20,2* would have likely stood out to contemporary readers simply because of what it was saying.

The cumulative effect of the evidence is that the sections dealing with the *gebur* (*Rect. 4-4,3*) and the estate-workers’ perquisites (*Rect. 7-20,2*) encompass the issues that were of the greatest concern to the author of the *Rect.* These comprise the bulk of the text, taking up 62 percent of its lines. The author also concluded each of these portions with sections of exhortation (*Rect. 4,4-4,6, and 21-21,3, respectively*), sections that are alike in content and vocabulary, and which are given prominence by the way they are visually rendered on the page of the manuscript. These sections of admonition and the portions that precede them are clearly at the heart of the author’s agenda, and form the intellectual content of his *myngung*, his “admonition.”

With the above internal evidence in mind we can conclude that the focus of the author’s concerns, then, are the labor services of the *gebur* as well as the provisions and perquisites of the *inland*-workers. In regard to the *gebur*, there is no denying that his labor services are indeed heavy. But this should not be unexpected, given that his primary function was the cultivation of the *inland*. What is important is that while he must work two days a week, three during harvest, these stipulations suggest that he should not be compelled to do more than this, leaving him about half of his time for tending to his own fields. *Rect. 4a* also indicates that while his horses are out performing estate services, he did not have to work. During the time when the plowing was done for

$^{316}$ The earliest modern translations of the *Rect.* do not even include these latter sections, and Tucker’s edition is their first appearance in English.
the winter wheat, usually from October to St. Martin’s day (11 Nov.), he was to plow one, and only one acre a week (*Rect.*4,1b). The *Rect.* states that throughout the year the *gebur* plowed three acres as work-on-demand. But it is important to know that these “demands” are limited to the three acres. In other words, despite the amount of work required of the *gebur*, the *Rect.* nevertheless sets a limit to the demands that can be made of him.

Perhaps the most significant section in the portion dealing with the *gebur* is *Rect.* 4,3a. The Anglo-Saxon of this passage reads, “forðige ofer þæt gear ealle gerihtu ðe him to geþyrige.” The “gear” referred to is the first year of the *gebur*’s tenure, during which he is provided with his home, animals and utensils (*Rect.* 4,3). Liebermann translates this passage as, “Er vollziehe nach diesem [Antrittsjahr] alle Rechtspflichten, die ihm zukommen,” and Tucker renders it as, "After that year let him perform all the dues that fall to him." These and other scholars interpret this passage as saying that the *gebur* was expected to begin his labor services after the first year of his tenure. However, there is evidence for understanding this passage very differently, particularly because of the author’s use of the word *geriht*. Given the way that *geriht* is used in the *Rect.* what is being referred to here is not the obligations of the *gebur*, but his privileges. If that is the case, and the evidence strongly suggests it is so, then *Rect.* 4,3a is actually stating that from that first year one the *gebur* should be allowed to pursue his own interests, presumably using what he has been given to build up and expand his own property.

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318 See chapter eight, Excursus II for a thorough discussion of this word and section.
The central concern dealt with in the second of our major portions, *Rect*, 7-20,2, is easier to ascertain. These sections focus almost exclusively on the rewards that the *inland*-workers were to receive from their labors, the one exception being those sections dealing with the hayward (*Rect*. 20-20,2). That the author should spend so much of his text enumerating these perquisites (and as mentioned above, uniquely so), is evidence that it was precisely these benefits that were being threatened. His admonition at the end of the section state that if a lord wants to retain his honor and reputation, he must be aware of the *land laga*, which apparently includes these perquisites.

Just why the labor demands on the *geber* and the benefits of the estate-workers would be threatened is indicated by the changes that were occurring in Anglo-Saxon estates from the mid-ninth century on. The movement toward consolidating the estate *inland* into one large field and farm necessitated the relocation of the *geberas* and the slaves who worked it. By putting all of the *geberas* into a single village, and having them cultivate one, large common field, it makes sense that lords would also try to redefine the labor services by which the *geber* held his *gierd* of land, doubtless gearing those changes to maximize the amount of labor they could extract from him. The story would have been somewhat different with the slaves who also worked on the *inland* and tended the *inheord*. These for the most part do not seem to have been tenured workers, but lived off the provisions distributed by the estate and the perquisites they received in the course of carrying out their tasks. Nevertheless, lords may well have been trying to maximize the profits of the estate my minimizing its overhead - a trend we will see occurring yet again after the Conquest.
The apparent objective of the Rect.'s author, then, was to present to his readers an estate that had undergone the same kind of changes as had become the trend in much of England. As discussed above, the estate of the Rect. was partially nucleated. Yet, despite these significant changes, we gather by the author’s admonitions that he was still able to preserve the old tenurial arrangements and the customary benefits of the more servile workers of the inland. Of course, in Rect. 21,1 the author goes out of his way to state that he is "not imposing in any way these rights and obligations." Nevertheless, this does not stop him from "making known what the custom is" where it is known to him. The only reason why he would do so is because he believed that these customs were important for other lords to know and emulate. The author may not have been able to impose these practices (settan) on others, but he could certainly influence them, and to do so, he appeals to the Anglo-Saxon sense of honor and renown. Preserving these ancient rights, he argued, preserves the lof, the “reputation, renown” of the lord. The word lof is one loaded with semantic baggage connected to the warrior ethos. Bruce Mitchell discussed this term in both its pagan, heroic and its Christian meaning; for the former, it meant the repute and praise that the warrior earned by his deeds, a reputation that lives on after his death. In the Christian context, these deeds of valor involve contesting against evil and the devil, and, according to The Seafarer, his lof lives with the angels in heaven.  

Clearly, the lof of which the Rect. speaks is not that found on the battlefield. Rather, by

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respecting the ancient rights of his tenants and estate workers the lord wins *lōf*, the praise of men (on the estate), and of God.

Conclusions

The *Rect.* was composed (or revised) at a time when Anglo-Saxon estates were in the throes of a long and significant changes. Fragmentation and nucleation not only affected the physical morphology of these estates, but the living and working conditions of the tenants as well, especially the *gebūr* and the slaves working the *inland*. Lords were taking advantage of these changing conditions to further exploit their inland-laborers, not only the cultivators of the arable, but the men and women who tended to the estate’s own pigs, cattle and sheep. The imposition of new services and conditions of tenure intruded on both local custom, probably in instances since the time before these lands were estates (*þeaw*), as well as older tenurial agreements (*lagu*), and violated the rights of the estate’s residents.

It has been here argued that the *Rect.* was intended to address precisely these concerns. The focus on the *gebūr* and the *inland* laborers indicate that their condition was the one most paramount in the mind of the author. As a means of trying to address these concerns, he used an estate that was undergoing these very same changes, one (as we saw in the previous chapter) that still had many features of the multiple estate, with *geneatas* living on dispersed hamlets and homesteads, while on the other hand, the *inland* and the *gebūras* and the slaves who tended it, had been consolidated into a village with an open-field. The estate of the *Rect.* was a new model estate.
Yet, what makes the *Rect.* unique is that it not only specified the dues and services of the tenants, as did the Tidenham and Hurstbourne customals, but it, quite unlike them, also spelled out the perquisites that the estate workers were to receive, not only in the normal carrying out of their tasks, but also on seasonal occasions, such as Christmas, Easter, the harvest and so on. The *Rect.*, unlike any other document, emphasizes what the estate owed its workers. In addition, throughout the text, particularly in concluding the section on the *gebur* and the other estate servants, there is the admonition that the lord should be aware of, and by implication should protect, the customs and the previous tenurial agreements by which these workers lived and worked.

In a very real way, the *Rect.* presents to the reader a model estate, one that tries to harmonize the changes in estate morphology and their concomitant expectations on its workers, with the older, pre-existing customs and arrangements. It was a demonstration of how innovation and change could be implemented without destroying the rights that the tenants and workers had previously enjoyed. Such a message fits well with the text’s self-proclaimed purpose of being an exhortation. And it is such a message that explains why a lawyer and compiler of law a century later would include the *Rect.* in his collection of Anglo-Saxon law, seeing in the *Rect.* a call for social justice in the rural, manorial context during another period of profound change and exploitation.
CHAPTER V

THE CONQUEST, DOMESDAY BOOK, AND THE PROCESS OF RE-CATEGORIZATION

To say that the Conquest had a profound impact on English social structure would be to state the embarrassingly obvious. Yet, while the overarching consequences of the Norman Conquest are easily identifiable, such as the transfer of most estates to Norman tenants-in-chief and the change in the nomenclature of rural society, the underlying conceptual dynamics that drove them are still debated. In this chapter I shall explore how the Normans’ construct of lordship and its connection to land directed these dynamics, in particular how the Normans defined the residents of their estates in new terms. Specifically, while in the Rect. the terms used defined people by the nature of their tenure or their function on the estate, the new system of categorization used by the Normans classified people by the nature of their relationship to their lord. At the end of this chapter a chart is provided, which graphically represents both the Anglo-Saxon social categories discussed in this chapter, as well as those used in the Domesday Book (DB). The reader may wish to occasionally refer to this chart while reading this chapter.

This new emphasis on lordship and the idea that a person is defined primarily by this seignurial relationship would recast rural society. While pre-Conquest tenurial
arrangements probably persisted for some time past the Conquest, the people living on
the estates came to be bound more stringently and personally to their lord through their
land. This re-categorization of people worked hand in hand with a second development,
the farming out of the estate demesne. The new understanding of seignurial authority
allowed lords to tie their tenants to their estates, which in turn provided a secure and
guaranteed labor force with which the firmarii, the “farmers of the demesne,” could
exploit the demesne for a profit. All this would lead to a progressive denigration of the
estate tenants, and it is in this new context that the Rect. would in the early twelfth
century find a new life, being called upon yet again to be an instrument by which the
ancient rights of estate residents might be preserved.

Anglo-Saxon Categorical Systems

While the overt consequences of the Conquest are fairly clear for the nobility, the
same cannot be said for the agricultural residents of English estates. Naturally, our most
important source regarding rural social structure after the Conquest is the DB. However,
ascertaining the nature of social change post-Conquest rests on deciphering the complex
social nomenclature of the DB, defining the social status of these individuals, and then
comparing that with what is known from Anglo-Saxon documents, most particularly the
Rect. The problem is that the Rect. and the DB employ different systems of
nomenclature, and it has been long recognized that the two corpora of terminology do not
result in one-on-one equations. What has not been done is to clearly identify the
organizing principles by which these different systems of categorization were defined.
When this is done one finds that these two texts use very different classification systems, the former focusing on nomenclature reflecting tenurial status and functions, while the latter has as its primary emphasis relational terminology, in particular, defining people by the nature of a person’s bond with his lord. Therefore, before we can appreciate the changes that occurred after the Conquest, we must begin by analyzing the systems of nomenclature used in Anglo-Saxon England and how these relate to the terms used in the *Rect*.

People are defined and labeled by a variety of terms, each of them placing individuals within some kind of social category. However, these categories themselves form systems. For the purposes of this discussion a “system” is defined as a broad conceptual organizational principle. For example, the focus of one system might be the different categories of legal standing, while another would define different categories of wealth. Again, as a proposed starting point, I would like to posit that there were five major categorical systems used for the definition of people in Anglo-Saxon society: 1) Socio-Economic (categories of wealth and political power); 2) Legal (defining one’s place within the legal system); 3) Functional (groups of professions or functions); 4) Tenurial (the types of land one possessed and the obligations that came from them) and 5) Relational (terms denoting his relationship with other people).

Of course, there was be a great deal of overlap between systems. Very often the individuals who made up the category of one system were comprised mostly of those who were also in a particular category of another system. For example, most people in the legal category *twyhundes men*, i.e. those whose wergeld is worth 200 s. (see below), were
virtually equated with the socio-economic category of *ceorl*,\(^{320}\) while in addition, these were by profession (function) mostly husbandmen. Yet, even though the *ceorl* later was used to mean “husband,”\(^{321}\) that meaning was by extension derived from the dominance of that functional group in the socio-economic category of *ceorl*.

The legal system of Anglo-Saxon categorization defined an individual by his status as a legal entity. A person’s standing was chiefly reflected in the size of his *wergeld*, his monetary value. Primarily, if a person slew another, he (or his kin) would have to pay his victim’s *wergeld*. However, the *wergeld* is also used as a type of fine. For example, if a person broke the king's peace, his fine was the value of his *wergeld*.\(^{322}\)

In Wessex the were two dominant categories of legal standing: *twelfhundes men* and *twyhundes men*, i.e. those valued at 1200 s. and those valued at 200 s.\(^{323}\) There was also a category of *syxhundes men* mentioned in other texts, though it is debatable whether this group survived as a functioning legal category by the eleventh century.\(^{324}\) In addition,

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\(^{320}\) *Wer* 7 (GA I, 392); *Að* 1 (GA I, 464-465). So close was the association that Aston regarded the term *ceorl* as indicating “legal worth and recognition in the public courts” (Aston, T., 1958, 13).


\(^{322}\) *II Atr* 5,2 (GA I, 222-223).

\(^{323}\) *Wer* 1-2. (GA I, 392).

\(^{324}\) *Ine* 70 (GA I, 118); *Af* 39,2; and even *Hn* 76, 3; 82, 9; 87, 4. See also C. Warren Hollister, *Military Institutions on the Eve of the Norman Conquest* (Oxford: Clarendon Press, 1962), 81.
the *wergeld* not only defined a person by the value of his life, it also defined the value of his oath. For example, it took the oaths of six *ceorlas*, i.e. *twyhunde men*, to equal the oath of one *twelfhundes man*, since the value of six *ceorlas* equaled the value of one *twelfhundes man*.\(^{325}\) Having a *wergeld* was a mark of freedom,\(^{326}\) and, since the value of one's oath was relative to his *wergeld*, having a *wergeld* also made one *aðwyrðe*, "oath-worthy."

A mid-tenth-century document called the *Norðleoda laga* provides another list of *wergelds* apparently reflecting a separate, northern legal tradition. According to this text the value of the king was 30,000 *þrymas* (1s. = 1.33 *þrymes*); an archbishop or an *æpeling* (i.e. a member of the royal family) was worth 15,000 *þrymas*; a bishop or *ealdorman* (a regional official) 8,000 *þrymas*; a priest or *þegn* 2000 *þrymas* and a *ceorl* was worth 266 *þrymas*, which equals 200 s.\(^{327}\) How prevalent or enduring this system of categorization was we cannot know. But it does illustrate the close connection between one’s legal status and his socio-economic status. Nevertheless, these two categorical systems, though overlapping, should not be confused.

The socio-economic system used terms to place a person within a range of wealth and political standing, these two often being inseparable. The text known as *Gefyncðo* divides society into four primary categories: *þeoden*, *eorl*, *þegn* and *ceorl*.\(^{328}\) This

\(^{325}\) *Að* 1 (GA I, 464-465).

\(^{326}\) *II Cn. 20* (GA I,322-323).

\(^{327}\) *Norþleoda* 1-6 (GA I, 459-461).

\(^{328}\) *Gefyncðo* 1 (GA I, 456-455).
document states that if a *ceorl* prospered to the point of owning five hides of land (a hide being land worth £1\(^{329}\)), had a bell tower, a fortified gate and an office in the king's hall, he would then be regarded as a *þegn*. Similarly, if a merchant traveled abroad at his own expense, he too could advance to the rank of *þegn*. What is important to note is that in this text the terms *þegn*, *eorl* and *ceorl* are defined by one’s wealth and political standing.

A comment needs to be added about the status of *þegn*. Etymologically the word refers to someone who serves another and historically is probably equivalent to the older term *gesið*, “companion.”\(^{330}\) Originally these words probably represented the group of warriors who accompanied the king in his campaigns and personally served him in other functions. Eventually kings rewarded these men with land, wealth and status, thus creating a socio-economic class. Thus, even though historically the word *þegn* / *gesið* represented a relational category (see below), by the Late Saxon period, it had taken on a socio-economic meaning.

Our best source for tenurial categories, terms defining people by the conditions under which they possessed land, is the *Rect*. The *þegn*, *geneat*, *gebur* and *cotsetla* all possessed and worked land, but each was obligated to render specific services or dues in connection with that land, the details of which have already been discussed in the

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previous chapter and so need not be reiterated here. From a socio-economic perspective, the *geneat*, *gebur* and *cotsela* were all *ceorlas*, being on the rungs below the *þegn* on the social ladder. They were also, therefore, in the legal category of *twyhundes* men, people whose *wergeld* would probably amount to 200 s., and whose oaths would have been valued at one-sixth that of their lord’s.

We do need to note that the *Rect.* attaches to the word *þegn* certain tenurial connotations. By the eleventh century the status of *þegn* seems to have been acquired through the simple possession of five or more hides of land, no matter whence their origin. However, there was a social class known as the king’s *þegns*, who held land directly from the king by *boc*. *Boc* not only granted to them *sace* and *socne*, but also placed upon the *þegn* specific obligations to the king, and thus created a tenurial relationship to him similar to the earlier *gesið*. Consequently, in the case of the king’s *þegnas* we see a conjunction of three systems (socio-economic, relational and tenurial) in a single term.

Functional terms require little explanation, and a host of them are found in the *Rect.*; there are beekeepers, swineherds, herds men of various other types, as well as sowers and cheese-makers. None of these terms indicate tenurial, legal or relational status of these individuals. As per our discussion in the pervious chapter, beekeepers and swineherds might be (in regard to tenure) *geneatas* or could even be (relationally) slaves.

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Finally, there is the relational system of categorical terms. The two major institutions to which one belonged and in which one found security and legal standing were the family and lordship. Familial terms such as maegð, "clan, kin," or eam, "maternal uncle," not only defined a biological relationship between people, but also embodied the set of social obligations that the members owed, both to each other and to the king. For example, *II Em.* makes it clear that members of the maegð had obligations and liabilities in feuds and the paying of the *wergeld*. But, as we have noted above, the relationship between a lord (*hlaford*) and his dependents (*men*) was an institution of increasing importance in Anglo-Saxon society. It was the lord who provided legal surety for his men and acted as their protector and advocate (*mundbora*).\(^{332}\) Included among the relational terminology is the word *freond*, "friend," which is much more than a relationship of mutual affection, but whose meaning was closer to that of *amicus* in Roman society, a mutual alliance and bond strengthened through the giving of gifts and aid.\(^{333}\) As will be discussed in greater detail in the following chapter, one’s *frynd* were at first primarily his kin. Yet, as the institution of lordship grew in import, one’s *hlaford* also came to take on the role of *freond*.

The above is an admittedly preliminary and cursory proposal for the fundamental categorical systems used by the Anglo-Saxons to define people in their society. Nevertheless, the understanding of such systems is vital in order to properly perceive the impact of the Conquest on rural society in England. I propose that one of the reasons why

\(^{332}\)See *II Ew* and Abels, *Lordship*, 82.

\(^{333}\)For further discussion and references see chapter six.
it has been so difficult to coordinate the social terminology of the DB with that known from Anglo-Saxon times, primarily that found in the Rect., is because after the Conquest there was a profound shift in the categorical systems used to define people. In Anglo-Saxon England the primary focus of the Rect. was on tenurial and functional systems, identifying people by the types of land they held and the services that were to be rendered from them. With the advent of the Normans, however, and their construct of lordship, relational categories became more important, and it was this system to which the nomenclature of the DB belongs. Thus, a person who might tenurally have been a geneat and another who was a gebur could be both regarded as villani in relation to their lord. This shift in categorical focus is a symptom of a broader and long-term processes occurring in Normandy at this time, a new, stronger bond between the lord and his dependents, a bond forged by the lord’s proprietor claims over their land.

Normandy and the Rise of Lordship

When the Normans came to dominate England after 1066, they brought with them the categorical systems that they knew from Normandy. Consequently, the new Norman lords imported with them constructs about land and people that were foreign to the nation they came to rule, categories that are reflected in the nomenclature of the Domesday Book (DB). Before one can understand this nomenclature and how it relates to the Anglo-Saxon systems of categorization, one must first recognize how ideas of land possession and lordship were changing in Normandy during the eleventh century. What one finds is that by the time they arrived in England the Normans had a different and more potent
notion of lordship than their Anglo-Saxon subjects; the land of Norman dependents had come under the control of their lords, more stringently binding them to their lords through their land. Consequently, the primary system by which the Normans categorized people came to be relational, using nomenclature that was concerned with specifying the type of personal relationship between a man and his lord, chiefly defined by the nature of his services and the degree of his commendation, i.e. the nature of his lord’s control over his land.

In the late 1980s Emily Tabuteau did a study of Norman charters and laws and found that during the first two thirds of the eleventh century a profound shift was occurring in the relationship between lords and their dependents’ lands. The issue was whether these lands were owned or held by the people living on them. The evidence suggests that there was a shift from one to the other during the eleventh century; land that was regarded as being fully possessed by an individual gradually came to be regarded as being held from his lord. The most obvious evidence for this is the number of references to lords and their permission to alienate in the charters. In Normandy, even the meaning of terms originally denoting full possession, such as allodium (which is normally used to refer to having full possession of the land), changed in meaning. In the early eleventh century lords could not dispose of a tenant’s allods, yet by the last third of the century, men were being granted along with their allods, indicating that the land as well

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as the people were regarded as the lord’s to give. Thus the word *allodium* came to have a different meaning in Normandy than it did in the rest of France, being reduced in essence to tenements.\(^{335}\) Given the semantic shifts in words such as *allodium*, *hereditas*, *proprietas* and *dominium*, Tabuteau concluded that the latest clear assertion of full ownership dates to 1066.\(^{336}\)

The charter evidence collected by Tabuteau testifies to a growing hold of lords over their tenants, and the bond between them was land. While originally a man could be commended to a lord and still have complete control over his land, the bond of lordship came to be so potent that the land itself came to be seen as under the lord’s control. The important point here is that commended lordship came to be equated with landlordship,\(^{337}\) a *de facto* equation which, as we will see, did not exist in Anglo-Saxon England. Thus, control over the terms and length of commendation were placed firmly in the hands of the lord, binding his dependent to him in personal service through his authority over his land.

This construct of lordship stands in stark contrast with that of Anglo-Saxon England. In pre-Conquest society, the services owed to an estate (sake and soke), the commendation of a man to a personal lord, and the power over one’s land were separate

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\(^{335}\) Tabuteau, *Transfers of Property*, 102-103.

\(^{336}\) Tabuteau, *Transfers of Property*, 108.

\(^{337}\) Maitland long before recognized that by the Conquest the Normans “could not conceive a kind of tenure that was not dependent” (Frederic Maitland, *Domesday Book and Beyond: Three Essays in the Early History of England* [1897; reprint, Cambridge: Cambridge University Press, 1921], 152).
issues, and in fact rarely coincided.\textsuperscript{338} As we have seen in the previous chapter, there were certain dues that were rendered by the people living on and working the land simply by virtue of their having the land. These ancient payments and services, called saca and socn, were originally owed to the king, and came to be transferred to a landlord through the granting of bocland. What must be stressed is that the land itself was not given to these donees by the king. Rather, what was given were “superiorities over the men and their fields.”\textsuperscript{339} The landlord was granted the gafol and the services that were originally given to the king, and had the authority set aside parts of the land for his own direct exploitation, the produce of which, and not the land itself, were the lord’s. Thus, individuals such as the geneat were not tenants in the sense that they were living on lands not their own; they were freemen living on their own land.

Commended lordship was a different matter all together. In pre-Conquest England men commended themselves to a lord, a relationship that took on increasing importance. However, these commended lords were most often not the same persons as their landlords.\textsuperscript{340} The Anglo-Saxon royal law codes testify to the importance of these commended lords, who were to stand in surety for their dependents, to protect them in

\textsuperscript{338} Roffe, Decoding Domesday, 151.


\textsuperscript{340} Roffe, Decoding Domesday, 155 and 157.
legal cases, and who enhanced their oath-worthiness, i.e. their standing as a legal entity.\textsuperscript{341}

In fact, of the two social mechanisms by which people found mutual support and protection, i.e. kinship and lordship, it was the latter that became the most important after the mid-tenth century.\textsuperscript{342} The nature of the relationship between a man and his lord could vary in its terms; at times a man may commend himself, and yet be free, as the \textit{DB} expresses it, “to go with his land where he will,” possessing his land in allod even while owing soke to his landlord.\textsuperscript{343} In other cases, a man might commend himself along with his land. It is this ability to take more than one lord at a time that Fleming calls serial lordship.\textsuperscript{344}

As we saw in the previous chapter, Anglo-Saxon lords were not above reducing their \textit{geburas}, originally free tenants of their \textit{inlands}, into property connected to their estates. One might, therefore, wonder why lordship in Anglo-Saxon England had not taken the same path as in Normandy, the lords of estates simply regarding the land of their residents as rightly coming under their control. One likely answer to this might be the serial lordship described above. The commended lords would have been obligated to preserve the freedoms and rights of their dependents, even from the encroaching tendencies of their landlords. However, as will be seen below, after the Conquest this


\textsuperscript{342}Roffe, \textit{Decoding Domesday}, 156.

\textsuperscript{343}Roffe, \textit{Decoding Domesday}, 154.

\textsuperscript{344}Fleming, \textit{Kings and Lords}, 127.
protective mechanism would be slowly dismantled by a Norman aristocracy that found the complexity of Anglo-Saxon relationships both befuddling and subversive to their authority.

The Conquest and the “Tenurial Revolution”

Perhaps the most obvious impact of the Conquest on English society (reflected in the DB), is the radical change in landlordship that occurred in the twenty years between the Conquest and the Domesday inquest. While the scope of this land transfer to Norman lords is beyond doubt, the dynamics by which these assignments were made is still a matter of some debate. Yet, these questions and the ramifications of their answers touch not only the upper echelons of Anglo-Norman Society, but reach down also to the level of the manor. Whether we are dealing with the distribution of land among William’s tenants-in-chief, or with the services rendered by estate tenants to their lords, it was the same overriding dynamic that governed those relationships. In order, then, to better recognize the nature of the new dynamic of lordship, we would profit from examining how it manifested itself among the upper echelons of Anglo-Norman society before we turn to its impact on the estate level.

Because the Normans strongly connected land with commendation, they assumed that the men of their antecessors automatically came to them with their land, which in the Anglo-Saxon arrangements was not always the case. It is only when one recognizes this connection of land and lordship that the way in which lands were assigned to Norman lords

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345 Fleming, Kings and Lords, 109; Roffe, Decoding Domesday, 164 and 170.
lords, as well as the nature of their land disputes, can be properly understood. Just as Norman constructs of lordship and land directed the way in which the great tenants-in-chief acquired their holdings, they also informed how these Norman lords regarded the residents and the of their estates as being part and parcel of the land that they came to rule.

“There can be no question that the redistribution of land after the Norman Conquest amounted to a tenurial revolution of the most far-reaching kind.” These words of Stenton express the all-encompassing replacement of Anglo-Saxons by Norman tenants-in-chief, i.e. those lords who came to hold lands directly from King William I. The disappearance of the previous Anglo-Saxon nobility was due to a variety of causes: death at Gate Fulford, Stamford Bridge or Hastings, land confiscation due the revolts between 1068 and 1071, emigration to other lands, such as Scotland, and even Anglo-Saxons taking up arms in the service of the Byzantine Empire in the imperial guard of Varangians, in which they could continue to fight the Normans in the Empire’s quest to take Italy. By whatever the mechanism, most of the Anglo-Saxon nobility, at least at the upper-most levels, had by 1086 been replaced by Normans.

The general scholarly understanding of how lands were distributed among the Normans after the Conquest is that the redistribution was based on Anglo-Saxon principles of succession and inheritance. A Norman would be treated as if he were the

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heir to the lands of an Anglo-Saxon lord, the *anteccessor*, and would thus succeed to that man’s estates all across England. This process, however, did not simply transfer all the lands of one Anglo-Saxon lord to one Norman lord. Most Norman barons had many *anteccessors*; Roger de Busli, for example, received the lands of over 80 Anglo-Saxon landowners. The result was the creation of 200 major lordships out of a combination of several thousand small estates.\(^{348}\) However, while this dynamic was in operation in the redistribution of Anglo-Saxon lands, it was not consistently applied, nor was it the only one.

Peter Sawyer has argued that the extent of replacement of Anglo-Saxon lords by Normans might be somewhat exaggerated. He noticed that many of the pre-Conquest tenants named in the *DB* were in fact sub-tenants of other lords, many of whom were *anteccessors*. Thus, the number of *anteccessors* replaced appears to be bigger, because the lands held by their subtenants, many of whom were named, came along with them.\(^{349}\) The Norman barons, then, not only claimed the demesnes of their *anteccessors*, but also land held on lease, as pledges, and in commendation, as well as lands held by their tenants and their men.\(^{350}\) What is important to note about Sawyer’s explanation, is that according to the traditional view, the Normans continued to work within Anglo-Saxon institutions in


\(^{350}\)Sawyer, “Tenurial Revolution?”, 85.
their redistribution of land. In an institutional sense, then, according to this paradigm there was no real “tenurial revolution.”

This view of Norman redistribution, i.e. that it worked within Anglo-Saxon institutions, has been challenged by Robin Fleming. After actually having gone through the DB and identifying the antecessors and their successors, Fleming found that such “inheritance” accounts for only ten percent of all transfers.\textsuperscript{351} In addition, while Norman barons did try to acquire the land of the antecessor’s subtenants, these claims often went into dispute, since many of these subtenants, while being commended to an antecessor, did not do so with their land. Those holding by “mere commendation,” then, claimed that their lands were their own and should not transfer to the Norman successor. Fleming argued that the complex nature of Anglo-Saxon commendation, and in particular the idea of land not being held by one’s lord, was befuddling to the Normans, and in the end did not seem valid to them.\textsuperscript{352} What mattered to the Normans was not the nature of an antecessor’s relationship with his subtenants, but rather “his connection to any land that they might hold.”\textsuperscript{353} Finally, Fleming proposes that acquisition of land through simple force by Norman barons was a more important factor than has been previously appreciated, 45 percent being obtained “through personal conquests or the extension of lordship.”\textsuperscript{354} Fleming’s observations are very much in keeping with those of Tabuteau

\textsuperscript{351}Fleming, Kings and Lords, 112.

\textsuperscript{352}Fleming, Kings and Lords, 127-129.

\textsuperscript{353}Fleming, Kings and Lords, 131.

\textsuperscript{354}Fleming, Kings and Lords, 212.
and the Norman construct of lordship that was tightly bound to land. Given this, the Anglo-Saxon practices of serial lordship and commendation without land would have been confusing to the Normans and frustrating to their efforts in acquire “clear” structures of lordship and land. It is, therefore, understandable that the Norman barons would endeavor to circumvent them

There was, however, one Anglo-Saxon institution that was more consonant with the Norman mentality regarding the structure of power, holding by royal thegnage and the sake and soke that it conveyed. King’s thegns were those who held bocland directly from the king. These lands were often granted with the right of “sake and soke,” in Anglo-Saxon, sace and socne, that is, the superiority granted by the charter over the land and the people. This superiority included receiving the customary dues (gafol, feorm and labor services) that had been rendered to the king, i.e. socn, as well as the criminal fines and penalties that would normally go to the king, sacu.\textsuperscript{355} While Roffe is incorrect in confining “sake and soke” to mere jurisdiction, he is right in pointing out that, even though sake and soke did not confer right over land, the land of an antecessor granted with sake and soke was itself transferred to the Norman successors.\textsuperscript{356}

The arguments of Fleming and of Roffe are not mutually exclusive. The evidence from both indicates that, when Anglo-Saxon institutions conflicted with Norman constructs of power, land and lordship, these were, to a greater or lesser extent, disregarded. However, because superiority over land and people was inherent in sake and

\textsuperscript{355}See previous chapter.

\textsuperscript{356}Roffe, \textit{Decoding Domesday}, 170-171.
soke, royal thegnage did fit with the Norman model and became the primary Anglo-Saxon institution by which the Normans transferred lordship and power. It is not so far a leap to promote a noble from being a land lord (to whom the residents owed money, provisions, services and jurisdiction) to being those residents’ commended lord; he already had “superiority” over the land and the people, and the dues he received from them were not unlike the power exercised by commended lord. However, it should be made clear that for the Normans personal commendation was of much greater importance than sake and soke, and the latter was subsumed into the former.\textsuperscript{357} Thus, landlordship and commended lordship came to be combined.

The impact of this process on the people living on these estates was significant. Previously, many of them had been free residents, holding their land on their own, and often free to commend themselves and their land to whom they would. Their landhlaford was simply one to whom the customary dues of the land were rendered. Now the residents had become the dependents of these men. They would no longer be primarily defined by the nature of their tenure or the service they rendered the estate, but by the nature of their relationship to their superior lord and the service that they rendered to him.\textsuperscript{358}

\textsuperscript{357}Abels, Lordship, 130.

The Categories of the *Domesday Book*

When one reads the *DB* one is immediately confronted with a bewildering array of terms used to describe the people who lived on the estates: *radcnihtas, coliberti, sochemanni, liberi homines*, and of course, *villani*, among others. While the earliest analyses of these terms tried to find direct correlations with the Anglo-Saxon nomenclature of the *Rect.*, it has been recognized since the days of Maitland that no such one-to-one equations are possible. But while there has been a vague recognition that categories such as *villanus* in some way encompassed people formerly categorized as *geburas* and *geneatas*, there has been little systematic analysis of the *DB*’s nomenclature in terms of the categorical systems that it represents. The discussion below will attempt to demonstrate that the majority of these terms represent relational, not tenurial categories, and that, in keeping with the observations above, the Normans were classifying people in terms of the type of ties between them and their lords, the types of

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359 In this and subsequent chapters, citations of the *DB* will first give the volume and folio reference followed by the chapter and section numbers as used in *Domesday Book*, ed. John Morris (London and Chichester: Phillimore and Co., 1975). Here the practice will be followed of labeling the two columns of the recto as “a” and “b,” and the two columns of the verso as “c” and “d.”

360 For example, see Frederic Seebohm, *The English Village Community: Examined in its Relations to the Manorial and Tribal Systems and to the Common or Open Field Systems of Husbandry*, 2nd ed. (London: Longmans, Green, and Co., 1883), 146-147.


services they were to render, and the degree of control their lords exercised on their land. Thus, while many of the tenurial structures on English estates doubtless remained the same, at least for a while, the people on these lands were drawn into a more binding relationship with their lords, especially through their land, a bond that would eventually lead even the freest born tenant into a servile status.

When dealing with the nomenclature of the DB the scholar faces a host of problems and issues. The commissioners themselves, it seems, were puzzled by the various classes of individuals that they ran across, classes represented by words that were not only foreign linguistically, but conceptually as well. At times, they would use an indigenous Anglo-Saxon term, such as *buri* or *cotset*, in their surveys of estates, at other times the commissioners employed words that they brought with them, such a * villanus* or *bordarius*. Sometimes the differences in nomenclature appear to be regional. The different groups of commissioners sent out to the seven different circuits would use different terms to represent people of the same status, such as *bordarius* and *cottarius* or *liberi homines* and *sochemanni*. One cannot but sense that there was no conscious and programmatic effort to re-classify the residents of English estates. This impression had moved Pelteret to assert that some of the social transformations after the Conquest were not so much economic or political, but terminological, and that for the estate resident the

“terminological change did not necessarily lead to any change in his relationship with his manorial overlord.”\textsuperscript{364} With this assessment I must profoundly disagree.

Even though there does not seem to have been a deliberate program aimed at reassigning people to new categories, this does not mean that there was no underlying systematic principle that guided the way the commissioners defined people. For many scholars, this principle was tenurial, the supposition that the commissioners classified people according to the types or size of holdings and the services and dues that proceeded from them.\textsuperscript{365} This tendency is understandable, since the bulk of the \textit{DB} is a catalogue of holdings and their values. The problem is that, as we will see below, when one looks at the holdings and services of these various groups, one finds that people who are within the same category are often of varying wealth and subject to different obligations.\textsuperscript{366} Rather, I would contend that the commissioners defined people \textit{a priori} on the basis of the categorical system they knew best, a relational system specifying the relationship between a man and his lord. Perhaps the most overt piece of evidence to this effect is that within the broader unit of the county the organizing principle of the \textit{DB} itself was not the hundred, but the tenants-in-chief and those who held under them.\textsuperscript{367} Thus, while

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{364}Pelteret, “coliberti in Domesday,” 51.
\item \textsuperscript{366}H. C. Darby, \textit{Domesday England} (Cambridge: Cambridge University Press, 1977), 64.
\end{itemize}
\end{footnotesize}
cataloging the estates of the main land-holders under William I, they listed the men under these lords in terms of their seignorial bonds and the overall type of services that they owed; the issue was not so much how much land these estate residents owed, or even their function on the estate, but the type of manpower each lord had at his disposal.

I begin with what is regarded as the most free of these groups, the *liberi homines* and the *sochemanni*. These two terms are often taken as describing the same essential status, and are often discussed by scholars under the same heading. In most counties one finds either *liberi homines* or *sochemani*, the former in Oxon, Gloucs., Worcs., Heref., Warw., Salop., Staffs., and the sochemani in Bucks., Beds., Hunts., Cambs., Ru., Lincs., Notts., Derby. The two are mentioned as separate groups in Kent, Exx. Suff. Norf., Herts., N’Hants., and Leics. The *proprium* of these two categories does not seem to have been the extent of their holdings. Some held small manors with tenants of their own while others had only one or a few acres. What seems to have distinguished the *liber homo* and the *sochemannus* from others in society was their ability to alienate their land. In terms of the service owed, the *liber homo* owed the typical customary services that were owed by the free residents of the *scir* and by the *geneat* of the Rect. In

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369 Darby, *Domesday England*, 64, fig. 18.


this sense, the status of the liber homo seems to have changed little after the Conquest. Sochemanni appear to have owed feorm, carriages duties, taxation, suits and jurisdiction, that had once been owed to royal estate.\(^{372}\) Again, these are very similar to the services rendered by the liber homo and the geneat.

It would seem, then, that in most counties, these two terms were used synonymously. However, when the two are distinguished, the differences between the liberi homines and the sochemanni appear to have rested in a subtle difference in their nature of the commendation. For example, in East Anglia, the sochemannus were more subject to boon-work, i.e. labor to be rendered upon request.\(^{373}\) In such cases, though both the liber homo and the sochemannus had the ability “go with their land where they will,” i.e. chose the lord to whom they would commend themselves,\(^{374}\) it is possible that the sochemannus under these heaver obligations was not so free.\(^{375}\) Thus, what united these two groups was that they held their land in allod and generally owed the customary dues that had always been expected from free men living on an estate. Generally, they were still free, as was common in the Anglo-Saxon period, to choose a lord other than the landlord. Where they differed, when a difference mattered, was in that the sochemanni


\(^{374}\)Roffe, *Decoding Domesday*, 220-221.

seem more bound to the estate and its lord. This apparently made him more susceptible to further demands on his labor.

A category closely related to the *liber homo* and the *sochemannus* was the group called *radchenistres*, or *radcnihtas*. This group is recorded only in circuit V, i.e. Gloucs., Worcs., Heref., Salop., Staffs., Ches. and *Inter Ripam et Merhsam*. Often, these men possessed substantial holdings of their own, and even had tenants. Their services were comparable to those of the *liberi homines* and the *sochemanni*, though their name implies a greater focus was given to their riding duties: escorting the lord, carrying messages and carrying services. In addition, they did owe some agricultural services. At Tewksbery (Gloucs.) they had to plow, harrow, mow and reap, and at Powick (Worcs.) they had to do what was commanded of them, which suggests a far more servile role. Probably related to this more servile state was the fact that they did not hold their lands freely, i.e. they could not go where they will with their land, and were thus bound to the estate and its lord.

Hollister suggested that the *radnichtas*, the *radmanni*, and the Anglo-Saxon *geneat* were all of the same class, and roughly equivalent to the Anglo-Saxon *cnihtas* (a term translated in Latin sources as *miles*). Socio-economically, these formed an

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376 Darby, *Domesday England*, 83; Roffe, *Decoding Domesday*, 224.


intermediate group between the nobles and the *ceorls*, representing the legal category of the *syxhunde men*, whose particular duty was of a military or quasi-military nature. He proposed that in pre-Conquest England the *cniht* was summoned to fight in the *fyrd*, i.e. the national army, as the warrior-representative of a five-hide region.\(^{380}\) Hollister’s conclusions, while not violating the evidence, arguably go beyond it. However, we may recall that the word *cniht* was used by the Saxons in reference to William I’s soldiers, and in later Bury St. Edmunds’s Feudal Book, riding in the saint’s service is equivalent to being a knight in the saint’s service.\(^{381}\) Thus, there is the possibility that the service of the *radmannus* was similar to the later Anglo-Norman sergeants, who were bound to their lord for the performance of specific (and perhaps in this case semi-military) duties.\(^{382}\)

What we see in the *liberi homines*, *sochemanni* and the *radmanni* are not tenurial distinctions, but rather gradations of dependence and service to a lord. The *liber homo* and the *sochemannus* were regarded as free and often of the same relational status. However, the latter term could also represent a more dependent form of commendation, one entailing greater services and probably the inability to go where he will with his land. The *radmannus* was more dependent still, though one might suggest that greater focus was placed on a military-support role. This should not be too surprising since the

\(^{380}\)Hollister, *Military Institutions*, 81-82.

\(^{381}\)S. Harvey, “Knight’s Free in England,” 4 and 12.

occurrence of the term is in the shires along the Welsh border. The radmannus was still a free-man,\textsuperscript{383} in that his land was his own and, for the most part, his services were defined, not chronically subject to the lord’s arbitrary command. Nevertheless, his kind of commendation seems to have bound him more closely to his lord than that of the liber homo or the sochemannus.

The similarity between these three relational categories, i.e. categories defining the nature of the relationship with a lord, probably find a common origin in their tenurial status. It has been long recognized that the services of all three are very similar to those of the geneat.\textsuperscript{384} It is here that the distinction between categorical systems is most helpful. Hollister’s cniht may indeed have been responsible for military service in the fyrd, but tenurially he held as a geneat. Thus, one cannot, as Hollister does, simply equate the two as the same category. One term reflects a relational system, the other a tenurial one. The same is true for the liber homo, sochemannus and the radmannus. The similarity of their services to that of the geneat suggests that people who had once possessed land as geneatas were now reclassified by the relational terms that more clearly defined the nature of their commendation to their lord, more clearly delineated the degree to which they could alienate land, chose their lord, and were bound in specific services to him. That their holdings should vary in size would, then, should be of no surprise. Each geneat doubtless possessed land of various sizes depending on his personal prosperity.

\textsuperscript{383}Darby, Domesday England, 84.

\textsuperscript{384}Maitland, Domesday Book, 59; S. Harvey, “Domesday England,” 75 and 83; Roffe, Decoding Domesday, 224.
But while he originally owed customary services to the estate, by being redefined relationally he came to owe these services to his lord, and, depending on the nature of his commendation, became more subject to is lord.

From the above examples, I would propose that the relational categories of the DB are comprised of two basic elements: 1) the degree of commendation to the lord, manifested chiefly in the dependent person’s ability to alienate his land or go with it to another lord, and 2) the general services that were to be rendered in the lord’s service. In the case of the liber homo and, for the most part, the sochemannus, they were of a relatively free commendation, alienating and moving their land as willed. Their services were mostly customary and no more. With the some sochemanni and with the radmanni, their degree of commendation was stronger; they were possibly able to alienate land, though they could not go with it to another lord. Their services, too, were more stringent, and in the case of the radmannus, probably more specific.

Related to the above groups, yet differentiated by the specificity of the service to their lord, were the milites. It is important to remember that at this point in time, the miles, most often translated as “knight,” was not regarded as noble. He was primarily a warrior, a common soldier, as the classical meaning of the Latin term itself suggests. The elevation of the miles to the status of nobleman would not occur until about a century
after the *DB*.\textsuperscript{385} The holdings of these men were relatively small, averaging about 1.5 hides. Over one-third held from .75 to 1.5 hides, and a fourth of all *milites* held even less.\textsuperscript{386} They tended to be given land that was an important appurtenance of the estate, such as a berewick. Such lands are often designated as *terra villanorum*, “land of the villeins.” Harvey suggests that this appellation was an attempt to ensure that the grant was attached to services and (perhaps more importantly) that they were not alienable, just as later charters of enfeoffment would stipulate that the grant was not inheritable.\textsuperscript{387}

Here again, the issue is not one of tenure; the holdings of *milites* could vary in size and nature. Rather, a *miles* was a person bound to his lord to perform military service. It was a relational category. Part of the nature of that relation is indicated by the granting of *terra villanorum* to the *milites*; the land was not theirs to alienate, nor could they go where they will with their commendation. They were permanently bound to their lord. Since Anglo-Norman lords owed the king a certain number of *milites* as part of the *servitium debitum*,\textsuperscript{388} they needed to count on their permanence and their obedience, on which they could rely given that they were bond to him through the land.

\begin{footnotesize}
\begin{enumerate}
\item S. Harvey, “Domesday England,” 81-82.
\item Abels, *Lordship*, 137.
\end{enumerate}
\end{footnotesize}
We now come to the more complex and thorny issue of the *villani* in the *DB*. From the beginning it should be stated that the *villanus* of the *DB* should be not seen as being of the same social and legal status of the later, thirteenth-century villein. Unlike their later name-sakes, the *villani* of the *DB* were held as being personally free. They form the largest group of the *DB*, being present in every county and accounting for nearly half of the population. Their duties are rarely mentioned, but when they are they varied from one manor to another. What is noteworthy is that, with one exception, there is no mention of week-work, which is often seen as a defining characteristic of the later villein, and it is likely that for the most part he did not render it. The *villani* also held land of various sizes, and often did not differ much from the *sochemanni* in economic condition. However, one will observe that most of their holdings were some multiple or unit of the virgate, suggesting that normally the land was granted to the *villanus* in increments of land units. Since there seem to be no tenurial features, either the size of the

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land nor the services owed for them, that were particular to the villanus, it has often been concluded that the term villanus was simply a catch all for “peasant.”

However, when one takes the word villanus as a relational term, one defining the nature of a person’s relationship to his lord, it is possible to make certain observations. The villanus, unlike the liber homo or the sochemannus, was unable to go with his land to another lord, nor was he able to alienate it. He lacked any strong patronage except that of his immediate lord. Like the milites the villanus was tied to his lord, bound together through his land. However, if the villanus and the miles were similar in degree of commendation, they were different in regard to the type of general service they rendered, the former being the lord’s cultivator, the latter his soldier.

This understanding of the villanus dovetails well with Vinogradoff’s observations regarding the nature of villeinage. Though describing the later villeinage of the thirteenth century, Vinogradoff notes that the roots of villeinage lay in its connection not with the soil, but with “his personal dependence on his lord.” The villein was “legally a personal dependant, but... his personal dependence was enforced through territorial lordship.” Holdsworth in his history of English law also comments that “villeinage is the relation of a person to his lord.” These comments are in keeping with the construct

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395 Roffe, *Decoding Domesday*, 225.


of lordship that was developing during the eleventh century, one in which lords acquired greater control over the dependents’ lands, through which they were able to exercise a more potent domination over them.

The question of who, tenurially speaking, was the ancestor of the *villanus* has been a more difficult problem. Maitland denied that the *villanus* was to be equated with the *gebur*, seeing the latter as evolving into the *colibertus* of the *DB*. Nevertheless, for the majority of the scholarship there has been the recognition that the term *villanus* embodies the Anglo-Saxon categories of the *ceorl*, *geneat*, and *gebur*. However, because little has been done to define more precisely the categorical systems to which these terms belong, their precise relationship with one another has been left in an ephemeral state. However, with a provisional model of these systems, we may attempt to understand how these systems of nomenclature relate to each other. Socio-economically, the *villani* were *ceorlas*. Legally their status was that of the *twyhunde men* and up until the time of Henry I, the oath of one thegn equaled that of six villeins. Tenurially, the Latin version of the *Rect.* makes it clear that the *geneat* is to be equated with the later *villanus*. However, that the land was given to the *villanus* by the lord and reverted to the lord upon the *villanus’* death would also liken him to the *gebur*. Certainly the services


400 *Hn*, 76,3a; 64,2b.

rendered by the later villani especially performing week-work and boon-work, are certainly the same as those carried out by the gebur.

The way, then, that we can disentangle the tenurial issue is to assume that after the Conquest some who had land as geneatas had become liberi homines, sochemanni, radmanni and maybe even milites. Other geneatas, however, perhaps even the majority of them, and all geburas had been reclassified as villani. We must keep in mind that the word villanus focuses more on a person’s bond with his lord than the size of his holding. Thus, especially at the beginning of the Anglo-Norman age, people who held tenurially as geneatas and geburas were counted as villani. In the case of the former, their status was reduced in the sense that they lost the ability to go with their land where they will, and had their landlord as the immediate lord – a state of affairs that had always applied to the gebur. Therefore, the agricultural services of the villani could vary. Those who held land as geburas were probably liable to the same plowing duties on the demesne as their Anglo-Saxon predecessors. Those who possessed land as geneatas mostly likely owed simple sace and socne, like the sochemanni and the liberi homines. The difference was, however, that the villanus was particularly bound to his lord, who now had control over his land, and the services the villanus rendered were regarded as being rendered to his lord, not the estate.

Two groups that are difficult to separate are the bordarii and the cotarii. The former can be found in all the counties of England, while the latter are chiefly found south of the Thames, though they do appear in Salop., Heref., Worcs., Bucks. in small numbers.

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402 See the discussion in the previous chapter.
numbers and in Mdlx., Herts., and Cambs. in relatively large numbers.  

One point of similarity is the etymology of the two words. *Bordarius* comes from the French *borde*, “board,” which can have the connotations of “table,” “plank” or a “cottage made of planks,” while *cotarius* is derived from the Anglo-Saxon *cot*, “cottage,” and is related to the Anglo-Saxon term, *cotsetla*, meaning someone who dwells in a cottage. In some entries of the *DB* the two terms appear to be used indiscriminately, though in many counties they are distinguished. In regard to their holdings it appears that in some counties the *cotarius* had no land other than his *cotagium*, his cottage plot, yet in other places the *cotarius* could have very small holdings of around four or five acres. By contrast the *bordarius* appears to have consistently held some land amounting to between five and eight acres.

In terms of the labor they provided, very little can be said specifically. Their plots of land were so small that their cultivation could not have occupied all of their time. Thus, they were relatively free to function as wage-earners, hired hands to provide

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miscellaneous manual labor that the other tenants of the estate needed. More specific duties have been suggested for the bordarius, largely based on the meaning of the term. Since borde in French can mean “table,” Faith has offered the possibility that the bordarius was responsible for the provisioning of the lord’s table. On the other hand, Harvey focused on borde’s meaning of “edge,” and suggested that the bordarius was a rent-paying colonist, whose few acres were taken from the waste and wood that he cleared. However, if we try to understand these categories from a relational perspective, it would seem that the bordarius and cotarius received their land from the lord, and thus were permanently bound to him through it. In terms of the type of service rendered to the lord, both seem to have been the source of manual labor. The suggestions that the bordarius was responsible for providing food for the lord’s table or acted as a colonist, developing the fringes of the estate, are based solely on etymological grounds, and without further evidence cannot be accepted with great faith. The Rect., however, may provide a clue to the particular role that the cotarius and bordarius played in his relationship with his lord. Rect., 3,4 states that the cotselta would “acquit” (Anglo-Saxon werian, Latin adquiedo) his lord’s lands. As discussed in the previous chapter, it appears that while the trimoda necessitas were the standard obligations that came with bocland,

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409 Lennard, Rural England, 356; Faith, English Peasantry, 71; Roffe, Decoding Domesday, 226.

410 Faith, English Peasantry, 72.

the king could negotiate with the thegn for the performance of other duties that would be due for his inland. According to the Rect., the cotsetla was charged with carrying out the more mundane labors due to the king from the inland. In an Anglo-Norman context, while the degree of commendation was similar to that of the villanus, the general service he provided is lord was to be his personal source of manual labor.

The linguistic similarity between cotarius and cotsetla may prompt one to regard the former as a Latinized borrowing from the latter. But, while both words are derivatives from the Anglo-Saxon cot, they are, nevertheless, two different constructions. The -arius ending marks a related profession while the -setla suffix indicates a dwelling or habitation; the former focuses on what one does, the latter on where one lives (and arguably had a stronger tenurial connotation). One is not simply the Latinized form of the other. There is also evidence that cotsetla is a tenurial term, while cotarius is relational. The Rect. ties the services of the cotsetla to his land, indicating that the frequence of his work is worthy of at least five acres. However, the term cotarius appears to have been divorced of tenurial considerations; he may or may not have any arable, and frequently held no land except for his cottage. Thus, the services rendered by the cotarius were no longer conceptually tied to his holding; he owed his manual service to his lord, whether he held any land or not. We cannot, therefore, regard cotsetla and cotarius, despite their similarities, as representing the same category; in actuality the former is tenurial and the latter relational.

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412 Rect. 3,3.
There is another pair of terms in the DB that seem to be closely related, if not actually synonymous, as Maitland regarded them,\textsuperscript{413} colibertus and burus. There are a couple of features that support this equation. First, these two terms do not co-exist within the same county. In addition there are three instances in the DB where one word is defined by the other.\textsuperscript{414} Generally, the interpretation of coliberti has been as a reference to people who had been manumitted as a group.\textsuperscript{415} Pelteret, however, takes a more cautious approach. While the continental usage of the term collibertus originated in the enfranchisement of large numbers of slaves,\textsuperscript{416} he suggested that the DB commissioners had forgotten the origin of this word, though understood it as referring to people “in some way free” but owing many obligations. Pelteret argued that when confronted with the gebur, whose status was unfamiliar to them, the commissioners used colibertus as the closest term to represent them.\textsuperscript{417} He further discounts the interpretation of colibertus as freedmen on the basis that the geburas, with whom they were equated, were themselves not manumitted slaves.

\textsuperscript{413}Maitland, \textit{Domesday Book}, 37.

\textsuperscript{414}Darby, \textit{Domesday England}, 77-78. In the entry for Cosham (Hants.) is the statement “viii bures i coliberti, where the “i” is interpreted as “id est” (DB I, 38b [1, 10]); in the entry for Wallop (Hants) bures is interlined with coliberti (DB 38d [1, 23]), and in the entry of Powick (Worcs.) coliberti is interlined with “buri” (DB I, 174d [8, 10a]).


\textsuperscript{416}Pelteret, “coliberti in Domesday,” 49.

\textsuperscript{417}Pelteret, “coliberti in Domesday,” 50.
However, it seems rather unlikely that the DB commissioners would have used the word *colibertus* without much of an understanding of it in a manorial context.\(^{418}\) The problem with Maitland’s and Pelteret’s analysis lies in their total equation of *colibertus* with the *gebur*. This difficulty is relieved when one understands the former as a relational category and the latter as tenurial. Sally Harvey has already recognized that the word *colibertus*, “might refer to some agreement with the lord rather than to the man’s compeers.”\(^{419}\) If this is the case, then the *coliberti* represented a group of people whose freedom was negotiated with the lord and who generally held by the same kind of tenantry as the *gebur*. That the *gebur* was never a manumitted slave, is irrelevant; what mattered is that the *coliberti* held land under the same conditions as the *gebur* did. Under this interpretation, then, the word *burus* is in fact a tenurial term, used to elucidate the conditions of land holding that seems to have applied to all freedmen as a group. Thus, some of those designated relationally as *coliberti* could have originally been *gebur*, while others may have been manumitted slaves; Pelteret himself admits that the meaning of manumitted slave for *colibertus* makes sense given that the number of *servi* were reduced from T.R.E.\(^{420}\) to the time of the survey.\(^{421}\) What is important, however, is not the type of

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\(^{418}\)That the commissioners spelled *colibertus* with one instead of two “l”’s is hardly evidence that they had forgotten the origin of the word (as Pelteret argues), given the great fluidity of medieval orthography.

\(^{419}\)S. Harvey, “Domesday England,” 68.

\(^{420}\)The abbreviation for *tempore regis eadwardis*, used in the DB to refer to the state of affairs on the day that Edward lived and died, i.e. in 1066.

\(^{421}\)Pelteret, “coliberti in Domesday,” 49.
holding they held or even the service the render, but rather the degree to which they were bound to their lord.

The word *servus* represents the ultimate relational category, indicating a person who is completely and personally under the will of another. This group is devoid of legal standing and their station in life has no bearing on whatever land they may or may not hold. Their primary function was to work on the demesne.\(^{422}\) By 1086 they made up just over 10 percent of the recorded population, though their concentrations were regional, the western and the south-western counties having the highest number of slaves.\(^ {423}\) They are not mentioned in York and they were completely absent in entries for Circuit VI (Lincs., Ru., Notts., Hunts., Derby), though this observation should be received with caution; the *IE* summary shows that there were slaves on the estates of Ely in Hunts.\(^ {424}\) The *ancillae* are largely confined to the West Midlands and the south-west counties, and probably were employed in the lord’s household.\(^ {425}\)

The *Little Domesday Book (LDB)*, which covers East Anglia, seems to document a rapid disappearance of slaves as a group in rural society, who, along with the other


\(^{423}\)S. Harvey, “Domesday England,” 68.

\(^{424}\)Darby, *Domesday England*, 73.

\(^{425}\)Roffe, *Decoding Domesday*, 227.
manorial residents, were matriculated into a condition of serfdom. These changes were not confined to post-Conquest England, but are symptomatic of broader changes that were occurring in Normandy as well. Tabuteau has demonstrated that among the changes occurring in eleventh-century Normandy was the absence of serfdom, which coincides nicely with the post-Conquest decline in the number of servi observed above. However, as will be argued below, it is equally reasonable to assume that the particular needs due to the process of farming out the demesne were also a factor in this and other changes in Anglo-Norman rural society.

As can be seen from the above discussion, people who are classified under certain terms in the DB nevertheless held various sizes of holdings, and were subject to different types and degrees of services. The Hn makes it clear that the Anglo-Saxon system of legal nomenclature had been retained, and the majority of the DB classes seem to fall within the same broad socio-economic status, the exception of the coliberti and the servi. On the other hand, people with similar holdings are spread among different classes. The simplest way to harmonize this data is to understand the majority of these terms as representing categories within a relational system, specifically indicating their particular

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427 Tabuteau, Transfers of Property, 223.

428 The Hn continues to speak of the twelphundes men, the syxhundes men and the twyhundes men, and (as seen above) retains this same system of relative oath valuation.
relation with their lords. It is essential to discern the categorical systems of the DB as being distinct from those of the Rect., which are largely tenurial and functional, if one is to properly coordinate the two. In principle, the same people who held by one tenurial category could be classified by various relational ones. Conversely, people who stood in the same type of relation with their lords, under the same degree of commendation and performing the same general services to him, would hold lands by different forms of tenure. A schematic representation of how these two systems relate to each other in the DB is provided in the figure at the end of this chapter.

Finally, it is necessary to discuss the possible consequences of these categorical shifts on the estate economy as a whole. One could argue that nucleation, a process that began in the mid-ninth century and would last well into the twelfth, was accelerated by the change in the status of manorial residents. As discussed in the previous chapter, the geburas, being regarded as largely property of the estate and workers of the inland, were easily relocated with the consolidation of inland. In the Rect. we sense, however, the status of the geneat had not changed very much from the days when they were residents of the scir. The result was an estate morphology with some concentration of arable (the inland) around villages cultivated by a cooperative community of geburas and other inland-residents, while the geneatas were still living relatively independently from the inland economy, probably spread about the estate on their own homesteads. However, with the reclassification of some (most?) geneatas as villani, these residents of the estate

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were placed in the same category as the *gebur*, and ultimately were reduced to the same kinds of labor services. Since the tenurial distinction between *gebur* and *geneat* was no longer important, their common status as *villani* would have made it much easier for lords to relocate such residents and place them with the former *geburas* in villages, adding and pooling their labor for the work on the demesne.

### The Impact of Farming on Rural Social Status

An important question to ask is why did the new Norman landlords reduce so many to the status of *villanus*, eliminating their ability to move with their land and melding landlordship with commended lordship? The answer to this might be found in a second dynamic well represented in the *DB*, the practice of the farming of estates. In this estate regimen the lord rented out the estate to a farmer, a *firmarius*, who paid an annual fixed rate to the lord, with the understanding that he would be able to recoup the rent and make a profit through the produce of the demesne and the dues owed by the tenants. That this practice should be widespread after the Conquest should be no surprise, given that the Norman lords were strangers to the customs of Anglo-Saxon estates, and that many of them had other lands in Normandy or other parts of France. Given the number and widespread nature of their holdings and the lack of an educated administrative class, it was easier to farm out their estates. It is perhaps here that one may find the reason why Norman lords bound so many of their tenants, such as the *villani* and *radcnihtas*, so that

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they could not move with their land as they willed. In order for the firmarius to take on the risk of farming, he needed a stable and guaranteed source of labor. It was the new power of lords over their dependents’ lands that made it possible for them to tie them to the estate, and thus provide a stable labor force for the exploitation of the demesne by the firmarii.

In addition to living off of the produce of the inland and the dues from the residents, Anglo-Saxon kings, lords and ecclesiastical communities also rented out estates in return for a set payment, very often in the form of food rents. These provisions were called feorm, from which the Latin firma unquestionably derives. These rents were also often commuted into money payments in lieu of food. However, after the Conquest, there was increase in the in farming out of estates. William I seems to have led the way, and the ASC in the entry for 1086 makes it clear the he was willing to lease royal estates to the highest bidder, no matter what oppressive methods the bidder was willing to use to extract a profit.

By the time of the DB inquest, many estates were being farmed out. Evidence for this is found in the entries of the DB which mention estates begin ad firmam, “at farm.”

432Lennard, Rural England, 128-129.

But Lennard has also demonstrated that even if the phrase “ad firmam” is missing, when an entry speaks of an estate “rendering” (*reddit*) a certain amount, this is also referring to land farmed out for rent money.\(^{434}\) He further concluded that this trend was far more extensive than the *DB* itself would lead us to believe. When he looked at individual ecclesiastical records, specifically those of Canterbury and Rochester in Kent, Lennard found that there were estates listed in these records as being *ad firmam*, even though they were not so listed in the *DB*.\(^{435}\) Thus, many of the estates described as being held in demesne were in fact farmed out for monetary rents.\(^{436}\) These records indicate that the farming out of estates for set rents, increasingly in money, was a system of estate management extensively employed by the new Anglo-Norman tenants in chief.

That this would be the case should be of little surprise; there are several reasons why Norman lords would choose to accept rents in food or money rather than directly exploiting their demesne. Many of the new landed aristocracy also had estates in Normandy, and so, though they needed some provisions for the support of their households when they were in England, they probably also spent a great deal of time in Normandy, supported by their estates there. In addition, Sally Harvey has pointed out that as a “group of foreign lords whose aspirations were often directed elsewhere” they

\(^{434}\) Lennard, *Rural England*, 118.


needed the money from their English estates to “fund Continental adventures.”

Another factor that does not seem to have been previously appreciated by scholars is that the manorial arrangements of England were completely foreign to these new masters. The tenurial duties and rights of the gebur, the perquisites of the swineherd and the beekeeper, would have been beyond the ability, and probably the interest, of the typical Norman lord to manage. Given the difference in custom and, equally importantly in language, it would have made much better sense for these lords to farm out many of their estates to people who knew both custom and language, and who were thus better able to manage them.

Sally Harvey has identified certain patterns in the way that estates were farmed out. She notes that three of four of the greatest landholders and many of the ecclesiastic institutions maintained a large demesne on one or two manors that were near their home base. Doubtless, these estates provided the provisions needed by the lord’s household when in England. However, overall, direct demesne exploitation was the best option for the holder of the small manor, and was not the most profitable one for non-resident lords, or those ecclesiastical institutions in the throes of major building projects. For them it was much more efficient to rent the land to firmarii.

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A further conclusion drawn by Harvey is that the *firmarii* did not make their profit so much from the produce of the demesne as from the rents and other money dues from the estate tenants. When comparing the “renders” of estates listed in the *DB*, one finds that they are almost always higher than the registered value of the estate. It is apparent, therefore, that the *firmarii* were able to extract from their farms greater money profit than the estimated value of the land, presumably based on the value on the actual yields. Harvey concluded thereby that economically the smaller units of the estate tenants were far better able to turn a profit from their agriculture and husbandry than was the demesne, and that the *firmarii* relied on their productivity both to extract higher rents and to obtain dues from usage of woodland and meadow.

Roffe points out, however, that Harvey’s analysis relies on certain rather large assumptions, one of which is that the *DB* values are what they seem to be. In point of fact, there is no way that we can really know the basis for the estate valuations or how they were made. In addition, one needs to take into account the possibility that the *firmarii* further assarted the demesne, increasing the arable beyond the original valuation of the estate. Doubtless, the *firmarii* gained a good deal of profit through the rents and dues from court that the tenants paid, but this does not exclude the possibility (and as we will see below the real probability) that he was also using the demesne land of the estate more effectively.

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441 Roffe, *Decoding Domesday*, 216.
The *firmarius*, then, needed to maximize the profitability of the estate, which meant increasing the productivity while reducing overhead expenses. One way that this was doubtless accomplished was through the manumission of *servi*, the slaves. By turning *servi* into strongly dependent tenants, not only did the Anglo-Norman lords guarantee a pool of labor for the demesne, but also reduced the general overhead of their upkeep, since these new tenants would be able to live off the land they were given or by hiring themselves out for wages. While Loyn has recognized the economy of this trend in the post-Conquest era, he nevertheless failed to identify why keeping slaves would have been more economical during the Anglo-Saxon period than in Anglo-Norman times. The rise of the *firmarius* and his need for regular and secure revenue at minimal overhead costs works well in explaining the reduction in the number of slaves in post-Conquest England.

Yet, there was probably another consequence to estate-farming that has not been much discussed. In order to work a demesne, and especially to expand it, one needs a reliable and stable workforce. Certainly, some of these labor demands could be met by slaves, former slaves, i.e. the *coliberti*, and those who once were the *geburas*. Yet, there is evidence in the *DB* that estate residents who had once been classified as sokemen (probably holding as *geneatas*) came to be degraded to the status of *villani* or *bordarii*. Maitland provides the example of Cambs., which T.R.E. had 900 sokeman, but by the time of the survey had only 213 sokeman compared to 1902 *villani* and 1428 *bordarii*. He also refers to the specific manor of Meldreth (Cambs.) which in 1066 had fifteen

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sokemen, but by 1086 had fifteen bordarii and three cotarii and no sokemen.\textsuperscript{443} The increase in the number of villani and bordarii, who were chiefly responsible for the cultivation of and labor on the demesne, provides evidence contra Sally Harvey, that not only were the demesne lands of farmed estates being vigorously exploited, they were perhaps being expanded.

This need for an expanded workforce might provide an explanation for why so many who had held land tenurally as geneatas were reclassified as villani. Some, it seems, were to remain as liberi homines or sochemanni, but the need for the firmarius to have a large workforce for the demesne could have prompted many lords to redirect the personal service of these tenants toward the cultivation of their land. But this redefinition is even more important in terms of the villanus’ degree of commendation. Formerly, the geneat, like the sokeman after him, was probably able to go with his land where he will. But as a villanus, this would not be the case. His land fell under the proprietorship of his lord. It was the lord’s control of the villanus through his land that not only enabled lord to define the terms of his service, but also to keep him on the estate, thus assuring the consistent and stable workforce that the firmarius would need to make his venture profitable, and probably enabled him to exact more oppressive rents and labor demands.

Conclusions: Categorical Change and Anglo-Saxon Tenurial Structure

Given the above, H. Loyn’s assertion that the Conquest did not cause a “disastrous change” in rural society, and that there remained an “astonishing continuity in rural

institutions needs to be modified. As we have seen, the two forces of re-categorization and farming did a great deal to change the way people, land and labor came to be valued and related to lordship. While these constructs possibly affected the reduction in the number of servi in England, it also did much to change the way labor services were understood and the status of those who rendered them. The need for labor on the farmed demesne, and the re-classification of the geneatas and the geburas as villani accelerated the denigration of the former geneatas into the services like that of the gebur. The overall effect was to encourage a trend by which lords reduced those who formerly were free Anglo-Saxon residents of a scir, who owed customary dues and services to the king or to his lord, into tenants, whose labors and dues were now seen as the price they paid for their land, now regarded as under the lord’s control.

This not only accounts for the perceived overall reduction in the freedom of the English peasant, but also explains why, some thirty years later, legal compilers would feel the need to copy and translate the Rect. and integrate the ancient rights of Anglo-Saxon estate residents preserved therein into the evolving matrix that eventually was to produce Common Law. If we may anticipate the arguments of the following chapters, while the original, Anglo-Saxon version of the Rect. was mostly reacting to the effects of nucleation on the gebur and the inland-workers (as I have proposed in the previous chapter), the concerns of later, twelfth-century jurists would be the plight of the villanus, and his increasingly devolving status.

<table>
<thead>
<tr>
<th>Rect (tenurial)</th>
<th>DB (relational)</th>
<th>General Service</th>
<th>Degree of Commendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>geneat</td>
<td>.liberi homines</td>
<td>Customary Dues</td>
<td>- Could move with land</td>
</tr>
<tr>
<td>Owed only soke</td>
<td>.sochemanni</td>
<td>Customary Dues +</td>
<td>- To lord of choosing</td>
</tr>
<tr>
<td>Had possession of his land</td>
<td>.miles</td>
<td>Military Service</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>.radcniht</td>
<td>Personal Attendance</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>.villanus</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>gebur</td>
<td>.villanus</td>
<td></td>
<td>- Land and person bound to the lord -</td>
</tr>
<tr>
<td>Owed labor to inland. Lord had possession of his land</td>
<td>.colibertus</td>
<td>Cultivation</td>
<td>- in descending degrees of personal servility</td>
</tr>
<tr>
<td>cotsetla</td>
<td>Provided manual labor &amp; “defended”</td>
<td>bordarius / cotarius</td>
<td>Manual Labor</td>
</tr>
<tr>
<td>peow</td>
<td>Owned in person</td>
<td>servus</td>
<td>Servile Labor</td>
</tr>
<tr>
<td></td>
<td>by the lord</td>
<td></td>
<td>-</td>
</tr>
</tbody>
</table>

Figure 5.1 Rect. and DB Categories
CHAPTER VI

THE RECTITUDINES AND THE QUADRIPARTITUS:

PART 1: THE EFFECTS OF CONTEXTUALIZATION

The Rect. is preserved only in two twelfth-century collections of Anglo-Saxon and Anglo-Norman laws, the Anglo-Saxon version in CCC 383 (ms B) and the Latin version in the Quadr. This fact becomes more striking when one realizes that matters regarding manorial customs or tenurial arrangements had never before been issues governed by law. Scholars have studied the Rect. in isolation as a single text and for information regarding its Anglo-Saxon context. However, no one has asked why it would have been included in a collection of laws, what twelfth-century needs and issues it apparently met, or how its association with other legal and paralegal texts affected the twelfth-century understanding and use of the Rect. When one examines the Rect. with these questions in mind, one finds that its inclusion in these legal compilations reflects two different ideological strategies by which legal scholars of the time endeavored to protect the ancient (pre-Conquest) rights of estate-tenants and to bring them under the purview of law. The first approach, represented by manuscript B and the earlier versions of the Quadr., contextualized the Rect. with treaties guaranteeing the preservation of separate legal traditions between different ethnic groups, thus establishing a precedent for the protection
of Anglo-Saxon legal and social arrangements alongside encroaching Norman ones. In the later version of the *Quadr.* however, we see a new strategy employed, one inspired by Henry I’s endeavors to give a greater royal presence in and consistency to the execution of local justice. In this strategy the later versions of the *Quadr.* no longer present the *Rect.* as reflecting a separate Saxon practice, but rather link it with other legal texts that prescribe the obligation of lords to protect the rights and legal identity of those under their authority. This approach effectively redefined the tenurial and functional categories of the *Rect.* as relational (ex., what defined the *geneat* was no longer the local custom of the estate, but his relationship with his lord), a system of categories that previously had been matter of law.

Previous scholars, most notably Patrick Wormald and Dorothy Bethurum, have noted that the laws in the twelfth-century legal collections form consistent blocks or groups, the former especially having analyzed the historical and thematic factors that bind them together. The picture that emerges is that these compilations form a sort of quilt of texts, forming patterns of legal and ideological concepts. While previous work has sought to take a wider view of these patterns, this study will take the opposite approach; I will try to ascertain how the meaning of a single text, the *Rect.*, is defined by its placement in a group of texts. By identifying the dominant theme of a group, and recognizing how the Rect. relates to that theme, one can ascertain how the compiler understood the *Rect.* functioning within the larger legal system.

This chapter will make repeated reference to both Anglo-Saxon and Anglo-Norman laws. These will be referred to by the abbreviations assigned to them by
The term "Anglo-Saxon" is here used to refer to the pre-Conquest language and culture of England. The word "Saxon," by contrast will be used to refer to the post-Conquest people in contrast to Normans.

Liebermann in his *Gesetze*, which have become standard among scholars. These are given with their fuller titles in the list of abbreviations at the beginning of the dissertation. We will here be discussing how these laws relate to each other, how they are combined into groups and what themes the texts within a group have in common. In order to prevent this discussion from being bogged down with descriptions of the contents of each law, all of the legal and paralegal texts discussed this chapter are listed and described (though briefly) in Appendix C.

The Legal History of Anglo-Norman England

Before we can begin discussing how the *Rect.* was used within the larger legal discourse of Anglo-Norman England, we must first review the development of legal thought and practice in England from the Conquest through the reign of Henry I. We find during this period two different legal discourses emerging. The overall picture we get from the reign of William I (1066-1087) and William II, also called Rufus (1087-1100), is one in which the kings were not particularly innovative in matters of law. The dominant discourse of this period is that the laws of Edward, i.e. all Anglo-Saxon legal practice before the Conquest, were to be continued. The only additions made by these first Anglo-Norman kings was either to reaffirm pre-existing rights or to more clearly define how Saxons and Normans were to relate to each other in a legal context. With the reign of Henry I (1100-1135), however, this was to change. We will see a kingship

445 The term “Anglo-Saxon” is here used to refer to the pre-Conquest language and culture of England. The word “Saxon,” by contrast will be used to refer to the post-Conquest people in contrast to Normans.
that sought to centralize the administration of the kingdom (including the legal), and to insert itself into the exercise of justice at the local level. The distinction between Saxon and Norman would be downplayed, both finding a new common law in the person of the king. As we will see below, both of these legal discourses found expression in the law-compilations of the time. As will be demonstrated later in this chapter, the place of the Rect. within these two different strategies reveals the different ways it was used to protect the customary rights of estate tenants.

“By the inscrutable judgment of God the barbarian conquered on the field of Hastings. The Normans were without learning, without literature, without written law.” Whether we concur with the judgment of Richardson and Sayles or not, scholarly opinion seems to agree that the first Norman kings introduced little that was new as far as legal practice in England was concerned. The Anglo-Saxon legal institutions, such as the hundred and shire courts, continued to function, even if perhaps somewhat haltingly. This does not mean, however, that William I was completely inactive in the legislative sphere. There are preserved three genuine legal actions of William, though calling them legal codes would be ambitious indeed; they are more like glorified writs. Wl. Lond. is essentially a writ assuring the bishop and port-reeve of London that William would continue to honor the rights (laga) that they enjoyed during Edward’s day. The other two writs, however, were more innovative. William’s decree on Church courts (Wl. ep.) dictates the withdrawal of ecclesiastical jurisdiction from hundred courts and exclusive

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jurisdiction of bishops in ecclesiastical causes. *Wl. Lad*, which we will discuss in greater
detail later, describes the use of trial by combat (a Norman form of jurisprudence) when a
Norman and a Saxon are involved in a case.

What is important to draw from these examples is that the main legislative
concern of the Anglo-Norman rulers up to and including the early twelfth century was
establishing a sense of continuity. One may surmise the need to both try to keep the
peace among the occupied populace and to foster a legal legitimacy to the reign of foreign
kings. Consequently, the consistent discourse of these “laws” is the assurance that the
people of England would be ruled by the “laws of Edward the Confessor,” the
penultimate Anglo-Saxon monarch (Harold II being summarily ignored) who reigned
from 1042-1066. The problem was defining exactly what the “law of Edward the
Confessor” was. That king had himself never promulgated any laws, at least none that
have come down to us. Undoubtedly, the Norman kings were harkening back to the
legal practices and customs that were in place before the Conquest. But these were
unfamiliar and ill-defined for the rulers and magnates from across the channel. It should
not be too much of a surprise, therefore, that after the thirteen year legal silence during

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447 *Leges Edwardi Confessoris* does indeed exist, but this was written sometime
around 1140, and was the product of a process of legal thought that will be discussed
below.
the reign of William Rufus (1087-1100), there would be greater effort to actually define what constituted the law of Edward, and to construct it in a way that allowed for new, Norman legal customs, while at the same time preserved a sense of legal continuity and legitimacy to the Anglo-Norman kings.

The reign of Henry I (1100-1135) marked a watershed in Anglo-Norman legal history, and was a period of undeniable activity in the area of legal practice. The last baron revolt being quelled in 1102, and Normandy firmly under control after the Battle of Tinchebray (1106), Henry directed his energies in large part toward strengthening the government, chiefly by reforming his own curia, and by creating a more centralized legal administration. Of course, we continue to see discursive assertions that the laws and practices of Edward would be preserved. A writ of 1108 mandates that the shire and hundred courts should meet as often and in the same locations as they did in Edward’s day. However, Henry’s dedication to the administration of justice was not confined to the mere preservation of previous laws and practices; he also established a large number of local justiciars for shires, groups of shires, hundreds and the royal demesne lands.

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Before Henry's reign, the Norman kings did not carry out any kind of supervision over local courts, nor was there any kind of central court of justice other than the *curia regis*.\(^{450}\)

This observation, however, needs to be tempered by the witness of the primary sources, which remind us that contemporary references to these justices are few and ambiguous before 1135.\(^{451}\)

In addition, it is during the reign of Henry I that there is the first unambiguous evidence for a group of itinerant justices whose activities were linked with those of the newly established exchequer. While the exchequer itself is only first attested c. 1110, it probably developed out of a central court which the Norman kings had already established.\(^{452}\) Twice a year, a group of justiciars would visit the shires, receive revenues, audit the sheriffs and accounts and hear cases.\(^{453}\) One must not, however, overstate the impact of these royal justices, nor should one see in them an anticipation of the justices of Henry’s later name-sake; the administration of local justice was still very much the activity of local authorities in the days of Henry I.\(^{454}\) With these caveats in mind, there remains nevertheless the clear indication that, whatever the actual extent, the crown had

\(^{450}\)D. Stenton, *English Justice*, 58.


\(^{454}\)Richardson and Sayles, *Law and Legislation*, 45.
become far more proactive in the administration of justice at the local level through its various justices.\footnote{D. Stenton, \textit{English Justice}, 59.}

Yet, despite the numbers of these new judges, Henry was able to impose a degree of centralization of justice in the establishment of a king’s chief justiciar, a position held by Ralf Basset (held until his death sometime before 1130) and then by his son, Richard.\footnote{D. Stenton, \textit{English Justice}, 60-63.} They provided a degree of oversight and consistency that had been hitherto unknown. This move toward a more crown-centered judicial system was not truly an innovation. Beginning with Eadgar (957/9-975), Anglo-Saxon kings began asserting their right as the \textit{forespeca}, the “advocate,” of the people, as well as to oversee and to intervene in legal disputes.\footnote{Andrew Rabin, “Female Advocacy and Royal Protection in Tenth-Century England: The Legal Career of Queen Aelfthryth,” \textit{Speculum} 84: 265-265.} The first Norman kings were indeed powerful, but their power was largely exercised over and through their Norman tenants-in-chief; the Saxon subjects of these early kings were allowed to work within a legal system left largely untouched by their Norman lords. These kings had no real grasp of how deeply the legal authority of the Crown they inherited penetrated into English society.\footnote{Patrick Wormald, “Maitland and Anglo-Saxon Law: Beyond Domesday Book,” \textit{Proceedings of the British Academy} 89 (1996): 19.} The reforms of Henry were a reclamation of that royal oversight of justice exerted by his Anglo-Saxon predecessors.
The overall tenor of these policies cannot but lead to the inevitable and admittedly unoriginal conclusion that “the authority of the Norman monarchy reached out increasingly into the activities of individual subjects.”\textsuperscript{459} These observations are important for our discussion below as we consider Rect. and its place within the structure of Anglo-Norman jurisprudence. It is a central thesis of this chapter that the inclusion of the Rect. among other legal treatises reflects efforts on the part of the early twelfth-century intellectuals to subsume the manorial social economy under the purview of royal concern. To say that issues concerning the relationship of various tenants to their estates came to be the stuff of law would be going well beyond the evidence. Nevertheless, the early twelfth-century legal compiler attempted to define these relationships in such a way as to justify royal interest extending down to the level of manorial cultivators and laborers. The discussion thus far amply illustrates that this was part of a broader and well-recognized process of royal penetration deeper into the social strata of English society. Having discussed how this process was manifested in the implementation of justice, it is now necessary to examine the means by which this process found intellectual justification.

Legal Compilations and the Search for Edward’s Law

The Rect. was included in two major, early twelfth-century collections of Anglo-Saxon laws, CCC 383 (text B) and (in Latin) in the Quadr. In order to appreciate the reasons for its inclusion and its function within these micro-canons, it is necessary to

\textsuperscript{459} Hollister, Henry I, 351.
understand the reason that these compilations were produced. These sought to reconstruct (and to a degree create) “Edward’s Law,” an especially difficult task given that Edward had never promulgated a law-code. What is significant is that the Rect. was included in these reconstructions, given that the oversight of tenurial conditions had never been regulated by Anglo-Saxon kings. Its presence in these compilations illustrates that royal interest in local justice penetrated to the manorial level, and the texts with which the Rect. came to be associated manifest the rationale used to provide the legal/ideological justification for the novel intrusion of royal oversight.

As has been seen above, rule by the law of Edward the Confessor was an important discourse ever since the reign of William I. By the reign of Henry I, however, it became imperative to define more clearly just what that law entailed, if for no other reason, than that those who had administered justice under that legal tradition were dying off. To achieve this goal intellectuals of the early twelfth century began a process of collecting and organizing Anglo-Saxon law, and, in their more sophisticated efforts tried to relate them to the Anglo-Norman legal pronouncements up to that time, the most notable example of which is, of course, the Quadr. These compilations were not simply driven by antiquarian interest. Maitland’s words still hold very true, “...what was wanted was no mere translation of ancient texts, but a modernized statement of the old law, a


practicable *laga Eadwardi.*\textsuperscript{462} However, these attempts at creating a coherent legal statement have, until recently, been underappreciated, lying under the shadow of the more sophisticated work of Glanvill and Bracton.\textsuperscript{463} Even Maitland, who respected the effort on the part of Q, i.e. the compiler of the *Quadr.* and the composer of the *Leges Henrici Primi* (*Hn*), to systematize the existing laws in a rational form, believed that the task was beyond his capabilities, and that the result was disappointing.\textsuperscript{464} Further, Richardson and Sayles regarded these efforts to define Edward’s law as a wasted heroic effort on “something moribund,” an antique of the past whose function was being supplanted by a new jurisprudence that was taking shape.\textsuperscript{465} In like manner, they saw no order in the way that Q organized his texts, and regarded the structure of the *Quadr.* as “a trifle odd.”\textsuperscript{466} As will be demonstrated in this chapter, this assessment of Richardson and Sayles is superficial and fails to recognize that there is a demonstrable logic to the way that Q ordered and bundled his texts together.


\textsuperscript{463}Ranulf de Glanvill (d. 1190), either wrote or oversaw the composition of the *Tractatus de legibus et consuetudinibus regni Angliae*, a practical treatise on the forms of procedure in the king's court. Henry of Bracton (c. 1210-1268), served as a judge on the *coram rege* from 1247-1250 and from 1253-1257. His name is linked to the treatise *De legibus et consuetudinibus Angliae*, which is regarded as the first serious effort to systematize English law, and would be last such attempt until William Blackstone’s (1723-1780) *Commentaries on the Law of England*.

\textsuperscript{464}Pollock and Maitland, *English Law*, 99-100.

\textsuperscript{465}Richardson and Sayles, *Law and Legislation*, 49.

\textsuperscript{466}Richardson and Sayles, *Law and Legislation*, 42.
While, admittedly, these early compilations lack the intellectual luster with which later twelfth-century legal efforts shone (as seen in Italy or as early as the works of Ivo of Chartres in the eleventh century), the fault lay not with the capabilities of their authors. The ruling class that had operated the Anglo-Saxon legal system had been destroyed. The scholars of Henry’s day, then, were left only with written artifacts, and poorly understood artifacts at that. Nevertheless, when Wormald examines these early attempts at legal systematization, he sees important innovations: the linking of old tradition with new developments, a desire for thoroughness, a greater sense of system, which one does not see in the Anglo-Saxon documents, and the extrapolation of legal theory from practice. The achievements of Glanvill and Bracton were impressive, but this is because they stood on the shoulders of their predecessors, who were, if not giants, men of no small intellectual stature nevertheless.

Wormald’s studies, both in *The Making of English Law* and his article, “Quadripartitus,” were the first attempts at understanding how the Anglo-Saxon laws were ordered in these collections, and why certain texts were associated with one another. He provides us with a larger view of the patterns of relationships which the combination of the panels (i.e. blocks of texts) create. The goal of this study, however, is one that has not been done before, to carry on the analysis from the other direction, to understand how

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the meaning and function of a single text, in this case the Rect., are defined by its associations with its immediate neighbors in these collections.

The Three Great Compilations

Anglo-Saxon laws and related texts have been preserved in a variety of ways. Patrick Wormald, with his usual thoroughness, has identified eight different classes of manuscripts in which Anglo-Saxon laws appear. The class that attracts our interest here is the sixth, the “Legal Encyclopaedias.” These are the manuscripts whose primary contents are compilations of various laws, and which come to us in the three great compilations: Textus Roffensis (known by its sigulum: H), Corpus Christi, Cambridge 383 (its sigulum being: B) and the Quadr. It is only in this class of manuscripts where the Rect. is to be found, the Anglo-Saxon version being preserved in Corpus Christi Cambridge 383 and the Latin version in the Quadr.

Before we look at the particular legal collections and the way that they contextualize the Rect., we must first make some general observations regarding how these documents are grouped together. These compilations did not only collect what might be dubbed “royal codes,” such as the law code of Alfred (Af.) or Aethelraed’s second code (II Atr), but included a large number of other texts, which, while addressing topics touching on law, were not themselves pronouncements with any kind of authoritative force, at least, not that we can now know. These we will call, for lack of a better term, paralegal texts. In the Quadr. these paralegal documents never stand on their

\[469\] Wormald, Making of English Law, 224-253.
own, but were treated as appendices to official royal legislation. These paralegal texts acted as satellites, locked in orbit around their associated law code(s), a core royal code, by the themes and concepts that they shared. Thus a text-group most often is comprised of one or more law-codes followed by the paralegal texts that the compiler wanted to associate with them.

Of course, many of the paralegal texts, like the law codes, addressed several themes. One, then, can discern which ideas a compiler regarded as central to his purposes by looking at which themes he used to link texts together. We can seen how paralegal sources are used to explain or exemplify the tenets which the compiler thought were most important. Using this method, this chapter will demonstrate that two of the great compilations integrated issues of manorial economy into the sphere of law by connecting the Rect. with specific law codes and other paralegal texts. The tenets/themes by which these links were forged give us insight into the legal needs met by assimilation of the Rect. into the sphere of law and royal oversight. What follows is a discussion of the three great compilations, their manuscripts and where they place, and thus define, the Rect. in relation to other legal texts and in early English jurisprudence in general.

Textus Roffensis [H]

We begin with a document that, though one not containing the Rect., is nevertheless one of our most important sources preserving Anglo-Saxon laws in the

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Wormald, “Quadripartitus,” 124-125. He more specifically identifies some of these groups in Wormald, Making of English Law, 231-233.
vernacular. Consequently, we will make occasional reference to this manuscript, especially in Appendix C. The manuscript’s name derives from a note on the lower edge of the first folio, which entitles the book, *Textus de ecclesia Roffensi per Ernulphum episcopum*, indicating it was the property of bishop Ernulf (bishop 1115-1124) at the cathedral of Rochester. Its importance is due to the fact that its first part is the largest collection of Anglo-Saxon laws, even including the laws of Kent, which are absent in the *Quadr.* The second part is a cartulary of pre-Conquest documents. The whole was written by a single scribe. Since the manuscript contains a list of bishops, whose own exemplar (from Canterbury) can be dated no earlier than 1122, and because of the colophon attributing the work to Ernulf, who died in 1124, H can be comfortably dated between these two dates. Many of the same groups that occur in the other compilations are evidenced here, most notably the Edward-Edmund group (more on that below). Its contents appear to be drawn from the scribe’s own sources as well as those for B and the *Quadr.*, which, unfortunately, did not include the *Rect.* This is regrettable especially because H seems to have had a much better grasp of the Anglo-Saxon language than B’s scribe, whose, “...errors in Old English would shame the most recalcitrant of those still subjected to compulsory Anglo-Saxon.” H would have no doubt provided a much cleaner witness.

471 GA I, xxvi-xxviii.


Rect. and CCC 383 [B]

The overall history and content of B has already been discussed in the introduction. The apparently checkered history of the manuscript’s foliation needs to be taken into consideration in our analysis; there seems to be a quire missing before quire seven, the one that contains the Rect. We can never know if there were other texts that the compiler of B regarded as part of the block of texts to which the Rect. belongs. However, if we take an earlier edition of the Quadr. (the R recension), which seems to have followed the same organizational strategy as B, as a guide, we might expect that a group of texts led by III Atr. would have preceded quire seven. As we will see in the following discussion, this group of texts is constructed to deal with issues very different from those addressed by the block of text of which Rect. is a part.

We are fortunate, though, that the documents in quire seven seem all to form a block, and that this block does have its core royal code, with which the following paralegal texts are grouped. The order of these is as follows:

<table>
<thead>
<tr>
<th>Text</th>
<th>Page</th>
<th>Folio</th>
</tr>
</thead>
<tbody>
<tr>
<td>II Atr</td>
<td>88</td>
<td>59v</td>
</tr>
<tr>
<td>Duns.</td>
<td>93</td>
<td>62r</td>
</tr>
<tr>
<td>Rect.</td>
<td>96</td>
<td>63v</td>
</tr>
<tr>
<td>Ger.</td>
<td>102</td>
<td>66v</td>
</tr>
</tbody>
</table>

Figure 6.1. The II Atr. Group

Before discussing why the compiler of B chose to associate these texts with each other, we must briefly remind ourselves of their content. The first of the them, II Aethelred (II Atr) is at the core a treaty that Aethelred (r. 978-1013, 1014-1016) made with the Viking
leaders, most notably Olaf Tryggvason, after the inconclusive battle of London in 994.

The following text, *Dunsaete (Duns.*)*, sets the terms for the legal interactions between the English and the Welsh, both living in the region of Archenfield in south-west Hereford. The closest that can one can come to dating this treaty is to about 930, when Aethelstan was negotiating with the North Welsh.475

The reason for the inclusion of *Gerefa (Ger.*)* is that it seems to supplement the *Rect.* *Ger.* is, as the title suggests, concerned largely with the *gerefa*, the estate manager, the one person who is not mentioned in the *Rect.* This apparently led some redactor of the early eleventh century to combine the two texts, producing a document covering the whole social spectrum of an estate. The bond between the two, both in thematically and in the manuscript tradition, has been so tight, it is only recently that the separate nature of their composition has been finally decided.476

*II Atr, Duns., Rect.* and *Ger.* clearly form a group of texts.477 The question remains, however, why such a “motley set of texts,” as Wormald put it, should be grouped together. For him the unifying links were the River Wye and the issue of cattle rustling. The Abbey of Bath held land in Tidenham (as we have seen in chapter four, an estate very much like that of the *Rect.*), which lay on the Wye. This would naturally create an interest in the relations between the English and the Welsh defined in *Duns*.


Further, Aelfhere, the abbot of Bath at the time Aethelred had negotiated the treaty *II Atr.*, as a member of the king’s inner circle would have kept a copy of the treaty. The provisions for missing and stolen cattle in both *Duns.* and *II Atr.* would have linked the two texts in the mind of the original, Anglo-Saxon compiler, and prompted him to include *II Atr. App.* Most likely the compiler of B regarded *Ger.* as part of, or at least as compliment to, *Rect.*

Wormald’s explanation presumes first of all that B was a copy from an Anglo-Saxon compilation. If this is correct, then the rationale for the order of texts and the groupings must lie within an Anglo-Saxon context, and Wormald's scenario is as likely (if not more so) as any. B is, however, a twelfth-century document, and while it is clearly a copy of an earlier manuscript made by someone who did not fully understand what he was reading, there is no evidence that this precursor-compilation was made before the Conquest. Yet, even if we do concede the idea that B was originally an Anglo-Saxon compilation, we still need to understand why its twelfth-century copier retained its order.

We should work under the assumption that scholars and scribes copied texts because they regarded them as useful, and that if they preserved the order of a compilation, it was because this structure was seen as meaningful for their own time and needs. In any case, then, it is appropriate that we should be searching for a twelfth-century rationale for the structure of a twelfth-century text.

The immediate and clear commonality between *II Atr.* and *Duns.* is that these are texts that define the legal relationship between two very different ethnic groups, each with

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their own legal traditions. This is precisely the situation that had come into being as a result of the Conquest. As we saw in the previous chapter, Normans and Anglo-Saxons had very different systems of understanding personal categories; the Anglo-Saxon, while having a very complex understanding of commendation, nevertheless did not place the same emphasis on lordship as the Normans, nor did they bind that relationship with land tenure. There were even procedural differences between the two systems, and William needed immediately to address the issue of how the Anglo-Saxons were to operate in a Norman system that recognized trial by combat. The importance of II Atr. and Duns. in this context is that it set the precedent of allowing different ethnic groups to retain their separate legal traditions (Danish, Welsh and Anglo-Saxon), while still creating a mechanism for legal redress between members of these groups. Within a legal discourse that emphasized the continuance of the “Laws of Edward,” and which needed to meet the legal needs of the Normans (who neither understood or desired to live by those laws), a precedent for preserving these boundaries was naturally most desirable.

But while this explains the connection between II Atr. and Duns., we are still left with the question as to why Rect. and Ger. were grouped with them. Wormald’s offering on this point is most unsatisfying, certainly for the twelfth-century when the link between the Rect. and Tidenham must not have been much remembered and even less cared about. We must, therefore, turn again to the social changes that had occurred as a result of the Conquest, as we discussed them in chapter five. Robin Fleming has made it quite clear that the acquisition of land by the Normans was nearly total, resulting not only from official grants of land by the king, but by the personal fiat and force of Normans
themselves.\footnote{Robin Fleming, \textit{Kings and Lords in Conquest England}, Cambridge Studies in Medieval Life and Thought, 4th ser., no. 15 (Cambridge and New York: Cambridge University Press, 1991), 212 \textit{et passim}.} The manor became not only, then, a system of interaction between the estate and the tenants, but between Normans and Saxons. Certainly the field on which these two legal and custumal systems would come to blows would be on the acres of barley, wheat and rye of the manor.

It is here that we must remind ourselves of what was perhaps the original function of the \textit{Rect.} as we have ascertained it in chapter four. In the midst of the morphological change of the Anglo-Saxon estate, resulting in equally significant social change, there was clearly a need to accommodate both such changes and the preservation of ancient rights. Though we have thoroughly discussed in chapter four the \textit{Rect.}’s emphasis on knowing and respecting the customs of one’s estate, it bears briefly reiterating here. In two key sections, each dealing with different workers of the \textit{inland}, the \textit{Rect.} admonishes the reader to know the ancient arrangements of that estate, the \textit{ealdlandraeden} (\textit{Rect.} 4,6), which includes the indigenous customs (\textit{þeaw}) (\textit{Rect.} 21,2) and the previous tenurial agreements (\textit{laga}) (\textit{Rect.} 21,3). The author concludes with the important (and universally overlooked point) that his treatise is a \textit{mynung}, an admonition and a warning (\textit{Rect.} 21,5). The strong emphasis on the rights of the tenants is unique to say the least, and sends the clear message that even in a time of profound chance, there also needs to be the preservation of ancient right and custom.

I would contend that this message would be just as important, if not more so, in the social context and upheaval of post-Conquest England. The trend toward redefining
the management of estates by Norman lords to a more familiar model, the lack of identification with a tenurial population comprised of an ethnic group not their own, and the practice of farming out estates doubtless conspired to impose new and exploitative regimes on English estates. It would be necessary to emphasize the need to remember and preserve the ancient customs, those that were part of the "Laws of Edward." Though originally written in response to a very different set of changes, one can see how it could be drafted to perform a similar service within a new, though equally disruptive set of changes.

The compiler of B, then, found in *II Atr.*, *Duns.* and *Rect.* (+ Ger.) a common theme: the coexistence of legal traditions of different ethnic groups and the provision of mechanisms that allow them to interact when necessary, whether it be Anglo-Saxon *vis-à-vis* Welsh, Anglo-Saxon *vis-à-vis* Danes, or (within its early post-Conquest context) Normans *vis-à-vis* Anglo-Saxons. The inclusion of the *Rect.* highlights the need that the pre-Conquest customs and arrangements of estates (now owned by Normans who barely understood these arrangements) should remain in place. As we have seen above, this is precisely the legal ideology that had been adopted by the earliest Norman kings. The laws and practices of Anglo-Saxon England (embodied in the discursive entity of the "Laws of Edward") were to remain in operation, while at the same time Norman subjects still had access to the legal mechanism to which they were accustomed.
Rectitudines and Quadripartitus

The third of the great compilations is the Quadripartitus. While reviewing the historiography of these two texts in chapter two we have already dealt with questions regarding the date and author of the Quadr. Here our attention is directed to the question of how the Rect. functions within this collection. To answer this we must first ascertain whether the purpose of the Quadr., as expressed by the author, known as Q, is in keeping with that of the Rect. as I have argued it. We must then examine how the Rect. fulfills that purpose by its placement and associations among the texts of the compilation. We will first of all discover that the Rect. is indeed in harmony with Q's agenda for social justice. But we will also see that Q adopts two different strategies for justifying the integration of manorial society into royal law. In the first Q uses the same strategy as the compiler of B, i.e., that the retention of existing manorial rights come under the “Law of Edward.” However, in his later recensions a second strategy appears, one that subordinates ethnic differences to a new, “English” (?) identity, unified in the legal person of the king. This is accomplished by reassigning the Rect. to a different group of texts, redefining its associations on a new theme, namely, that the preservation of manorial customs fell under the normal obligation of lords. This approach is further enhanced in later recensions by linking the Rect. with texts dealing with relational social categories. This implies that, for Q, the categories described in the Rect. no longer belonged to tenurial and function systems governed by local custom, but rather to relational categories, specifically, the relationship of the estate residents to the lord. The obligation of lords to their dependents was one defined by the Anglo-Saxon law-codes,
and therefore one that came under the purview of royal justice. However, before tackling these issues, we must first briefly survey the manuscripts by which the Quadr. has come down to us.

Quadr.: The Manuscripts and the Recensions

While the Rect. appears in four manuscripts of the Quadr., it is grouped with different texts in each of them. Even though each manuscript presents the legal texts in somewhat different order, it is difficult not to see each of them as a different version of the same text. They are all clearly the same Latin translation of the Anglo-Saxon laws, rendered in Q’s idiosyncratic Latin. Each of these versions represent a different stage in Q’s legal thinking, and so the legal meaning and function of the Rect. also changed. The two major strategies that Q uses to integrate the Rect. in law are presented by manuscript R on the one hand, and manuscripts T, M and Hk on the other. Before we can adequately examine the function of the Rect. in this collection, it is necessary to briefly review these manuscripts and the transmission traditions that they represent.

Wormald provided a thorough description of all the Quadr. manuscripts in his 1994 “Quadripartitus” article. As will be recalled, the Quadr. is preserved in nine manuscripts (though the Rect. is found in only four of them). The oldest of these is Dm

480 The word “recension” is used here in a more technical sense, meaning a manuscript tradition, a lineage of manuscripts that follow the same textual format, as opposed to a “version,” a broader term, which could mean merely one document with variant readings.

481 For the debate regarding the unified authorship of these manuscripts see chapter two. See particularly Wormald, “Quadripartitus.”
(Cotton MS Domitian viii) which Liebermann dates to 1140\textsuperscript{482} and Wormald to 1120.

This manuscript is, however, also the least complete, comprising only two quires, which preserve the *Dedicatio*, the *Argumentum, I* and *II Cn* and the beginning of *Af*\textsuperscript{483}. The second oldest, written in the mid-twelfth century is M (John Rylands University Library MS Lat. 420), whose flyleaf has the title “Quadripartitus,” the basis for Liebermann’s appellation of the text. M is missing only the first few pages, which probably contained the *Argumentum, I* and *II Cn* and *Af*\textsuperscript{484}. The next manuscript, R (BL Royal MS 11 B.ii), which Liebermann dates to around 1160,\textsuperscript{485} is by far the most decorated of the witnesses, and the only one to be written in two columns. The next two manuscripts T (Cotton MS Titus A xxvii)\textsuperscript{486} and Hk (BL Additional MS 49366)\textsuperscript{487} date to the late twelfth/early thirteenth centuries, and represent the most complete versions of the *Quadr.*

The remaining four manuscripts, Rs (John Rylands Library MS Lat. 155 + BL Additional MS 14252),\textsuperscript{488} K2 (Cotton MS Claudius D ii),\textsuperscript{489} Co (CCC MSS 70 + 258),\textsuperscript{490}
and Or (Oxford, Oriel College MS 46).\textsuperscript{491} all date to the early to mid-fourteenth century, and, while containing much of the \textit{Quadr.} in reality form a different compilation called the \textit{London Collection} (hereafter, \textit{Lond.}). This collection contains legal texts from Ine to Henry II, organizing them chronologically, and occasionally providing historical commentary, drawing from the \textit{Quadr.} for material dating before the twelfth century. The \textit{Lond.} did not, however, include the \textit{Rect.} and so will not enter into our analysis.

In summary, the dating of the oldest five manuscripts runs (earliest to latest): Dm, M, R, T and Hk. However, each of these manuscripts arranges the legal material in a slightly different order and sometimes in different groupings so each reflects a different recension of the \textit{Quadr.}. It needs to be stressed that the relative ages of the manuscripts do not reflect the order in which these different editions of the \textit{Quadr.} were produced. Wormald examined each of these recensions and made a convincing case that the first edition of the \textit{Quadr.} is reflected in the \textit{Lond.}, followed by the recension represented by R, then Dm, followed by T and finally M/Hk.\textsuperscript{492} The chronological progress of the development of these recensions is an important factor when trying to trace the evolution of Q’s thought regarding the \textit{Rect.}. The oldest recension of the \textit{Quadr.} never included the \textit{Rect.}, while all later ones (under the influence of B?) did, and we might therefore conclude that, though most of Dm is missing and so lacks the \textit{Rect.}, it originally did include the \textit{Rect.}. Consequently, the manuscripts (and the recensions that they reflect) that will be the focus of our study here will be: R, T, M and Hk.

\textsuperscript{491}GA I, xxxvi and Wormald, “Quadripartitus,” 121 (for K2, Co and Or).

\textsuperscript{492}Wormald, “Quadripartitus,” 130.
Quadr.: The Purpose of the Collection

We now turn to the matter of the author’s intentions for the Quadr., at least as far as we can know them through the different introductions that he had written. The reader will recall that two introductions have been preserved for Book I, the Dedicatio and the Argumentum. In addition, Book II has its own preface in the Praefatio. The Latin of the Quadr., particularly the introductions, as well as that of the Hn., is notoriously bad. Q tends to use words with his own particular meaning, and his sentences are often so ponderous and complex that Q himself seems to lose track of their participants, leaving out subjects or failing to give the noun which an adjective is modifying. Nevertheless, Richard Sharpe took up the challenge, and provided a full translation of all three of the introductions. As Sharpe has already wrestled with the beast, and has made Q’s untamed Latin respond to the reins of translation better than I could ever do, it is his translation of the Argumentum and the Dedicatio which will be used in this dissertation.

The Dedicatio is preserved in only one manuscript, Dm. The Argumentum is also fully present in Dm as well as T, M, and Hk. R is a unique case, preserving only §32 of the Argumentum, which outlines Q’s plans for a four book collection. With these


496 Sharpe, “Prefaces,” 148-172.
considerations in mind, we might propose the following progression for the development of Q’s introductions. In the oldest recension of his work, from which the *Lond.* was compiled, Q did not include any introductory material. By the time he began compiling the R recension, he had decided on organizing his work into four books, and stated so in what was later to be §32 of the *Argumentum*, though the *Argumentum* itself had not yet been written. By the time he was composing the Dm recension, Q felt he needed to make a fuller statement about his view of law and the purpose of his compilation. He began with a *Dedicatio*, and as will be seen below, later added the full *Argumentum*. In the subsequent editions of the *Quadr.* (T, M and Hk) he jettisoned the *Dedicatio*, using only the *Argumentum*. We might, then, represent the progression of Quadr.’s introductory materials as follows:

<table>
<thead>
<tr>
<th></th>
<th>R</th>
<th>Dm</th>
<th>T, M, Hk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lond.</td>
<td>No intro.</td>
<td>Dedicatio</td>
<td>Argumentum</td>
</tr>
<tr>
<td></td>
<td>material</td>
<td>Four Books</td>
<td></td>
</tr>
</tbody>
</table>

Figure 6.2. Introductions of the *Quadr.*

From the above we can see that Dm seems to be a transitional edition of the *Quadr.*, one in which he began with the *Dedicatio*, and then later added the *Argumentum*. Sharpe notes that there is a strong difference in tone between the two. The *Dedicatio* “laments the deplorable state of morals and of the law in England in the time of William II...,” while the *Argumentum* “refers to the new hope of amendment under Henry I.”\(^497\) This shift in perspective reflected in Dm, I will argue, also affected Q’s use of the *Rect.*, \(^497\)Sharpe, “Prefaces,” 150.
as illustrated by the two very different strategies exemplified by R vis-à-vis the later (T, M, and Hk) recensions.

After the typical self-deprecating introduction the Dedicatio begins with the beginning, recounting how mankind has increased in wickedness since the fall (§§9-11). With §12 Q begins to list the decline in morality and justice of his own day. By §18 the catalog of social decay moves on to social injustices, such as the appointment of the rich to public positions despite their evil, and how the wicked prosper and the good are afflicted. The list of social ills concludes by lamenting the state of the judicial system, corrupted by unjust judges (§§24-25). He sums up that “it is high time for good will to have impunity.”

Q feels driven to be an advocate for social justice, and significantly he specifically sees himself as a champion for rural, manorial justice, “For this reason I am, I admit, an advocate for the rustic...” The word rusticus referred to “villeins or cottars or farthingmen or base and poor persons of this kind...,” and was a term that by the twelfth century was beginning to “stand for a class with legal disabilities.” For the purpose of understanding the place of the Rect. in the Quadr. these words of Dedicatio 27 cannot be overemphasized. They reinforce two important points. First of all, Q believed that there was injustice against the tenants of Anglo-Norman estates, such that he felt he needed to


500 Faith, English Peasantry, 258.
be their advocate. Secondly, we cannot but conclude that Q’s inclusion of the Rect. was
with this concern in mind.

If Wormald regarded the Rect. as having no legal value, Q thought he had found
one. The Rect.’s emphasis on the preservation of ancient rights in the face of significant
social change and the threat of new demands, certainly would have made it the perfect
instrument of precedence in making the case for the preservation of those rights.
However, using the Rect. to argue for the royal protection of the rights of tenants would
be difficult to justify, considering that these issues had never before been represented in
Anglo-Saxon law. To accomplish this Q employed two different strategies for the use of
the Rect., the one during the reign of William II (the R recension), and other inspired by
the legal innovations of Henry I (the T, M & Hk recensions).

Rect. and the Quadr.: The First Strategy: The R Recension

Q’s first strategy is reflected in the earliest recension of the Quadr. that contains
the Rect., the R recension. It will be demonstrated that this compilation was probably
assembled during the reign of William II, at a time when the royal discourse emphasized
the continuance of Anglo-Saxon law (the “Laws of Edward”), even while Norman legal
practices (to some extent) were also being observed. It is not surprising, then, that we
should find Q using the same contextualizing strategy that we have already seen in B. By
including the Rect. in the II Atr. group\textsuperscript{501} Q demonstrated the precedents for allowing two

\textsuperscript{501}The reader is directed to Appendix D for a summary of the various text groups of the Quadr. discussed in this chapter, noting particularly the common themes that bind them together.
separate legal traditions to coexist, and that Saxon manorial social structure and rights, therefore, were to be protected.

If Dm is transitional, being compiled at the time when Henry I came to the throne, we should assume that R, representing an earlier recension, would have been collected and translated during the reign of William Rufus (r. 1087-1100). For the sake of our analysis of R, the earliest recension of the Quadr. that contains the Rect., we will assume that Q would have been as eager to be an advocate for the rustici as he would later express in the Dedicatio of Dm. We must now, therefore, look at how the structure of R reflects those concerns, and specifically illustrates how Q intended to use Rect. as an instrument to protect the rights of the rustici. We begin with presenting the second half of Book I, illustrating the broader context in which the Rect. was situated:


Figure 6.3. The Rect. in Ms. R.
What becomes immediately apparent is that the Rect. finds itself in the same company of texts that it did in B: II Atr. and Duns. Rect.’s close relative, Ger., is missing, never being regarded as relevant to his purposes by Q, and so absent all editions of the Quadr. Whether R was inspired by B or a B look-alike is certainly possible, though impossible to prove. What can be said with some certainty is that Q was adopting the same strategy of use for the Rect., i.e. placing it within a group of texts defining the legal interrelationship between two distinct ethnic groups while preserving their different traditions.

II Atr., Duns., Iudex, Rect., and Wl. Lad (which henceforth will be referred to as the II Atr. Group) form a block of texts distinct from the texts that preceded it, III Atr., Pax, Wal., and IV Atr. Wormald has pointed out that Pax, Wal., and IV Atr. were seen as extensions of III Atr.502 III Atr, also known as the Wantage Code (named for where it was promulgated), is directed toward a specific area, the Five Boroughs (Lincs., Notts., Derby, Staffs., and Leics.), a region well within Danelaw. It is a rather eclectic collection of laws, yet with a decidedly strong emphasis on issues touching directly on the king’s local authority, specifically the keeping of his grið, i.e., his peace and protection (III Atr. 1-1,2 & 13), and the running of mints (III Atr. 8-8,2).503 Pax, which also deals with the king’s grið, can be logically seen as an extension of III Atr. IV Atr. deals with the economic life of London, including its mints, so that its connection with this group is understandable enough. Wal. is only one sentence long, and states in toto, "Plundering a corpse is the

502Wormald, Making of English Law, 248.

503III Atr., 1-1,2; 8-8,2.
deed of a wretch: if one wants to deny the charge, let him do that with 48 nobly born thegns. Wal. apparently supplements III Atr. 4, which stipulates that if a lord wishes to clear his man of the charge of theft, he does so with the oath of two thegns. In all events, this group, which we may call the Wantage Group, is distinct from the texts which follow.

 Returning to the II Atr. group of texts with which we are immediately concerned, we find that with II Atr., Duns., and the Rect. were added Iudex and Wl. Lad, and the question that confronts us is how these texts work within the broader legal premise of the group and how they apply to Q’s use of the Rect. We have already briefly mentioned the historical context of Iudex in chapter two, but those observations merit repeating here. As previously mentioned, Iudex is a reworking of “de iudicibus,” chapter 20 of Alcuin’s treatise, De virtutibus et vitiis, which has a historical connection to Carolingian Brittany. During the reign of Pippin the Short (751-768), the march of Brittany was established, and from that time to the reign of Louis the Pious (814-840) was under the leadership of counts who were all from the same family: Roland, Guy (Wido) and

504 Wal “Walreaf is niðinges dáede : gif hwá ofsacen wille, do þæt mid eahta and feowertig fulbórenra þegena”; "Wealreaf (id est mortuum refare) est opus niðingi : si quis negare uelit, faciat hoc cum xlviii tainis plene nobilibu" (GA I, 392-393).

505 For a fuller discussion of this group see Wormald, Making of English Law, 322-323.

Lambert. Charlemagne (771-814) would have difficulty asserting Carolingian authority over this region, which seems to have remained fiercely independent. In 799 Count Guy led a campaign in the region because the Bretons were conducting raids.\textsuperscript{507} Between 799 and 804 Alcuin wrote \textit{De virtutibus} to Guy “in quo possis te ipsum considerare, quid cavere, vel quid agere debes; ... quomodo ad culmen perfectionis ascendere debes.” The work functioned as a moral guide to Guy as he functioned as both a soldier and a royal judge.\textsuperscript{508} Doubtless, many of these dilemmas would have been due to the fact that Wido, a Frank, would have to find a way to execute justice among a people with very different social practices, including their legal tradition.

Brittany represented the potential conflict that arises when one ethnic group (in the purely cultural sense of the word) tries to impose its rule over another, a situation with which Norman rulers would have very much empathized in post-Conquest England. The focus of \textit{Iudex} on the equal administration of justice, not allowing love, hatred, or a person's rank to affect the outcome of judgements might well have been applicable in a Brittany context, in which the judges and the high nobility were Frankish and the bulk of the population a subjected group. The parallel with Anglo-Norman England is inescapable. When placed in the company of \textit{II Atr.} and \textit{Duns.}, \textit{Iudex} fits will within the broader theme of legal relations between two different ethnic communities. If \textit{II Atr.} and \textit{Duns.} are instruments that overlie and not replace coexisting legal traditions, \textit{Iudex}


\textsuperscript{508} Torkar, \textit{De Virtutibus et Vitiis}, 8-9.
becomes an exhortation that when this overlay does come into play, the judge should
decide on the basis of law, and not out of any bias, whether by bribery, by favoritism to
the wealthy, or by hatred (for a group not the judge's own).

The other law added to this group is *Wl. Lad*, William I's writ (*gewrit/scriptum*),
which we had mentioned briefly above. *Lad* is an Anglo-Saxon word meaning "clearing
from blame or accusation, purgation, exculpation."\(^{509}\) Issued in both Anglo-Saxon and
Latin, this writ addressed the question of trial by combat, which, while recognized within
the Norman legal tradition, was totally foreign to Anglo-Saxon jurisprudence. It gave
Saxons the right to engage in trial by combat (risky business to enter into mortal combat
with one's conquerors) but also the choice to refuse it. If the Frenchman is accused, and
the Saxon accuser does not want to use judicial combat, then the Frenchman is cleared
"by oath against him through his witnesses according to Norman law."\(^{510}\) A Saxon
accused of a crime, if he does not want to engage in combat, may clear himself by either
testimony or the ordeal, i.e. through traditional, Anglo-Saxon means of *lad*.\(^{511}\)

The applicability to the legal theme of the *II Atr.* Group is easily recognized. Like
them, *Wl. Lad* deals with finding a way by which people of two different legal traditions


\(^{510}\)Wl. Lad, 1,1 "ladige hine mid æpe ongean hine mid his gewitnesse æfter
Norðmandiscere lage"; "adlegiet se iureiurando contra eum per testes suos secundum
legem Normannie" (GA I, 483).

\(^{511}\)Wl. Lad, 2,3 "and gif se Englisca nele hine werian mid ornestæ ðððe mid
gewitnesse, he ladige hine mid irene"; "Et si Anglicus nolit se defendere per bellum uel
per testimonium, adlegiet se per Dei iudicium" (GA I, 484).
can interact in litigation. Unlike *Il Atr.* and *Duns.*, yet most importantly, *Wl. Lad*, as seen by the quote above, specifically indicates when Norman law is to be followed or when a Saxon may forego combat and rather be judged by ordeal, according to Anglo-Saxon law. *Wl. Lad* is further significant because it becomes *Rect.*'s constant companion in all of the recensions of the *Quadr.* The implication of this cannot be over-stressed. The consistent association of the *Rect.* with a writ dealing specifically with relations between Normans and Anglo-Saxons emphasizes the dichotomy of the Anglo-Norman estate, that the rights and obligations described in it are those of Anglo-Saxon tenants within a world of Norman lordship. The message of this association is that the traditions of the Anglo-Saxons are to be respected.

*Rect. and the Quadr.: The Second Strategy: The T, M, & Hk Recensions*

With the accession of Henry I to the throne of England and his new activism in the administration of local justice, Q changes his strategy for using *Rect.* as an instrument promoting the protection of manorial rights. The difference between the Norman and the Saxon legal systems comes to be downplayed, as a new sense of law and English (as opposed to Norman and Saxon) identity comes to the fore in the person of the king. Q will now link the rights of estate tenants to the duties of a lord over his dependents, a principle that applies to Norman and Saxon alike. Further, since the relations between a lord as his men was a matter of royal supervision, this strategy integrates manorial tenants into a relationship that can now be regarded as protected by law. In order to accomplish this Q reassigned the *Rect.* to a new group of texts. In the T recension it is placed within
the *III Em.* group and the last two (H and Hk) *III Em.* group itself becomes amalgamated with another block, the the *Ew-Em* group. All of this leads to a rather complicated discussion of these legal texts and their groupings. The reader is therefore reminded to consult Appendix D for a chart of the recensions and the text-groups relating to the *Rect.*

The overview of Anglo-Norman legal history that began this chapter has emphasized the importance of the legal discourse, that the Norman kings would rule according to the laws of Edward. It is of no surprise, therefore, that the *Argumentum* should begin with this. However, Q argued that in reality what comprises the "law of Edward" are the laws of Cnut (§1), an assertion given prominence by the fact that all the recensions of the *Quadr.* begin with *I* and *II Cn.* In the following sections, §§1-9, Q traced these laws through the reigns of Harold I (1035-1040) and Harthacnut (1040-1042), and stressed that Edward (1042-1066) was accepted as king only if he would continue to honor the laws of Cnut and his sons. He then bemoaned the loss of this order and justice, specifically mentioning as a cause of this benighted condition "whatever mistrusted falsehoods of lords innovate and the promise of good rarely fulfilled" (§11).512

But Q also saw the reign of Henry I as the redress for these ills. What follows are several sections praising Henry, mentioning the victories he had over the French, Normans, Bretons, Flemish, Germans and others (§§18-19), as well as how he overcame various rebellions and treacheries (§§20-22). But, for Q, Henry is chiefly to be praised for his law, not only in restoring the Law of Edward, but also improving upon it (§§26-

512 *Argumentum*, 11 "quicquid suspecta dominorum commenta nouitent et raro boni completa promisio" (GA I, 533). Translation Sharpe, “Prefaces,” 164.
It was the justice of King Henry that gave Q's work a new venue. He specifically states, "...I have added necessary chapter-headings to certain suits, making the work suitable for the courts" (§30). The reference here must be to the courts of the itinerant justices that Henry sent out. The Quadr., then, is not longer a voice crying in the wilderness, as we saw in the Dedicatio, but one that under Henry could speak as a practical guide in his courts.

We see in the Argumentum two important new themes: the centrality of the king in preserving law and justice, and the new identity, dare we call it "English," that is founded in this. The first of these is illustrated by the historical emphasis on Cnut, Harold, Harthacnut, Edward and especially Henry. Through this historical introduction the centrality of the king becomes particularly clear. Henry is portrayed as the heir of this royal and legal lineage. There is a heavy focus on the king as the keeper of law, and it is in this function in particular that the nation finds peace and security.

Further, it is in the king that the people of the nation are united, finding commonality in both his person and his law. This is the second important new theme. Liebermann had observed this over a century ago, pointing out that Q had a strong sense of being "English." In recounting the kings of the Anglo-Saxon past, Q speaks of Cnut

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514 Felix Liebermann, Quadripartitus: ein englisches Rechtsbuch von 1114, nachgewiesen und, soweit bisher ungedruckt (Halle: Max Niemeyer, 1892), 17 and note 3.
winning “re-eminence for our nation” (emphasis mine).\textsuperscript{515} The “former happiness,” here referring to the days of Edward, Q calls “our.”\textsuperscript{516} Most notably, he mentions that Henry “has... given us back the law of King Edward, which we received....” (again, emphasis mine).\textsuperscript{517} With these words, Q is adopting Anglo-Saxon law and history as his own. We see this self identification with an Anglo-Norman nation in his recounting of Henry’s victories, “He triumphed over the fickleness of the French, the fights of the Normans, the rages of the Bretons, the boasting of the Manceaux, the vainglory of the Flemish, the majesty of the German....”\textsuperscript{518} (to quote further would be to belabor the point). Here Q “others” these groups, distinguishing the people of Henry from the French and even the Normans. This new identity, in which Q did not seem to revel in the \textit{Dedicatio}, is founded on Henry, his leadership as king and his laws.

Of Q Patrick Wormald writes, “Q in fact emerges as one of the very first of those who, however French their tongue or culture, had come to regard themselves as entirely `English.’”\textsuperscript{519} Yet, we may wish to be somewhat cautious here. None of the above

\begin{itemize}
\item \textit{Argumentum}, 6 “quantum ibi genti nostrae principatum meruit” (GA I, 533). Translation, Sharpe, “Prefaces,” 164.

\item \textit{Argumentum}, 16 “nobis... pacis ac felicitatis antique uotiua gaudia reduxerunt” (GA I, 534). Translation Sharpe, “Prefaces,” 165.

\item \textit{Argumentum}, 27 “Qui non solum lagam regis Eadwardi nobis reddidit, quam omni gaudiorum delectatione suscepmus...” (GA I, 535). Translation Sharpe, “Prefaces,” 167.

\item \textit{Argumentum}, 18 “qui Gallorum levitatem, Normannorum pugnas, Brittannorum furias, Cenoman nensium iactantiam, Flandrensium uanitatem, Teutonicorum maiestatem...triumphauit” (GA I, 534). Translation Sharpe, “Prefaces,” 165.

\item Wormald, “Quadripartitus,” 140.
\end{itemize}
suggests that the people under Henry I’s reign had all adopted a national identity as English. We dare not project Q’s sentiments much further beyond himself. In addition, Q never uses the term “English” of himself. He regarded himself as a subject of Henry, part of a people united by king and, more importantly, by law. Just what this people of Henry exactly entailed, let alone what it should be called, Q does not specify. That being said, there was clearly a new sense of identity, one that was established in the Norman Henry, but one that also traced its roots back through Edward and Cnut, it is one founded on the laws that Q was compiling and in the king who kept them.

We must now look and examine how these new themes expressed in the *Argumentum* affected the laws as they were compiled in the later recensions of the *Quadr.*, specifically, T, M and Hk. More to our purposes, we need to ask how this affected the way Q understood and used the *Rect.* The chart below compares the order of the laws in the second half of book one.
What becomes immediately apparent is that the Rect. has been removed from its old companions, the II Atr. Group, with whom it kept company in the R recension. This group remains in the collection, with the addition of VII Atr.; there was still the need to provide a legal procedure for interacting with peoples of a foreign legal tradition. But now the Rect. is lifted from that context, insinuating that the people covered in the Rect. are no longer to be regarded as a people culturally distinct from the Normans. The implications of this are significant, and are no doubt a reflection of this new unified identity expressed by Q in the Argumentum. In Q’s day the tenants of the Rect. were
Saxons ruled by Normans. Yet, Q seems to be arguing that Saxons and Normans were no longer to be regarded as living under separate laws or customs; they were now part of a single law, the discursive Law of Edward, that applied to all under the king Henry. This new approach is the one used by Q for all the following recensions of his work.

Recension T: Rect. and the III Em. Group

In T we see that Q began to associate the Rect. with a new set of texts, which we may designate as the III Em. Group: III Em, Wl. Lad, Geþyn., Wl. Art. (though only in T), and, of course, the Rect. It will be observed that in the M and Hk recensions the III Em. Group is joined to another block of texts which had previously formed the Ew-Em Group: I-II Ew., I-II Em., Swer., Wif, and Wer. This union of the two groups produced a stronger emphasis on lordship and commendation and adds an ecclesiastic admonition that everyone should performed their duties according to their had (Latin *ordo*), the “place in life.” This strengthens Q’s shift away from an ethnic distinction in law (i.e. between Normans and Saxon) to one of class.

We beginning with the use of the Rect. in the T recension. To understand the broad themes that bind the III Em. group together, we first need to examine the royal code that forms its head, III Em.\(^{520}\) This royal code that has come to be designated as the third of Eadmund (r. 939-946) was probably actually promulgated before II Em.\(^{521}\) It is a very

\(^{520}\)GA I, 190-191, commentary, GA III, 128-130.

\(^{521}\)Richard & Sayles, *Law and Legislation*, 21. II Em. will be discussed more thoroughly below.
short text, comprising a mere seven sections, and is only found in the Latin of the *Quadr.* Neither Richardson and Sayles nor Patrick Wormald regarded it as a particularly significant document, since it expresses little that is new, except for the rather harsh punishment meted out to gangs of slaves that turn to thievery.\(^{522}\) Yet, we need to point out a few specific points. *III Em.* has a somewhat rural emphasis, two of its clauses dealing with the theft and restitution of cattle. The sections that deal with thieves might be referring to theft on estates, in which case the "servile thieves," might be in reference to manorial servants. It is arguable, then, that *III Em.* is a code whose focus is on the life of the manor and as such the addition of the *Rect.* to this group would be most understandable.

But there is a further tenet of *III Em.* that needs to be stressed, that of the lord's relationship to his men, here meaning his vassals, specifically his duty to provide surety for them.\(^{523}\) We see this under third and seventh clauses, the first of which stipulates that no one should take on a man until he has renounced his relationship with another lord. The latter speaks to the lord's obligation to provide surety for his men, i.e. to stand as warrantor or guarantor for them, an act that supports their testimony, and "makes them credible" (*credibiles facio*).\(^ {524}\) I would contend that this needs to be understood within the manorial context of the whole code. What is being dealt with here is the role of the lord


\(^{524}\) *III Em.*, 7-7,2 (GA I, 191).
in dealing with his agricultural vassals, when accused of a crime, specifically the theft of cattle. It is important to note that the last section, which describes the penalty for failing to do this, mentions specifically, "Either reeve (i.e. gerefa) or thegn, count or villain..." two of whom are mentioned in the Rect., and one, the gerefa, being the steward of a manor.

The association of the Rect. with III Em., then, marks a significant shift in the way that Q was approaching the issue of manorial rights. The preservation of the rights of manorial tenants is no longer predicated on the need to preserve two different legal traditions. Rather, now these rights are connected to the obligation of the lord to be the legal agent of his men. The central focus of the Rect. is no longer the tenants, but the lord, i.e. the thegn, who stands between his tenants and the king. Note that III Em. begins with the assertion that all are to swear fidelity to Eadmund, "just as a man is to be faithful to his lord." The tenants of the Rect., then, become bound to the king and his law by their relationship to their thegn, and his bond with the king.

This centrality of the thegn is further highlighted by the now constant association of the Rect. with Geþyn. The word geþynðo means "dignity, rank, office" as well as "meeting, assembly, court of justice." The text deals with the conditions under which a

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525 III Em, 7,2 "Et prepositus uel tainus, comes uel uillanus" (GA I, 191).

526 III Em, 1 "Imprimis ut omnes iurent in nomine Domini, pro quo sanctum illud sanctum est, fidelitatem Eadmundo regi, sicut homo debet esse fidelis domino suo..." (GA I, 190).

527 Hall, Anglo-Saxon Dictionary, 368.
ceorl, i.e. a freeman of the lowest class,\textsuperscript{528} and even a merchant can attain the economic and legal status of a thegn. The bulk of the text focuses on the thegn, the very class with which the Rect. begins. The constant and immediate pairing of Gefyn. with the Rect. in all three of the later recensions (T, M, and Hk) gives undeniable prominence to the thegn, even though only sections 1 and 1,1 of the Rect. are devoted to him. Finally, the significance of the word geþynðo itself should be mentioned. While meaning "rank," or "class," its connection to assemblies, especially courts of justice, underline the function of these ranks in court, i.e. that here we are dealing with legal categories. This further links the thegn and his tenants with law, and especially with the courts of the king.

The other text with which the Rect. becomes newly associated in the III Em. Group is Wl. Art., which refers to William's Ten Articles. The name of this text is a purely modern one. Wl. Art. is actually a compilation of William the Conqueror’s enactments that was made during the reign of Henry I.\textsuperscript{529} The inclusion of Wl. Art. in this group may be due to a couple of correlations. First, Wl. Art. 8-8,3 echo III Em.’s mandate that everyone should be in pledge. Wl. Art. 2, like III Em. 1, requires that all free men should swear faithfulness to the king, though Wl. Art. also alludes to homage and fealty. One reason, then, for Wl. Art.’s inclusion here may be due to similarities with III Em.

It is also possible that Wl. Art. 7 would have been particularly attractive to Q. It states, “This also I command and desire, that all should have and hold the law of Edward

\textsuperscript{528} Hall, Anglo-Saxon Dictionary, 67. For an in depth discussion of the ceorl, the thegn and the eorl, and their function as a legal category, see chapter five.

\textsuperscript{529} Wormald, Making of English Law, 402-404.
the king in the lands and in all things added, those which I have established for the use of
the English people.”530 We should remember that the focus of the III Em. Group is on the
thegn, and that most of those who were in this class were now Normans. It is, therefore,
tempting to suggest that Q saw in Wl. Art. 7 an opportunity to emphasize the unity of
Saxons and Normans under the Law of Edward, as modified by the king, who in Q's
text would have been Henry. All thegns, Norman and Saxon, are bound to one king
(Wl. Art. 2) and one law (Wl. Art. 7). It should be pointed out, however, that Q made
little use of Wl. Art. While included in the earlier Lond., Wl. Art., after making its brief
reappearance in T, is dropped in all the other recensions of the Quadr. The reason for this
maybe because Q recognized the redundant and synthetic nature of the text.

The Rect., however, did not make the migration from the II Atr. group alone; Wl.
Lad also came along. However, its placement in a new block of texts signals a shift in
Q’s thinking, and that he is now reapplying Wl. Lad to a new, though related emphasis.
We must first note that this text is strongly bound to Geþyn., which it always precedes.
As will be recalled, Wl. Lad deals with the question of whether Saxons could or should
engage in judicial combat, and grants the option of its use to the Saxon. In all practicality
the use of trial by combat would have been one that was open only to the warrior class,
i.e., the thegn, and this explains its immediate and consistent association with Geþyn.

Wl. Lad still emphasizes a distinction between the legal traditions of the Anglo-
Saxons and the Normans, a point that is apparently at odds with the new tenor of the

530 Wl. Art., 7 "Hoc quoque preçipio et uolo, ut omnes habeant et teneant legem
Eadwardi regis in terris et in omnibus rebus adauctis iis quae constitui ad utilitatem
populi Anglorum" (GA I, 488).
Argumentum, i.e. a new unity under king and law. But now within the *III Em.* Group *Wl. Lad* is no longer associated with the issue of competing legal traditions, but is applied to the class of the thegn. In other words, *Wl. Lad* is shifted from applying to an ethnic to a class application. There is the recognition that certain Anglo-Saxon traditions persist, but this distinction is made only within a specific social group, i.e. that among the thegns the Norman practice of judicial combat cannot be imposed on the Saxons.

In summary, then, we have observed that the one theme that dominates the *III Em.* Group, most clearly exemplified in *III Em.* and *Geþyn.*, is the thegn and his obligations, both to the king and to those under him. Placing the *Rect.* within this context implies that respect for the ancient rights of manorial tenants (the main message of the *Rect.*) is now seen as part of the expected duties of the thegn. The thegn, the lord of the estate, whose duties are the first described in the *Rect.*, is now obligated to follow the mandate of the *Rect.*, to be aware of the local customs and to protect the ancient rights, the *ealdlandraeden*, of his estates. The other texts of this group specify those duties of the thegn that were legally mandated, which suggest that the obligation to respect manorial rights was no longer a matter of custom, but part of the thegn's duty and fidelity to the king.

*Recensions M & Hk: The Addition of the Ew-Em Group*

As observed above, in the M and Hk recensions of the *Quadr.*, Q took what had previously been two separate groups, the *Ew-Em* and the *III Em.* Groups, and melded them together to form a new block of the texts, the *I Ew-III Em* Group. He placed the
five law codes together at the beginning of the group, and then placed the paralegal texts of the *Ew-Em* Group ahead of those for the *III Em* Group. This resulted in the following new block of texts attested in M and Hk:

<table>
<thead>
<tr>
<th>I-II Ew. (Ew-Em)</th>
<th>I-III Em. (Ew-Em/III Em)</th>
<th>Swer. (Ew-Em)</th>
<th>Wif (Ew-Em)</th>
<th>Wer (Ew-Em)</th>
<th>Wl. Lad (III Em)</th>
<th>Gelyn. (III Em)</th>
<th>Rect. (III Em)</th>
</tr>
</thead>
</table>

Figure 6.5. The *I Ew-III Em* Group.

*I Ew.*, which heads this group, is the first code of Edward the Elder (r. 899-924), the son of Alfred the Great. It has the appearance of being a writ directed toward the king’s reeves, and provides direction regarding three issues: regulations on the trading of cattle, disseisin, i.e. the wrongful confiscation of land, and what is to be done with proven perjurers. Central to these is the place of warranty and oaths. In the first instance, Edward requires that everyone who engages in commerce should have a warrantor, a *geteama*, one who pledges for the oath-worthiness of another. The section on disseisin, i.e. being wrongfully dispossessed of land, decrees that those who dispossess another wrongfully should pay 30 shillings the first two times, then 120 shillings on the third, a mandate that would be repeated in *II Ew.* 1,3. This section is introduced by the

531 *I Ew.* 1 "ic wille, ðaet gehwilc man haebbe his geteaman"; "uolo, ut omnis homo habeat aduocatum suum" (GA I, 138-139).
contingency of a person putting up the property of another as a pledge, a borg.\textsuperscript{532} The type of disseisin, then, to which I Ew. (and II Ew.?) are referring is that which occurs when land is being used as a pledge. The final section pronounces that those who have been found as perjurers should no longer be regarded as "oath-worthy" (aðwyrðe), but that their word can be verified only by ordeal. Central to this code is the notion of oath-worthiness, defining a person as a legal entity whose testimony and word will carry weight. Perhaps the most important means by which this status was attained was having a warrantor. Generally the role of warrantor was taken by one’s frynd ("friends"). These could be family members, but also one’s lord (see discussion below). Of course, the whole law does not deal with the issue of warranty, but it is here argued that by adding I Ew. to the III Em. Group, Q was directing the reader to regard the oath-worthiness of commendation as the prominent tenet on which to focus.

This focus on lordship and commendation becomes only sharper with the addition of II Ew.\textsuperscript{533} The text opens with the admonition that those who desire to be in fellowship/friendship (geferraeden) with the king must "love what he loves and eschew what he eschews."\textsuperscript{534} These are the very words used in the oath of fealty recorded in

\textsuperscript{532}I Ew 1,5 "gif enig yfelra manna waere ðe wolde oðres yrfe to borge settan for wiðertihtlan"; "si aliquis malorum esset, qui uellet alterius pecus per plegium mittere pro wiðertihtian (id est pro iniusta accusatione)" (GA I, 140-141).

\textsuperscript{533}GA I, 140-145, commentary GA III, 94-96.

\textsuperscript{534}II Ew: 1,1 "þæt lufian ðæet he lufode, and ðæet ascunian ðæet he ascunode"; " et amare quod amet, et nolle quod nolit" (GA I, 142 and 143).
Swer. 1. What the king eschews is that no one should deny anyone his right.\textsuperscript{535} The code then spells out the particulars, among which is the precept, "If anyone should be accused of theft, then let them take him in surety, those who have commended him to a lord, that he might exculpate himself of it, or to another friend, if he has one."\textsuperscript{536} Note the close association between a lord to whom a person has commended himself and a "friend."

Section 6 of the code further stipulates that, if a person loses his freedom because of the charge of theft, and his family forsakes him, and he "gives hand in hand,"\textsuperscript{537} i.e. commends himself, then his male kinsmen lose his wergeld. The reader will note that this section defines a person’s relationship between his family and his lord, and in this case, indicates that one belonged to one or the other. \textit{II Ew.} quite nicely continues the theme of \textit{III Em.} on obligations of lordship.

\textsuperscript{535} \textit{II Ew.} 1,2.

\textsuperscript{536} \textit{II Ew.} 3 "Gif hwa ðifþe betógen sy, þonne niman hine on borh ða þe hine hlaforde befaeston, þaet he hine þaes getrywsige; oððe oþere frynd, gif he haebbe, don þaet sylfe"; "Si quis accusetur de furto, capiant eum in plegium qui domino suo commendauerunt illum, quod de hoc se adlegiet; uel alii amici, si (quos) habeat, faciant hoc" (GA I, 142 and 143).

\textsuperscript{537} \textit{II Ew.} 6 "\textit{and} his hand on hand sylle"; "et manum suam in manum mittat" (GA I, 144 and 145).
It should be as no surprise, then, that the following section mandates that no one should take under him the man of another lord without that lord's permission, a tenet that will be echoed in the code of his son, Eadmund in III Em. 1. Thus, while II Ew. is about legal procedure, the emphasis is on the law-worthiness of the individual in case of accusations (such as of theft), law-worthiness here defined as being backed by pledge, commendation and witnesses. Note also that the obligation to secure these rights of the individual incumbent on the king's reeve, and his men is directly linked to being in his "friendship" and "fellowship" (geferraeden). Thus we perceive in II Ew. the same theme that we will see in II Em., the chain of commendation is the chain of justice: the fidelity of the king's men in rendering justice means that those below them should also be in fealty.

The theme on status, particularly lordly status, and its obligations is reinforced by the addition of I Em., the first law code of Eadmund. It seems to touch on a miscellania of issues, all dealing with ecclesiastical matters. The topics it covers are: the mandate that all Christians should pay their church dues; what is to be done with those shedding Christian blood and those having relations with a nun; that bishops are to use their own resources in the restoration and preservation of churches; and that perjurers and workers

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538II Ew 7 "Let no one man take under (commendation) the man of another man, without that one's permission, whom he earlier followed, and before should be innocent in regard to any hand. If anyone should do it, let him compensate my fine-for-disobedience."; "Ne underfo nan man oðres mannes man butan ðaes leafe ðe he aer fylgde, and aer he sy laðleas wið aelce hand. Gyf hit hwa dó, bete mine oferhyrnesse."; "Et non recipiat aliquis alterius hominem sine licentia illius, cui ante seruiuit, priusquam innocens sit apud omnem manum. Si quis hoc secus faciat, emendet ouerhyrnessam meam" (GA I, 144 and 145).
of magic should be excommunicated. However, by placing *I Em.* in a group of texts with family and lordship as a common theme, Q would have drawn the reader's attention to the beginning section, dealing with the need for the church to educate people about rightly performing the duties of their *had*, their "station in life." This section states, "It is first, that they should command, that the holy *ordo*, which must teach the people a pattern of life, that they should hold their purity in regard to their station in life, as of manhood or as of womanhood, whatever it may be."^539

The following text is a continuation of the theme that people must carry out the obligations of their *had*, i.e., their station in life. *II Em.*, nominally the second, though chronologically probably the third, code of Eadmund, is quite narrow in its focus, dealing almost exclusively with *faehþp*, or feud. The text *Wer* deals with the matter of the wergeld and its payment. In a society where law was driven by compensation rather than punishment, the consequences for infractions were set in terms of fines, the most important of which was the wergeld, i.e. a person’s legal value based on his position in society. The relevance to *II Em.* and its regulation regarding feuding is transparent.

While *II Em.* is concerned with the participants of a feud at failure to pay the wergeld, *Wer* deals with the procedure when the wergeld was paid. Wormald has shown that the interrelationship of these two texts is even more intimate at a literal level. Using a side-by-side comparison, Wormald demonstrated that at points where *II Em.* mentions the

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^539* I Em. 1 "Đæt is aerest þæt hi budon, þæt þa halgan hadas, þe Godes folc læron sculon lifes bisne, ðæt hi heora claennesse healdan be heora hade, swa werhades swa wifhades, swa hwaðer swa hit sy."; "In primis est, ut sanctis ordinibus euecti, qui plebem Dei docere debent lumen uite, castitatem teneant secundum ordinem suum, sic werhades sic wifhades, sit alterutrum sit" (GA I, 184 and 185).
wergeld, but fails to expound, *Wer* fills in the gap, even following the same order in which specific issues are addressed.  

The next paralegal text, *Wif*, briefly describes the procedure for engagement, the rights and protections that are to be granted to wives, and the inheritance widows should receive. It calls for the insurance of the pre-wedding promises by pledge and warranty. *Wif* also stipulates that, if a woman's husband takes her to a different "land," which probably means an area under the authority of another lord, her "friends" (her kin?) are to make sure that she suffers no injustice. The association of *Wif* with *II Em.* is not as obscure at it may seem. Both texts deal with the obligation of family members to protect the rights of their family members, *II Em.* in the case of feud, *Wif* in the case of marriage.

The one text that at first blush seems out of place is *Swer.* (an abbreviation for *Swerian*, meaning "to swear"), which is a list of different kinds of legal oaths, beginning with one of the earliest examples of an oath of fealty. There is nothing among these formulae that has any apparent application to feuds, marriage or wergelds. The final oath, promising that all that was owed has been paid, might have been applied to the affirmation that the whole of a wergeld had been paid, though it seems to be more applicable to a contractual agreement.

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541 *Swer* 11 "By the name of the living God, I do not owe N. neither sceatt, nor shilling, nor penny nor a penny's worth, but I have paid everything that, which I owe him, as far as our verbal agreement(s) were at the beginning"; "On lifiendes Godes naman, ne ðearf ic N. sceatt ne scylling, ne penig ne peniges weord, ac eal ic him gelaeste ðaet ðaet ic him scolde, swa forð swa uncre wordgecwydu fyrmest waerond"; "In Dei uiuentis nomine, non debeo N. pecuniam uel solidum, nec denarium nec denarii ualens, sed totum ei persolui, quicquid debebam, sicut uerba nostra dicta sunt a principio" (GA I, 398-399).
There is, however, another tenet that binds Swer. with II Em. and Wif, that of freondscipe (Latin: amicitia), "friendship." In her edition of the Leges Henrici Primi L. Downer has an extensive discussion of the legal connotations of the term "friend." She points out that there are two fundamental meanings of the term, kin or legal supporter. Of course, the two meanings of freond, "family" and "legal supporter," frequently overlapped. Most often a person's kin was his best legal advocate and protector. Yet a legal supporter need not be family member, and as Anglo-Saxon history progressed, another relationship came to be the dominant form of freondscipe, the relationship between a lord and his man. Charles-Edwards has discussed how freondscipe took on the same aspects as the Roman amicitia, a relationship defined and maintained by the exchange of beneficia (primarily land and wealth), and one of the important forms of freondscipe that he discusses is the relationship between lord and vassal. As we have also seen in III Em. that one’s warrantor, one's "legal supporter," could also be one’s lord. The passages from Wif proscribing that “friends” should protect a women from injustice in a strange land could just as easily be understood as applying to a lord, to whom the groom or the father of the bride had commended himself. Earlier in Anglo-Saxon history,


256
freond in these legal contexts would probably have referred more to one's kin, but, as we have seen in chapter five, by the time Q was compiling the Quadr., there was a new emphasis on lordship, and people had come to be defined more in terms of the type of relationship they had with a lord.\textsuperscript{545} This brings us again to Swer.

Swer. begins with the oath of fealty, the words sworn by a man commending himself to his lord. The inclusion of Swer. with II Em. and Wif was a way by which Q was shifting the emphasis of the word freond from family and kin to lord. While the major thrust of the II Em., Wif, and Wer group was on family, its legal obligations and status, the addition of Swer. insinuates that the role played by the freond in these contexts was now part of the obligation of lordship, and that at the very least families and lords were bound together in the processes of feud and marriage. The emphasis of this group, then, is on the two major social institutions by which individuals found protection: family and lordship. Not only would this interpretation be in keeping with the social developments of the time, but, as will be seen below, can help to explain the addition of I & II Ew. and I Em. to this group in the T recension.

When we look at the Ew-Em Group as a whole, we see one overriding theme: the obligation of family and lords to protect and make law-worthy the people under them. This group of laws deals primarily, then, with relational categories, categories that define people by the types of relationship they have with others. As discussed in the previous chapter, relational categories were fundamental to a person's identity, his place in society. Both I Ew. and III Em. stress the need for lords to make the people under them oath-

\textsuperscript{545}David Roffe, Decoding Domesday (Woodbridge: Boydell Press, 2007), 156.
worthy, while *III Em.* and *II Ew.* mandate that a lord cannot take on a man without the permission of his previous lord. While *II Em.*, *Wif*, and *Wer* have a stronger emphasis on the family, its role in the feud, the wergeld, and in marriage, the lord is not far off. The “advocates” (*forespecan*) of the families involved played an important role in the reconciliation of a feud. In addition, as both *II Em.* and *Wer* point out, the lord is to receive his *manbot*, his compensation, for the death of one of his men. Even in *Wif*, a woman’s “friends” might well include her lord as well as her kin. Finally, the fact that *Swer.* begins with the oath of fealty underlines that the most important of these relationships is that to one’s lord.

The I Ew-III Em Group: The Union of III Em and Ew-Em Groups

Evidently, by the time Q was reworking the M and Hk editions, he had come to realize that the legal texts he had chosen to address issues of thegn-ship and lordship in the *III Em.* Group belong to *Ew-Em* Group, which dealt with the larger topic familial and seigneurial roles in the protection of the individual. By combining these two groups Q more clearly asserted that the preservation of the traditional, customary rights of the manor, the *ealdlandraeden*, is part of the larger social obligation of lords in their role as protector of those under them.

But more importantly, the categories regulated by the *Ew-Ew* Group are relational in character. By including the *Rect.* with this group of texts, Q has significantly redefined the categories mentioned in it. As we discussed in the previous chapter, the types of categories mentioned in the *Rect.* are tenurial and functional, the former defining
individuals by their connection to the land they worked, the latter by the work they did. In the Anglo-Saxon tradition, these categories were not the stuff of law, but were rather defined and protected by local custom. Thus, the gebur, the geneat and the cotselta, the swineherd, the shepherd and the cheesemaker, rarely make any appearance in Anglo-Saxon law codes.

In contrast, relational categories were the concern of the law, i.e., the broader concern of the king in maintaining a peaceable and orderly kingdom. Families were obligated to protect their members, to support them either by participating in feud or by providing wergeld when necessary and to provide them with warranty. As II Em. demonstrates, kings felt the need to more clearly define the duty of family members in regard to feud and wergeld. Families also had obligations to protect wives and widows, and though Wif could not be called a royal code by any definition, it still recognized a need to impress upon family members the protection owed to these women. The relationship between a lord and his man was also a matter of legal concern. In fact, it gave a man a legal identity. The status of one’s lord affected his own oath-worthiness, and his lord’s warranty and pledge secured the value of his own legal persona. III Em. mandated that it was the responsibility of reeves, counts, villani and thegns to make sure that the people under them were under pledge, so that they could function as legal entities.

By placing the Rect. among texts dealing with relational categories, Q is arguably redefining the categories of the Rect. The social position the gebur and even the cheesemaker is no longer determined by local custom, but by their relationship to their
lord. The protection of their rights is not simply a responsibility of the thegn, but a consequence of their being bound to him. As we have seen above, the relationship of a lord to those under him is a matter of law, i.e. one of the issues that are under royal oversight. By this identification Q justifies the inclusion of the Rect. in a collection of laws in the fullest sense. The king and his judges now have every right to be concerned with the orderly preservation of manorial custom.

Conclusions

The Latin version of the Rect. cannot be taken as a simple translation of an Anglo-Saxon, pre-Conquest text, but must be regarded as a twelfth-century document, part of the changing legal dialogue of Anglo-Norman law. During the reigns of William the Conqueror and his son, the lesser William, little was done to alter the existing legal machinery of the kingdom. Both left the Anglo-Saxon traditions and courts pretty much as they found them, William I only adding writs as necessary to protect and reassert pre-Conquest rights or to address how Normans and Anglo-Saxons would legally interact, while preserving both traditions.

By the time Q was beginning his work, we see this same legal mentality in the way that he structured his compilation. The Dedicatio shows that Q was clearly concerned with Anglo-Saxon estate tenants and workers losing their traditional rights and being exploited by their new Norman masters. To address that need, he integrated into his collection the Rect., a treatise whose central message was that lords were responsible to be aware of the old customary traditions of the lands that they held. In one of the
earliest editions of his collection, the R manuscript tradition, Q incorporated the Rect.
among documents (the II Atr. Group) that deal with situations in which two different (and
potentially adversarial) ethnic groups with different legal traditions need to interact in
litigation.

However, with the accession of Henry I, the legal landscape was changing considerably. Unlike his predecessors, Henry was far more proactive in the supervision of justice. Not only was the function of local justiciars enhanced, he also sent out itinerant justices to hear cases, establishing courts that unambiguously placed the exercise of justice in the hands of the king. For Q these developments were a cause for hope, an optimistic expectation that in the person of Henry, there would be a new single people, governed by a single law. His optimism first finds expression in the Dm recension of his collection in his Argumentum, which replaces the Dedicatio as the introduction to the Quadr. in the subsequent editions.

This new expectation radically altered the way the Q used the Rect. His need to de-emphasize the distinction between Norman and Anglo-Saxon legal traditions means that Q had to change his strategy for using the Rect. This treatise addressed issues touching manorial tenants, and was de facto dealing with Saxons, a group Q was trying to define as part of a single kingdom under Henry. He accomplished this goal in the T recension of the Quadr. by removing the Rect. from the II Atr. Group and placing in the III Em. Group, a block of texts that found commonality in dictating the legal/economic place and responsibilities of thegns. Since the Rect. begins with spelling out the thegn's obligations to the crown, its addition into this group made logical sense. In this new
context, the preservation of customary rights is no longer presented as the expression of a co-existing but separate legal tradition, but as a common legal heritage in which the thegn had always been expected to carry out the moral mandate of the Rect.

However, we observe that Q continued to refine the way he used the laws of the Anglo-Saxons to develop a legal tradition governing the role of families and lords in the life of the individual. His work reflected the changes that the Normans brought with them in the way that social categories were defined. Increasingly, the relationship between lord and man was taking center stage, becoming the most important category for determining a person's legal and tenurial status. The evolution of the Ew-Em Group illustrates how this dynamic played out. The core of this block of texts, the II Em. Group, was fairly balanced in defining how families and lords interrelated in the definition and protection of an individual's legal rights and status. However, in the T recension, the addition of I and II Ew. gives greater prominence to the role of commendation, lordship now being the predominant institution determining a person's legal persona.

In the final recensions of the Quadr., the M and Hk manuscript traditions, Q united the III Em. Group, of which the Rect. was a part, with the Ew-Em Group, creating a new and rather large block of texts, which I have dubbed the I Ew-III Em. Group. The assimilation of thegn-ship into a text-block dealing with lordship and commendation was only logical. But the move had more than superficial effects on the Rect. Since the T recension, Q was arguing that the rights of an estate's tenants were to be protected as part of a lord's usual legal duties. But by including the Rect. in the Ew-Em Group, he integrated the categories of the Rect. with the relational categories that defined that block.
of texts. The rights and duties of the *gebur* or *geneat* were no longer seen as local, tenurial categories, nor were the perquisites of the shepherd just within the sphere of local custom. These people were now defined by their relationship to their lord, not merely by their ties to the land or by their function. This kind of relationship was one that came under the purview of royal judicial concern. Anglo-Saxons kings legislated regarding it. Henry in his itinerant and local courts supervised it. In the *I Ew-III Em*. Group Q justified the inclusion of the *Rect.*, a treatise that otherwise had no legal value, in a collection of legal tradition.
In this chapter it will be argued that, just as contextualization affected the meaning and application of the Rect., so too did the act of translating the text into Latin. By examining the translation techniques that Q uses, it is possible to ascertain the status and the socio-linguistic sphere of his intended audience – Norman lords who knew Latin and certain Anglo-Saxon terms that directly impinged on their obligations as lords and on the revenues they received from their estates. Native terms regarding labor services and the perquisites that tenants were to receive were beyond the vocabulary of Q’s audience, which suggests a degree of distance from the day-to-day workings of the estate. Yet, it is in regard to these very matters that Q employs a particular translation strategy, importing into his Latin translation certain Anglo-Saxon words and further defining them with a Latin word preceded by the phrase id est (for example; bochero id est apium custodi [Rect. 5]). This suggests that Q intended his translation to be a practical text, providing lords with a social dictionary of Anglo-Saxon terms, words they would need to know. The best explanation for that need is that these were words the lords would hear in their
courts, their *curiae*, as tenants brought *causae* before him regarding their rights and the labor services.

However, Q also employs less subtle tactics in his effort to make the *Rect.* a document both relevant to the social issues of his age and legally authoritative. There are places in his translation where Q significantly deviates from the original Anglo-Saxon. I will here argue that these deviations were not the result of a poor understanding of Anglo-Saxon on Q’s part, but were rather conscious and deliberate translation choices, designed to address particular issues that had become a matter of concern. Chief of these was the progressive degradation of the *villani*. By translating the Anglo-Saxon *geneat* with *villanus*, Q sought to preserve for the *villanus* the pre-Conquest rights of his tenurial ancestors. Overall, Q had no problem amending the *Rect.* to reflect early twelfth-century social realities and to function as an instrument by which the ancient rights of the estate tenants could be preserved. In a very real way the Latin version of the *Rect.* is a different text than the Anglo-Saxon version; it is a twelfth-century, post-Conquest text.

The Audience and the Context

The strategies that Q employed in translating the *Rect.* and the particular elements to which he gave emphasis were determined by his audience, those for whom he was

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546 In the legal sense *causa* is a looser term than “case” referring more to the reasons, the causes, of legal conflict than the act of litigation itself.

547 Since this chapter will be comparing a host of Anglo-Saxon words with Latin terms, the former will be printed in **bold**, while the latter in *italic*. This should help the reader discern which language is being cited without it having to be labeled as such.
compiling and translating the *Quadr.* Consequently, by analyzing his translation techniques it should be possible to ascertain the social status of those for whom he wrote his translation and the context in which Q expected the *Quadr.* and so the *Rect.* to be used. To do this, I have isolated the technical terminology used for nine categories of nomenclature,\(^{548}\) and have found that Q uses three different tactics in translating them: 1) using a semantically analogous Latin word for an Anglo-Saxon word; 2) using a Latinized Anglo-Saxon word in the translation, and 3) importing a Latinized Anglo-Saxon word with an appositional definition appending a Latin word introduced by *id est.* These three approaches represent three conscious strategies adopted by Q in translation, and therefore, must also reflect what Q felt were the different needs in rendering the text. The first two translation strategies help us identify those to whom Q had tailored his translation: Normans who knew Latin, and whose acquaintance with Anglo-Saxon terminology was limited to matters regarding the duties of lords and estate revenues. Conversely, Q’s audience seems to have been unfamiliar with Anglo-Saxon terms regarding the day-to-day operation of the estate, those dealing with the labor services or the perquisites that the demesne workers were to receive.

The third translation strategy helps us gain insight to the content into which Q felt the *Quadr.* and the *Rect.* would be used. The use of the *id-est* translations marks Anglo-Saxon words that Q believed his readers would not know, but felt that they should be familiar with. Since the *Quadr.* as a whole is a collection of laws and paralegal texts, we

\(^{548}\)These being: thegny obligations, *inland*-officers, *inland*-servants, *inland*-perks, tenant payment in kind, tenant payment in money, tenant agricultural services, tenant non-agricultural services, and tenure.
could assume that it was written for intellectuals who were concerned with issues of justice, some of whom may have even been justiciars. If this was the case, we could also surmise that Q intended the *Quadr.* to be a practical document, part of whose function was to provide a *social dictionary of Anglo-Saxon words*. Those words translated using the *id-est* technique, further more, would presumably be those that Q expected his readers would hear and need to understand in the context for which the *Quadr.* was intended. We may then assume that these words are related to those matters that would most likely be contentious and would be heard in court.

These conclusions would certainly be reasonable when considering the *Quadr.* as a whole. However, the matters that the *Rect.* addresses pose a problem. We learn from the *Hn* that matters dealing with manorial concerns were heard in either the hallmoot (*halimotum*) or the lord’s court (*domini curia*). The former was where *causae* concerning the lord’s villeins were heard, while the latter was the venue for resolving conflicts among his vassals.\textsuperscript{549} We also learn that reeves, and presumably anyone responsible for the management of an estate, were to be held accountable for their management in the lord’s court (*domini curia*). They were “to make answer to those who are under his authority.”\textsuperscript{550} We must assume that Q believed that the *Quadr.* would find a use even in this limited venue. As far as Q was concerned, lords were legally responsible for the administration of justice among their dependents, as he writes in *Hn* 57, 8, “Every lord

\begin{latex Pagerange}{549}L. J. Downer, *Leges Henrici Primi*, (Oxford: Clarendon Press, 1972), 320.\end{latex Pagerange}

\begin{latex Pagerange}{550}“Tanquam prepositus respondet subditis suis.” (*Hn*, 56,4). Translation by Downer, *Leges*, 175.\end{latex Pagerange}
must bear in mind that... he shall suffer no injury as a result of his protection nor nay
dishonour as a result of his abandonment...”

While there may have been some secular lords who would have known Latin and would have cared to use the *Quadr.*, the most likely candidates for using the *Rect.* as a guide for the administration of justice in a *domini curia* would be ecclesiastical lords, bishops and abbots.

We can only assume that Q intended the *Quadr.* to be used in a variety of contexts, quite possibly as a guide to justiciars, but, in the case of the *Rect.* in particular to lords of estates as they heard complains by their tenants that their rights were being circumvented. Q was clearly concerned that even at the estate level the ancient rights of the people were to be preserved. Even though mostly administered at the lord’s court, Q believed that the decisions rendered there should not be according to the arbitrary will of the lord, but in accordance with the long-standing customs of the estates, customs extending back into pre-Conquest times.

*Strategies One and Two: The Socio-Linguistic Sphere of Norman Lords*

The fundamental assumption driving the following discussion is that Q integrated certain Latinized Anglo-Saxon words into his translation without any further explanation because he fully expected that his readers would have been familiar with them. Conversely, those cases where Anglo-Saxon terms are simply translated into Latin would suggest that, as far as Q was concerned, these Anglo-Saxon words would not have been

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551“Pensandum autem erit omni domino...ne dampnum pro defensione uel pro demissione dedecus incurrat...” (*Hn* 57.8). Translation by Downer, *Leges*, 179.
known to the Normans reading the *Quadr.* These two translation approaches provide evidence for the degree to which Anglo-Saxon words had penetrated into Anglo-Norman Latin. It is also not unreasonable to assume that the familiarity that Normans had with Anglo-Saxon words reflects the contexts in which they interacted with their Saxon subjects and tenants. When we examine the various categories of nomenclature we find that Anglo-Saxon words dealing with lordly obligations and with estate revenues were familiar enough to Q’s readers that he could simply import them into the Latin without further explanation. On the other hand, Anglo-Saxon words regarding labor services or the perquisites of the demesne workers are not integrated into Q’s translation, which suggests that his readers would not have known them. Given the degree to which estates were farmed out, \(^{552}\) we might expect that Norman landlords were largely uninvolved in the day-to-day operation of the manorial economy, and so would not be familiar with the Anglo-Saxon words particular to it. On the other hand, the Anglo-Saxon nomenclature dealing with those matters that directly affected these lords, such as words revolving around revenue, would have been known to them, since they probably heard these words on a somewhat routine basis. Thus an analysis of these Anglo-Saxon terms in the *Rect.* reveals the spheres of manorial management in which the Norman lords were involved.

The first category of nomenclature we will examine is the one that would have touched the Norman lords directly, the duties as holders of *bocland.* Chief of these were the so-called *trimoda necessitas,* the obligation to attend military service, to build and maintain bridges, and build and maintain fortresses. It is not surprising that the Anglo-

\(^{552}\)See discussion in chapter five.
Saxon words for two of these, **burgabota**, “maintenance of fortresses” (Rect. 1), and **brigbota**, “maintenance of bridges” (Rect. 1), would have been so familiar to Q’s Norman readers that he felt no obligation to explain them.

The one exception to the above is the word **expeditio**, which Q uses in place of **fyrdfaereld** (Rect. 1). The reason for this may have been in the gradual demise of the **fyrd** itself as an institution. The **fyrd** was the Anglo-Saxon national army. There has been debate (frequently tied to the issue of feudalism) over whether this military host was composed mostly of warrior lords or a general levee of subjects. Hollister believed there was evidence for both, the former being a “select fyrd” and the latter a “general fyrd.”553 It has been generally agreed, however, that quotas for soldiers, whether exacted from lords or from the subjects, was assessed on the basis of the **hide**, each **hide** being a land unit valued at generally £ 1.554 The **fyrd** seems to have survived initially during the reign of William I,555 but already in his reign lords were holding their lands by individual charters, contracts that, among other things, specified the **servitium debitum**, the number


This method of defining military service and the military host would completely supplant the \textit{fyrd}, and by Q’s day, the use of the word \textit{fyrd} would probably have been institutionally anachronistic. On the other hand, \textit{expeditio}, a term used on the continent for centuries meaning “military expedition, a summoned host,”\footnote{For citations see J. F. Niermeyer, Mediae latinitatis lexicon minus (1976; reprint, Leiden: E. J. Brill, 1997), 396.} would have been more appropriate for the early twelfth century.

The other obligations Q sets apart from the first three, and, as discussed in chapter three, were probably further duties negotiated with the thegns, possibly for the right to have an \textit{inland}. Of these the \textit{deorhege}, “deer-hedge” (\textit{Rect. 1,1}), and even \textit{scorpum} (\textit{Rect. 1,1}) (whose meaning is far from certain), were Anglo-Saxon words that the Normans understood. The word for guard duty at on the coast, \textit{seweard} (\textit{Rect. 3,4}), was also apparently known. The only Anglo-Saxon term that had not been integrated into the speech of Norman lords was \textit{friðscipe} (\textit{Rect. 1,1}), a word that seems so to have fallen out of use, that Q himself did not understand it.\footnote{Q translates this as \textit{hosticum}, “army.” For how Q arrived at that translation, as well as his and our difficulties with the word \textit{friðscipe}, see chapter eight, commentary on \textit{Rect. 1,1}.}
That Norman lords would have known these Anglo-Saxon words should be of no surprise. They represented the duties that they themselves were bound to perform. The same cannot be said, however, for the group of terms dealing with the estate inland. Q’s translation strategy indicates that very few Anglo-Saxon words related to the day-to-day operation of the demesne had filtered into the Anglo-Norman Latin vocabulary. Most of the Anglo-Saxon terms dealing with the estate’s herds, the inland servants, or the perquisites they received Q simply translated into Latin. In all likelihood, these matters would have been handled by the lord’s reeve or a firmarius, both of whom most likely would have been native Anglo-Saxons, better able to deal directly with the demesne workers. The lords were probably never involved in that sphere of manorial life.

Yet, there were a few words dealing with the life of the demesne that Norman lords did apparently know. Ealdormann (Rect. 12) and bydel (Rect. 18) are words Q simply puts in Latinized form and provides no further definition. However, these were officers of the manor, the former being the general estate manager and the latter perhaps the manorial representative at the hundredal court. It is very likely that Norman lords

559 such as inheord (Rect. 7).

560 peow wif (Rect. 9), oxanhyrde (Rect. 12), inswan (Rect. 4, 2c), cyswyrhte (Rect. 16).

561 bendform for ripe (Rect. 21, 4), metsung (Rect. 8), easterfeorm (Rect. 21, 4), hreacmete (Rect. 21, 4), waentreow (Rect. 21, 4), winterfeorm (Rect. 21, 4), maeðemed (Rect. 21, 4).

562 See commentary to Rect. 18.
did have occasion to consult and direct these inland-officers, and so would most probably know their Anglo-Saxon titles.

The inclusion of the Anglo-Saxon words for two inland-workers, the folgere (Rect. 10) and the achtemann (Rect. 9) is more curious. Of course, our analysis would be assisted if we ourselves knew exactly what these words meant. Perhaps Q included these terms in his translation simply because there was no continental (and so no readily available Latin) equivalent. At this state of our knowledge, it is unlikely that we can be certain whether these were words that the Norman lords themselves would have known.

Words dealing with the payments made by the estate’s tenants, however, seem to have been well known. The word gablum (Rect. 4,1; 5,1) and its compounds, metegablum (Rect. 4,5), ealagablum (Rect. 4,5), hunigablum (Rect. 4,5), and landgablum (Rect. 2) are all derived from the Anglo-Saxon gafol. Two exceptions to this are the words slyhtswin (Rect. 6,2) which Q translates as porcos occisos, and gaersswin id est porcum herbagii (Rect. 2). Given that these words directly impacted the estate’s (and so the lord’s) revenues, it might not be a surprise that the Norman landlords would have had an interest in knowing these words. While the Normans were for the most part absentee lords, there would be occasions when they needed to audit their estates’ accounts, receiving reports regarding the revenues, all set within an Anglo-Saxon nomenclature.

On the other hand, Anglo-Saxon terminology regarding tenant services did not seem to penetrate very deeply into Anglo-Norman vocabulary. Hardly any of the Anglo-Saxon words representing the labor services of the tenants are imported into Q’s
translation, the closest, perhaps being *aratura gabli* (Rect. 4,2) by which Q translates *gafolyrò*, though this is a mixture of the Latin *aratura* and the Anglo-Saxon *gafol* (*gablum*). For the rest, they are simply rendered in standard Latin terms: *prex* for *ben* (Rect. 4,1c), *opus septimane* for *wicweorc* (Rect. 4,a), *hergabium* for *gaersyrò* (Rect. 4,1c), *pratum falcare* for *maedemaewect* (Rect. 5,2), *summagium* for *seam* (Rect. 5,3) and *adquieto* for *werian* (Rect. 3,4). However, these labors were again part of the day-to-day operation of the estate, something from which the Norman lords were probably well insulated. These were the concerns of the estate’s managers, not the lord.

The only exceptions to the above are the words *afrian* (Rect. 2) and *horsweard* (Rect. 2). These are brought into Latin as *averian* and *horswarda*, respectively. The reason for this is most likely because these were types of services unique to Anglo-Saxon England. The example of *afrian* is a case in point. The word means to provide horses for the service of the estate. However, even though the Latinized form of the word continued to be used in later Latin documents, it took on the meaning of carrying services. The best explanation for this is that the simple provisioning of horses was a type of service not known in continental Latin. The closest type of service that would have been analogous was carrying services, but in early Norman England, they were still regarded as distinct from the simple provision of horses. As, however, the provision of horses came to be replaced by carrying services, the verb *averian* took on the meaning of the latter.

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563 See commentary for Rect. 2.
The establishment of what Anglo-Saxon nomenclature the Norman lords would have routinely understood is not simply a matter of antiquarian curiosity. Rather it sets a control, a set of categories for which Norman lords would normally know the Anglo-Saxon terms. This becomes important when we turn to the third of Q’s translation strategies, the use of *id-est*-translations. As will be demonstrated below, the use of this strategy involves those categories for which we have established a poor integration of Anglo-Saxon words into the Anglo-Norman vocabulary, specifically, those dealing with inland-workers and perquisites as well as tenurial services. The question that now confronts us is, why did Q regard these particular Anglo-Saxon words as important for his readers to understand, words in categories that Norman lords would not normally need to know?

*Strategy Three: Teaching Normans Anglo-Saxon*

In the *Rect*. Q singles out certain terms and translates them in a particular way; he provides a Latinized version of the Anglo-Saxon term, and then gives a Latin definition for it introduced by *id est*, “that is...” For example in *Rect*. 17 Q translates Berebrytan gebyreð with berebreto *id est orreario pertinent*. I suggest that these were Anglo-Saxon words with which Q did not expect his readers to be familiar, but nevertheless thought they should understand. The implications of this observation are twofold. First, it indicates that Q did not intend the *Quadr*. simply to be an archival translation of Anglo-Saxon texts, but that he expected it to be used as a functional document, as an aid to lords in understanding not only Anglo-Saxon estate traditions, but the words they would
probably encounter in the course of holding court. Secondly, we might expect Q so to highlight words dealing with issues that he anticipated would be most likely to become matters of contention, words that he expected his readers to hear within a litigious context. By far the largest number of these *id-est*-translations is to be found in the part of the *Rect.* dealing with the *inland*-workers (*Rect.* 7-20,3) which suggests that the traditional perquisites of these workers were coming under attack and that the tenants were bringing these issues before the courts. The *Rect.* gave the justiciars access to the pre-Conquest practices, which, as we have seen above, Q had given a more authoritative status. In this way, I argue, Q sought to preserve the rights of those working on the estates, especially in the face of new demands made by lords with a great personal hold on their tenants.

Of the categories of nomenclature discussed above, those dealing with the lord’s tenurial duties and with tenant payments are poorly represented by the *id-est* strategy of translation. The only exception is *gaerswin* (*Rect.* 2), which in addition to rendering in Latin as *gaersswin*, Q adds *id est porcum herbagii*. This is the one payment in kind recorded in the *Rect.* for the *geneat*. It is unclear why the Anglo-Saxon word for this one payment in kind would have been unknown to the Norman landlords. Whatever the reason, Q believed they needed to know it. We might assume that lords were pressing their *villani*, some of whom probably never rendered this payment, into giving a pig for the right of pasture, and for this reason it would have been a word heard in litigation.

By far, as noted above, the largest number of *id-est* statements is found in those sections of the *Rect.* dealing with the *inland*-workers and their perquisites (*Rect.* 7-20,3).
Of the workers, four of them are so translated: the “beekeeper,” *bochero id est apium custodi* (*Rect.* 5), the “due-paying swineherd,” *gafolswane id est ad censum porcario* (*Rect.* 6), the “aehteman,” *aehteswane id est seruo porcario* (*Rect.* 7), and the “esne,” *aesno id est inopi* (*Rect.* 8). Q defined the goods that they rendered from their labors, the honey and the pigs that they gave to the estate, as *census*, a payment in lieu of labor services. That Q marks these workers with *id-est* phrases, as well as the *gafolheorde id est gregem ad censum*, i.e., the bee hives from which these renders of honey were due, prompts us to believe that Q thought that lords would hear from and of them in their courts. As will be discussed in more detail below, this matter at issue was probably the types of labor services they were to render.

We can gain an idea of the nature of the labors in dispute by two features of these sections. First, there is conspicuously no mention of week-work. Secondly, the only tenurial labors translated by the *id-est* strategy are *benyrðe id est araturam precum* and *benripe id est ad preces metere*, both of which are in *Rect.* 5,2 and both of which involve the beekeeper. Even though the *census* that the beekeeper (and presumably the swineherd as well) gave exempted him from some labors, it did not free him from all. This section of the *Rect.* specifies which such duties the swineherd was to perform and (by their absence) which he was not. On one hand, we may suppose that the estate reeves or the *firmarii* were trying to impose new labor services, such as week-work, on the beekeepers and the swineherds. On the other hand, it is also possible that the beekeepers and swineherds were also trying to free themselves from boon-work, i.e. labor-on-demand,
perhaps arguing that their *gafol* paid their way out of those labors. In such a case the *Rect.* would not support them.

Returning again to the matter of *inland-*workers, Q uses the *id-est* strategy to translate the *esne* as *aesno id est inopi* (Rect. 8) and the *achteswan* as *aehtewane id est seruo porcario* (Rect. 7). That these two categories would become *causae* in the lord’s court can best be explained in the context of the manumissions that had been occurring in England since the Conquest. As will be discussed in more detail below, the translation of *inops*, i.e. those having no property of their own, broadens the application of this section. The word *inops*, then, probably also came to embrace the various *servi* of the demesne. Since the Latin version of *Rect.* 8 mentions the assarting of land it is possible that those of this group had been manumitted, and as part of their renegotiated tenurial status were provided with a small plot of land, possibly reclaimed from nearby woodland. However, if this was the case, landlords would also understandably feel freed from the obligation to provide these tenants with the annual provisions that are also listed in *Rect.* 8,\(^{564}\) provisions to which the former *esne* (and *achteswan*?) may still have had claim. Again, the way Q had translated the text, including the right to assart land in addition to the food allotments, suggests that he would want the judges to understand that Anglo-Saxon legal tradition provided that they receive both.

Related to the issue of estate workers are the perquisites that they were to receive, and it is among this category of nomenclature that one finds the largest number of *id-est-*

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\(^{564}\) I.e. twelve pounds of good grain, two sheep carcasses and one good cow for food.
translations. Two of these can be directly linked to the issue of the *aehteswan* and the *aesnus* -- as touching the former, the *stiferh id est porcellum de sude* (*Rect. 7*) and in regard to the latter the *scaepeteras id est ouium corpora* (*Rect. 8*). If the perquisites of these two demesne workers were coming under attack by the landlords, they would have become issues of litigation, and that would explain why Q felt the justiciars who were using the *Quadr.* would need to know these technical terms.

Another perquisite that Q felt his readers should understand was the *sulhaecer id est carruce acra* (*Rect. 9,1*), which was a strip of land, presumably in the *inland*, that was given to the *aehtemann* for his own cultivation. One possible explanation for why this privilege would have become a contentious issue is that Q regarded the *aehtemann* as one of the *inops* (as mentioned above, a very broad term) mentioned in *Rect. 8*. If so these former *aehtemann* may well have also been given assarted land as *bordarii*.\(^565\) In such a case, the landlord or the *firmarius* would have felt that the *sulhaecer*, that strip in the *inland* assigned for the *aehtemann*, could then revert back to the demesne. The former *aehtemann*, however, may well have tried to claim their ancient right to a strip of land in the demesne. In Q’s mind, this perquisite must have been an important one to preserve, given that this is one of the sections in which he inserts the word *iure*, as discussed further below.

There are two other *inland*-perquisites that Q translates with the *id-est* phrases, *metecu id est uictus sui uaccam* (*Rect. 12,1*) and *belflis id est timpani uellus* (*Rect. 14*),

\(^{565}\)See commentary on *Rect. 9,1*.  

279
the former in reference to a perquisite of the oxherd, the latter of the shepherd. That these particular benefits should be so singled out suggests that they too had become litigious matters, though why that would be the case is difficult to ascertain. Here we need to wax more speculative. One possible answer may lie in the amount of deforestation recorded in the DB and discussed above. Many of the lands so cleared were not put under the plow, which means that they probably reverted to meadow. This would have provided greater opportunities for rearing of livestock. Unfortunately, whether this is the case cannot be determined from the DB. The Greater Domesday Book (GDB) except in rare instances does not list livestock and the Lesser Domesday Book (LDB) does so only for demesne animals. Yet, from these figures we learn that the number of sheep on the demesne was very large, 130,000 being recorded in the three eastern counties (Norf., Suff., Ess.). Cattle (other than oxen) on the other hand are very poorly represented, and so little can be deduced about how an increase in meadow affected their numbers.

Nevertheless, we may entertain the theory that the opening up of more meadow did result in an increase in sheep and cattle. If so, those who tended them may have petitioned for a greater share in the livestock. It is interesting to note that the only two perquisites for the

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567 The Domesday Book actually comprises two volumes. The larger, the Greater Domesday Book, records the surveys for most of the counties in England. The Lesser Domesday Book provides entries only for Norf., Suff. and Ess. For a brief description of the DB volumes and its satellites see Great Britain, Public Record Office, Domesday Rebound (London: Her Majesty’s Stationary Office, 1954), 4-5.

oxherd and the shepherd translated with an *id-est* phrase are those that involving the provision from a portion of the livestock, a cow for food and the fleece of a bell-wether, respectively. Perhaps the most puzzling set of Anglo-Saxon terms to be included in the *id-est*-strategy are the *berebreto id est horreario* (*Rect. 17*) and the *wudeward id est custodi nemoris uel forestario* (*Rect. 19*). There is no indication that the changes in manorial structure during this time radically altered the function of these two estate officers. There are statements, however, in these sections which might offer a clue to points of contention. In *Rect. 17*, dealing with the superintendent of the barn (*berebretus*), it mentions that he needed the permission of the *aldremannus* in order to receive the grain that fell at the door of the barn. It is possible, then, that the *berebreti* may have sued for that privilege. As to the woodward (*Rect. 19*) it is important to note that this is one of the sections in which *Q* inserts the word *iure*, "by legal right," in connection to his perquisite of taking the wood knocked down by the wind. The greater emphasis that *Q* so placed on this right may indicate that this particular perquisite may have come to be denied to the woodward, a right which he would have understandably have claimed.

From the above we can see that by far the largest number of *id-est*-translations involve words for matters with which Norman lords would not normally have been concerned, the day-to-day issues of labor services and perquisites. Yet, *Q* believed that those using the *Quadr.* should know what some of these words meant. The easiest explanation for this is that *Q* intended the *Quadr.* to be used as a practical document, one function being as a social dictionary of Anglo-Saxon terms. However, *Q* was selective.
regarding the words he translated with *id-est* phrases, which further suggests that these would have been terms he believed his audience would be most likely to hear. As we have argued above, these were not words that Norman lords would have heard in their usual socio-linguistic sphere. Given that the *Quadr.* is a collection of Anglo-Saxon legal documents, the most likely context in which this text would be used and in which these words would heard is in a lord’s court, where *causae* against abuses by reeves or other estate managers would have been heard. If this is the case, it would be logical to also assume that the words translated with *id-est* phrases would touch on matters that would be likely to come before the lord.

Therefore, the Latin version of the *Rect.* perhaps provides us with a window into how the broader, post-Conquest changes in tenant-lord relations affected the people on the ground, how it affected the lives of the tenants living on the estates. As former slaves or dependents of the *inland*, such as the *achteoswan* or the *esne*, were manumitted and granted small holdings of their own, managers of estates sought to withdraw other previous privileges. On the other hand, the reeves or the *firmarii*, in order to increase the profitability of the demesne, seem have had tried to exact week-work services from those tenants, such as the beekeeper and the *gafolswan*, who had not previously been subject to them. Other changes, such as the expansion of herds and flocks may have prompted the tenants who looked after them to seek improvements in their perquisites. All of these *causae* would be brought to the lord in his *curia*, and by means of the *Rect.* Q hoped to guide the rulings of these lords into conforming to the tenants’ ancient, pre-Conquest rights.
Translation as Changing the Text

As we have seen above, Q’s translation strategies provide insights into both the status and linguistic sphere of his intended audience, as well as the context in which he expected the *Quadr.* and the *Rect.* to be used. There are, however, instances when Q’s translation departs rather significantly from the Anglo-Saxon original. While Q’s Latin has been roundly criticized, we must be careful not to project such shortcomings on his understanding of Anglo-Saxon. If the reader peruses the philological commentary, he will find that Q more often than not properly translates Anglo-Saxon tenses and even the moods; he seems to have known an Anglo-Saxon subjunctive when he saw one. In addition, he apparently had a sensitivity to subtle semantic distinctions, such as that between *riht* and *geriht*. The following analysis, therefore, is based on the assumption that wherever Q’s Latin deviates from the Anglo-Saxon it is not due to error, but a conscious decision on his part. When one adopts this approach, one finds Q’s translations choices alter the *Rect.* to make it applicable to the social and economic conditions of his day. But more importantly, Q uses the *Rect.* as an opportunity to

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569 “Significant” means for our purposes a Latin usage from which one could not reconstruct the Anglo-Saxon. Lexicologically this means that the semantic fields of the target word are so disparate from those of the source, that no intuitive correspondence could be made between any elements within those fields. In terms of grammar, significant deviation would involve using number, tense, mood or voice in the target language that are different from that used in the source language.

570 See chapter two.

571 Chapter eight.

572 See chapter eight, excursus I.
address concerns over the rights of manorial tenants, particularly the *villanus*, whose rights he links with those of the *geneat*. Finally, he gives the *Rect.* a wider authority than did the original author; the Anglo-Saxon version confines his observations to the example of his own estate, while Q’s translation asserts that the conditions described in the *Rect.* apply to a number of estates, giving the *Rect.* a greater authority as a representative of ancient tenurial rights.

*Adjustment of Rect. to Twelfth-Century Conditions*

The England of the early twelfth century was a very different place than that of the early eleventh. While Q included the *Rect.* in the *Quadr.* with the desire to integrate pre-Conquest practices into the legal discourse of Anglo-Norman England, there were nevertheless aspects of the text that Q apparently believed were no longer relevant to the realities of his own day. While these changes were probably not central to Q’s overall concerns, they do provide insight into changes in the relationship of land and military service, subtle shifts in ideas of freedom, and possible expansion of the demesne through assarting.

*Paet he ðreo ðinc of his lande do ... / ut tria faciat pro terra sua... (Rect. 1).* The significant difference between the Anglo-Saxon and the Latin here is the translation of *of* with *pro*. Prepositions are notoriously fluid and are often the most difficult particles of speech to translate. Differences in preposition use are most often due to a simple difference in perspective; in German one parks “*auf* dem Parkplatz,” while in English one parks “in” a parking space. We must, then, from the start express the *caveat* that building
an entire case on a single preposition has its dangers. That being said, the difference does strike one, and touches on an issue that has plagued Anglo-Saxon studies since the days of Stubbs and Round: what is the connection between military service and the land?

The way that this question has often been discussed is in terms of feudalism. The issue is centered on whether Anglo-Saxon England was a feudal state (i.e. whether military service was due from nobles who owed this service to their lord and for which service they were given land), or whether it was a pre-feudal state, military service being a duty incumbent on all freemen, the soldier being a type of Germanic citizen-soldier. In the latter model, it has been proposed that one soldier was required from every five hides of land, this making military service due “from” (of) the land. In the former model, military service proceeded from the nobles’ obligations to serve their lord, and they

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573 This is based on the Berkshire survey in DB, I, 56c (B, 10) that says in Edward’s day, one miles went from five hides, and four shillings was giving to him as wages for two month’s service. That this was a general method of assessing military service in Anglo-Saxon England was first proposed by J. H Round, “Danegeld and the Finance of Domesday,” in Domesday Studies, ed. P. E. Dove (2 vols., London and New York: Longmans, Green and Co., 1888-1891), 120. See also J. H. Round, Feudal England (1895; reset, London: George Allen and Unwin Ltd., 1964), 67-69.

performed this service “for” (pro) their land.\(^{575}\) It is unfortunate that the earliest discussions of this issue were couched in terms of feudalism; the term is itself now so loaded with baggage, that, in addition to the question of military service and land, other (and irrelevant) matters have been dragged into the discussion, such as whether there were castles, knights or vassalic commendation in Anglo-Saxon England.\(^{576}\)

Fortunately, more recent discussions have tried to analyze this issue apart from feudalism.\(^{577}\) The currently dominant view is that the holders of bocland were bound to serve the king personally in the military host. The fyrd, the national army, was one primarily composed of such nobles, though local levels could also be drawn from the ceorlas of a particular region. However, the number of warriors that each lord owed was assessed on the hidage of his holdings. The general rule (though one that certainly varied) was that one hide was land worth £ 1, and that from each of five hides, the lord owed one warrior.


\(^{576}\)In particular see Brown, *English Feudalism*, 83-94.


286
The interpretation of *Rect.* 1 revolves around a subtle mentality about land and military service. Was a lord given the land “for” his service, i.e. as a payment, or was it given with the expectation that such service would be automatically due from the land? The Anglo-Saxon version of *Rect.* 1 would seem to confirm this latter interpretation. The phrase of **his lande** insinuates that the duties of the *trimoda necessitas* (military service, and the maintenance of bridges, and the maintenance of fortresses) proceed “from” (of) a lord’s holding the land. As discussed in chapter five, while originally the gesiðas and the þegnas were the king’s warrior band, who personally owed him service, by the eleventh century, the status of þegn had become a socio-economic one, which a ceorl or a merchant could attain. This suggests that thengage had become largely divorced from its origins as a personal, military companion of the king, and had become instead a term designating wealth and the political obligation that derived from it. Certainly, those designated as “the king’s thegns” stood in a unique relationship with the king, and it has been argued that it is on the basis of that relationship that military service was owed.\(^{578}\) However, the Berkshire survey in conjunction with other evidence from the *DB*\(^{579}\) suggests that the requirement to provide soldiers was exacted from all land, whether it was given by **boc** or not. All of this would indicate that military service was more


\(^{579}\) See Hollister, *Military Institutions*, 49-58 and Abels, *Lordship*, 112-114. Abels is cautious about a universal, specific rule by which military quotas were assessed, but in the end concludes that these were based on the value of land.
connected to the obligations connected with the possession of land than from whom that land was held.

Q’s translation, however, works better when one sees the granting of land as a type of fee “for” (pro) the military service the noble was expected to provide. In chapter five we discussed how the Norman construct of lordship had changed during the eleventh century; a man’s land had come to be regarded as under the proprietary control of his lord, and it was through his land that he was bound in personal service to him. Of course, when were are talking about thegn, we are not dealing with the more lowly miles, but rather that group that Sally Harvey calls influential knights, from the upper echelons of Norman society, from the tenants-in-chief down to the middling knight. These men held land from other men in return for military service and/or a set number of knights. This is certainly in keeping with the idea that a vassal held his land as a precarious holding, contingent on the performance of his services. Consequently, we see lords using distraint, i.e. the removal from the vassal of chattels or land, as a means to compel their vassals to render the military service they owed. The justification for this was that the land was given for such services, and so could be taken away when these services were not forthcoming. Q’s translation, then, reflects a new mentality about the relationship between land and military service, which the Normans had brought with them.

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Finally, it should be noted that this post-Conquest shift in the mentality regarding land and military service was not a revolutionary one. The movement was in fact a more subtle one. To give someone land, knowing that from it he owes military service, is not much different than giving him the land “for” military service. One may even question whether the Anglo-Saxons themselves would have cut this distinction so finely. Kings gave bocland to nobles. Owning the land brought with it the obligation to military service. The nicety of whether he rendered that service “for” the land or just “from” having it, probably did not matter. However, the importance in this shift lies in the fact that for the Normans it did matter.

bute hwet friges sy / nisi forte liberum aliquid intersit (Rect. 5,5). This portion of the Rect. deals with the beekeeper, who tenurially may have been a gebur or a relatively servile tenant provided with some land.\(^{582}\) Rect. 5,5 indicates the level of his dependence on the lord by stipulating that when the beekeeper died his property reverted to his lord.\(^{583}\) This section of the Rect., however, sets a limitation to the lord’s ability to seize the property of his beekeeper; he cannot take what was “free.” By this we must assume that the beekeeper could accumulate money and goods from his own profits. These chattels were his and his family’s.

Q’s translation of this section adds the adverb forte, which means “by chance.” While the Anglo-Saxon presumes that there would be such “free” property, the Latin

\(^{582}\)See discussion in chapter three.

\(^{583}\)Note that similarly, the gebur was provided with all of his needs, so that when he died, his house and chattels all reverted to the lord (Rect. 4,3c).
conditions this assumption with an adverb that insinuates the improbability of such a circumstance. The addition of the *forte* in an otherwise rather close (almost slavish) translation of the Anglo-Saxon draws attention to itself. It certainly leaves the reader with the impression that the beekeeper of Q’s day had more limited opportunities for the accumulation of private profit.

**wuduraeden / etsarticare (Rect. 8).** Section 8 of the *Rect.* is concerned with the provisions that were to be given to the *esne*, an *inland*-worker who was probably maintained to provide the manual labor needed for work on the *inland.* Along with twelve pounds of good grain, two sheep carcasses and one cow for food the lord should also make arrangements which allowed the *esne* to have access to the resources of the wood (*wuduraeden*). Q, however, translates this as *etsarticare*, the infinitive of *estartico*. It is possible that Q had confused this word with *estoverium* or some variant of it, which means the right to take wood from the forest for fuel, the making of tools, for houses and hedges, which would be a good translation of *wuduraeden*. However, the two Latin words are significantly dissimilar, not to mention the fact that one is a verb and the other a noun. One cannot help but assume that Q meant what he wrote, *etsartico*, a bi-form of *exsartico / essartico*, “to assart, clear (land).” In his translation, then, Q is

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584 See commentary on Rect. 8.


apparently changing the meaning of this section, telling the reader that one way of provisioning the esne is to allow him to assart, i.e. to reclaim, colonize, woodland.

There is very little evidence for the process of assarting in the DB. The DB records the “size” of a wood by the number of swine it could support. Round noticed that in Ess. there had been substantial loss of woodland, as indicated by the reduced number of such swine units. He concluded that the best explanation for this was the clearing of wood for the extension of arable. However, Lennard examined areas that recorded a diminution of woodland, and found that in most there was also reduction in the number of plows on the estate, suggesting that the arable had not in fact been expanded at all.588 There are only three places in the DB that mention assarting at all, and these are in Heref.589 It is difficult to believe that assarting was occurring only in Heref., and it is probable that its absence in other counties may well be due to the fact that the commissioners simply did not record what arable was due to assarting. We can only conclude with Darby that what was happening in Heref. was doubtless happening elsewhere;590 we simply cannot know to what extent.


589Fernhill (DB I,184b [10, 49]); Leominster, (DB I,180 [1, 10a]); Much Marcle, (DB I, 179d [1, 7]); Weobley (DB I, 184d, [10, 48]).

Overall Duby regarded the period from the eleventh through the thirteenth centuries as a time of overall expansion of the arable in Europe. Postan seriously questions whether this was the case in England. In reference to the thirteenth century Schofield also notes that in the central band of agriculture, the regions of champion agriculture, there were few opportunities for expansion. For the most part, only small holdings could be produced from limited assarting. Most sizeable reclamation appears to have taken place in the west, especially along the Welsh border, and in the north. It is within this context of limited assarting that we must understand the etsartico of Q.

In connection to the assarting we must also address Q’s rendition of esne as inops. The word esne is difficult to define exactly, but the overall impression is that it is a specific social term for a group that had little or no land, and subject to perform manual labor on the inland. According to Rect. he was also to receive provisions, as did the slaves, and it is arguable that in this passage at least, it may mean just that. The Latin inops, on the other hand, is not a technical term; it is an adjective simply meaning

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594 See commentary on Rect. 8.
someone who has nothing. This widens the application of this passage beyond the specific group of people labeled esne, and may now refer to anyone without land.

We do know that immediately after the Conquest Norman lords were freeing a great many servi and giving them small plots of land. If most of the arable was spoken for, then the most likely source of land for these newly freed individuals would have been in the wood. As noted before, such assarting would have been only at the level of morcellation. However, this fits well with the rather small holdings that are generally accorded to the coliberti, the cottarii and the bordarii, having something between five and eight acres. Any or all of these could have been the people who previously owned no property (inops), but were given small areas of assarted land. In fact, Sally Harvey’s idea that the bordarius was a rent-paying colonist may apply in this case. That their reclamation of arable would not be reflected in an increase in plows, as Lennard has noticed, may not be much of a surprise. People who were inops would have had no implements of their own, and would have relied on the help and patronage of the landlord to develop the land, including, probably, use of the demesne plows. The area of land involved would be small enough to allow the demesne plow teams to work the colonized

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597 Duby, Rural Economy, 114.
land, at least initially, without much impediment to the regular plowing regimen of the demesne.

While we can only speculate, Q’s insertion of etsartico compels an explanation. One such is that during the early twelfth century, the process of freeing servi and other dependents of the inland was proceeding apace. The logic behind these manumissions was the more efficient management of the estate overhead, reducing the payment of provisions by giving manumitted slaves and dependents land of their own, while at the same time making them gafol-paying tenants. If this is the case, Q’s translation of etsartico in Rect. 8 becomes even more significant. This passage specifies that these esne should receive regular provisions. I would suggest that this passage, as Q translates it, specifies that, even though the reeves or the firmarii were granting assarted land to their inopes in order to reduce their provisions, they were still to give these provisions in addition to the right to assart land. During a time when the ancient right of these people to such support was possibly being withdrawn, Q translates the Rect. in such a way as to argue that those perquisites were an ancient right, which they were to receive even while being allowed to assart arable for themselves, small though it may have been.

Q’s emendations to the original version of the Rect. illustrate that for him this treatise was not simply a document of the past, an antiquarian relic he hoped to preserve. He wanted it to be a living, functional document, one that he fully expected to be relevant to his own day. There were, of course, elements in the Rect. that were anachronistic, reflecting attitudes and conditions that no longer applied to early twelfth-century realities. In order to make the Rect. a fully applicable document Q had no qualms about making
certain emendations that would bring it more in line with contemporary mentalities and the needs. If anything, these examples demonstrate that Q wanted to use the Rect. as an authoritative instrument by which he could shape the course of rural justice, and that for him the process of translation was a means for meeting that end.

Concern for the Rights of Tenants

As discussed in chapter five, the residents of English estates had come to be redefined in terms of their relationships to their lords. One of the main elements of this relationship was the degree to which the individual was bound to his lord through the land, whether he could alienate his land freely, or go with it where he willed. This greater hold that the lords had over their tenants would eventually give them the ability to exact increasing labor services from them, in particular the villani. In two significant sections of the Rect. Q translates the text in such a way as to mitigate these demands. In the first case, Q links the villanus with the pre-Conquest tenure and rights of the geneat. In the second, he translates the goods and services rendered by the beekeeper and the swineherd as census, insinuating that their labor and the produce they provided were to be regarded as being in lieu of any further agricultural labors.

**geneat / villanus (Rect. 2).** Chapter five discussed how the nomenclature of the Rect. and that of the DB were based on two different categorical systems, the former based on tenurial and functional systems, the latter on relational. Consequently, many different relational groups in the DB, such as the villani, sochemanni, liberi homines and even milites and radmanni could all hold tenurially as geneatas. This being the case, Q
would have had a variety of terms at his disposal by which he could have translated the word *geneat* of the *Rect.* into Latin. That he chose *villani* among all of them is significant. Of all the categories of people who held land by this tenure, the *villanus* was the one in the most vulnerable position, and as we know from his later status, the one whose freedom would diminish. It will be here argued that Q’s choice of *villanus* for *geneat* was not because he was “at a loss as to how to translate it, making a guess with *villanus*,” but that it was rather a conscious and deliberate decision. Because people who held tenurally as *geburas* and as *geneatas* alike were united under the category of *villanus*, it made it easier for lords to reduce the latter to perform the services of the former, i.e. of the *geburas*. By translating *geneat* as *villanus*, Q was not trying to denigrate the *geneat* into a villein (in the early twelfth century the *villanus* was still free), but rather to preserve for the *villanus* the freedoms of the *geneat*.

From the *Hn* we learn a good deal about the *villanus* of Q’s day. Socio-economically he was regarded as a *ceorl* (*Hn*, 76,6). Legally, he was classified as a *twyhunde man* (*Hn*, 71,1), and because his *wergeld* was one-sixth that of a thegn, it took the oaths of six *villani* to equal the value of one thegn’s oath (*Hn*, 74,2b). We see that even though the relational status of the *villanus* had changed, even fifty years after the Conquest his legal and socio-economic status was still very much in keeping with the Anglo-Saxon tradition. Nevertheless, by the early twelfth century the *villanus* was

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regarded as among the *viles et inopes persone* (*Hn*, 29,1a); his standing in society was regarded as low indeed.

However, we cannot regard the *villanus* of Q’s day as being the same as the villein of the following century. The *Hn* makes it clear that a *villanus* could have men and land of his own. In fact, it was possible for him to either buy or earn the right to receive the fines for certain crimes his men might commit (*Hn*, 81,3). One cannot but suppose that the *villani* of such means were the sons and grandsons of those who prospered as *geneatas* before the Conquest, acquiring for themselves substantial lands and tenants. However, because even these men and their descendants had become classified as *villani*, their social standing had been reduced, and, as we will see below, were in danger of having more servile duties imposed on them by their lords.

As mentioned in chapter five, the relational status of the *villanus* was one defined by his inability to go with his land where he willed. Thus, his landlord had also become his commended lord. While in the Anglo-Saxon period a *geneat* might have a commended lord other than his landlord, one who could protect him from the encroachments of the landlord, the *villanus* had no other patronage. This made him vulnerable to the will of the lord and whatever impositions he may desire to make.\(^{599}\)

From the estate-surveys compiled for the abbeys of Burton, Peterborough and Shaftesbury, we see how the labor-services of the *villanus* had become more servile. All three indicate that the *villanus* had become subject to week-work as well as boon-work,


297
i.e. labor-on-demand. Scholars have noted that these services are similar to the same kind of obligations that were imposed on the gebur in the Rect.\footnote{Lennard, \textit{Rural England}, 375-376.}

Certainly, by the thirteenth century, the villein regularly owed heavy labor duties. At Cuxham (Oxon.) the villeins owed two days of week-work through the year, and even more during the harvest, as well as rendering seed, grain and poultry.\footnote{Schofield, \textit{Peasant and Community}, 27-28.} At Elton (Hunts.), while the free tenants owed very light services, the villeins worked about 117 days a year on the lord’s demesne. From 29 September to 1 August of the following year, the villein did two days of weekwork, three during the labor-intensive time of harvest from 1 August to 8 September.\footnote{Frances Gies and Joseph Gies, \textit{Life in a Medieval Village} (New York: Harper Perennial, 1991), 133-134.} Overall, Homans notes that villeins were universally subject to such week-work and boon-work, primarily plowing the lord’s demesne, making hay, providing carrying services using his own horses and taking care of the lord’s sheep.\footnote{George Homans, \textit{English Villagers of the Thirteenth Century} (Cambridge: Harvard University Press, 1942), 200 and 257.}

The regular holdings and services of the thirteenth-century villein are very much similar to those of the geburas of the Rect. Even though there is no mention of week-work or boon-work in the DB, by Q’s day and certainly later the villanus had become subject to these labor demands. The diminution of the villanus’ place in society during the twelfth and into the thirteenth century can best be explained when we keep in mind

\footnote{600}{Lennard, \textit{Rural England}, 375-376.}
\footnote{601}{Schofield, \textit{Peasant and Community}, 27-28.}
\footnote{603}{George Homans, \textit{English Villagers of the Thirteenth Century} (Cambridge: Harvard University Press, 1942), 200 and 257.}

298
the two different categorical systems involved. The villani were originally a group that encompassed a wide variety of tenurial categories, from those who had been geburas (whose land had been provided for them in specific increments of land and whose labors primarily entailed week-work and boon-work on the lord’s demesne) to those whose ancestors had been geneatas (those who only rendered the customary socn to the land lords, whose land was their own, and who could prosper in land and tenants). However, since after the Conquest they were all villani and all subject to the will of the landlord, it appears that over time the lords were able to reduce them all to roughly the same condition of land and labor, imposing on the both the holdings and the labors that had once been the tenurial conditions of the geburas.

This subjugation of the villani had clearly begun by Q’s day, and it is in this context that we must understand the reason for his translating geneat as villanus. Since the ancient rights of those villani whose ancestors were geneatas were being whittled away, I contend that by connecting the villanus with the geneat, Q is reminding his reader of the pre-Conquest rights and services that they had enjoyed. Noticeably lacking are any reference to week-work or boon-work in Rect. 2, nor is the size of the holding mentioned (and thus is not limited) as it is for the geburas (Rect. 4,3). These features strongly suggest that the association of the villanus with Rect. 2 was intended to mitigate the reduction of their rights, and to preserve their ancient status from the abuses of their lords. As mentioned in the previous chapter, in the Dedicatio to the Quadr. Q styles himself as an advocate for the rustic, the villani and cotarii of the estates. Such a tactic of translation, therefore, is well in keeping with Q’s overall spirit and agenda.
gafol and census (Rect. 5; 5,1 and 6). In chapter three we discussed the meaning and implication of the word gafol, the customary payments that originally were rendered to the king, and subsequently were given to the lord when that land hand been granted by charter (boc). These payments were certainly monetary, but they also included renders in kind, as well as services. In most of the occurrences of gafol, either independently or in a compound, Q translates it as gablum. However, there are three instances where Q breaks from his normal pattern by translating gafol as census: to gafol as ad censum (Rect. 5,1), gafolheord as id est gregem ad censum (Rect. 5) and gafolswan as id est ad censum porcario (Rect. 6). The two questions that this deviance prompts are: what would the term census have meant to Q, and why would he have used it in these particular instances?

A clue to the meaning of census can be found in the DB where there are some tenants referred to as censarii or censores. Most of these occurrences are in the north (York, Derby, Notts. and Lincs), though they also occur in Dorset and Ess. Lennard was of the opinion that what distinguished these tenants from others was “that they held their land mainly, if not wholly, for a money rent.” During the reign of Henry I Burton

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601 Rect. 2; 4,1; Appendix A, CCC 111, p. 74, l. 2; Appendix B, BM Add. MSS 15350, f. 72r, l. 10.

602 Rect. 4,5; Appendix B, BM Add. MSS 15350, f. 72r, l. 13 and 16.

603 Rect. 4,2.

604 Rect. 2; 3,2; 4,1; 4,2; 4,5; 5,1.

605 Lennard, Rural England, 372.
Abbey’s estate at Field was almost completely tenanted land consisting of two-bovate holdings occupied by censarii. By the thirteenth century we are on a somewhat more certain footing regarding the meaning and use of census. The censarii of this period were clearly those who commuted labor services into cash rents. The difficulty with applying this meaning to the Rect. is that in Rect. 5,1 it mentions that five sesters of honey were given ad censum. Further, Rect. 6,1 suggests that the fifteen pigs the ad censum porcarius renders were themselves the census. However, I think it does little violence to the sense of the word if one understands it and referring to payments in kind given in lieu of labor services.

The important feature of Q’s use of census is that it occurs only in Rect. 5 and 6, the sections dealing with the beekeeper and the swineherd. The hives that the beekeeper kept were called gafolheord / gregem ad censum. Q’s translation insinuates that these hives were those that owed census. The gafolswan, the ad censum porcarius, apparently also paid a census in pigs. If our understanding of census as a commutation of labor services is correct, we must assume that the beekeeper and the swineherd held land from which such services were regularly due. There is evidence that this was indeed the case. The manors of Shaftesbury Abbey record that swineherds could use the demesne plows on their own land. Further, the surveys of Ramsey Abbey indicate that swineherds held

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609  Lennard, Rural England, 376.
611  Lennard, Rural England, 350-351.
around four acres of land in return for their services. Those who held such land, which owed only rent, were called *censarii*.\(^{612}\)

As mentioned above there is evidence that the beekeeper and the swineherd described in the *Rect.* were tenurially either *geburas* or were slaves, or at least those in a very servile status, and were probably provided with all their necessities, including land.\(^{613}\) That Q translated the *gafol* in these sections as *census* instead of *gablum* suggests that he interpreted these payments in kind not as the usual customary payments, but as a commutation in lieu of the usual labor dues that would have been rendered for the land.

It is impossible to know whether his understanding of *gafol* in this instance is correct. It may be that such a *gafol* was originally part of the customary payment, or it could be that the Anglo-Saxons did not make a distinction between payments made as part of custom and payments made in lieu of labor. *Rect.* 5,2 tells us that the beekeeper should be ready to do boon-work, i.e. work-on-demand. *Rect.* 6,3 states that just like the beekeeper, the swineherd should be available for any work, including carrying services. One thing that is missing, however, is any reference to week-work. It is possible that because of the time it took to look after bees and swine, and given the somewhat specialized nature of their labors, the beekeeper and the swineherd were exempt from the week-work that they normally would have rendered for their land. However, for that exception, they were required to provide some of the produce of their labor, i.e. the *census*.


\(^{613}\) See commentary to *Rect.* 5,2; 5,3; 5,5; and 6,4.
Whether or not the gafol of Rect. 5 and 6 was a commutation in Anglo-Saxon England might be irrelevant to Q’s purpose. Within the changing context of early twelfth-century England, it is possible that lords or their firmarii were trying to wring week-work out of their beekeepers and swineherds, even though the pre-Conquest terms of their tenure did not require it. By translating the gafol of these sections as census, Q may have been trying to convince those using the Quadr. that such demands were in violation of the pre-Conquest practice. It may have been another instance in which Q was trying to mitigate what he perceived to be the abusive demands of the reeves or the firmarii on the tenants.

One final indication that this is the case is the presence of a significant number of id-est-translations in sections 5 and 6 in the Rect. As argued above, this method of translation marks those Anglo-Saxon words that Q felt his readers would not know, but would need to know. If indeed one of the venues from which the Quadr. was written was the domini curia, where matters regarding the just treatment of the tenants by the estate managers were heard, we might well conclude that words such as gafolheord, beoceorl, and gafolswan (words lords normally would not have known) would be heard in the curia as causae regarding their labor services were brought to the lord. It is next to impossible to know if such would have been the case, but we might surmise that Q felt it would be.
Extension of Rect’s Applicability and Authority

The inclusion of the Rect. in the Quadr. bears testimony to Q’s desire to include this treatise among the socially authoritative texts of the Anglo-Saxon tradition. However, the fact remains that the Rect. was not originally a document with legal force, but rather a treatise by which the author held up his own estate as a model for rural justice in the midst of change. Consequently, the original author scattered throughout his text statements indicating that the conditions he described were those in practice on one particular estate, his own. Therefore, in order for Q to hold up the Rect. as an authoritative document, he needed to recast it as representative of broader pre-Conquest practices. In addition, to add greater force to these practices, particularly those involving inland-perquisites, Q inserts the word ius in various places, almost elevating these tenets to the status of law in the Anglo-Saxon legal tradition. The following examples illustrate how Q used his translation to accomplish that task.

One of the methods Q used to imply a greater applicability of what is described in the Rect. is his use of the phrase in quibusdam locis, “in certain places,” in place of Anglo-Saxon phrases that indicate that they originally related to only one estate: for “on a particular estate” (on suman lande [Rect. 4,4]; on sumen landa [Rect. 4,5]); “among us”( mid us [Rect. 5,1]); and “in a particular region” (on sumre ðeode [Rect. 21,4]). A related technique is used by Q in Rect. 4,a where he translates on sumen lande as in quibusdam terris, again altering the singular lande to the plural terris. By these methods Q insinuates that the customs and practices described in the Rect. were in force on more
estates that the original Anglo-Saxon claimed, giving the impression that they represent an extensive Anglo-Saxon rural tradition.

A particularly significant example is in Rect. 21,1 where Q translates “the custom is there, where it is known to us” (ðeaw is ðaer ðaer us cuð is) as in quibusdam locis sit observare, which I have translated as “whatever should be preserved in certain places.” If my interpretation of Q’s Latin is correct, his translation emphasizes the need to preserve the customs recorded in the Rect., not simply to report them. Such an admonition further suggests not that these customs had a certain authority.

There are places where Q more blatantly endues the Rect. with a legal status that the original author never did. In three places Q inserts the word iure, “by legal right,” into the text when there is no Anglo-Saxon word with that meaning in the section, and in Rect. 20,1, Q translates folcriht with ius publicum. In classical Latin ius has the meaning of “that which is binding or obligatory... right, justice, duty.” In the Middle Ages, the word retained the abstract meaning of “right, due, privilege,” but also began to take on the meaning of specific rights, such as “tribute,” “warranty,” or “wages.” There is evidence, moreover, that by the beginning of the twelfth century ius was beginning to

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614 For the unusual nature of the Latin and an explanation behind my translation, see chapter eight, commentary for Rect. 21,1.

615 Rect. 7; 9,1; 19.


take on an even more potent meaning. Latham indicates that by 1115, around the time that Q was compiling the *Quadr.*, the phrase *ius publicam* (which we find in *Rect. 20,1*) came to mean “Roman law.” Just what impact its use in the *Rect.* has on the meaning of the text (at least as Q constructed it) is difficult to say with any authority. What is certain is that the *þeawas*, “customs,” listed in these sections have been elevated to a new status: no longer just the practices of a particular manor, they are now portrayed as conforming to a broader justice, one binding on all subjects.

However, the implications of *ius* in the *Rect.* may in fact be greater. If Q had Roman law at all in mind when he penned his *ius publicum* in *Rect. 20,1*, it may well have been to justify the inclusion of the *Rect.* in the *Quadr.*, a compilation of legal texts, many of which are Anglo-Saxon law codes. As has been mentioned before, issues dealing with the tenurial matters of estates had never been the subject of the Anglo-Saxon law codes. As Wormald himself has pointed out, the *Rect.* is barely a legal document at all. Q, however, clearly felt that the time had come for such questions to become the legitimate subject matter for *causae* before the courts. In order to inject issues of rural social justice into the legal discourse Q not only incorporated the *Rect.* into a collection of laws, but in the aforementioned sections equated Anglo-Saxon manorial custom with codified law.

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Further, it is significant that the insertion of these *jure* occur in the portion of the *Rect.* which deals with the customs (*peawas*) of the *inland*-workers (*Rect.* 7-20,3). With the post-Conquest reclassification of individuals in terms of their seignurial relations also came renegotiation of their tenures and services. Many *servi* became free; many who had been *geneatas* apparently were becoming subject to the services of the *geburas*. I have also suggested that the new category of *villani* made it easier for lords to relocate those who had been living on scattered homesteads in nucleated villages, along with those who had already been cultivating the lord’s inland, thus bringing the process of nucleation to its final culmination. All of these changes would have affected the customary rights that the tenants had previously enjoyed; *servi* no longer being *servi* but *coliberti* or *bordarii*, had probably negotiated their new tenurial terms with the lord, and with that the lords or their estate managers doubtless believed they had the right to alter or even deny the perquisites that these individuals previously enjoyed.

Q apparently did not think, however, that such abrogations of traditional customs was just. By labeling the right to perquisites as *ius*, he was making these ancient privileges universally binding. It is only such a motive that could explain why Q would have so blatantly done violence to the original by adding words that were never in the Anglo-Saxon version. As I have argued above, it is that very concern that guided key points of his whole translation. Q sought to make the *Rect.* more relevant, more applicable to the particular social issues of his own day, particularly the degradation of the *villani*’s status, efforts by lords or their managers to impose novel labor demands and withdraw customary rights.
Conclusions

As we saw in the previous chapter, the integration of the *Rect.* into a compilation of Ango-Saxon laws was an innovation, given that matters involving tenure and estate service had never before been the stuff of law. However, by contextualizing the *Rect.* with other Anglo-Saxon legal texts, and integrating it as part of the Law of Edward, Q elevated its tenets to be part of a broader, universal Anglo-Saxon legal tradition, one that kings and lords were bound to preserve. The alterations that Q made to the text of his Latin translation were designed to further that purpose. Q translated *geneat* as *villanus*, a class that was particularly bound to the lord through land, and because of this was possibly subject to relocation due to further nucleation and to greater labor services on the demesne. Even though Q had other terms available to him, such as *sochemannus* (which would probably have been closer to the Anglo-Saxon realities), his choice of *villanus* strongly suggests that he wanted to tie the rights of the *villanus* with the ancient tenurial rights of the *geneat*. In addition, Q’s redefinition of certain *gafol*-terms as *ad censum* reflects an effort by him to prevent further agricultural labors from being demanded of those rendering more specialized services, such as the swineherd and the beekeeper.

However, one might also detect in his translation concern over the changing status of the people, who in Anglo-Saxon times were the *inland*-workers. By using *id-est*-translations, Q is alerting his reader to Anglo-Saxon terms he should know, terms that probably were connected to *causae* that Q expected to be brought to the lord’s court. Most of these involve *inland*-workers, and the majority deal with the perquisites listed in the *Rect.* It should not be unexpected that such perquisites should become an issue a half-
century after the Conquest. The re-categorization of manorial residents discussed in chapter five redefined the labor that had originally been carried out for the estate into services to be rendered to the lord, and so were more under his control. Doubtless, this control also gave estate managers the power to reduce the perquisites to which the workers had been accustomed. The list of perquisites provided in the Rect. serves the purpose of preserving those traditional rights well.

In order for the rights and perquisites listed in the Rect. to have greater authority, Q adjusted his translation to suggested that the Rect. was representative of a wider practice than the original Anglo-Saxon version ever pretended. Further, by the insertion of the word *ius* in certain places (all of which are in the section dealing with perquisites) Q gives these practices a status higher than simple local custom, elevating them rights that could be protected in court. This latter strategy, however, should not be surprising, given how Q elevates the whole Rect. by its inclusion in the Quadr.

Even though matters such as labor, perquisites, or even tenure were still not overseen or regulated by royal law, the *Hn* makes it clear that the lord was legally responsible for the preservation of justice among his dependents. It is the office of lordship, then, that links the protection of tenants’ rights with the broader concern of the king for promulgation of justice throughout his realm. As we saw in the previous chapter, Q in his second contextualizing strategy associated the Rect. with those Anglo-Saxon texts emphasizing the responsibilities of lords to those under their protection. Here we have seen that Q adjusted his translation of the Rect. to give lords (probably ecclesiastical, possibly secular) access to the Anglo-Saxon nomenclature they otherwise
would not know, yet terms they would hear as various *causae* were brought before them in their *curiae*. In that context, the *Rect.* stands as both an admonition and a guide to these lords directing them to preserve the ancient rights of their tenants even in the face of substantial change in their status and in the way estates were managed.

The *Rect.*, then, by the early twelfth century had found a new purpose, one that was not too far off from its original function, as a treatise admonishing the preservation of customary manorial rights. Q conscripts the *Rect.* to address the changes in rural society that were in progress in his own day, changes that he felt were unjust and in violation of the traditional rights of the estate residents. In order to make the *Rect.* better suited to serve that need, Q had no problem with adjusting his translation to reflect the new realities of his own age and to make the *Rect.* directly relevant to them. In addition, in his translation Q also attributed to the *Rect.* a new, more sweeping authority as he tried to integrate it into a broader discourse of the Laws of Eadweard. Thus, while the one can argue that both the Anglo-Saxon and the Latin versions are the *Rect.*, it is here offered that they are nonetheless two different texts, each written to different purposes, in different contexts, and employing different language.
CHAPTER VIII
TEXT EDITIONS OF THE RECTITUDINES

This chapter provides text editions of both the Anglo-Saxon and the Latin versions of the *Rect.* as well as separate modern English translations of each. One should not, however, confuse a text edition with a strict transcription. Since the proclamation of the “New Philology,” there has been a growing awareness of the artificiality of the edited text. The modern approach to publishing medieval texts had been to establish a kind of *ur-text*, an original version from which all other manuscript variants were to be regarded as deviations. However, there is now the recognition that the various manuscripts represent an evolving document, one which was engaged in a diachronic dialogue with the scribes that came in contact with it. Each manuscript, then, represents not a deviation, but a new stage in the meaning of the text, no less important than what its author originally penned.\(^\text{620}\) In addition, modern editions tend to normalize the text to better fit the modern reader’s expectations, imposing on it punctuation, capitalization and a standardized orthography that would have been foreign to the original.

In recognition of the need to treat each manuscript as a legitimate manifestation of the text, complete transcriptions of the all the manuscripts, the Anglo-Saxon and the

Latin, are found in Appendix V. A transcription is much more than an edition of a document. It is an effort to recreate the *mise-en-page*, the layout and presentation of the manuscript, which work together with the text proper to convey the meaning of that document and its place in the diachronic dialogue of which it is a part in the manuscript tradition. A proper transcription also preserves the orthography as it is on the page. On one hand, it might be true that the way words are represented on the page can be telling, however it is perhaps more important to recognize the normalization of spelling and the imposition of punctuation imports meaning foreign to the text. In addition, the transcriptions offered in Appendix V also try (as much as is possible) to reflect the spacings between and within words. Given the fluidity of spacing in manuscripts, and the limitations of pre-set spacing on a computer, many of my decisions regarding when and how much spacing were to be provided are arguably of a subjective nature. Nevertheless, if not always empirically consistent, these transcriptions do present to the reader the way spacing visually impacted this editor, an impact that (it is hoped) is communicated in the transcriptions.

Though noting the limitations and difficulties with text editions, this does not mean that the text edition as a publication form is itself useless. As long as the reader and (perhaps more importantly) the editor are aware of the artificiality of such a synthetic version of the document, it remains a way for the reader to gain quick and easy access to

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the overwhelmingly dominant meaning of the text. Of course, certain subtle features in a modern text edition will reflect the editor’s interpretation of the text. Nevertheless, it provides a place for the reader to first become familiar with the intellectual content of a document, providing a foundation on which the reader can supplement his understanding by consulting the transcriptions of the individual manuscripts. It is with that caveat in mind that this chapter offers text editions of both the Anglo-Saxon and the Latin versions of the *Rect.*

The Anglo-Saxon Text Edition

Given that the Anglo-Saxon *Rect.* comes to us in only one manuscript, I am able to represent in the text edition the abbreviations used in the text (the abbreviated portions being in italic). Underlined portions are those that have been rubricated. It is important to mark these headings as distinct since they appear to have been written by a different hand. While the copists at times modernized forms to post-Conquest orthography (for example, preferring /k/ over the velar /c/ of Anglo-Saxon [Rect. 13]), the rubricator also reduces the diphthong /ea/ to /a/ (Rect. 19). While the text of the *Rect.* is an early eleventh-century text which has been occasionally modernized by the copyist, the rubrications consistently use later forms, and are probably a twelfth-century addition.

The Latin Text Edition

That the Latin version of the *Rect.* is found in a number of manuscripts adds the complication of textual criticism to the edition. There are only four such manuscripts,
and in the critical apparatus, they are referenced by the sigula that have, since Liebermann, become standard for them.

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<th>Rect Folios</th>
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<td>Hk</td>
<td>BL Additional Collection MS 49366</td>
<td>97r-100r</td>
<td>c. 1200</td>
</tr>
<tr>
<td>T</td>
<td>BL Cotton Collection, MS Titus A xxvii</td>
<td>150r-152r</td>
<td>1225</td>
</tr>
<tr>
<td>R</td>
<td>BL Royal Collection, MS 11 B ii</td>
<td>163r-166r</td>
<td>1160</td>
</tr>
<tr>
<td>M</td>
<td>Rylands MS 420</td>
<td>f. 78v-81r</td>
<td>1150</td>
</tr>
</tbody>
</table>

Figure 8.1. The Latin Manuscripts of the *Rect*.

It needs to be mentioned that there are occasions when my composite Latin version differs from Liebermann’s. In such instances, Liebermann’s reading is indicated in the textual apparatus, and is assigned the sigulum L.

The apparatus also uses a small number of symbols to organize the variants and define their nature. Those used are as follows:

- Used to separate entries
- Used to separate different variations within an entry
- Encloses multiple-word variants
- Used to indicate omission
- Used to indicate insertion
- used to indicate transposition

Figure 8.2. Symbols Used for Critical Apparatus.

The problem with creating a composite text is that it is synthetic, an artificial text, a document that exists only in the mind of the editor. Further, it strongly suggests to the reader that there is only one (and only one correct) version of the text. This is far from the truth. The *Rect* is a case in point. Scholars from Liebermann to Wormald have
argued that Q was continually developing and refining his thinking about the laws he was collecting. This was manifested not only in the order in which he placed them, but also in the way that he translated them. We can recognize in the Rect., for example, that mss M and Hk form a different line of translation from the other manuscripts in which Q seems to have made some noticeable changes to his translation. We must be careful, then, not to assume that the form of the Rect. we have in M and Hk is less "correct" than what we have in R or T. All are viable versions of the document, each representing an equally important stage in the translator’s thinking.

However, there is, nevertheless, a practical use for a single version of the Latin and a single translation of it, in order to provide the reader with the dominant sense of the text. This gives him a place to begin, an easy access to the text from which he can refine its meaning by consulting the manuscript variants. As long as the reader, and equally importantly the editor, are aware of the artificial nature of such a creation, this practice can be helpful, and it is in this spirit that this editor offers his own reconstruction of the Latin Rect. along with his own attempt at translating it. It may comfort the concerned reader that, as will be seen from the critical notes, there are no variants of significant consequence to the meaning of the text.

Given the artificial nature of the composite Latin version I do not indicate any abbreviations used, since these vary from manuscript to manuscript. I have also avoided capitalization of letters and any punctuation, save a period as the end of a major sense break. Such conventions are anachronistic and can misdirect the reader in regard to emphases and minor sense breaks. It must also be pointed out that emphases and sense
breaks can vary from manuscript from manuscript for the same text, as the amanuensis at the time understood what he was copying. It is therefore inappropriate to suggest that there is only one sense-structure for the text by imposing punctuation on the composite version.

The Modern English Translation

In all previous editions of the Rect., it has been translated into a target language as if it were a single text. It has been a central thesis of this dissertation, however, that the Anglo-Saxon and the Latin versions of the Rect. must be regarded as two different texts. As has been demonstrated in the previous two chapters, each was written for different purposes, under different situations. The different designs of Q find manifestation not only in the placement of the Rect. within the canon of the Quadr., but also in his translation. In order to reflect these differences, the Anglo-Saxon and the Latin versions will each have their own modern English translation.

As seen in chapter seven, certain Anglo-Saxon words seem to have been incorporated into Anglo-Norman French. These words appear in the Latin Rect. in their English form, though at times with Latin endings, and are not further defined by an "id est" apposition. The assumption will be made that these words were fully integrated into the Latin of Q's day. On the other hand, Anglo-Saxon words are provided which are followed by an "id est" apposition. The presumption is that these words where still foreign to the Anglo-Norman readers, and required further definition. In these cases the
Latinized form of the Anglo-Saxon word is provided in the modern translation in italic and the Latin redefinition is provided in modern English.

I have endeavored to keep additions and interpolations in the translation to a minimum, doubtless giving it a laconic feel. However, when deemed necessary, additional words are inserted into the modern English translation in order to facilitate readability and to reflect meanings marked by the grammar that cannot be simply translated into English. These insertions into the text will be offset with corner-brackets < >. Any explanatory insertions will be bounded with square-brackets [].

Finally, a word must be said for the layout of the editions. Both the Anglo-Saxon and the Latin editions will be presented in two columns with the original language on the left and the modern English translation on the right. The editions will be divided into blocks of text following Liebermann’s section numbering. Textual critical or other notes for either the original or the modern English will be listed at the bottom of each text block. In addition, the sections will be coordinated so that the same section numbers that appear on a single page in the Anglo-Saxon version will also appear on one page in the Latin version. This should allow the reader to more easily compare the texts and the modern English translations of the two versions.

The Philological Commentary

The commentary accompanying these text editions provides not only lexical data and grammatical analysis, but on occasion also textual critical notes, explaining the choice made for a certain reading in the composite edition of the Latin. Another purpose
of the commentary is to coordinate the Anglo-Saxon and the Latin versions of the *Rect.*, explaining the relative meaning of the words used and the impact of Q’s translation choices on the meaning of the text. In order to help the reader distinguish Anglo-Saxon from Latin words (which may not always be identified), all Anglo-Saxon words will be in bold type and all Latin words in italic. At times the reader will be directed to an expanded discussion of the text and its meaning in the other chapters of the dissertation.

There are a small number of abbreviations that will be used in the commentary that will not be found elsewhere in the dissertation. These are as follows:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-S</td>
<td>Anglo-Saxon</td>
</tr>
<tr>
<td>abl.</td>
<td>ablative</td>
</tr>
<tr>
<td>acc.</td>
<td>accusative</td>
</tr>
<tr>
<td>dat.</td>
<td>dative</td>
</tr>
<tr>
<td>gen.</td>
<td>genitive</td>
</tr>
<tr>
<td>ms</td>
<td>manuscript</td>
</tr>
<tr>
<td>nom.</td>
<td>nominative</td>
</tr>
<tr>
<td>pl.</td>
<td>plural</td>
</tr>
<tr>
<td>sing.</td>
<td>singular</td>
</tr>
</tbody>
</table>

Figure 8.3. Abbreviations Used in Commentary.
The Anglo-Saxon Rectitudines of CCC 383

[1] DEGENES LAGV · Degenlagu is þæt he sy his bocrihtes wyrðe · and þæt he þreo ðinc of his lande do fyrdfaereld · and burhboþe and brycgeworc ·

[1] Thegn-law is that he should be worthy of his rights confirmed by charter, and that he should do three things stemming from his land: military service, repairing of fortresses and repairing of bridges.

[1,1] eac of manegum landum mare landriht arist to cyniges gebanne swilce is · deorhege to cyniges hame and scorp to friðscipe · and saeweard and heafodweard and fyrdweard · aelmesfeoh and cyricsceat and maenige oðere mistlice ðingc ·

[1,1] Also from many estates arise a greater due from the land at the king's command, such is: deer fence at the king's residence and equipping a ship for defence and keeping watch at sea, and bodyguard duty, and military watch, alms, and church-scot and many other various things.

[2] GENEATES RIHT · Geneat riht is mistlic be ðam ðe on lande staent · on sumon he sceal land gafol syllan and gaersswyn · on geare · and ridan and auerian and lade laedan · wyrcean · and hlaforð formian · ripan and mawan · deorhege heawan · and saete haldan · bytlian · and burh hegegian nigefaran to tune feccan · cyricsceat syllan · and aelmesfeoh · heafodwearde healdan · and horswearde · aerendian · fyr · swa nyr · swa hw Yad swa him mon to tæcð ·

[2] The geneat's obligation is various according to that which is in force on the estate. On certain [ones] he must give land-dues and a pasturage swine every year, and ride and provide horses, and perform carriage duties, work and provide food for the lord, reap and mow, hew a deer-fence and maintain a hunting-blind, build, and enclose a fortified dwelling, lead newcomers to the lord's residence, pay the church-scot and alms, perform body-guard duty and care for the horses, carry messages far and near, wheresoever one directs him.

[3] KOTSETLAN RIHT · Kotesetlan riht · be ðam ðe on lande stent on sumon he sceal aelce Mondaeg heof on geare

[3] Cotsetla's rights. Cotsetla's rights <are> according to what is in force on an estate. On certain <one(s)> he must work for his lord every Monday over a
fyrst his laforde wyrca · oðð · iii · dagas aelcre wucan on haerfest ·

1: Should probably be read as ofer 2: Should be read as hlaforde.

[3, 1] Not in Anglo-Saxon

[3, 2] ne ðearf he landgafol syllan ·

[3, 2] He does not have to render land-dues.

[3, 3] him gebyriað · v · aeceres to habbanne · mare gyf hit on lande ðeaw sy and to lytel hit bið beo hit a laesse forðan his weorc sceal beon oftraede ·

1: Should probably be read as ðeaw.

[3, 3] It is befitting him to have five acres, more if it is the custom on the estate, and it will be too little, should it be ever less, because his labor must be readily available.

[3, 4] sylle his heorðpaenig on halgan ðunresdaeg ealswa aelcan frigean men gebyrde and werige his hlafordes inland gif him man beode aet saewearde · and aet cyniges deorhege and aet swilcan ðingan swile his maed sy and sylle his cyricsceat · to martinus maessan ·

[3, 4] He should give his hearth-penny on Holy Thursday, as is proper for every freeman, and he should acquit his lord's inland if one should summon him to keeping watch at sea, or to the king's deer-fence and to such things as is <appropriate to> his status, and he should give his church-scot on the Feast of St. Martin (Nov. 11th).

[4] GEBVRES GERIHTÉ · Gebur gerihta syn mislice · gehwar hy syn hefige · gehwar eac medeme ·

[4] The obligations and rights of the gebur should be varied, some places they should be heavy, some places also middling.
On sumen lande is þaet he sceal wyrcan to wiceweorc þe · ii · dagas swilc weorc swile him man taecd ofer geares fyrst aelcre wucan · and on haerfest · iii · dagas to wiceweorc · and of candelmaesse oð eastran · iii · gif he aferað ne ðearf he wyrcan ďa hwile ďe his hors ute bið ·

On a certain estate it is that he must work two days as week-work, whatever work one instructs him every week over a year's time. and during the harvest three days as week-work, and from Candlemas [2 Feb.] until Easter three, if he is providing horses he need not work while his horse is out.

he sceal syllan on michaeles maessedaeig · x · gafol · paenigas · and on martinus maessedaeig · xxiii · systra beres · and ii · henfugelas · on eastran an geong sceap · oðde · ii · paenigas ·

On St. Michael's Day [29 Sept.] he must give ten pennies as dues, and on St. Martin's Day [11 Nov.] twenty-three sexters of barley and two hens; on Easter one young sheep or two pennies.

and he sceal licgan of martinus maessan oð eastran aet hlafordes falde swa oft swa him to begaeð ·

And he must lie at the lord's fold from St. Martin's Day [11 Nov.] until Easter, as often as it falls to him.

and of ðam timan þe man aerest ereð oð martinus maessan he sceal aelcre wucan erian · i · aecer · and raecan1 sylf þaet saed on hlafordes berne ·

And from the time when one first plows until St. Martin's Day [11 Nov.] he must plow one acre each week and himself get the seed at the lord's barn.

toeacan ðam · iii · aeceras to bene · and ii · to gaersyrœ þe gyf he maran gaerses beðyrfe ðonne earnige ďaes swa him man ďafige ·

In addition to that, three acres as work-on-demand and two as pasturage-plowing. If he needs more pasture, then let him earn it as one might allow him.

1: The raecan is difficult to discern. Liebermann notes, "mit Kreide undeutlich geändert in raefan oder raepan (nicht, wie Edd. lesen, raeden)." See commentary.
[4, 2] As his plowing-dues, he should plow three acres and seed from his own barn.
[4, 2a] *and* sylle his heorðpaenig ·

[4, 2a] And he should give his hearth-penny.

[4, 2b] *and* twegen *and* twegen fedan aenne headorhund ·

[4, 2b] And they should provide food for one hunting-dog in groups of two (lit. "two by two").

[4, 2c] *and* aelc gebur sylle · vi · hlafas ðam inswa¹ ðonne he his heorde to maestene drife ·

[4, 2c] And each gebur should give six loaves to the estate-swineherd, whenever he drives his herd to pasturage.

1: probably to be read as *inswane*.

[4, 3] On ðam sylfum lande ðe ðeos raeden on staent gebure gebyrð þ aet him man to landsetene sylle · ii · oxan · *and* · i · cu · *and* · vi · sceap · *and* vii · aeceras gesawene on his gyrde landes ·

[4, 3] On the same estate on which this arrangement is in force, it befits the gebur that one should give him for the occupation of his holding two oxen and one cow and six sheep and seven sown acres on his "yard" ¹ of land.

1: See commentary.

[4, 3a] forðige ofer þaet gear ealle gerihtu ðe him to gebyrigean ·

[4, 3a] Beyond that year let him pursue all the rights that belong to him.

[4, 3b] *and* sylle him man tol to his weorce *and* andlaman to his huse ·

[4, 3b] And one should give him the tools for his work and the utensils for his house.

[4, 3c] ðonne him forð sit¹ gebyrige, gyme his hlaford ðaes he laefe ·

[4, 3c] When his passing occurs, his lord should take charge of what he left.
[4, 4] δEOS LAND lagu staent on
suman lande · gehwar hit is swa ic aer
cwæð hefigre gehwar ea' leohtre ·
forðam ealle landsida ne syn gelice ·

1: Probably to be read as forðsið.

[4, 4] This estate law is in force on a
particular estate. In one place it is, as I
said before, heavier, in another even
lighter, since estate-customs might not
all be the same.

[*4, 5] On sumen landa gebur sceal
syllan huniggafol · On suman metegafol ·
On suman ealugafol ·

[*4, 5] On a certain estate the gebur
must give a honey-dues, on some a food-
dues, on some an ale-dues.

[4, 6] hede se ðe scire healde þ
aet he
wite a hwaet ealdlandraeden sy [and
hwaet ealdlandraeden sy]\(^1\) · and hwaet
ðeode ðeaw ·

1: This repetition is doubtless due to
dittography, the eye moving from the
second hwaet back to the first.

[4, 6] Let he who holds a scir take care,
that he should always know what the
previous estate arrangements are, and
what the custom of the region <be>.

[5] BE ĐAM ĐE BEON BEWITAð
Beoceorle gebyreð gif he gafolheorde
healt þaet he sylle δone\(^1\) lande geraed
beo ·

1: Liebermann's edition has "δοων." For
its interpretation see commentary on
Rect. 5.

[5] Regarding the Bee-keeper. It is
proper for the beekeeper, if he holds a
swarm subject to dues, that he render
whatever is decided for the land.

[5, 1] mid us is geraed þaet he sylle · v ·
sustras huniges to gafole · On suman
landum gebyreð mare gafolraeden ·

[5, 1] Among us it is decided that he
should give five sesters of honey as dues.
On some estates greater terms of dues
apply.
Eac he sceal hwiltidum geara beon on manegum weorcum to hlafordes willan · toecan benyrðe and bedripe and maedmaewecte ·

Also he must sometimes be ready for many tasks at the lord's discretion, as well as plowing-on-demand and reaping-upon-request and mowing of the meadow.
[5, 3] *and gyf he wel gelend bið he sceal beon gehorsad þæt he maeg to hlaforde seame þæt syllan · oððe sylf laedan · swæðer him man taece ·*

[5, 3] And if he is well furnished with land, he must be provided with a horse, so that he might provide it for the lord's load, or convey <it> himself, whichever one might command him.

__________________________

[5, 4] *and fela ðinga swa gerad man sceal don · eal ic nu atellan ne maeig ·*

[5, 4] A man so disposed must do many things, all of which I am unable now to enumerate.

__________________________

[5, 5] ðonne him forðsið gebyríge hede se hlaford ðaes he laefe bute hwet friges sy ·

[5, 5] When it is time for him to depart, the lord should take charge of what he leaves, except whatever might be free.

__________________________

[6] GAFOLSWANE · Gafolswane gebyreð þæt he sylle his slyht be ðam ðe on lande stent ·

[6] Tenant-Swineherd It is proper for the tenant-swineherd, that he should give his animal-for-slaughter depending on what is in force on the estate.

__________________________

[6, 1] On manigu landum stent þæt he sylle aelce geare · xv · swyn to sticunge · x · ealde · and · v · gyngue · haebbe sylf þæt he ofer þæt araere · On manegu landum gebyreð deopre swanriht ·

[6, 1] On many estates it is in force, that he gives every year 15 pigs, ten mature and five young for slaughter, and that he have for himself whatever he should rear over that. On many estates more severe swineherd obligations apply.

__________________________

[6, 2] gyme eac swan þæt he aefter sticunge his slyhtswyn wel behweorfæ · saencge · ðonne bið he ful wel gewyrces wyrðe ·

[6, 2] Also, the swineherd should take care, that he well prepare his slaughter-pig after the slaughter, that he should singe it; then he will be full well worthy of his perquisites.
1: Liebermann's edition inserts *and* at this point, "ergänzt aus Quadripartitus."

[6, 3] eac he sceal beon swa ic aer be beocere cwaeð · oftraede to gehwilcon weorce · *and* gehorsad to hlafordes neode ·

[6, 3] Also, as I said before regarding the beekeeper, he must be always available for any work, and provided with a horse for the lord's needs.

[6, 4] ðeow swan · *and* ðeow beocere · aefter forðsiðe be anre lage wyrðe ·

[6, 4] The servile swineherd and the servile beekeeper after <their> passing <are> subject to the one law.

[7] BE AEHTESWANE · Aehteswane ðe inherode healt, gebyreð stifearh ·

[7] Regarding the property-swineherd.1 To the property-swineherd who keeps the estate-herd is due a small, sty-pig, and his perquisites, when he has prepared the bacon, as well as the rights which are due to servile persons.

1: Probably to be read as *inheorde* | 2: Probably to be read as *spic*, the error doubtless due to the similarity between "p" and wynn.

[8] Be manna metsunge · Anan esne gebyreð to metsunge · xii · pund godes cornes · *and* ii · scipaetars · *and* · i · god metecu wuduraeden be landside ·

[8] Regarding the provisioning of the people. 12 pounds of good grain, two sheep carcasses, one good cow for food, <and> an arrangement for wood<-gathering> are due to one laborer as provisions according to the practice of the estate.

[9] be wifmonna metsung. Deowan wifmen · viii · pund cornes to mete · i · sceap oððe · iii · paenig · to wintersufle ·

[9] Regarding the provisioning of women. To the servile woman <are due> eight pounds of grain as food, one sheep or three pennies as winter-relish1,
one sester of legumes for spring-relish, 
<and> whey² in summer or one penny.

1: See commentary. 2: the water and milk-sugar that remains after milk is coagulated into cheese.

[9, 1] To all aehtemen are due a Christmas meal, and an Easter meal, a strip of land for plowing, and a harvest-handful, as well as their right to necessities.

[10] Regarding the "follower." To the "follower" it is due that he should earn two acres in 12 months, one sown, the other unsown - he should sow it himself - and his food-allotment and the provision of shoes and gloves are due to him.

[10, 1] If he can earn more for himself, it will be for his own profit.

[11] Regarding the sower. To the sower it is due that he should have one leap full of every kind of see, whenever he has sown every seed well over a year's time.

[12] Regarding the ox-herd. The ox-herd is allowed to graze two or more oxen with the lord's on a common pasture with his ealdormann's knowledge, <and> to earn thereby shoes and gloves for himself.
[12, 1] and his metecu mot gan mid hlaforde oxan.

12, 1] And his cow for food may go with the lord's oxen.
[13] Regarding the cowherd. To the cowherd it is right that he should have the milk of a mature cow for seven nights after she has newly calved, and the beestings of a young cow for 14 nights.

1: The first milk from a mammal after parturition, i.e. the act of giving birth.

[13, 1] And his cow for food should go with the lord's cows.

[14] Regarding the shepherd. It is the shepherd's right that he have the 12 nights' <worth> of dung at Christmas and one lamb from the year's young and one bell-wether's fleece and the milk from his flock for seven days after the autumnal equinox and a bowlful of whey or buttermilk for the whole summer.

1: The ram that led the flock. See commentary. 2: The water and milk-sugar that remains after milk is coagulated into cheese. 3: Milk from which butter has been removed, the result of the preparation of butter and cheese.

[15] Regarding the goatherd. To the goatherd is due the milk of his flock after St. Martin's Day (11 Nov.) and before that his portion of whey, and one kid from the year's young, if he takes care of his flock well.
[16] Regarding the cheese-maker. 100 cheese pertain to the cheese-maker, and that she should make butter from the strained whey for the lord's table, and she should have for herself the buttermilk, all except the shepherd's portion.

[17] Regarding the barley-keeper. To the barley-keeper is due the grain dropped at the barn door at harvest-time, if his ealdorman grants it to him and he earns it by <his> diligence.

[18] Regarding the estate-herald. It befits the estate-herald that he should be freer of work than another man, because of the duties of his office, since he must be always available.

[18, 1] Also, some small plot of land is due to him for his labor.

[19] Regarding the woodward. To the woodward is due every tree felled by the wind.

[20] For the hayward it is appropriate that the benefice for his labors should be reckoned to lie at the ends <of the field> that borders the pasture, because he can expect, if he soon neglects that, which
one has granted him from of any small portion of land,

[20, 1] ṭaet sceal beon mid folcrihte
nyhst etenlaese forðam gyf he for
slaewðe his hlaforðes forgymð ne bið his
agnum wel geborgen gif hit bið ðus
fundan ·

[20, 1] which must be by public justice\(^1\)
nearest to the pasture, because, if he
neglects his lord's <fields> due to sloth,
<then> his own <property> will not be
well secure, if it so found.

[20, 2] gyf he ðonne eal wel gefriðað he
healdan sceal ðonne bið he godes leanes
ful wel wyrdē ·

[20, 2] If he then keeps well all <that>
he must take care of, then he will be full
well worthy of a good benefice.

[21] LAND LAGA SYN mistlice · swa
ic aer beforan saede ·

[21] Estate-laws are various, as I said
earlier before.

[21, 1] ne sette we na ðas gerihtu ofer
ealle ðeoda · ðe we aer beforan ymbe
spraeçon ac we cyðað hwaet ðeaw is
ðaer ðaer us cuð is

[21, 1] And we are not imposing in any
way these rights and obligations of
which we have previously spoken, on all
regions, but we are making known what
<the> custom is there, where it is known
to us.

[21, 2] gyf we selre geleorniað ṭaet we
willað georne lufian and healdon be
ðaere ðede ðeawe, ðe we ðaenne
owuniað ·

[21, 2] If we learn of better, that will we
eagerly value and uphold according to
the customs of the region which we then
inhabit,

[21, 3] forðam · laga sceal on leode
luiflice leornian · lof se ðe on lande sylf
nele leosan ·

[21, 3] because he who does not himself
want to lose good repute on <his> estate,
must glady learn the laws with respect to the people.

[21, 4] Feola syndon folcgerihtu · On sumre ðeode gebyred winterfeorm · easterfeorm · bendform for ripe · gytfeorm for yrðe · maeðmed hreacmete · aet wudulade waentreow · aet cornlade hreaccopp · and fela ðinga ðe ic getellan ne maeig ·

[21, 4] The public rights are many; in a particular region are due a Christmas meal, an Easter meal, a meal for work-on-demand during harvest, a drinking feast during the plowing, pay for making hay, food for a rick, a wagon-log at the time of carting wood, <food for> the transportation of grain, the topping-off of a rick, and many things which I cannot recount.

[21, 5] ðis is ðeah myngung manna biwiste · and eal þæt ðe ic aer beforan ymbe rehte.

[21, 5] This is, however, an exhortation regarding the provisions of the people as well as all that <which> I have previously discussed above.
The Latin Rectitudines of the Quadripartitus

[1] 1taini lex est ut sit dignus rectitudine testamenti sui et ut tria faciat pro terra sua, scilicet expeditionem, burgbotam et brigbotam.3

1: De lege taini T, L; De dignitate hominum R; Rectitudines singularum personarum taini M, Hk

2: expedizione Hk

3: brugbotam R, L.

[1,1] et de multis terris maius landirectum exurgit ad bannum regis, sicut est deorhege ad mansionem regiam et scorpum in hesticum et custodiam maris et capitis et pacis et elmesfeoh, id est pecunia elemosine, et cyricsceatum et alie res multimode.

1: landi rectum T, M, Hk; landirectum R

2: exurgat M

3: deorhege M

4: scorpum L, R

5: capiatis M.


1: ○ R, T

2: quibus M, Hk

3: landgablum R

4: gaersswin T; gressuin

5: vel R

6: averiare T, M, Hk

7: decere T

8: deorhege M

9: stabilam

[1] The law of the thegn is that he should be worthy of the privilege (granted) of his charter, and that he should do three things for his land, namely military expedition, repairing of fortresses and repairing of bridges.

[1,1] And in regard to many estates a greater obligation arises at the command of the king, as for instance deer-fence at the royal residence and equipping among the army and guarding of the sea and the head, and of peace, and elmesfeoh, that is, alms-money, and church-scot, and various other things.

[2] The villein's obligation is various and manifold according to what is established on the estate. On certain estates he must give landgablum and gaersswin, that is, a swine of pasturage, and ride, and provide horses and perform carriage duties, work and to provide food for his lord, reap and mow, hew a deer-fence, and tend to a hunting-blind, build and enclose a fortified dwelling, guide new travelers, give the church-scot and aelmesfeoh, that is alms-money, keep guard-duty, and care for the horses, go on errands far and near, whithersoever it is said to him.
[3] The right of the *cotselda* is in accordance to what has been established on an estate. On certain <ones> he must work for his lord every Monday for the space of a year and three days every week in August.

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[3, 1] Among certain <estates> he works through all of August every day, and harvests one acre of oats for daily work and regarding other grain a half acre and he should have his sheaf, which the reeve or servant of the lord will give him.

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[3, 2] He will not render *landgablum*.

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[3, 3] He must have five acres as a possession, more, if it is the custom there; and it is too little if what he has earned should be less because it is more frequent in regard to his work.

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[3, 4] He should give his hearth-penny on Holy Thursday, as every free man must, and he should acquit the *inland* of his lord, if a summons should be made regarding *seweard*, that is regarding...
guarding of the sea, or regarding the king's deer-fence and other things that are <the result> of his status, and he should give his church-scot on the Feast of St. Martin (Nov. 11th.)

[4] The customs of the gebur are found to be manifold, and some places they are burdensome, and some places they are lighter or middling.

[4a] On some estates he performs week-work two days such work as is dictated to him every week through the span of a year, and in August three days for the weekly labor-service; if he is providing horses, he is not compelled to work, as long as his horse remains out.

[4, 1] He must give on the feast of St. Michael [29 Sept.] ten pennies of gablum and on St. Martin's Day [11 Nov.] also twenty-three sesters of barley and two hens; on Easter one young sheep or two pennies.

[4, 1a] And he will lie with the fold of his lord from the Feast of St. Martin [11 Nov.] until Easter, as often as it applies to him.
et a termino quo primitus arabitur usque ad festum sancti martini arabit unaquaque septimana i acram et ipse parabit\(^1\) semen \(\text{in horreo domini sui}\). 

1: para M, Hk | 2: \(\text{\textuml{f}}\) domini sui in horreo R.

ad hec iii acras precum et ii de herbagio si plus indigeat herbagio arabit proinde sicut ei permittetur\(^1\).

1: permittatur R; mittetur M, Hk.

de aratura\(^1\) gabli sui arabit iii acras et seminabit de horreo suo.

1: aritura M, Hk.

et dabit suum heorð\(^1\) penig\(^1\). 

1: heorð\textuml{penig} L; hiorð\textuml{penig} M, Hk.

\(\text{[et duo]}\) et duo pascant unum molossum\(^2\).

1: \(\circ\) T, M, Hk | 2: molosum T.

et omnis geburus det vi panes porcario curie quando gregem suum minabit\(^1\) in pastinagium.

1: minabi M, Hk.

And from the time in which he will plow for the first time until the Feast of St. Martin [11 Nov.] he will plow each week one acre and will himself get the seed at his lord's barn.

To this, three acres of work-on-demand and two of pasturage-rights. If he should need more pasturage, he will then plow just as it will be granted to him.

Regarding the plowing of his dues he will plow three acres and he will seed from his own barn.

And he will give his hearth-penny.

And they will feed one hunting-dog in groups of two (lit. "two by two").

And every gebur should give six breads to the swineherd of the lord's residence, whenever he will drive his herd to pasturage.
[4, 3] in ipsa terra ubi hec consuetudo stat moris est ut ad terram assidendam dentur ei duo boues et una uacca et vi\textsuperscript{1} oues et vii acre\textsuperscript{2} seminate in sua uirgata terre\textsuperscript{3}.


[4, 3a] post illum annum\textsuperscript{1} faciat omnes\textsuperscript{2} rectitudines\textsuperscript{3} que ad eum attinent\textsuperscript{4}.


[4, 3b] et committantur\textsuperscript{1} ei tela ad opus suum et suppellex ad domum suam.

1: commitantur R; committuntur M, Hk.

[4, 3c] si mortem\textsuperscript{1} obeat\textsuperscript{3} rehabeat dominus suus omnia.

1: morte T | 2: sumatem M, Hk | 3: abeat Hk.

[4, 4] hec consuetudo stat in quibusdam locis et alicubi est sicut prediximus grauior et alicubi leuior quia omnium terrarum instituta non sunt equalia.

1: quibus R | 2: o Hk.

[\*4, 5] in quibusdam locis gebur dabit hunigablum\textsuperscript{1} \[in quibusdam metegablum\textsuperscript{2} \[in quibusdam ealagablum\textsuperscript{4}.


[\*4, 5] In certain places the gebur will give a honey-dues, in others a food-dues, in others an ale-dues.
[4, 6] videat qui seyram\textsuperscript{1} tenet ut semper sciat que sit antiqua terrarum institutio\textsuperscript{2} uel populi\textsuperscript{3} consuetudo.

\begin{itemize}
\item 1:\ sciram Hk
\item 2:\ instituto M, Hk
\item 3:\ popli M.
\end{itemize}

[5] bochero id est apium\textsuperscript{1} custodi pertinet\textsuperscript{2} si gafolheorde\textsuperscript{3} id est gregem \textsuperscript{4} ad censum\textsuperscript{5} teneat ut inde\textsuperscript{6} reddat sicut ibi mos\textsuperscript{6} erit.

\begin{itemize}
\item 1:\ apum L, R
\item 2:\ pernet M
\item 3:\ gauelheorde R; gaforheorde M, Hk
\item 4:\ adscensum M
\item 5:\ iure Hk
\item 6:\ moris R.
\end{itemize}

[5, 1] in quibusdam locis est institutum reddi vi sestaria\textsuperscript{1} mellis ad censum in quibusdam locis plus gabli redditur.

\begin{itemize}
\item 1:\ sextaria T; sastaria M, Hk.
\end{itemize}

[5, 2] et aliquotiens\textsuperscript{1} etiam debet esse paratus\textsuperscript{2} ad multas operationes uoluntatis domini sui et ad benyrðe\textsuperscript{3} id est araturam precum et benripe id est ad preces metere et pratum falcare.

\begin{itemize}
\item 1:\ aliquotiociens M
\item 2:\ parato"s M - clearly "u" is a correction added by the scribe
\item 3:\ ben yrðe R; benyrde M, Hk.
\end{itemize}

[5, 3] et si bonam terram habeat\textsuperscript{1} equum habeat quem ad summagium domini sui\textsuperscript{2} prestare possit uel ipse minare\textsuperscript{3} quocumque\textsuperscript{4} dicatur ei.

\begin{itemize}
\item 1:\ habeant T
\item 2:\ o Hk
\item 3:\ inimari M (the scribe misconstrued "m" as "in")
\item 4:\ quocumque M, Hk.
\end{itemize}

[4, 6] Let he who holds a \textit{scir} see \(<to it>\), that he should always know what the ancient disposition of lands be or the custom of the people.

[5] It is suitable for the \textit{bochero}, that is the beekeeper, if he holds a \textit{gafolheorde}, that is a swarm paying commutation, that he should render from it, just as it will be the practice there.

[5, 1] In certain places it is determined that six sesters of honey be given as a commutation payment. In certain places more \textit{gabluum} is rendered.

[5, 2] And he must also be ready at different times for many labor services at his lord's will, and for benyrðe, that is plowing-on-demand and benripe, that is reaping-upon-request and mowing of meadows.

[5, 3] And if he has good land, he should have a horse, which he would be able to lend for the loads of his lord, or to drive himself, whithersoever it be told to him.
[5, 4] et huiusmodi pluralia facienda sunt ei que modo nequeunt enarrari.

1: huiuscemodi Hk 2: ei M, Hk.

[5, 5] cum finis eum demediabit habeat dominus quod relinquet nisi forte liberum aliquid intersit.

1: o T 2: relinquet M; relinquet Hk 3: aliquod M.

[6] gafolswanæ id est ad censum porcario pertinet ut suam occisionem det secundum quod in partnia statutum est.

1: gafol swane R; gafolswano M.

[6, 1] in multis locis stat ut det singulisannis xv porcos ad occisionem x ueteres et v iuuenes ipse autem habeat super augmentum in multis locis est seruilius rectum porcarii.

1: est M, Hk 2: v que M, Hk 3: superaugmentum L 4: locis R (seems to be a later correction); o M, Hk 5: seruulus R 6: seruilius rectum est T.

[6, 2] uiderit etiam porcarius ut post occisam ipsam porcos occisos bene corrediet et suspendat et tunc habeat dignus opera sua.

1: ipsos M, Hk 2: corrodiet T; corradiet M, Hk.

[5, 4] And such <men> are to do many things for him [i.e. the lord], which cannot now be explained in detail.

[5, 5] When the end removes him, the lord should have what he left behind, unless by chance there should be something free among <them>.

[6] It is proper for the gafolswan, that is the swineherd <subject> to a commutative payment, that he should give his animal-for-slaughter according to what has been established on the estate.

[6, 1] In many places it is in force, that he gives every year 15 pigs for slaughter, ten mature and five young, he himself should have <what was> added above that. In many places the swineherd's obligations are more servile.

[6, 2] Also the swineherd should see <to it> that after the slaughter itself that he prepare the slaughtered pigs well, and hang it, and then let him be held worthy of his perquisites.
Also he will be, as we have said regarding the beekeeper, made use of frequently for many tasks, and he should have a horse <while engaged> in the work of his lord.

The servile swineherd and the servile beekeeper after their death, should be worthy of one law.

It is right for the aehteswan, that is the servile swineherd who keeps the seingurial herd of the lord's residence, to have a stiferh, that is a small pig from the sty, and his perquisites when he has well prepared his bacon and in addition those rights which are due to a slave by legal right.

To one aesnus, that is one who is destitute, belong as provisions 12 pounds of good grain, two scaepeteras, that is corpses of sheep, and one good cow used for food, <and> to clear land, according to the practice of the estate.

To one slave-woman <are due> eight pounds of grain for provisions, one sheep or three pennies for winter-relish one sester of beans for supplementary provisions for the spring, <and> in the summer whey or one penny.
ouis M, Hk

ii R; uj Hk (probably a ligature for iii)

hyemalem T

quadragesimale T.

See commentary.

the water and milk-sugar that remains after milk is coagulated into cheese.

omnibus ehtemannis iure competit natalis firma et paschalis sulhaecer id est carruce acra et manipulus augusti in augmentum iure debiti recti.

To all ehtemann is due by legal right a Christmas and Easter meal, a sulhaecer, that is, a plow acre, and an August's handful in addition to obligations legally due.

To the folgario it is due, that he should have two acres in twelve months, one sown the other not, but the same should sow it; and he must have both his food-allotment and shoes as well as gloves.

If he himself has earned more, it will be profit.

To the folgario it is due, that he should have two acres in twelve months, one sown the other not, but the same should sow it; and he must have both his food-allotment and shoes as well as gloves.

If he himself has earned more, it will be profit.
[11] sedere	extsuperscript{1} id est seminatori pertinet ut habeat unoquoque sementis	extsuperscript{2} tempore i leapfulne	extsuperscript{3} quando semen omne bene seminauerit in anni spacio	extsuperscript{4}.


[12] bubulco licet adherbare duos boues et alicubi plus cum grege domini in communibus	extsuperscript{1} pasquis per testimonium tamen	extsuperscript{2} aldremanni sui deseruiat per id calceos et cirotecas	extsuperscript{3}.

1: communis T; comunibus Hk | 2: tunc Hk (confused abbreviation "tn" for "tc") | 4: cirotecas L; cirotaceas R.

[12, 1] et eius metecu id est uictus sui uaccam	extsuperscript{1} licet ire cum bobus domini.

1: uacam R, T.

[13] uaccarii rectum est ut habeat lac uacce ueteris vii noctibus postquam enixa erit et primitiuarum bistinguium	extsuperscript{1} xiii noctibus	extsuperscript{2}.

1: histinguium R; bystinguium T; bistingium M, Hk | 2: ○ M, Hk.

[13, 1] et eat	extsuperscript{1} eius uacca cum uaccis domini.

1: erit M, Hk.

[14] Pastoris ouium rectum est ut habeat	extsuperscript{1} dingiam	extsuperscript{2} xii noctium in natali	extsuperscript{3}.

[11] For the sower it is right that he should have at each time of seeding one leapful, when he has well seeded every seed in the space of a year.

[12] It is allowed to the ox-herd to graze two oxen and in someplaces more with the lord's herd in the common pastures, nevertheless, by the attestation of his aldremann; let him earn thereby shoes and gloves for himself.

[12, 1] And his metecu, that is the cow for his provisions, is allowed to go with the oxen of the lord.

[13] It is appropriate for the cowherd that he should have the milk of a mature cow for seven nights after she will have calved and the beestings	extsuperscript{1} of the youngest <cows> for 14 nights.

1: The first milk from a mammal after parturition, i.e. the act of giving birth.

[13, 1] And let his cow go with the cows of the lord.

[14] It is the right of the shepherd that he should have the dung of twelve nights.
domini et i agnum de iuuentute hornotina$^4$ et i belflis$^5$ id est timpani uellus et lac gregis sui vii noctibus ante equinoctium et blede$^6$ id est cuppam$^7$ plenam mesgui$^8$ de siringia$^9$ tota estate.


[15] caprario conuenit lac gregis sui post festum sancti martini et antea pars sua$^1$ mesgui$^2$ et unum$^3$ capricum$^4$ anniculum$^5$ si bene custodiat gregem suum.


[16] caseum facienti reddere$^1$ conuenit centum$^2$ caseos et ut butirum$^3$ faciat ad mensam domini sui de siringie et habeat sibi totam siringiam$^4$ preter partem pastoris.

1: redere T | 2: i M, Hk | 3: buturum Hk | 4: siring-giam T.

[17] berebreto$^1$ id est horreario$^2$ pertinet habere crodinum$^3$ ad ostium$^4$ horrei in augusto si aldremannus$^5$ suus ei concedat$^6$ et idem fideliter deseruiat.

1: berebreto T; erebreco M; Cerebreto Hk | 2: horreareao M, Hk | 3: cusdinum

at Christmas and one sheep from this year's young and one belflis, that is the fleece of a bell-$^1$ and the milk from his flock for seven nights before the equinox, and a blede, that is a cup full of whey$^2$ from butter milk$^3$ for the whole summer.

1: The ram that led the flock. See commentary. 2: The water and milk-sugar that remains after milk is coagulated into cheese. 3: Milk from which butter has been removed, the result of the preparation of butter and cheese.

[15] It is agreed that the milk of his flock belongs to the goatherd after the Feast of St. Martin (11 Nov.) and before, his share of the whey and one year-old goat, if he watches his flock well.

[16] It is agreed to render to the one making cheese 100 cheeses and let her make butter for her lord's table from the buttermilk, and let her have for herself all the butter-milk except the shepherd's portion.

[17] It is right for the berebreto, that is the superintendent of the barn, to have the grain-kernels at the door of the barn in August, if his aldremen grants it to him and let the same faithfully earn <it>.
bedello pertinet ut pro seruitio suo liberius sit ab operatione quam alii homines quia sepius est impeditus.

It is befitting the *bedellus* that for his service he should be freer from the labor than other men, because he is more often otherwise occupied.

Also, it is agreed concerning him, that he should have some small portion of land for his labor.

To the *wudeward*, that is the guardian of the wood, or forester is permitted by legal right every piece of wood knocked down by the wind.

It is right for the hayward, that the wages of his labor should be compensated in that part of the field, which is adjacent to the pastures, because he must know, if he preserves it any less, <then> the damage of the field will be imputed to him.

And if any small portion of land should be granted to him, <then> according to public justice it must be near the pastures, so that, if the field [of the lord] becomes disturbed through his sloth, it [i.e. compensation] will be sought from him first.
5: desidia M (probably due to oak of a macron) | 6: segetes T; o M, Hk.

[20, 2] Not in Latin


1: multiplices Hk.

[21, 1] nec sancitum hoc super omnes dicimus generale notificamus tamen quid in quibusdam locis sit obseruare.

1: sanctum T | 2: dns M, Hk | 3: gnerale M (lack of macron over the "g") | 4: o T.

[21, 2] si melius innotescat gaudenter amplectimur et custodire uolumus iuxta mores populi cum quo tunc habitabimus.


[21, 3] leges debet in populis libenter addiscere qui non uult in patria solus amittere.

[21, 4] in quibusdam locis datur firma natalis domini et firma paschalis et firma precum ad congregandas segetes et gutfirma ad arandum et firma

1: For the implications of ius publicum see the commentary on Rect. 20,1 and chapter seven.

[20, 2] Not in Latin

[21] The laws and customs of estates are manifold and various, just as I have mentioned before hand.

[21, 1] And we are not declaring this <to be> generic as established over all, nevertheless we are making known whatever should be preserved in certain places.

[21, 2] If better should become known, we gladly embrace and desire to keep <it> according to the mores of the people, with whom we are then living.

[21, 3] He, who alone does not want to lose, must willing learn the laws among the people.

[21, 4] In certain places are given, a Christmas meal and an Easter meal, and a meal of the request for the gathering of the fields, and a drinking feast at the
plowing, and a meal of the meadow's hay-making, _hreaccoppum_, that is top of the rick, and a meal at the making of the rick, a "wood-of-the-cart" on a wooded estate, a "top-of-the-rick" on a fertile estate [i.e. arable], and many other things such as will be from many.

1: _M, Hk_* 1: i.e. a log given to a tenant as a perquisite for carting wood for the lord.

[21, 5] _quorum hoc uiaticum sit et quod supra diximus._

[21, 5] Of these things let this be a memorandum, as well as what I have said above.
Textual Commentary

- **Degenlagu / taini lex**

  The A-S lagu is consistently translated into Latin as *lex* by Q (*Rect. 1; 6,4; 21; 21,3*). As has been argued in Excursus I, the term seems to be used here to indicate terms or conditions granted or imposed from a higher authority. Its applicability here is apparent, given that grants of *bocland* were always from the king and the terms of its tenure dictated to the grantee by charter. The A-S lagu, while perhaps placing a greater emphasis on obligation, does not seem to exclude conditions of privilege. The real focus of the word is on the source of these statements, that they come from a high authority.

- **þæct he sy / ut sit**

  Here the subjunctive, though in a dependent nominal clause, is not an indirect statement, but seems to have a volitive force, and reflects the authoritative will of the speaker. {Mitchell, *Old English Syntax*, vol. 2, 58-59, § 2034.} One might compare the subjunctive here to its use in middle-Saxon law. Wormald notes that the laws of Aethelberht, Hlothere and Eadric tend to use simple conditional sentences and appear to be more descriptive of accepted practice (ae), while beginning with Ine, a more complex syntax develops using directive statements, often in the subjunctive. {Wormald, *Making of English Law*, 95 and 105.} These subjunctives are volitive, and as such imply an authority on the part of the speaker. They are not simple descriptions, but prescriptions, reflecting not common practice but the king's will. {Mitchell, *Old English Syntax*, vol. 2, 54-55, §2027.} A similar construction to the opening of *Rect. 1* is found at the beginning of *II Atr*, Prol. and 1, "Dis synd ða friðmal and ða forword...Daet aerost, þaet woroldfrið stande..." "These are the articles of peace and conditions... that first, that world peace should stand..." As in *Rect. 1*, the subjective clause stands in a predicate to a noun connoting an authoritative statement.

- **bocriht / rectitudine testamenti**

  The word *boc*, both alone and in compounds (such as *bocland* or *bocriht*) carries the meaning of a charter. {BT, 113; Finberg, “Anglo-Saxon England, 465.”} Thus, the word *testamentum* occurs only here in the text, reflecting the meaning of royal charter, {MLLM, 1026} which would have been given only to a member of the upper-eshelons of Anglo-Saxon society. The granting of land by *boc* conveyed to the donee *bocriht*, which, as we will see, refers to the benefits that are transferred to him by the king. Though listing the common obligations of military service and the maintenance of bridges and forts (the *trimoda necessitas*) the author does so indicating that it is the performance of them that makes the thegn worthy of his *bocriht*, and must, therefore, mean the privileges that come with *bocland*. {For the origin of charters and the imposition of the *trimoda necessitas* see Stevenson, “Trinodas Necessitas”; Hollisters, *Military Institutions*, 59-63; John, *Land Tenure*, 64-69; Dempsey, “Legal Terminology”; Abels, *Lordship*, 43-57.} By the *boc*, the lord was given superiority over the residents of the land, {John, *Land Tenure*, 2-3 and 27-29.} as well as the right to receive the *gafol* and
the **feorm** that originally had been rendered to the king. In addition, since granting by **boc** gave the recipient total possession of the land, it also conveyed authority to circumvent customary claims of other family members. {Faith, *English Peasantry*, 160.} Q's translation with *rectitudo* (in the abl. of specification with *dignus* {Allen & Greenough, *Latin Grammar*, 254, § 418a}), is consistent with his usage in the rest of the *Rect*. For a discussion of how the author of the *Rect.* uses **geriht** and **riht**, and on Q's translation of *rectitudo* and *rectum* see the Excursus II at the end of this chapter.

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**and þaet he þreo þinc of his lande do** / *et ut tria faciat pro terra sua*

Abels translates this as "and that he do three things in respect of his land." {Abels, *Bookland and Fyrd Service.*} However, the Latin and the A-S use two different prepositions in this clause. The A-S **of** expresses "origin or separation" {Mitchell, *Old English Syntax*, vol. 1, 342, §821} and suggests that the obligation to perform the "three things" originate from owning the land. On the other hand, the Latin **pro**, "for," indicates that the services here are done "on behalf of" the land {Allen & Greenough, *Latin Grammar*, 227, §379}, i.e. that the land is received in return for these services. For a complete discussion of how this translation reveals changes in notions of land tenure, see chapter seven.

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1.1

**land / terra**

For the use of **land** as meaning "estate" or "landed property," as it here must mean, see Hooke, D., 1981, 42.

**landriht / landirectum**

Even though three of the four Latin mss seem to separate this into two nouns bound by the genitive, the **land** element is not simply rendered as *terrae*. This would indicate Q here recognized a technical, A-S meaning of **landriht / landirectum**. The element **-riht** focuses on duties and obligations, and what follows are clearly the dues expected from the thegn. Q did not simply carry the **riht** element over into his Latin as he did with **land-**, but rendered it with *rectum*, as he does when clearly denoting "that which is due from land or estates" {BT, 619.} (See excursus at end of chapter).

**arist / exurgit**

It should be noted that both the A-S and the Latin shift from the subjunctive to the indicative, indicating that what follows is no longer prescriptive but descriptive. This sets the **trimoda necessitas** apart from the other obligations described in this section; the former are clearly mandated as if by law, while what is given here is a list of other duties which the thegn might be called upon to perform. As suggested in chapter three, these extra obligations may have been negotiated with the king for the right to have inland; that the **inland** was acquited by the performance of these survices suggests as much. See commentary on *Rect.* 3.4.
- deorhege / deorhege

The "deer fence" referred to here is a fence that encloses a haga, which is a game enclosure. {Faith, English Peasantry, 168, see also ASD, 85 and 166.}

- ham / mansio

The word ham has a wide semantic range, meaning "village, hamlet, manor, estate; home, dwelling, house; region, country." {ASD, 168} Q's translation of mansio centers its meaning on "home, dwelling, domicile." It is used in early A-N surveys, such as Exon and the IE, for "manor," and seems to be a synonym for manerium in DB, which Roffe regards as a tributary center. {Roffe, Decoding Domesday, 176} However, we need not assume that mansio is an exact equivalent for manerium, which was perhaps a technical term imported by the Normans. {Finberg, “Anglo-Saxon England,” 465}, and which is not found in the Rect. Here it may simply mean the king's local residence. An example of this is found in the name byrighame at Lambourn (Berks.), which "took its name from the seignuerial (originally royal) centre." {Faith, English Peasantry, 164.}

- scorp / sceorpum

The A-S scorp means "ornaments, equipment or fittings (as for a ship)," {ASD, 294} and broadly seems to mean "accouterments." The Latin is derived directly from the A-S. Liebermann points out that it means more than providing clothes for those on board a ship, since the word is also used for providing weapons. {GA III, 247.} The translation "equipping" provides enough ambiguity for both interpretations

- friþscip / hosticum

BT takes the second element of friþscip as the abstract ending -scipe and defines it as "a state of peace" (BT, 339). However, "equipping for peace" makes little sense, and taking the second element as scip, i.e. "ship," fits better with the context. Q seems to have struggled with the word as we do. The A-S word does not seem to have been incorporated into the A-N vocabulary. The translation hosticum may be Q's interpretation of friþscip as that which keeps the peace, i.e. "an army."

- heafodweard / custodiam ... capitis

The "head" (heafod / caput) in both the A-S and the Latin is pars pro toto for a person, and in this case, the person of the king. (GA III, 247). Thus heafodweard is body-guard duty. {ASD, 171.} See also commentary on Rect. 2.

- cyricsceat / cyricsceatum

"Church-scot" was a levy placed on all freemen in proportion to one's holdings, paid in hen's eggs and grain. "In the 10th century it was reserved for the old minsters which had been church of primitive parishes, so later churches did not receive it; it was gradually replaced by the tithe. It seems to have been limited to the counties that were within the W. Saxon kingdom." {Adams, Agrarian Landscape Terms, 24} According to the Rect. it was paid by thegn, geneat and cotsetla on St. Martin's Day, 11 Nov. (Rect.
It was already compulsory in the *Ine* 4. The churh-scot possibly represented the first-fruits of the grain crop, and was paid in kind. (Loyn, *Anglo-Saxon England*, 264.)

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2
- **geneat / villanus**


- **riht / rectum**

For the meaning of *riht* as refering to duties and its translation with *rectum* see discussion in Excursus II at the end of the chapter.

- **land / terra**

For uses of these words see commentary for Rect. 1,1

- **staent / statutum est**

The A-S literally means "stands," but the meaning here is, "to stand good, be valid." {ASD, 318.} Thus, here as in Rect. 3; 4,3; 4,4 it is translated "to be in force." Q's translation of *statuo*, "to establish, institute," are in keeping with this interpretation.

- **land gafol / landgablum**

The *gafol* was originally the tribute paid by freemen directly to the king. As is evident even from the Rect., these renders would be in the form of money (Rect. 4,1), services (Rect. 4,2) or in kind (Rect. 4,5). It also appears that the *feorm* was regarded as part of the *gafol*, each hundred begin assessed to provide a certain number of nights in *feorm* (see below). {Demarest, “Firma Unius Noctis.”} Such customary dues are what were rendered as *socn*, "soke," in the DB, and those who gave soke were sokemen. As has been noted in chapter five, the list of such dues is very much like that given for the *geneat*. (Barrow, G., 1973, 11-12; Faith, *English Peasantry*, 90.) Yet, the word "tax" seems imappropriate, since the term carries with it notions of a centralized state and coffer, which would be inapppropriate for this periods.

In addition, when kings gave land by *boc* to either ecclesiastical institutions or lay nobles, they also granted them the right to the *gafol*. It has been argued that, the gafol became in essence "rent," and Faith has pointed out that the derived verb *gafolian* came to mean "to rent." {Faith, *English Peasantry*, 106.} However, the problem with the word "rent" is that is insinuates a payment "for" the land. The residents of these estates who
**gafol** soke did so not "for" the land, but "because of" the land they owned. The **gafol** were the payments and dues that simply came with the free ownership of land, dues that once were given to the king, and then to the lord.\{See DBB, 239.\}

Given, then, that the **gafol** is neither wholly tax nor rent, I have chosen to use the more neutral term "dues" to translate it and words that have it in compound. See also the discussion in the commentary on **Rect.** 5 and 5,1.

- **on geara**
  This is missing in the Latin.

- **auerian / averiare**
  - The Anglo-Saxon word **aferian** (**auerian** being a bi-form) means "to provide horses for team work (as service for a lord),"\{ASD, 14.\} and derives from the more literal sense of "to take away, remove."\{BT, 26.\} This was assimilated directly into Anglo-Norman Latin as a first conjugation verb, **averio**, which in the thirteenth century came to mean "to perform carrying services."\{MLLM, 74\} It is with that meaning that both Seebohm and Tucker translate this verb both here and in its other occurrence in **Rect.** 4.1.\{Seebohm, *English Village*, 132; Tucker, “Rectitudines,” 813 & 814.\} This meaning, however, seems to be later, and cannot be applied to the **Rect.**; it would be redundant since the next obligation listed is the actual carriage service (see below). Consequently, I have translated the Latin **auerio** in the same way as the A-S, i.e. to provide horses. Note also that in the **Rect.** Q retained the /i/ which closes the stem, probably by analogy with the /i/ of the A-S **aferian**.

- **lade laedan / summagium ducere**
  BT translates **lad** as "carrying, carriage, bringing," and in conjunction with **laedan** as "to furnish means of carrying."\{BT, 604-605\} The Latin **summagium** is so rare that it is not represented in either Niermeyer nor Latham, though Maigne d'Arnis renders it as "sarcina" and "ius quo vassali sarcinas domini vehi tenentur."\{Maigne d'Arnis, *Lexicon Latinitatis*, 2137\} Apparently, the obligation to provide animals for the estate's use (**auerian / averiare**) was so closely connected with carriage duties (**lade laedan / summagium ducere**) that a noun derived from the former, **aueragium**, came to be used in the high Middle Ages to incorporate the meaning of the latter.\{LMML, 74 and Vinogradoff, *Villainage in England*, 285\} Such carriage involved moving produce to market, the produce for the lord's consumption, or movement of grain or dung on the estate.\{Vinogradoff, *Villainage in England*, 285-287.\}

- **hlaford feorman / dominum suum firmare**
  There is little doubt about the meaning of the Anglo-Saxon **feorman**, "to entertain, receive as guest; cherish, support, sustain, feed."\{ASD, 116\} The nominal form, **feorm**, or "farm" was the "quantity of produce necessary for the maintenance of the lord's household during a certain period: it may be one night's or week's or one fortnight's farm accordingly."\{Vinogradoff, *Villainage in England*, 301.\} It was the right to the
**feorm** that the king gave to a noble when he granted him an estate. {DBB, 234 and 318; Demarest, “Firma Unius Noctis”; Faith, English Peasantry, 8-10.}

However, Q's translation of *firmare* is his own invention. The classical Latin *firmare* means "to make firm/fast, strengthen, fortify, support," {L&S, 753} and it is predominantly used in that sense in the Middle Ages, its meaning extended to include not only the physical construction of strongholds, but also the forensic strengthening of promises and relations by oaths and treaties. {MLLM, 429-430.} I am unaware of any other place in medieval literature where it has the meaning that Q has assigned it here, i.e. to provide of food for the lord's household. In this case, Q used the verb *firmare* because of its similarity with the noun *firma*, the Latin term frequently used to translate the noun *feorm*.

- **saet / stabilitas**

  The ambiguity of the A-S *saet* is illustrated by the fact that Kemble does not even try to translate it, though in a footnote suggests, "Help to make park-paling, and perhaps watch for game." {Kemble, The Saxons, vol. 1, 322, n. 5.} Seebohm translated *saete haldan* oddly as "keep it up," in reference to the deer-fence. {Seebohm, English Village, 130.} Liebermann takes issue with Toller's translation of *saet* as "places from which the deer might be shot," and renders it more generally as "Fangvorrichtung." Yet, he himself notes that *saet* means "Hinterhalt" and its cognate verb, *saetian*, means "auflauern." {GA III, 248} Combining the ideas of both ambush and a place to shoot deer, the modern English "hunting-blind" gives a satisfactory result.

- **burh hegegian / circumsepire**

  Q properly translates *hegegian* with *circumsepire*, i.e. "to hedge, fence around, to surround," but failed to provide the object of the verb.

- **nigefara to tune feccan / nouam faram adducere**

  This phrase is translated by Kemble and Seebohm as "make new roads to the farm." {Kemble, Saxons, vol. 1, 322 and Seebohm, English Village, 130.} Leo translated it as "eine neue färe für die ortschaft herbeischaffen," and Schmid its equivalent, "neue Wege zum Ort machen." Liebermann's discussion of *nigefara* makes it clear, however, that the element -fara was not referring to a street but a traveler, {GA III, 248.} an interpretation accepted by Bosworth and Toller as well as by Hall. {BT, 724, under *niwfara*, and ASD, 249 under *nifara*.} Thus, the best translation of these words is, "lead newcomers to the lord's residence."

  The Latin, *fara*, is more problematic. Normally in medieval Latin this word would mean a "lineage" or "clan." {MLLM, 410 and Maigne d'Arnis, Lexicon Latinitatis, 887.} Only Latham recognized the meaning of "new arrival" ascribed to it here. {Latham, Latin Word-List, 185.} What is most likely is that the *fara* is not the standard Latin word at all, but a direct assimilation of the A-S word *gefara*, "travelling companion," into Latin by Q. This translation reflects one of the idiosyncrasies of his Latin.
- to tune

Q fails to translate this prepositional phrase into Latin. The tun was the enclosed complex of buildings which comprised the residence of the lord, which in Latin is curia (See commentary on Rect. 4.2c and 7). It would have included a hall, storage and utilitarian builds, perhaps a chapel and a bur, "bower," i.e. separate living quarters for the lord and his wife. {Faith, English Peasantry, 163.}

- heafodwearde healdan / heafodwardam custodire

For the meaning of heafodward see commentary to Rect. 1,1. What is curious to note is that Q incorporates the whole A-S word into Latin as heafodwarda, whereas in Rect. 1,1 he uses only the Latin "custodiam ... capitis." The explanation for the latter is that in Rect. 1,1 Q seems to have been making custodiam work double duty, reflecting the -weard element in both sae-weard and heafod-weard, thus necessitating rending the first element of these words in Latin, maris and capitis, respectively.

- in nuntium

Here nuntium is not taken in the classical sense of "news," or "message," but in the broader medieval sense of "mission," or "errand." {MLLM, 724.}

- kotsetlan / cotsetle


- kotesetlan riht / Cotsetle rectum

For the use of rectum to translate riht see Excursus II at the end of this chapter.

- on haerfest / augusto

The primary meaning of haerfest is "harvest." Conceptually, this began on Lammas Day (1 Aug.). Since the labors of the harvest would frequently last up to St. Michael's Day (29 Sept.), {Homans, English Villagers, 354} it is not surprising that the word also came to be applied to the month of August. {ASD, 165.} Since it was the intense labor required by the harvest that necessitated the extra days of work, I have rendered the A-S as "harvest."

- acra

The word aecer in A-S simply means "field," however, since this passage uses numbers with the word, it is clearly a quantifiable measurement. As a unit of measure, the acre (aecer / acra) cannot be understood at this time as being the statute acre of 220 x 22 yards. In reality, in the eleventh century the acre varied in size from region to region.
The reason for this has been explained in two ways. First, since the acre was a day's worth of plowing for one team, the size would vary depending on the type of soil being plowed and the contour of the land. Orwin & Orwin, *Open Fields*, 35-36. Another explanation has been that the size of the acre depended on the size of the rod (rod) used by plowmen to drive the oxen. Adams, *Agrarian Landscape Terms*, 2 and Hooke, “Open-Field Agriculture,” 44. This rod was used as a linear measure, with 5.5 of them forming a virga and an acre being 4 by 40 virgata (or perticae). DBB, 371. In all likelihood, both explanations came into play at the same time. See also the discussion on gyrd in the commentary on Rect. 4,3.

-prepositus

For the definition of the word as "reeve" see Latham, *Latin Word-List*, 369 and Downer, L., 1972, 352.

-minister

In A-S charters minister is used as the common Latin for þegn. However, by the early twelfth century, this had changed, tainus being used for the þegn and minister used to designate a servant, including tenants by serjeanty, Latham, *Latin Word-List*, 299 and minor estate officers. MLLM, 683.

-land gafol / landgablum

See commentary on Rect. 2.

-aeceres / aeras

That the aecer is quantified by a number again indicates that we are again dealing with a unit of measure and not simply a "field" (see discussion on commentary to Rect. 3,1). The word aeceres is in the genitive case, as is common when nouns are used with numbers.

-ðeaw / consueduto

The ðeaw here is clearly a mistake for ðeaw. The most likely explanation for the error is that the copiest mistook the final wynn as a thorn, the difference between them being that the latter has a rather long ascender. Thinking that the word ended with a [th] phoneme, he wrote the word with a final eth. That there is no such word in Anlgo-Saxon did not bother him very much, and indicates that the copyist of B did not have a very good understanding of Anglo-Saxon, or even of what he was copying.

Q translates ðeaw as consueduto (Rect., 3,3; 4,6) and as mos (Rect., 21,2), which in these cases seem to refer to the rights and privileges granted to the tenants of an estate by local custom. In Rect. 4,4 Q uses consuetudo to translate land lagu, which refer to the conditions of the gebur's tenure dictated by both custom and tenurial agreement (see below under Rect. 4,4). Q also uses consuetudo in hendyadis with leges to translated the
same term (land lagu) in Rect. 21, where it appears to refer the perquisites granted to the workers of the inland (see commentary below). In Rect. 4, geriht is translated as consuetudo in a context that introduces the gebur's conditions of tenure. All this would seem to suggest that certain of the obligations and privileges of the gebur listed in Rect., 4-4,3c were defined by both local custom and by tenurial conditions sets by the lord. This conclusion also explains its use in Rect. 4,3, where, translating raeden, consuetudo refers back to the duties mentioned in Rect., 4a through 4,2c.

Overall all both þeaw and consuetudo refer to the customs of the estate, and seem to include both obligations and rights. In this passage, the reference is probably to the obligations originally owed to the king before the land was granted by boc. It also includes the perquisites granted when one worked on the king's inland or tended his inheord. While the duties originally owed to the king were granted to the lord by boc, the traditional perquisites seem to have remained in effect, or at least, this is what the Rect. is arguing should be the case.

- forðan his weorc sceal beon oftraede / quia sepius est operis illius

The Latin is not the most perspicuous. It seems that Q regarded sepius as an adjective (in fact, it is a comparative adverb), meaning "more frequent," while the operis illius appears to be a genitive of specification meaning, "in regard to his work." Liebermann added opus before the est operis illius (following R), possibly to give sepius a noun to modify. However, this seems to be redundant, and so I did not follow his restoration of the text.

3,4
- sylle / det

Once again we move from the indicative to the subjunctive, here with a clear volitive sense and doubtless echoing the style of A-S legal texts (See commentary on Rect. 1).

- heorðpaenig / heorðpenig

In Liebermann's Latin he inserts suum between det and heorðpenig, and while this makes good sense, it is not in anyway supported by the mss. In the mss the word heorðpenig is found in both combined and separated forms. In this section three of the four mss use the combined form. In Rect. 4,2, the only other occurrences of the word, the mss are consistent in dividing them.

The "hearth-penny" is also known as "Peter's penny." {ASD, 179; BT, 531.} For the suggested origins of this payment to Rome see Stenton, F., 1947, 215-216, n. 1 and Loyn, H., 1991, 242. According to the Leis Will., every freeman who owned 30 pennies worth of arable was to pay the Peter's penny, whereas lords were to pay for their bordar's, oxherds (bubulcos) and servants. {"Liber homo qui habet possessionem campestrem ad ualenciam xxx denar., dabit denarium sancti petri. dominus autem pro uno denario adquietabit bordarios suos et bubulcos et seruientes." (Leis Wil.,17, GA I, 505). For the meaning of "arable" for campestris see Maigne d'Arnis, Lexicon Latinitatis, 400. See also
Loyn, *Anglo-Saxon England*, 264.) Thus, if one paid his own Peter's penny, it meant that it came from a "free hearth," and was the mark of a free individual. (Faith, *English Peasantry*, 84-85.)

- **halgan ðunresdaeg / in sancto die iouis**
  Ascension Day, the Thursday after Rogate Sunday, the fifth Sunday after Easter.

- **ealswa aelcan frigean men gebyreð / sicut omnis liber facere debet**
  As noted above, for one to pay his own Peter's penny was a mark of his free status. Yet, since this was already understood, it is odd that the author of the *Rect.* felt compelled to state, "as is proper for every freeman." Its presence signals us that there was some question as to his status. If the **cotsetla** was not a slave, he was certainly dependent. "This last phrase should not be construed as implying that he is anything but a serf; it is put in only to remind him, rather pointedly, that being now so far emancipated as to occupy a cottage and a small holding, he incurs the normal obligations of a householder to the Church, obligations from which the slave is exempt." (Finberg, "Anglo-Saxon England," 513.)

- **werian / adquietet**
  The text continues in the volitive subjunctive. The A-S **werian** has been since Kemble's day recognized as the equivalent to *adquieto*, i.e. "to acquit, free (land, etc.) of a claim or charge," (Latham, *Latin Word-List*, 5.) "to quit, to discharge of an obligation." (MLLM, 13.) Kemble understand this passage as saying that the **cotsetla** would "...perform for his lord the duty of coast-guard, and attending the king's hunt: from which it follows that, ..., these services could be demanded of the lord." (Kemble, *Saxons*, vol. 1, 323, n. 2.) Seebohm less committedly translates it as "to defend," as did Leo. (Seebohm, *English Village*, 131.) Nevertheless, ever since Liebermann and Maitland, (GA III, 248 and DBB, 328) the generally accepted meaning has been that a land-lord "acquits" his land by having his **cotsetla** perform the services due from it, a meaning that also applied to the Latin *defendere* in DB. (See Abels, *Lordship*, 114 and Faith, *English Peasantry*, 90.) In light of the long accepted meaning of this term, Tucker's translation of "perform services on his lord's demesne" is curious. (Tucker, "Rectitudines," 814.)

**inland / inland**
For a discussion of the current view regarding the nature of the *inland* see chapter three. It is commonly translated as demesne, (For example, DBB, 331; Seebohm, *English Village*, 128; Tucker, "Rectitudines," 814; Aston, "Origins of the Manor," 66-67.) i.e. the lord's own arable, the whole produce of which was his. However, Vinogradoff defines **inland** as covering the whole portion of the estate the personally belonged to the lord, while for him the term demesne only referred to the home farm, and excluded plots that may have been least out of the **inland**. (Vinogradoff, *Growth of the Manor*, 226.) Stenton regarded it as "the demesne of the lord and the holdings of the peasants directly
subject to him." {F. Stenton, *Anglo-Saxon England*, 477.} Faith has been the argument, closest to Stenton's, that the inland was demesne in the classically medieval sense of the lord's arable, but also included the settlement of the people who worked the inland. {Faith, "History of the Manor," 47.}

- *gif him man beode... / si submonitio fiat...*

Liebermann follows R in including the *si*, which T, M, Hk do not have. Though the textual weight falls on omitting the *si*, its translation of the A-S *gif* argues for its inclusion.

The conditional clause here would fall into Mitchell's "open condition" with the subjunctive used to reflect the uncertainty of the condition. {Mitchell, *Old English Syntax*, vol. 2, 773, § 3544.} This kind of conditional clause might also fit into those involving "expressions of volition," {Mitchell, *Old English Syntax*, vol. 2, 782-793, §§ 3560-3583.} However, the force here is more like the protasis of the future less vivid of Greek and Latin which express "assumed or imaginary cases." {Smyth, *Greek Grammar*, 523, § 2322 & 526, § 2329. See also Allen & Greenough, *Latin Grammar*, 316, § 516.} Thus, the cotselta is to acquit (werie) the inland, in the hypothetical, yet very possible case that he should be commanded to do so.

Because *beodan* involves a locative, i.e. being called to (aet) a particular duty, the sense of "to summon" as opposed to simply "command" makes better sense here. Q seems to have recognized this nuance, translating it with *submonitio*, a medieval Latin word meaning "a summons" to either military duty or to court. {Latham, *Latin Word-List*, 464; MLLM, 998-999.}

- *saewerd / seweard id est de custodia maris*

For the meaning of this term see commentary to Rect. 1,1.

- *deorhege / deorhege*

For this see commentary on Rect. 1,1.

- *maeð / mensura*

The primary meaning of both the A-S and the Latin are a "measure, degree, proportion, quantity, extent." {See L&S, 1133; Latham, *Latin Word-List*, 296; BT, 663; MLLM, 671.} However, the semantic range of this word is broader in A-S, and includes not just physical quantification, but also social, thus giving *maep* the additional meaning of "rank, status, lot," (ASD, 227; BT, 663.) which is its necessary meaning here. Q seems to give in this instance a rather slavish translation using a Latin word that corresponds to the primary meaning of *maep* but fails to reflect the extended meaning here. Liebermann's "Standesgebühr" {GA IIa, 144} would make sense in this context, but I am unaware of any other example where either *maep* or *mensura* mean "duty."

The *mensura* here is ambiguous, either being a pl. nom. or a gen. sing. The nom. case would match that of *maep*, but this would then require the meaning of "duties of his rank" (à la Liebermann), a meaning for which there is no other attestation. It is also
possible that this is a gen. sing., denoting a genitive of origin,\{Smyth, *Greek Grammar*, 314, § 1298 and Bennett, *New Latin Grammar*, 134, § 196.\} meaning the other duties that arise from his status. This is the sense so taken here.

- **cyriesceat / cyrisceatum**
  
  See the discussion in the commentary for *Rect.* 1,1.

  The similarity between the duties to which the thegn (*Rect.* 1,1) might be called upon to perform and those of the **cotsetla** (*Rect.* 3,4) has been noticed by Abels, noting that these are probably due to a similar standing to their respective lords, the thegn to the king and the **cotsetla** to his landlord.\{Abels, "Bookland and Fyrd Service," 3-4.\} Such a bond of service suggests a type of commendation existed between the **cotsetla** and his lord just as it did between the king and the thegn who received **bocland**.

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4

- **gebur / geburus**


- **syn mislice / inueniuntur multimode**

  The main clause introducing this section in the A-S is in the subjunctive, which would seem to indicate that the author is expressing a wish, exhortation, or suggestion.\{Mitchell, *Old English Syntax*, vol. 1, 689, § 1675.\} By this the author of the *Rect.* is not simply describing the various conditions of the **gebur**, but would seem to be admonishing that the burdens on them should not be the same everywhere, doubtless conditioned by the local customs. This interpretation is supported by the *On sumen lande...* that begins the next section, indicating that what follows applies only to "a certain estate." The author of the *Rect.*, of course, notes that the duties of the **geneat** and the **cotsetla** are varied from estate to estate, but in these cases he uses the indicative, as if simply making a descriptive observation. Here, however, the use of the subjunctive insinuates that this might not necessarily be the case, though in the author's mind it should be. While one must be cautious about making too much of a point of syntax, the subjunctive here is indeed odd, and does draw attention to itself. It may be a subtle clue to the changing nature of the **gebur**'s status and duties. We might be tempted to conclude that there was an overall trend (due to nucleation?) on estates to impose the same duties and services on the **gebur**, despite previous tenurial arrangements. The use of the subjunctive here, then, would express the author's admonition that the differing obligations of the **gebur** dictated by local arrangements should be respected.

  The Latin, *inueniuntur*, unlike the A-S is in the indicative, and like the sections before it implies simple description. The use of the passive of *inuenio* supports the idea
that when one looks at the state of the *gebur*, his situation "will be found" to vary from estate to estate. However bad Q's A-S may have been, he certainly has demonstrated that he knew the different between the indicative and the subjunctive (especially a form as distinctive as *syn*). His use of the indicative and of the verb *inuenio* here must, therefore, reflect a conscious decision on his part.

- **gerihta / consuetudines**

  In Excursus II at the end of this chapter I argue that there was a significant difference in meaning between *riht* and *geriht*, the former referring to obligations and duties while the latter to privileges and rights. At first glance the use of *geriht* here would be an important exception, given that what follows consists largely of a list of services owed by the *gebur* to the estate. However, we must not forget Rect. 4,3 and 4,3b the sections that list the house, tools and livestock that the lord provided for the *gebur*. Of course, most of the section describing the tenure of the *gebur* is devoted to his duties and service to the estate; yet it also includes this important list of perquisites owed to him. Since *gerihta* introduces the entire section of Rect. 4-4,6 it would also seem to include these rights, a point that was not lost on Q, who translated *gerihta* as the word *consuetudo*, which includes both obligations and rights.

  The word complex *riht / geriht*, while referring to duties and rights respectively, does so without referencing their origin, i.e. whether they were established by custom or by tenurial agreement. The use of the word *consuetudines* to translate *gerihta* here would suggest that most of the duties listed in Rect. 4-4,3c were those established by local custom, and represent the tributary services and gifts rendered to the king before they were transferred to the lord by *boc* (see discussion in commentary on Rect. 3,3).

- **levior**

  This word does not appear on the A-S version of the Rect., at least not in ms B, the only version that has survived. It is possible that here, as in other places, we have evidence that Q was working for an A-S ms that was somewhat different than the one that has come down to us. Its presence makes sense; the logical contrast to "heavier" is not "middling," but "lighter."

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4a

- **On sumen lande / in quibusdam terris**

  The A-S *lande* is clearly singular, which suggests that the author of the *Rect.* was not speaking generally, but had a particular (his own?) estate in mind, using it as an example for suitable customs governing the *gebur*. The adjective *sum* has the ending -en which would correspond to the more "classical" dative ending -um, the change of /m/ > /n/ being a well attested phenomenon in late A-S. {Hogg, *Grammar of Old English*, 306, § 7.102.}

  Q, however, translates *lande* with the plural *terris*. This implies that Q sought to broaden the applicability of the *Rect.*'s description of the conditions and terms under
which the gebur served. He points not to one but to many estates that have similar arrangements. For ideological function importance of Q's translation see chapter seven.

- to wicweorce / pro septimanali
  the M, Hk transmission has pro, which probably resulted from a confusion in the abbreviations for the two prepositions, pro and per.
  "Week-work" was comprised of a number of days, two or three, during which the tenant was expected to labor on the lord's inland, later demesne. After the conquest, the same type of service would continue as part of the villein's obligations. {Vinogradoff, Villainage in England, 280.}

- haerfest / augustus
  See commentary on Rect. 3. The addition of another day in the week is understandable given both the labor of harvest and the deadline of gathering it before the winter. It should be noted that Tucker leaves out the "and on haerfest iii dagas to wicweorce" in her translation. {Tucker, "Rectitudines," 814.}

- of candelmaesse oð eastran / a festo candelarum adusque pascha
  Candlemass is the Feast of the Purification of Mary, which celebrates when Mary underwent the rituals of purification after giving birth to Jesus (Luke 2:22 ff.).
  The reason for the increase of labor from the gebur at this time was the need for spring plowing. It was during this time the field that had yielded winter grain (wheat and rye) the previous year was plowed and prepared to be sown for spring crops (oats, barley, peas, beans, vetches). {See Homans, English Villagers, 55 and 67.}

- aferað / aueriat
  For the meaning of this verb see commentary on Rect. 2. Though aferian is a Weak I verb it has the ending -að instead of the expected -eð. Nevertheless such crossover between conjugations is common in A-S.

Regarding gafol and gablum see commentary on Rect. 2. It should be noted that the gafol of ten pennies is the same as that paid by the ceorls at Hurstbourne, suggesting a similar tenure. {Finberg, "Anglo-Saxon England," 514}

The Feast of St. Michael (29 Sept.) marked the beginning and ending of the agricultural (and thus the estate's fiscal) year. It was at this time that the reeve (later bailiff) had to make out the accounts for the previous year. {Homans, English Villagers, 354} By this point the harvest had been gathered and presumably, the tenants had sold their surplus grain and vegetables. It therefore makes sense that they would not be expected to pay their gafol until this time of the year.
- on martinus maessedaeg xxiii systra beres and ii henfugelas

Since the church-scot was paid on St. Martin's Day (Rect. 3,4) Finberg presumes that the barley and the hens, rendered on that day, were for the church-scot. {Finberg, "Anglo-Saxon England," 514.} See also the commentary of Rect. 4,1a.

- systra / sestarium

Both the Latin and the A-S derive from the Latin word sextarius. According to Roman metrology a sextarius was a little more than one U.S. pint. {L&S, 1879, 1688; 1.14 U.S. pints according Adkins & Adkins, Handbook to Life in Ancient Rome, 314.} According to that metrology, the 23 sestarii of the Rect. would be roughly equivalent to 26 pints or .4 bushels of grain. However, one cannot assume that the syster or even the sestarius of A-S England was the same as the classical measure. Stenton regards the syster as roughly a bushel, {F. Stenton, Anglo-Saxon England, 467.} which would make the gebur's renders at St. Martins day "... an immense amount of barley." {Kemble, Saxons, vol. 1, 323, n. 5.} In the ASC for 1043 it mentions that one sestar of grain sold for sixty pennies and more. Henry of Huntington understood the "sestar" of the ASC as being a horse-load. {DBB, 364.} Suffice it to say that there is no common opinion as to what a syster actually was in A-S England.

4,1a
- of martinus maessan / a festo sancti martini

It was presumed that the sowing of the winter grain (wheat and rye) would be finished by St. Martin's Day (11 Nov.). {Homans, English Villagers, 355} What followed was a period during which work on the fields was done until Candlemas (2 Feb.), when the preparatory plowing for the spring grain would begin. It was during this relatively inactive period that the gebur was expected to lie with the sheep during the winter, when the fold was often distant from the home farm and required careful watching. {Kemble, Saxon, vol. 1, 324, n. 1.}

4,1b
- of ðam timan ðe man aerest ereð oð martinus maessan

This passage is in reference to when the field that had lain fallow the previous year was plowed and sowed with winter grains (wheat and rye). The "time when one first plows" would vary with weather conditions, but it was usually reckoned as beginning in October. {Homans, English Villagers, 67} Of course, the lord would also be planting the winter grain on his inland, and needed the geburas to supply that labor, or at least supplement the labor of the estate slaves.

- timan / termino

The Latin here cannot be taken in its classical sense of "boundary," or "limit" (spatially or temporally), but rather in the medieval usage meaning a "fixed period of time." {Latham, Latin Word-List, 480.} In that sense it is a good equivalent to tima.
- aecer / acram

See commentary on Rect. 3,1.

- sceal ... raecan / parabit

The verb raecan means "to reach out, stretch out" and thus in extension "to offer, present, give, grant."{ASD, 276.} However, the word raecan is somewhat unclear because of an apparent correction in the ms; the "c" appears to have "d" and/or "p" written over it. Schmid based his translation, "sorgen," on the reading raedan, as did Leo with his translation, "bereiten." Kemble and Seebohm follow their lead with the translation "prepare." Liebermann's reading of, "erholen," makes the best sense, but seems lexically less secure. Tucker follows the ms more closely and translates raecan as "present," which fits the recognized meaning of the verb, but does not make good sense in the context.

As mentioned above, the verb raecan without the ge- prefix carries the sense of reaching out, offering, presenting. The form geraecan, however, does mean to "get, take, gain."{ASD, 276.} which not only fits well with the context, but with Q's translation of parabit as well. While the presence of the ge- prefix can make a significant lexical difference (as I have argued in the distinction between geriht and riht), many times it does not. On such occasions, for example, Hall will prefix the verb with a ±, indicating that the verb may or may not have the ge- prefix without any change in meaning. While there is a lexical difference between geraecan and raecan if it difficult to know if it survived in the early twelfth century. It is also possible that the scribe copying B may have regarded the ge- as expendable; we have seen that his command of A-S minimal, and he may not have perceived a difference between the prefixed and non-prefixed form. Consequently, since context not dictionaries are what define words, I have translated raecan as "get."

Note as well that while the A-S has a volitive construction using sculan, Q translates it with the future parabit, giving it the sense of simple description.

4,1c
- to bene / precum

Both the A-S and the Latin primarily mean a "request," but in this context of agrarian labor services, it refers to "boon-work,"{ASD, 40; BT, 83 and MLLM, 846; Latham, Latin Word-List, 364, under precamen.} which I have translated with the less archaic, "work-on-demand." Liebermann defines it as "der Befehl zur Fron, Gege. zur and neben der ordentlichen Wochenfron."{GA III, 249.} This work as "a kind of surplus demand," which exceeded the normal, specified work. Vinogradoff notes that this kind of work was done during the most labor intensive times of the year, and that later texts speak of this labor being done out of love for the lord.{Vinogradoff, Villainage in England, 174 and 281-282.}

The form precum seems to be a genitive of origin{Bennett, New Latin Grammar, 196.} indicating that the three acres to be plow result from the obligation to work at the
lord's bidding. That this should be plural may reflect that such requests occurred on several occasions.

**- gaersyrðe / herbagio**

Literally, *gaersyrð* is grass-plowing. Kemble, following Leo understood this as plowing virgin meadow for new arable, though he himself admits that this interpretation does not fit well with what follows. {Kemble, *Saxons*, vol. 1, 324, n. 2.} Schimd simply left this portion of his translation blank. Seebohm provides the half-translation "grass-yrth." Liebermann, however, saw in *gaersyrðe*, the kind of plowing duty known from the thirteenth century called "aver-earth" or "grass-earth." Vinogradoff defines this duty as follows, "This obligation arises when the peasants want more pasture than they are entitled to use by their customary rights of common." {Vinogradoff, *Villainage in England*, 280.} This interpretation, though derived from later sources, fits the context perfectly, and is the one adopted here.

The Latin *herbagium* means "pasturage, hay, cut grass" as well as the rights or payment to procure them. {Latham, *Latin Word-List*, 224; Maigne d'Arnis, *Lexicon Latinitatis*, 1113.} In the first instance I translated it as plowing in regard to the pasturage rights, while in the second occurrence, I render it as the pasturage itself.

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4.2

**- gauolyrðe / aratura gabli**

See discussion in commentary on Rect. 2

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4.2a

**- heorôpaenig / heorô penig**

For this see commentary on Rect. 3,4.

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4.2b

**- and twegen and twegen / et duo et duo**

Liebermann's Latin version retains the *et duo et duo*, even though three mss, T, M, and Hk have only *et duo*. Though a slavish translation and represented in only one ms, it is retained here.

**- fedan / pascant**

Is here taken to be a plural subjunctive with volitive force. Q here translates it also with the subjunctive *pascant*.

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**- headorhund / molossum**

The A-S reflects a shortening of the original *heahdeorhund*, i.e. a dog used for hunting stags (*heahdeer*). The Latin uses *molossus*, originally meaning a Molossian hound (from the Greek *μολοσσός*, "of or belonging to the Molossi," one of the three main ports of Epeirus. {L&S, 1160; Bell, *Place-Names in Classical Mythology*, 129 and 185.} The κύων *μολοσσός* was a kind of wolf-dog used by shepherds. {Liddell & Scott, *Greek-
The term *molossus* for a hound or "ban-dog" is attested in the late twelfth century and up to the fifteenth, {Latham, *Latin Word-List*, 303} though just what breed this represented is unclear.

### 4.2c

- **inswa<n>/ porcario curie**

  The *inswan* was the swineherd in charge of the lord's pigs. {ASD, 206; BT, 596; GA Ila, 125.} He was an *inland* worker who was doubtless a slave. {Faith, *English Peasantry*, 65.} The Latin is an explanatory translation, spelling out that he was the "swineherd of the *curia*." The *curia* was a fortified complex of buildings comprised of the lord's hall and other buildings, perhaps including a chapel and separate housing for the lady of the estate, equivalent to the lord's *tun* (Rect. 2). {Faith, *English Peasantry*, 163-164.} This translation suggests that the lord's pigs were kept within this complex, which must then have also included stys.

- **maestenne / pastinagium**

  Pigs were pastured in the woods to feed off of the nuts that fell from the trees in the fall, in an effort to reduce the amount of fodder used. {Loyn, *Anglo-Saxon England*, 369.} The Latin is a technical term, often rendered as "pannage," meaning the same as the word of A-S origin, "mast." {Latham, *Latin Word-List*, 330, under *pannagium*.}

### 4.3

- **raeden / consuetudo**

  The word *raeden* means "conditions, terms, stipulations, rules." {ASD, 276; BT, 783; GA Ila, 180.} Here it refers back to the duties and services of the *gebur* listed above. That these were largely (if not completely) determined by local custom is strongly suggested by Q's use of *consuetudo* to translate *raeden* (see commentary on Rect. 3,3). The meaning here is, on estates where the obligations on the *gebur* are like those listed above, the *raeden*, he should also be provided with the following.

- **landseten / terram assidendam**

  The word *landseten* means "occupation of land." {ASD, 211; BT, 619; GA Ila 131, under *landsetene*.} Kemble understood this as "first stocking his land," and Seebohm translated this as "his outfit." In keeping with this Liebermann suggests "Bodeninventar," "fittings for (working) the land," which fits better into the context. {GA I, 447.} However, the literal construction of the word makes no mention of provisions *per se*. Consequently, I have chosen to translate the word in its simplest meaning, which works well enough with the context.

  The phrase *terram assidendam* is a gerundive construction employing the accusative. When used with *ad*, as it is here, it denotes purpose. {Allen & Greenough, *Latin Grammar*, 309, § 506.} Thus, the provisions listed after are to enable the *gebur* to occupy (*assideo*) his holding.
- aeceras / acre

See commentary on Rect. 3,1.

- moris

This is taken as a genitive of origin from mos, indicating that the practice described finds its origin in local usage/custom.

- gyrd / virgata

The words gyrd and virga have been interpreted as having the same sense they carried during the high Middle Ages, i.e. a set strip of land in the common arable, comprising one-fourth of an acre, as well as a quarter of a hide, comprising roughly 30 acres.\{DBB, 384-386.\} Faith asserts that the gyrd was a strip of "arable about a rod (4.65 or 5.03 m) wide along its top edge and a furlong in length."\{Faith, English Peasantry, 78.\} This, however, is to go beyond the current evidence. In fact, Huggins, whose article Faith quotes, makes a point to emphasis that, while the Anglo-Saxons did have metric units, such as fingerbreaths, feet, ells, perches, etc., it is impossible to know how they related to each other.\{Huggins, "Building Measurements," 21.\} Nor should we forget that in the records of the Malling estate (Sx) the Latin virga was used in Anglo-Saxon to represent the arable of a hamlet, each assessed as one virga, whether it comprised 75 or 100 acres.\{Jones, "Multiple Estates," 23.\}

Another possibility is that the gierd was actually a unit of assessment like the hide. In this case, while the hide was land valued at £ 1, the gierd would have been land valued at 1/4 £ 1, i.e. 60 d. This possibility coordinates well with the value of the gafol that the gebur paid, which was either 16.66% or 20% of the value of the gierd.\{See chapter three.\} If lords provided land, it would make sense that they would do so on the basis of a fiscal unit, one from which they would know how much gafol would be due

Further, Faith is right to point out that the presence of the gyrd does not in-and-of-itself necessitate an open-field system.\{Faith, English Peasantry, 79.\} Doubtless, gyrd refers to the arable that was the gebur's own to work, though just how big that was or even how it was integrated into the rest of the arable is not clear. Given these uncertainties, I have chosen to translate it simply as "yard" with the quotation marks to offset it and highlight its ambiguity. As to its relationship to the acre, see also the discussion on acra in commentary on Rect., 3,1.

4.3a

- forðige ofer þaet gear ealle gerihtu / post illum annum faciat omnes rectitudines

Schmidt translates this as "Er erfülle das Jahr hindurch alle Pflichten, die ihm aufliegen," interpreting ofer þaet gear as "during that year."\{Schmid, Die Gesetze, 375.\} However, most scholars have translated in the same sense as Tucker had, "After that year let him perform all the dues that fall to him."\{Tucker, "Rectitudines," 814. Cf. Leo, Rectitudines, 231; GA I, 447; Seebohm, English Village, 133. Though Kemble translates more ambiguously, "let him do all the customs which belong to him" Kemble, Saxons, vol. 1, 325.\} This has been taken to mean that for the first year of being on his holding,
the **gebur** lived rent free and without having perform any services.\{GA III, 249; Faith, *English Peasantry*, 77.\} Presumably, the was to allow the **gebur** time to establish his own plot and get settled.

Even though this has been the established interpretation of this section since Seebohm, there are certain elements that suggest an alternative. First, this section is preceded and followed not by statements of duties and obligations, but of perquisites, *Rect.* 4,3 listing the livestock and the arable the **gebur** should receive; *Rect.* 4,3b dictating that he should also be given the tools for his work and utensils for his house. Further, *Rect.* 4,3c stipulates that when the **gebur** dies, his goods were to revert to the lord, for the clear reason that they had all been granted to the **gebur** by him, again focusing on the perquisites. It is clear that the whole of *Rect.* 3,4a-c is in regard to the rights and perquisites that were to be bestowed on the **gebur**. It is incongruous, then, that *Rect.* 4,3a should insert a statement of him fulfilling his services and duties.

In addition, in Excursus II at the end of this chapter (which see) it is argued, that in the other places where **geriht** occurs, especially when translated by *rectitudo*, (*Rect.* 1, 7 and 21,1) the reference is to rights and perquisites. When **geriht** in *Rect.* 4 is translated by *consuetudo*, it seems to comprise both obligations (*Rect.*, 4-4,2c) and the privileges (*Rect.* 4,3-4,3c). If this trend is correct, i.e. that Q does tend to use **riht** for duties and **geriht** for rights, the use of **geriht** here and its translation with *rectitudo* would suggest that what the **gebur** is to "further" is not his duties, but his rights.

If the above observations and conclusions are correct, then the traditional rendering of this passage has been incorrect. Instead of indicating that the **gebur** would be free of his obligations during the first year of his residence on the estate, it rather means that the **gebur** had the right to "further," i.e. to augment and improve on the livestock and the fields that he has been given. Since these items were given to the **gebur** by his lord, it would naturally be an issue as to whether or not the produce of or the increase in these goods belonged to the **gebur** or the lord. This section makes it clear that they were the **gebur's** to exploit and augment for his own profit.

\underline{4,3b}

- **and sylle / et committantur**
  
  For the Latin mss M & Hk have the indicative, *committuntur*. However, the subjunctive reflects the A-S and makes better sense.

- **suppellex**
  
  This word is purely medieval and poorly documented. Its meaning ranges from "manorial products"\{MLLM, 1004\} to "bedding" and "funishings."\{Latham, *Latin Word-List*, 464.\} The latter meaning makes the most sense here.

\underline{4,3c}

- **gyme his hlaford ðaes he laefe / rehabeat dominus suus omnia.**
  
  Leo translates this as "neme... in seine sorge,"\{Leo, *Rectitudines*, 231.\} and Schmid as "so sorge sein Herr für Das."\{Schmid, *Die Gesetze*, 377.\} In a similar vein

367
Kemble translates, "let his lord look after what he leaves."{Kemble, *Saxons*, vol. 1, 325.} and Tucker, "let the lord take charge of what he leaves."{Tucker, "Rectitudines," 814.} These translations insinuate that the goods of the *gebur* belonged to his family, and that the lord simply took guardianship of them at his death. Given, however, that the lord had completely equipped the *gebur* with house, field and goods, Seebohm's stronger, "his lord takes back what he leaves,"{Seebohm, *English Village*, 133.} and Liebermanns "halte sich.... an"{GA I, 447.} seem more appropriate. Certainly, Q understood and translated it that way.

4.4
- **landlagu / consuetudo**
  
  As mentioned in the commentary on *Rect.* 3,3 *consuetudo* is used by Q to refer to the duties and rights granted to tenants by custom. Its use by Q as a translation to *landlagu*, therefore, might seem incongruous, given that lagu / lex refers to terms and conditions established by a superior authority, such as the king or the lord of the estate.{See Excursus II} In *Rect.* 21 Q translated *landlagu* as *leges et consuetudines*, implying that this word embodied both tenurial arrangements (lex) and customs (consuetudines). Yet in this section he uses only *consuetudo*. The reason for this might be that he is trying to redefine the tenurial arrangements of the *gebur* not as simply that dictated by the lord (which implies mutability), but as long-standing custom. The word *landlagu* encompasses the whole of the tenurial conditions of the *gebur*, both his obligations (*Rect.*, 4-4,2c) and the privileges (*Rect.* 4,3-4,3c). Thus, while the modern English translation renders the rather literal "estate-law," the reader should have in mind the rights as well as the duties that had been previously mentioned.

- **on suman lande / in quibusdam locis**
  
  Here as in *Rect.* 4a, (see commentary), the author of the Rect. uses the singular, *lande*, referring to a single, particular estate. Q, however, broadens the application of the statement by rendering in the plural, *quibusdam locis*, insinuating that the practices described above were in force on many estates. See chapter seven.

4.5
- **on sumen landa / in quibusdam locis**
  
  Here *landa* is in the gen. pl., which is not uncommon with *sum* (for examples see BT, 933). Since the author is referring to varying practices on other estates, Q's use of the plural is justified. See chapter seven.

- **huniggafol, metegefol, ealugafol / hunigablum, metegalbium, ealagablum**
  
  When *gafol* is used in a compound with commodities, it indicates that goods that are given as part of the *gafol* to be paid by free tenants (See commentary on *Rect.* 2).
4.6
- scir / scyram

The scir of the Rect. is not a "shire" in the sense of a county. Rather, it refers to a region within which were a number of hamlets and homesteads. It was a fiscal and administrative unit which owed the king both tribute (gafol) and various services, which were collected and supervised from an administrative center-farm by an ealdormann, who also appears in Rect. 12 and 17. When a scir was given by boc to an ecclesiastical institution or a lay noble, it became a multiple estate. See chapter three as well as Barrow, Kingdom of the Scots, 9-11 and Faith, English Peasantry, 9-12.

- ealdlandraeden / antiqua terrarum institutio

The A-S word is a composite of eald, "old," land, "land," "estate," and raeden, "conditions, terms, stipulations" (see Rect. 4,3). The last element focuses on the terms of an agreement, and in this context must refer to terms of tenure granted to the geneat, the cotsetla and the gebur. Hence, I have translated ealdlandraeden as "the previous estate arrangements." In this passage, this word is combined with þeaw to represent the whole workings and arrangements of an estate, both those negotiated with the lord and those established by custom.

Q's choice of antiquus is interesting, and seems to place a greater distance of time between himself and the original institution of the tenurial arrangements. This would suggest that Q is referring to the arrangements that had been established well before, perhaps before the Conquest. If this is correct, it would be in concord with Q's use of the Rect. within the corpus of the Quadr.,

- þeaw / consuetudo

For the meaning and usage of both þeaw and consuetudo, see commenary on Rect., 3,3.

5
- id est opium custodi

Liebermann preserves the more classical form apum, which sometimes has -um as the genitive plural rather than the more expected -ium (Allen & Greenough, 2001, 32, §78, 2). However, -ium is an option even in classical Latin and in this case is represented by three of the four mss, so is used here.

- gafolheord / gafolheorde id est gregem ad censum

While it is true that, when gafol is used in compounds with commodities it means the commodity rendered as payment, part of the landgafol (see commentary on Rect. 4,5), in this case it describes a "herd," a "swarm," that is subject to a payment (gafol), and therefore indicates the property of a freeman. This stands in contrast to the inheord (Rect. 7), the "herd" that belongs to the lord as part of his inland.

Here Q incorporates an A-S word into his translation and then defines it with an id est apposition. For the meaning and implications of gafol see commentary on Rect. 2 and
chapter seven. In this case as in Rect. 5,1 and 6, Q does not use the gablum, but rather census. Like gafol, census has strong connotations of tribute and taxation, though it too can mean "rent of a free leasehold." It also has the meaning of an annuity or annual payment.\{MLLM, 167-168.\} However, it is important to note that by the thirteenth century, there still seemed to be a distinction between gablum and census, in which the first meant original, customary payments, while the other indicated payments made as commutation for labor services.\{Vinogradoff, Villainage in England, 187.\} It is not an unreasonable assumption that the beekeeper here and the swineherd in Rect. 6 were tenants who normally owed labor services to the inland. Because of their specialized tasks, these common services were commuted into payments (census) of honey and pigs respectively. Consequently, I have chosen to translate census as "commutative payment."

- ðone lande geraed beo / sicut ibi mos erit

  Normally, ðon with a supralinier above the /n/ represents ðonne (the same abbreviation used in Rect. 6,2). However, ðonne means "therefore, wherefore, yet, while, when," which does not fit well in this context. Liebermann's edition does not provide the plenary form, but has "ðoñ" with the note "bessere þaet on (oder laut Quadr. þanon, swa on oder ähnlich)."\{GA I, 448.\} Liebermann's solution presumes the original read þaet on lande, "which on the estate..." In like vein, the option taken here (there is not fully satisfactory one) is to take it as ðone, the acc. form of the definite article used as a relative pronoun.\{Mitchell, Old English Syntax, vol. 1, 207, § 520.\} The problem with this solution, however, is that ðone is masculine while gafol, the presumed antecedent, is neuter. Given other mistakes by the copyist of B, it is not beyond possibility that he also mistook þ on (with þ being the abbreviation for þaet, the neuter relative pronoun) for þon, thinking it to be þone, being unaware of gafol's gender.

  This seems to have puzzled Q as well, who departs from his customary close translation gives the more paraphrastic, sicut ibi mos erit, which does preserve the apparent sense of the clause.

5.1

- mid us is geraed / in quibusdam locis

  In the A-S version, the author refers specifically to his own estate, here as in other places holding it up as an example of a reasonable practice. Q, however, translated it more broadly, as he does in Rect. 4,a and 4,4, as "in certain places," again indicating that the payment of gafol from the beekeeper described here applies to many estates. See chapter seven.

sustras / sestaria

  The unit mentioned here is presumed to be the sester (see commentary on Rect. 4,1). According to the prices that can be ascertained for the eleventh century, each sester of honey would be worth one shilling.\{S. Harvey, "Domesday England," 57, Table 2.1.\}
gafolraeden / gablum

Here the A-S has a compound of gafol with raeden, which means "terms, stipulations, conditions" (See commentary on Rect. 4,3). Consequently, the translation "terms of payment" is more appropriate than simply payment, the approach Q took in his translation. The use of raeden here and of the verb raed in Rect. 5 suggests that these renders were not so much determined by custom, but by negotiation with the lord. It should be noted, gafolraeden / gablum seems to incorporate the census mentioned in Rect. 5, and which is defined as the payment of five sesters of honey in this section. The census of 5 sesters of honey, then, were seen as one type or part of the broader gafolraeden / gablum-arrangements that tenants had with their lords.

5,2
- he sceal hwiltidum geara beon on manegum weorcum to hlafordes willan

It is very possible that at this point (Rect. 5,2) we are no longer talking about a free beekeeper. These words indicate that the beekeeper was subject to periodic boon-work, that is, work done at the lord's request (ben) and at the lord's discretion. In later law, one test of whether one was free or servile was by the nature of the labor services he was to perform; if his duties were indefinite, it indicated that the lord was the master of his time, and thus indicated a servile condition. {Holdsworth, History of English Law, vol. 3, 31-32.}

We can compare this passage with Rect., 6,3, where it states that the swineherd, like the beekeeper, must be available to do any work. If Rect. 6,2-6,4 are describing the services rended by the servile swineherd, then this constant availability to perform tasks at the lord's bidding was probably the mark of servile status. This would imply that this same duty also marked the beekeeper as servile, even though the Rect. never explicitly calls him a ðeow beocere.

That the beekeeper discussed from this point on in the text was servile finds possible confirmation in Rect, 5,5 (see the commentary) which stipulates that at his death the goods of the beekeeper revert to the lord, "except whatever might be free."

Thus, though at this juncture the Rect. never explicitly states that it has shifted its discussion from free to servile beekeepers, the content of Rect. 5,2-5,5 strongly suggest that this is the case.

- voluntatis domini sui and araturam precum

A stylistic feature of Q's Latin seems to be a preference for the genitive of origin, {Bennett, New Latin Grammar, 134, § 196.} which is employed in these two instances. In the former, literally "of the lord's will," means the labor that arises from the lord's discretion. In the second, the plowing is the result of being asked to do the work. In these instances, modern English cannot succinctly reflect this construction.
- benyrðe / benyrðe id est araturam precum and bedripe / benripe id est ad preces metere

Both plowing-on-demand and reaping-on-request were service obligations well known from the manorial rolls of the high Middle Ages, at which time they fell under the general heading of praecariae. However, by this time these services were "settled very minutely," negotiated between the lord and the tenants. {Vinogradoff, Villainage in England, 284-285.} Whether this was the case in the A-S period us unknown.

5.3
- seam / summagium

The A-S seam, "burden, load," is translated by Q with summagium, a word that appears to be somewhat rare (it is not listed in Niermeyer or Latham), and d'Arnis translates it as "saercina, onus saumarii," {Maigne d'Arnis, Lexicon Latinitatis, 2137.} i.e. "burden, load., the load of a saddle-bag" (see Rect. 2.)

One cannot help but notice the similarity to the obligation of the geneat (Rect. 2) and gebur (Rect. 4a) to provide horses or to perform carrying services. If the beekeeper that is spoken of here is of a servile status, as suggested in the commentary on Rect., 5,2, then it is possible that the servile beekeeper could also be a tenant on the inland as a gebur, or at least a tenant very much like him.

5.5

This stipulation is the same as for the gebur (Rect. 4,3c), presumably because like the gebur the servile beekeeper was provided with skeps and other supplies by the estate. {GA III, 250.} The exception of "whatever might be free" suggests that even the servile beekeeper was able to acquire and accumulate wealth and goods of his own, which, being his own, would pass to his heirs.

It should be noted that according to Rect. 6,4 the servile swineherd (þeow swan / seruus porcarius) and the servile beekeeper (þeow beocere / seruus custos apium) were subject to the same lagu upon their deaths. This is clearly referring back to this section, stipulating that their goods revert back to the lord, who presumably gave them in the first place. This connection further supports the view that the beekeeper discussed in Rect. 5,2 through 5,5 is servile in status.

- demediabit

This medieval Latin verb is relatively rare, and means "to put out of the way, to kill." {Latham, Latin Word-List, 138.}

6
- gafolswan / gafolswane id est ad censum porcario

Liebermann translated gafolswan as "Zins[bäuerlicher] Schweinehirt," {GA I. 448.} a rustic swineherd who pays rent. Since only tenants paid gafol, I translate gafolswan as "tenant-swineherd," in contrast to the inswan, the estate-swineherd (Rect. 4,2c), who tending the inheord, the estate's swine, was probably a slave. The gafolswan
of the *Rect.* probably were "independent farmers primarily devoted to the breeding and rearing of pigs." {Lennard, *Rural England*, 258.} Based on Q's translation of *ad censum poracrio*, we might conclude that the pigs he gave to the estate constituted the *censum*, the payment by which he was relieved of further agricultural labors. For more on the significance of *censum* see chapter seven.

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**- syle his slyht / suam occisionem det**

Both the A-S *slyht* and the Latin *occisio* mean "slaughter," and must refer to a number of pigs that were to be rendered to the estate for slaughter. {BT, 884, under *sliht*; L&S, 1879, 1251.} Tucker's translation "to pay for his animals that are to be slaughtered" {Tucker, *Rectitudines,* 815.} cannot be justified by the text.

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**6.1**

**- deopre swanriht / servilius rectum porcarii**

This last clause of *Rect.* 6.1 is set apart from the rest mentioning that on some estates there are "deeper," i.e. "earnest, heavier" *swanriht*. This must be in reference to heavier duties and tributes that the swineherd owed. It is for this reason that Q used *rectum* to reflect the *riht* of the compound *swanriht* (see Excursus II).

However, Q has interpreted *deop* as *servilis*, indicating that in his mind, such heavier obligations were by nature servile. It is quite possible that Q regarded these words as introducing a new topic, the servile swineherd, and that the following sections (*Rect.* 6.2-6.4) were talking about the slave that tended the lord's pigs (his *inheord* - see *Rect.* 7). Q may well be right. *Rect.* 6.4 concludes this part of the treatise by mentioning specifically that the servile swineherd (*ðeow swan*) and the servile beekeeper (*ðeow beocere*) were under the same *lagu*, even though the *ðeow swan* had not been specifically named up to this point.

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**- sticunge / occisionem**

Literally *sticung* means "stabbing," but as indicated by the context and Q's translation of *occisio*, it must be a synonym of *slyht*, which we met in the previous section, the meaning, again, being an animal given to the estate for slaughter.

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**- ealde / ueteres**

Unlike Leo and Tucker, I translate *eald* / *uetus* as "mature," as opposed to "old," following Liebermann's "ausgewachsene." {GA I, 449; Cf. Leo, *Recitutindes*, 235 and Tucker, *Rectitudines,* 815.}

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**6.2**

**- saencge / suspendat**

The A-S and the Latin verbs probably refer to two different ways by which meat was to be preserved, by either singeing the meat or "hanging" it up to be smoked.
- gewyrce / opera

The A-S gewyrce primarily means "work," as does the Latin opus. However, the A-S also has the derived meaning of "what is got by work, profit, perquisite," {BTs, 461.} a meaning that, to my knowledge, is unattested for opus. Either Q took the Latin word closest to the primary meaning of gewyrce and used it, thereby assigning it the extended meaning of perquisite, or he did not understand that sense of the word, and translated it as he understood it, as "work" {See below in the commentary on Rect. 7}. Exactly what the perquisites for the swineherd were, the Rect. does not say. However, we might gain an idea of their nature from Vinogradoff's comment that at Glastonbury Abbey, the swineherd received "one-sucking-pig a year, the interior parts of the best pig, and the tails of all the others which were slaughtered in the abbey." {Vinogradoff, Villainage in England, 321.}

6.3
- opium

See commentary on Rect. 5.

- swa ic aer be beocere cwaeð

The reference is to Rect. 5,2 and 5,3, where it says that the beekeeper must be about various tasks as the lord wills at times during the year and should be provided with a horse to do carriage service for the lord. If such service was servile by nature, as suggested in the commentary on Rect., 6,1, this would add further evidence to the idea that the beekeeper of Rect. 5-5,5 was in fact a slave tending the estate's hives (see commentary on Rect. 5,5)

6.4
- lage / legis

As mentioned in Excursus II, lagu is always translated as lex in the Rect. Here it is consistent with the idea of terms or conditions set by a higher authority. The "one law" to which the servile swineherd and the servile beekeeper are subject is referring back to Rect. 5,5 where it states that lord will take charge of the estate of the beekeeper when he dies, "except whatever might be free," as was the case with the gebur (Rect., 4,3c). Here, we are no longer dealing with just local custom, but the terms of land tenure. Doubtless, like the gebur, the servile swineherd and beekeeper were provided not only with land, but with a house and implements, and the lord granted such tenure on condition that these items revert back to him when they died.

7

With this section the author of the Rect. makes a transition in focus from what the various estate tenants and workers owed the estate to a list of the perquisites that the estate owes to its workers. This topic is the subject of Rect. 7 through 20,2 and arguably through 21, 3, which I have suggested is actually a summary of this portion of the Rect. (see chapter four).
- aehteswan / aehteswan id est seruo porcario

The word aehteswan is a hapax legomenon. It is a compound comprised of aeht ("property") and swan ("swineherd"). This combination naturally insinuates that the swineherd is himself "property." That is the meaning that Q gave it in his definition of serus porcarius, though by his day the status of the aehteswan may have changed. The term itself, however, may not denote legal status; the element aeht not referring to the person himself as property but indicating that he is one associated with the lord's property, hence Pelteret's definition of "swineherd belonging to the demesne."{Pelteret, "Lists of Serfs," 496; Pelteret, Slavery in Early Medieval England, 262. See also discussion in the commentary on Rect. 9,1} However, given that the previous section dealt with the ðeow swan and that this section mentions that the aehteswan is due the rights that belong to servile persons, it is most likely that the aehteswan was, if not a slave, then one personally bound to the estate, hence Liebermann's translation "leibeigenen Schweinehirten."{GA I, 449.} However, if he were understood as servile, why would it be necessary to mention that the aehteswan was to have the same rights as a ðeow man? Pelteret argues that the prefix is used with those who work the lord's demesne and ultimately came to be viewed as his property.{Pelteret, "Lists of Serfs," 499.} Yet, the author of the Rect. does not use ðeow swan, "servile swineherd" here as he does in the previous section (Rect. 6,4), which would suggest that there was a difference in his mind between ðeow swan and achtemann. Tucker's translation of "herdsman slave"{Tucker, "Rectitudines," 815.} clouds this distinction. To preserve that difference and yet reflect the ambiguity of the term, I have chosen to translate the elements of the compound literally as "property-swineherd."

- inheorde / dominicum gregem curie

Like the inland, the inheord was a resource whose produce was the sole property of the lord. Q is probably right in defining the inheord as that kept at the central farm that comprised the lord's residence (curia). See commentary on Rect. 4,2c.

- gewirce / gewirce

This is the same word used in Rect. 6,2, gewyrce, meaning "perquisites." It is curious, though, that instead of translating it as opus, as Q does in Rect. 6,2 here he simply imports the A-S word into his Latin. It is possible that Q failed to understand that gewyrce and gewirce were the same word, and understood the former as "work," and the latter as "perquisites."

- gerihtu / rectitudines

For the nuance of rectitudo as a translation of geriht see Excursus II at end of the chapter.

- seruo iure

M and Hk have sunt uoiure. The sunt is abbreviated leaving only the consonants "st" and it is possible the "t" was a mistake for "r," in which case the error could have
originated as a misreading of "sr uo iure" as "st uoiure." Of course, such a mistake suggests that the original抄写者 for this recension did not understand what he was reading.

It is significant that Q adds iure, "by legal right." For the significance of ius see the discussion in the commentary on Rect. 20 & 20,1 as well as chapter seven.

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8  
- esne / aesno id est inopi  
  The exact meaning of esne is difficult to determine, being translated variously as "laborer, slave, servant, retain, youth." {ASD, 107; BT, 258} The reason for this is probably because it was a term whose social meaning and context changed over the centuries. Pelteret argues that its primary meaning was that of a hired laborer and that it gained the meaning of slave by the eleventh century. {Pelletet, Slavery in Early Mediaeval England, 271-274.} Finberg regards the early use of esne as equivalent to the servus casatus of the continent, "a slave whose master has provided him with a hut to live in but reserves the right to call upon him for agricultural services." {Finberg, "Anglo-Saxon England." 431} In the laws of Ine Finberg sees the esne as a "cottager with little or no land" and notes that the term rarely occurs in laws thereafter {Finberg, "Anglo-Saxon England," 441} Thus, he seems to be the middle Saxon period equivalent of the later cotsetla {Finberg, "Anglo-Saxon England." 508.} Still, Rect. 8 does not use the word cotsetla, which indicates that there was a distinction between that and the esne. Q's appositional definition of inopi, "one who is destitute, helpless through poverty," makes no allusion to servitude, but does indicate his economic condition. Perhaps, then, the esne was much like the cotsetla in that he had little if any land of his own, and made his living primarily as hired labor, the difference being that the cotsetla was still regarded as a free tenant while the esne was more bound to the service of the lord, being the lord's own personal hired hand.

- wuduraeden / etsarticare  
  Literally a wuduraeden is an "agreement, stipulation" (raeden) about wood. This has been taken to mean the right of estovers, i.e. the right to "take wood from the demesne, lord's waste or woods for fuel, the making of implements, the building or repair of houses, and the making of hedges." {Adams, Agrarian Landscape Terms, 41. See also ASD, 424; BT, 1278; GA IIa, 251.} This is the meaning taken by Tucker. {Tucker, "Rectitudines," 815.} Note that most other discussions of the Rect., such as by Kemble or Seebohm, do not translate the text beyond the sections dealing with the gebur.  
  Q, however, seems to have understood this "arrangement regarding wood" differently, translating it with etsartico, which is probably a variation of essartico, "to assart, clear (land)." {Latham, Latin Word-List, 180.} This is the meaning that Liebermann prefers, defining wuduraeden as "Wald roden." {GA IIa, 64.} For the social implications of this see chapter seven.

Both Tucker and Liebermann are probably right in their translations, because the A-S and the Latin versions are saying two different things; Tucker is following the A-S,
while Liebermann's interpretation is informed by the Latin. Why the difference is not clear. For a discussion of the significance of Q's translation see chapter seven.

9
- **wintersufle / hiemale companagium**
  The A-S **wintersufle** means "provisions, other than bread, for the winter."{BT, 1236.} The element **sufel** means "Anything, whether flesh, fish or vegetable, eaten with bread."{BT, 932} Q translates these two elements separately as **hiemale companagium**, which has the same meaning as **sufel**.{Latham, Latin Word-List, 100; Maigne d'Arnis, Lexicon Latinitatis, 563.} It is with this meaning in mind that I translate this as "winter-relish." In the Rect. this **sufel / companagium** is mutton, or else the slave-woman is given three pennies to buy her own sheep or whatever else she wants. The three pennies as the value of sheep in the early eleventh century is reasonable, given that just after the Conquest, a sheep was bought for about four pennies, a price that went up to six pennies in the 1180s.{Postan, Medieval Economy, 231.}

- **syster / sester**
  See commentary on Rect. 4,1.

- **laengtensufle / quadragesimalem convictum**
  Here as with **wintersufel**, the second element means anything eaten with bread (see above). However, in this case Q translates this element differently as **convictum**. Here Q does not seem to have in mind **convictus** in the usual sense of "a way of life" but in the more restricted sense of a type of food allowance.{Latham, Latin Word-List, 114} Q appears to be using the **con-** prefix in the sense of "together, with"{Tucker, "Rectitudines," 61.} and adding it to his usual word for food-allotment, **victus**. The sester of beans, then, does not constitute the whole of the allotment, but is a supplement to it. For this reason I have rendered **quadragesimalem convictum** with the cumbersome "supplementary provisions for the spring."

9,1
- **achtsemannum / ehtemannis**
  - Pelteret notes, "... the first element utilises **achts** in the sense of `property, lands' rather than `possession, power'. Its original meaning was perhaps `a man connected with the lord's landed property' rather than `an owned man'."{Pelteret, Slavery in Early Mediaeval England, 262.} However, its contextualization with slaves in Rect., 8 & 9 strongly suggest that by this time, there were regarded as such.  Pelteret concluded that the term "was used of those employed as labourers in the manorial economy and in particular, it would seem, the demesne.” During the tenth and eleventh centuries they were essentially regarded as slaves, though it seems that after the conquest they came to be categorized with the **villani** and **bordarii**. Little else is known of his function on the estate, though the Wouldham list does indicate that he, like the **gebur**, could move to other estates, though only for a temporary period, and during that time their place was
filled by others. {Pelteret, "Lists of Serfs," 496-500.} In addition, it should be noted that the author did not use the word slave (þeow) here. Consequently, Tucker's translation "slaves belonging to the estate," {Tucker, "Rectitudines," 815.} is far too strong a translation. Even Lieberman's "leibeigenen Leuten herrschaftlicher Domäne"{GA IIa, 6.} is less stringent. What can be said for certain is that the aeh temann like slaves were connected with the inland of the estate. Given the uncertain nature of his status and even his function, I have incorporated the A-S term into the modern English translation.

- iure

As in Rect. 7 Q adds the word iure when there is no equivalent in A-S. See the discussion in the commentary on Rect. 20 & 20.1 as well as chapter seven.

- nydrihte / debiti recti

The common definition given for nydriht is "duty that must be performed, service, due, tribute,"{ASD, 253 and BT, 719} and it is defined by Liebermann as "notwendige Gebühr."{GA IIa, 155-157.} In the occurrences of this word in other texts as listed in BT, it certainly must have this meaning. That Q uses rectum to translates this term would suggest that he understood it as meaning the duties and obligations of the estate's workers. However, that meaning here is somewhat baffling. Given that it concludes a list of the perquisites that the aeh temen were to receive, the mention of what they owe to the estate seems out of place. It would better fit the context if what is referred to here is not what was due from the aeh temen, but rather what was due to them.

10

- folgere / folgarius

Folgere simply means “follower,” and could mean “an attendant,” or “disciple.”{ASD, 124.} Because the folgere is mentioned in Cnut’s secular law code and appears to be contrasted with the heorðfaest, i.e. a “householder,”{II Cn. 20a.} Thorpe and Bosworth assumed that the folgere was “a class of freeman who has no dwelling of his own, but is the follower or retainer of another, for whom he performs certain agricultural services."{BT, 300.} However, Paul Harvey rightly points out that this reads far more into II Cn 20a than is justified. He also mentions that the only other reference outside the Rect. to the folgere is an 1170 estate survey for the bishop of Worcester, where it seems to simply mean, “the full-time workers of the manorial demesne.” His relatively servile status is suggested by the statement in the Rect. that he received a food-allowance as well as shoes and gloves. Harvey rather tentatively suggests that the folgere might have functioned as a plowman, especially since this individual is conspicuously missing from the list of inland-workers.{P. Harvey, "Rectitudines," 14-15.} However, if the main function of the gebur was to plow the lord’s fields, then he would have been the one to fulfill this role.
- on twelf monðum · ii · aeceris geearnige / in duodecim mensibus II acras habeat

Another reason that Harvey suggested that the folgere was a plowman was the nature of his perquisites; he earned “in twelve months two acres in the arable, one sown (presumably by the lord’s workers), the other unsown,” i.e. he needed to sow the acre himself. However, this passage in the Rect. is oddly worded, specifying that he earned these two acres “in twelve months.” It is unlikely that every year the folgere received two more acres. One might read this passage as meaning that what he received was the produce of two acres of the lord’s fields, one sown by the lord’s estate workers, and another if he sowed it himself. In later agricultural parlance the "sown acre" referred to "A payment to each demesne servant of the produce of an acre of his lord's land sown with bread grain."{Adams, Agrarian Landscape Terms, 37.} If this is the case, the role most appropriate for this type of perquisite would be a sower. However, since he will be mentioned in the following section (Rect. 11), one might suggest that he functioned as a harrower, who often “followed” the plow. However, like Harvey’s suggestion of plowman, this offering too is “simply a shot in the dark.”{P. Harvey, "Rectitudines," 15.}

10,1

There is little to say of this section, except to point out that Susan Tucker failed to translate it.{Tucker, "Rectitudines," 815.}

11
- leap fullne / leapfulne

The leap was a measure of volume, which Bosworth suggests was a liberal half of a bushel, at least in Sussex,{BT, 625} a definition also followed by Liebermann,{GA IIa, 132.} However, metrological units of this period defy absolute quantification. What is certain is that a leap was a basket, and was probably used as a type of metric unit, though it is likely that its exact size would have differed from place to place.{ASD, 213.}

Note that Q does not seem to have understood the term. He incorporates the noun (leap) and the adj. (ful) as one word, and includes the acc. sing. suffix ending, which suggests that he did not comprehend what he was copying.

12
- oxanhyrde / bubulcus

While the A-S is rather clear, Q's understanding of it is not. He translates oxanhyrde with bubulcus, which could mean either herdsman or "one who plows with oxen,"{L&S, 1879, 253.} and the word seems to have still had that double meaning in the Middle Ages.{Latham, Latin Word-List, 58.} I have translated Q's Latin under the presumption that he did understand he was referring to an ox-herd.

- oððe / et alicubi

While the A-S has simply "or" more, Q added alicubi, "someplaces" more. With this addition Q specifies that, to him, this section does not mean that on one particular
estate an ox-herd could graze two or more of his oxen, but rather that on some estates he is allowed to graze two, on other estates more.

- ealdormannes / aldremanni
  For the ealdormann and his role in the scir see chapter three and commentary on Rect. 4,6. It should be noted that the ealdormann is mentioned only in Rect. 12 and 17 in reference to his supervision of the inland-workers. If these workers had their houses and did most of their labors at the estate-center, formerly the administrative center of the scir, then the ealdorman's direct supervision of them would make sense.

- earnian mid ðam / deserviát per id
  Since allowing the ox-herd to graze his own cattle with that of the lord's is a perquisite, it is difficult to understand how he "earns" his gloves and shows by doing so. The only explanation is that in return for that privilege his also tended the oxen, his own and the lords."

13 - gebyreð / rectum est
  Since this section deals with the perquisites that the cowherd was to receive, Q's use of rectum here would appear to be an exception to his normal pattern of translation (See Excursus II). However, the rectum here is not a noun, but an adjective in a predicate construction meaning "right, correct, proper, appropriate," and is used to translate the verb gebyreð.

14 - riht / rectum
  Excursus II at the end of this chapter will argue that riht / rectum was used in the Rect. particularly to refer to the duties and obligations owed by the tenant. Rect. 14 would seem to be a glaring contradiction to this observation, since what follows is a list of the perquisites that the shepherd was to receive. This may be a simple exception. One might also argue that it is possible the original A-S had geriht, and by the time the Rect. came to Q, probably in a twelfth-century copy (though definitely not text B), the ge- had dropped. That being the case, Q may have slavishly translated it with rectum instead of the rectitudo that the context would suggest. This is, of course, purely speculative and is an admitted inconsistency with semantic distinction between riht and geriht that I have suggested above.

belflys / belflis id est timpani uellus
  A wether is a castrated ram (weper). A bell-wether was the ram that led the flock, and which was distinguished by having a bell around its neck. In his appositional definition of belflis, Q hyper-literally translates "bell" (bel) and "fleece" (flys) into Latin, timpani uellus, producing something of a calque.
- *emnihtes daege* / *equinoctium*
  This was, of course, around 21 Sept. Liebermann points out that it was around the
  autumnal equinox that the then two-month old lambs were weaned, thus freeing up the
  milk supply. {GA III, 251.}

15
- *gebyreð* / *conuenit*
  The Latin translation can only be construed as the impersonal use of *conuenio*, "it
  is agreed," with the dat. of possession. Why Q should use such a construction here
  cannot be determined.

- *his dael hweges* / *pars sua mesguii*
  Liebermann's reading of the Latin as *pars sui mesguii*, "part of his whey," is
  puzzling since no ms has this reading and it deviates from the A-S.

16
- *cyswyrhte* / *caseum facienti*
  Of all the estate-workers listed, the *cyswyrhte* is the only woman, grammatically
  indicated by the feminine end *e* of the n-stem declension. Though the Latin *facienti*
  is a dat. third declension participle, and thus does not distinguish gender, it is here assumed
  that the same gender was in mind.

- *Cyswyrhtan gebyreð hundred cyse* / *caseum facienti reddere conuenit centum caseos*
  Of this passage Liebermann writes, "Q misversteht, die Käsemacherin habe 100
  Käse zu liefern (wie 5. 5,1)." {GA III, 251.}  He may be right; given the quantity of cheese
  involved, it would be hard to believe that they would constitute the perquisite for the
  cheese-maker. At Mere (Wilts.) "a typical...wheat and sheep manor" the dairy produced
  167 cheeses. {Hallam, *Agrarian History of England and Wales*, 360.}  Nevertheless, it
  should be pointed out that *gebyreð* with a dat. of person can mean as much "to be due to"
  (ex: *Rect.* 3,3; 4,3; 17) as "to be due from," (ex: *Rect.* 3,4; 4,3c) and that grammatically,
  this could be interpreted either way. My translation consciously preserves this ambiguity.

17
- *berebryttan* / *berebreto id est horreario*
  The dictionaries define the *berebrytta* as one who was in charge of and protected
  the granary. {ASD, 43; BTs, 81 and GA IIa, 23.}  Liebermann further equates him with the
  *gerenter/granetarius* of Walter of Henley, {GA III, 251.}  whose job it was to tally the
  grain brought to the estate granary at threshing time. {Oschinsky, *Walter of Henley*, 167.}
  This is also how Q understood this office translating it with *horrearius*, the
  superintendent of a barn. {L&S, 1879, 864 and Maigne d'Arnis, *Lexicon Latinitatis*,
  1131.}  Paul Harvey notes that this word is used in later texts down through the fifteenth
  century, though known only in Wilts. and Som. {P. Harvey, "Rectitudines," 20.}
- **corngebrot / crodinum**

  The A-S simply means "corn dropped in carrying to the barn." {ASD, 73.} Q's translation is somewhat more technical; *crodinum* means "crap" in the older, agricultural sense of term, i.e., the grain while still in the husk.

- **ealdorman / aldremannus**

  For the *ealdormann* and his role in the *scir* see chapter three and commentary on *Rect.* 4, 6 and 12.

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18

- **bydele / bedello**

  This office is translated as "Büttel" by Liebermann, {GA Ia, 29.} and as "beadle" by Tucker. {Tucker, "Rectitudines," 816.} It is difficult to escape the temptation to translate *bydel* by the well known twelfth and thirteenth-century term "beadle," whose etymological ancestor it so clearly is. During the high Middle Ages the beadle was appointed by the lord to look after his interests, collect rents, enforce duties, manage the demesne and to take care of the his property. {Vinogradoff, *Villainage in England*, 318.} However, there is no evidence that the *bydel* of the A-S period ever carried out these duties, which, in fact, the *gerefa* seems to have performed. BT gives a fuller definition of "one who bids or cries out, a herald, proclaimer, minister." {BT, 137.} Many charters granted estates *mid sace und mid socne*, which since the days of Maitland has been widely regarded as henidays referring to the granting of the right of jurisdiction within the bounds of the estate. {DBB, 101-102; F. Stenton, *Anglo-Saxon England*, 487.} If this is the case, estates would need someone to summon people to the lord's court and to announce the lord's judgments in cases. However, Wormald has made a strong case against this understanding of *sace and socne*, and has argued that it rather means the granting of the fines due from cases heard in hundredal courts. {Wormald, "Maitland and Anglo-Saxon Law," 6-9.} If he is right (and he rarely is not), our next best explanation of the *bydel*'s function might be as the manorial representative of the hundredal court.

  In order to avoid importing anachronistic connotations, I have avoided using the words "beadle" or "bailiff," which refer to manorial offices during the high Middle Ages. The translation "estate-herald" probably does not do justice to the scope of his duties, but seems to be the closest modern English term reflecting his function.

18.1

- **landsticce / terre portiunculam**

  It should be noted that in the eschatocol of the charter S 910, there is mention of a *bydelaecco*, a "bydel's field," as one of the landmarks defining an estate boundary. Judging from the -*stycce* ("small piece") element and the *portiunculus* ("small part or portion") used to translate it, the field given to the *bydel* was not substantial. If he was indeed a slave, as Faith argues, {Faith, *English Peasantry*, 66.} he would have relied on his food allotments for sustenance, and the field here given would have provided him with a surplus, either for himself or possibly to sell.
- iure

Here, as in Rect. 7 and 9,1, Q inserts the word ius. For its meaning and translation see the discussion in the commentary on Rect. 20 & 20,1 as well as chapter seven.

---

20 & 20,1

The deviations between the Latin and the A-S for Rect. 20 and 20,1 provide the strongest evidence that the A-S version from which Q made his translation was significantly different from the A-S version we have in ms B. In order to recognize and analyze these differences, we need to examine Rect. 20 & 20,1 as a whole, and divide this into concept segments:

<table>
<thead>
<tr>
<th>A-S:</th>
<th>Latin:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Haeigwerde gebyreð þaet man his geswinces lean gecnawe on ðam endum ðe to etenlaese liçgan forðam he maeg wenan</td>
<td>A) heiwardo pertinet ut merces laboris eius compensetur in eam partem segetis que pascuis adiacet quia scire debet</td>
</tr>
<tr>
<td>B) gyf he þaet aer forgymð</td>
<td>B) si minus hoc seruabit</td>
</tr>
<tr>
<td>C) ........................................</td>
<td>C) dampnum segetis imputabitur illi</td>
</tr>
<tr>
<td>D) þaet him man hwîlce landstîcces geann</td>
<td>D) et si aliqua terre portiuncula permittatur ei</td>
</tr>
<tr>
<td>E) þaet sceal beon folcirihte nyhst etenlaese</td>
<td>E) secundum ius publicum debet esse uicina compascuis</td>
</tr>
<tr>
<td>F) forðam gyf he for slaewðe his hlaforðes forgymð ne bið his agnum wel geborgen</td>
<td>F) ut si per desidiam eius seges infestabitur a suo primitus expetetur</td>
</tr>
<tr>
<td>G) gîf hit bið ðüs funden</td>
<td>G) .........................</td>
</tr>
</tbody>
</table>

As will be seen, the A-S version we have is missing segment C, which the Latin does have. Conversely, the Q's Latin does not have segment G, which the A-S does have. These differences do not simply mean that the ideas expressed in these segments are missing, they also affect the relation between the segments.

In the both the Latin and the A-S, segment B forms a protasis, the condition part of a conditional clause, beginning with "if". In the Latin segment C forms the apodosis (the conclusion) of the conditional clause, thus meaning, B) "If he preserves it any less," C) "the damage of the field will be imputed to him." With that, segment D begins a new conditional clause, beginning with "if", with segment E forming its apodosis: D) "And if any small portion of land should be granted to him," E) "according to public justice it must be near the pastures."

However, in the A-S segment C, the apodosis, is missing. Segment D, instead of beginning a new conditional clause, is actually reconstructed as a relative clause,
modifying baet in segment B. Because of this, segment E cannot be the apodosis of segment D, as in the Latin, and it is constructed to be another relative clause, in this case modifying the landsticce in segment D. The resulting relationships of these segments then is: B) "If he soon neglects that," D) "which one has granted him from of any small portion of land," E) "which must be by folcriht nearest to the pasture."

The following segment, F, begins a new clause (in the A-S a causal, in the Latin a purpose) with another conditional clause within it, stating that if the lord's fields are damaged because of the hayward's sloth, then he will be liable for the damage. The A-S version of ms B, then, is corrupt. Segment B, which is a protasis, has no apodosis (segments D and E being relative clauses). The thought is left hanging, there is no conclusion to the condition, i.e. we do not know what happens "if the hayward beforehand neglects it." For this reason the ms from which Q produced his Latin translation seems to have been of a superior quality to that of ms B.

One final comment regarding the section numbers devised by Liebermann. Note that Liebemann assigns the segment D of the A-S to Rect. 20, while he assigns the segment D of the Latin to Rect. 20,1. It would seem he failed to recognize that one was the translation of the other, probably because the Latin segment D is a conditional clause, while the A-S is a relative clause.

- **lean / merces**

The word lean means literally a "loan," but is used for a specific type of land tenure, in which the lord of an estate may grant a portion of his land to another, often for a period of three lives. {The most famous example of this are the Oswaldslow charters, John, Land Tenure, 83-84.} Here, however, laen can also mean land so "loaned" as a means to provide a type of compensation, a benefice, {Barlow, Feudal Kingdom of England, 7.} in this case for the hayward's labors -- hence Q's translation of merces. Since, then, the strip of land is not given in tenure, but so that the hayward is compensated for his work by its produce, I have chosen to translate both the A-S and the Latin as "benefice."

- **imputabitur**

As noted above, this is missing in the A-S version of ms B, and forms the apodosis of the conditional clause. What is explained in this segment is the reason why the hayward's fields lie on the border with the pastures, namely, if the hayward fails in his duty to keep the livestock from wandering from the pasture into the fields, he will bear the brunt of the damage, since the produce from his benefice will be devoured first.

- **folcriht / ius publicum**

The A-S folcriht stands in contrast to bocriht in much the same way as folcland is to bocland. One who holds land by charter (boc) must turn to the king or answer to the king in regard to the preservation or the violation of the rihtu, in this case both rights and obligations, bestowed by him. By contrast, the folcland is that land which is held under folcriht, i.e. the rights and expectations underwhich all subjects were held, the violations
and protections of which were to be sought in the hundredal or shire courts. {For a discussion see F. Stenton, *Anglo-Saxon England*, 306.} Faith defines *folcriht* as "the public law, which it is the king's special duty to maintain."{Faith, *English Peasantry*, 90.} We must be careful, though, not to translate this as "common law,"{ASD, 123 and BT, 298} since that term has a legal baggage all its own. In order to maintain a distinction between *-riht* and *lagu*, I have translated *folcriht* as "public justice."

Q also understood a difference between *folcriht* and *lagu*, translating the latter with *lex*, but the former with *ius*. As discussed in the commentary on *Rect.* 1, *lagu* seems to denote specific conditions and expectations that are determined by the will of a higher authority. By contrast, *ius* expresses broader legally binding principles. The distinction between *lagu* and *folcriht* seems to be that the former were decrees regarding specific legal stipulations and conditions (either expressed in law-codes or in charters), while *folcriht* represented the justice that was practiced in the county and hundredal courts. The former would be *lex*, in that it was a specific application of law pronounced from a higher authority, the latter *ius* since these courts would have decided the cases before them on the basis of local legal practice and on a consensus of what constituted justice (*iustitia*) in each particular case.

However, as noted in chapter seven, Q's translation of *ius publicum* may have a more profound implication. Latham points out that in the early twelfth century, *ius publicum* also meant Roman Law.{Latham, *Latin Word-List*, 264.} This suggests that Q sought to give an even greater authority to these practices (For a fuller discussion see chapter seven). If the *iure* that Q inserted in other sections of the text (*Rect.* 7; 9,1; 19) were intended to be an abbreviation of *ius publicum*, then the authority of the *Rect.*'s practices extend beyond the regulations that dictated the placement of the hayward's field, but apply to the whole section dealing with the perquisites of the *inland*-workers.

- *vicina compascuis*

The majority of texts (T, M, Hk) have *vicina cum pascuis*, "neighboring with pastures." However, Liebermann's reading, following R, is to be retained. It is easier to explain how *compascuis* would have become *cum pascuis* (probably resulting from a confusion with abbreviations *cm pascuis*) than vic versa.

- *for slaewðe his hlafordes forgymð / per desidiam eius seges infestabitur*

This stipulation deals with the scenario of when the livestock intrude beyond the benefice of the hayward so that they damage the lord's field as well. This tells us rather clearly, that the strip of land for the hayward's benefice was located on the *inland*.

- *ne bið his agnum wel geborgen / a suo primitus expetetur*

If the livestock do penetrate into the lord's fields, then compensation for the damages will be first sought from the hayward, i.e. before demanding them from the owner of the livestock. According to the A-S version, this compensation will be taken from the hayward's own property.
20.2
This section is missing in the Latin

- *lean*
For discussion see commentary on Rect. 20.

21
- *land laga / leges et consuetudines*
Here Q translates the A-S *laga*, perhaps as a compound with *land*, with the hendyadis *leges et consuetudines*. As discussed in the commentary on Rect. 3.3, *consuetudines* always refers to the privileges and perquisites to which the tenants are entitled by custom, while *lex* embodies the conditions of tenure set by the lord (see Excursus I). Q seems to have regarded *land laga* as a compound embracing both concepts, those privileges and rights set by both custom and tenurial agreement. {Note that BT does not list *land lagu* as a compound while Hall does (ASD, 211).} These observations coincide well with the argument presented in chapter four, that Rect 21-21.3 may well be the conclusion to the list of perquisites in Rect., 7-20.2. Further, if as a compound *land laga* includes perquisites it is well in keeping with the references to *geriht* and *peaw / mos* that occur in the following two sections (Rect. 21,1-2). Perhaps the *laga / leges* of Rect. 21,3 should be understood as having the same semantic range as *land lagu*.

- *swa ic aer beforan saede / sicut prelibauimus*
This is referring back to Rect. 4,4 where it states the estate-laws might be heavier in some places and lighter in others.

21,1
- *gerihtu / hoc*
The antecedent of *hoc* is the *leges et consuetudines* of the previous section. In this particular case, the *gerihtu* refers to both the rights and the duties (see Excursus II) that are prescribed either by seignorial agreement or local custom.

- *đe we aer beforan ymbe spraecon*
Tucker fails to translate this clause, {Tucker, "Rectitudines," 816} as apparently Q does.

- *quid*
Normally *quid* is an indefinite pronoun, and we would otherwise expect to see the relative pronoun, *quod*. However, since Q is using a characteristic relative clause, as indicated by the subjunctive, the clause's antecedent might be generalized, which may explain his use of the indefinite pronoun, presenting *quid quod*, "whatever, that ...." {See for example Allen and Greenough, *Latin Grammar*, 334, § 535a.}
The use of the infinitive here is odd. One should expect the gerund or gerundive, *obseruandum*. Here we may be seeing the A-S passive infinitive of purpose intruding into Latin. In this A-S construction, the inflected infinitive is used with *beon*, "to be" to express what must be done, the infinitive (though active in form) taking on a passive meaning. {Mitchell, *Old English Syntax*, vol. 1, 394, § 934.} I have translated this passage so, since the Latin here does not make sense according to classical rules.

---

21.2
- *ðede / populi*

The word *þeode* means 1) "people, nation, tribe" and 2) "region, country, provence." {ASD, 357.} Certainly, Q took *ðede* to have the first meaning, translating it with *populus*, and using *cum quo*, "with whom," to introduce the following relative clause. However, this is not so clear in the A-S. The following relative clause is introduced by the simple *ðe*, which often indicates that it functions as the acc. in the clause. It must be stressed that A-S relative pronouns are extremely fluid. Nevertheless, if this is correct, then the acc. of the verb *onwunian*, "to inhabit," would not be referring to people, but to a place, i.e. the second meaning of *þeode*. It is in that sense that I have translated the A-S.

---

21.3
- *laga / leges*

As mentioned in the commentary on *Rect. 1*, *lex* is always used as the Latin translation for *lagu* by Q, and indicates the terms established by a higher authority (see Excursus I). As we have seen above, this includes tenurial conditions set by both the king to his thegn and by the lord to his tenants. However, as *laga / leges* occurs here within the context of *land lagu / leges et consuetudines* of *Rect. 21* as well as the *geriht* and the *þeaw / mos* of the previous two sections, might be conclude that here the words *laga / leges* include the privileges established by local custom as well as those granted by the lord. The fact that both the A-S and the Latin words are in the plural, as in *Rect. 21*, may be significant in this regard.

---

- *lof se ðe on lande yfyl nele leosan / qui non uult in patria solus amittere*

The *lof* of the A-S I have taken to be the object of the verb *leosan* in the relative clause, since 1) this verb is transitive and needs a direct object, and 2) *lof* cannot be the object of *leornian* as it already has one (*laga*). Its position outside the clause is puzzling, and may be due to a copyist's error. The form leosan itself suggests some textual corruption, since this verb otherwise does not occur without a prefix, usually, be- or for-..{BT, 634; ASD, 216.} Apparently, Q's ms lacked the *lof* all together, since he fails to translate it, leaving his *amittere* without a direct object.
This section mentions 8 specific perquisites owed, with a comment at the end that there are many others. For the most part, the lists in the A-S and the Latin match.

<table>
<thead>
<tr>
<th>A-S: On sumre ðeode gebyreð</th>
<th>B) winterfeorm · C) bendform for ripe · D) gyteform for yrðe · E) maeðmed · F) hreacmete · G) aet wudulade waentreow · H) aet cornlade hreaccopp · I) and fela ðinga ðe ic getellan ne maeig ·</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latin: in quibusdam locis datur</td>
<td>A) firma natalis domini · B) et firma paschalis et C) firma precum ad congregandas segetes et · D) gutfirma ad arandum et · E) firma pratorum fenandorum *) hreaccroppum id est macholi summitas et · F) firma ad macholum faciendum · G) in terra nemorosa lignum plaustri · H) in terra uberi caput macholi · I) et alia plurima fuerint a pluribus.</td>
</tr>
</tbody>
</table>

However, as can be seen from the above Q inserted *hreaccroppum id est macholi summitas* between items E and F, which is not represented in the A-S. It is possible that this is due to a kind homoeoarcton. For example, this section of ms B is written:

| 19 | yrðe · maeð med hreac mete · aet wudu lade |
| 20 | waen treow · aet corn lade hreac copp · andfela |

If Q were looking at a ms with the same line pattern as ms B, it is possible that after translating *maeð med*, Q's eye went from the *hreac* in line 19 down to the *hreac* of line 20. He thus translated *hreac copp* instead of *hreac mete*, and added a Latin explanation. His eye then returned to line 19, and he read *hreac mete*, which he properly translated as *firma ad macholum faciendum*. When Q proceeded to line 20, and when he reached *aet corn lade hreac copp* he translated *in terra uberi caput macholi* (for an explanation of this translation, see comment below). In any case, Liebermann’s equation of *hreacmete* with the Latin *hreaccropp* (GA IIa, 117) is unacceptable.

- **Feola syndon folcgerihtu**
  Q does not translate this clause, possibly because it was missing from his ms. It should be noted that *folcgerihtu*, here with the *ge-* prefix intact despite being in a
compound, is in reference to a list of perquisites and rights. See excursus as the end of the chapter.

- **On sumre ðeode** / *in quibusdam locis*
  Again as in *Rect.* 4a; 4,4; 5,1; and 21,1, Q broadens the application of this section. The A-S version is referring to one region, estate only, ðeode being clearly singular, while Q makes it plural, indicating that these perquisites were common in a variety of places. For the broader implications of this translation see chapter seven.

- **aet wudulade waentreow** / *in terra nemorosa lignum plaustri*
  Here either Q misread wudulade and wudulande, or the ms from which he was working was corrupt, resulting in his translation of nemus, "woodland with meadows."

- **aet cornlade hreaccopp** / *in terra uberi caput macholi*
  Again, either Q misread the cornlade and cornlande or the scribe of his ms had made the mistake. Q understood the compound as a grainfield, and translated it as terra uberi, "fertile land," in the sense of arable. For Q this would have made sense as a contrast to the wuduland / terra nemerosa, that he saw in the previous item.

- **and fela ðinga ðe ic getellan ne maeig** / *et alia plurima fuerint a pluribus*
  Q seems to have worked from a ms that was particularly corrupt at this point in the text. It is hard to coordinate his fuerint a pluribus with the ðe ic getellan ne maeig. The a pluribus may have resulted from a corruption of the ne maeig into in manige, "from many." I have taken the alia plurima fuerint as a relative clause of characteristic, and the preposition as an a of position, (Allen & Greenough, *Latin Grammar*, 264, §429 b.) which is as generous an interpretation as can be made.

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21,5
- **ðis** / *quorum*
  I have taken this to be same of the relative pronoun as one finds in classical Latin, i.e. qui = et hic. The "this" seems to be referring to the section immediately above, arguably *Rect.* 21,4. That the author adds, "as well as all that <which> I have previously discussed above" means that he also wishes to include the whole treatise as comprising his "exhortation."

- **myngung** / viaticum
  The meaning of viaticum as "memorandum" seems only to be found in the *Rect.* {MLLM, 1085.} Otherwise it has the meaning of travelling necessities (money or victuals), as well as the journey or the way itself.
Excursus I: The Use of Lagu

The effort to ascertain what exactly was “law” in Anglo-Saxon England is a tricky and complex venture. The semantic distinctions between words such as ae, geraednis, dom and lagu is still rather unclear, and the only way that any final statements can be made is by a thorough semantic study of these terms from a diachronic perspective - a project well beyond the scope of this study. Consequently, the following conclusions can at best be regarded as preliminary. Nevertheless, it is hoped that this survey, however conditional, of the usage of lagu can give us better insight into its use in the Rect.

Lagu in Anglo-Saxon Legal Texts

The earliest word for what we would call “law” is ae, \{GA IIb, 466\} and appears to mean accepted law, codes of behavior and practices that are of long-standing authority. \{Wormald, *Making of English Law*, 95\} On the other hand, a dom is a judgment, \{Wormald, *Making of English Law*, 94\} and one gets the sense that the domas of the king were meant to address specific issues. In that sense, the pronouncements of kings, at least from Wihtraed to Ine, were precedents that supplemented the ae. \{Wormald, *Making of English Law*, 101-105\}

The use of the word lagu is by contrast later than that of ae and dom, the word itself being a Scandinavian loan-word. \{Naumann & Schmidt-Wiegand, "Rechthssprache," 269.\} It does appear in the headers of late copies of early laws, such as in the prolog to Ine and A Gu. \{For occurrences of the word in the Anglo-Saxon legal corpus see GA II a 129-130.\} The earliest occurrence of the word as part of a legal text is in the treaty between Edward the Elder (899-824) and Guthrum (E Gu. 7,2) where it states that if a lord wants his slaves to work on a feast day, he was to pay a lahslitte, “a fine” within Danish law. The word lagu appears with a very similar meaning in the fourth law code of Eadgar (957-975) where there are three references to the lagu of the Danes. \{IV Eg 2,1;12;13,1.\} What seems clear is that in the mid to late tenth century lagu is something that the Danes do, not the English. To understand that there was some kind of statute law in Danelaw is to go well beyond the evidence. What is probably meant here is the Danish legal tradition, which was probably not a written corpus of law, but an understood oral legal tradition.

However, the word lagu is not only used for the legal tradition of the Danes. The first law-code of Aethelstan (924-939) mentions God’s lagu. \{I As. 2.\} There are several other references in A-S literature where the laws of the Old Testament are called lagu. \{See BT 615.\} In this case the references are to the written laws of the Bible, regulations that were binding on all of God’s people.

At this point we have confirmed Wormald’s observation that the word lagu may or may not refer to written law. However, his observation that, “Usually, it is impossible to be sure what they mean” \{Wormald, *Making of English Law*, 142.\} is probably too
pessimistic. I would argue that the overall sense seems to be the social principles and traditions that govern a particular people, whether written or not.

The reign of Aethelred II (978-1014) is transitional. This is significant for two reasons. One, it was under the influence of Wulfstan that Aethelred wrote his laws, {Wormald, *Making of English Law*, 330} and the word *lagu* is certainly one of his favorites. {P. Harvey, "Rectitudines," 13} Secondly, it was during this period and probably under the influence of Wulfstan that the *Rect.* itself was composed in the form in which we have it.

In the prolog to his first law reads, “This is the decree which Aethelred, the king, and his council decreed to all the people for the restoration of peace at Woodstock in Mercia according to English *lagu*.” {Dis is seo geraednys þe Aæþelred cyning 7 his witan geraedd eallon folce to friðes bote aet Wudestoce on myrcena lande aefter Engla lage.} This insinuates a kind of unwritten constitution, a set of legal presumptions that guide Anglo-Saxon justice and according to which I *Atr.* claims to be written, though his legal proclamation is still called a *geraednys*. This is a continuation of the usage of the term that we have seen above, a reference to the governing principles and traditions that are authoritative for a particular people.

However, by the prolog to *III Atr.* we read These are the *laga* that Athelred, the king, and his council have decreed at Wantage for the restoration of the peace.” {Dis syndon þa laga þe Aeðelred cyng 7 his witan geraedd habbað aet wanetinge to friðes bote,} where the law-code itself is for the first time called a *lagu*. In other of his law-codes, Aethelred mentions that it is both his will and that of his *witenæ gemot* (his royal council) that just laws be promulgated, doubtless referring to his own. {V *Atr.* 1,1; VI *Atr.* 8; X *Atr.* 2.} Thus, the laws of man, or of the king stand on a par with those of God. {VI *Atr.* 50; VIII *Atr.* 37.} This implies that, while the king’s innovative pronouncements, his *domas*, had been authoritative perhaps as precedent, now his edicts stand on their own an a par with the continued legal tradition of England. {Mentioned in V *Atr.* 30; VI *Atr.* 37; VIII *Atr.* 5,1.} It should be of no surprise, then, that from his reign on the word *lagu* comes to replace the word *dom* and *geraednys* in legal texts. {GA II b, 467.}

The overall connotation of *lagu* seems, then, to have shifted by the time of Aethelred and Wulfstan. While in its original sense it embodied the legal traditions of the Danes (which surely were not written), it came to also refer to the law of God (which certainly was written) as well as the legal tradition of the Anglo-Saxons, which increasingly were seen as proceeding from the authority of the king and were taking on a written form. By the early eleventh century, then, the meaning of *lagu* is that of a binding pronouncement, degree or set of rules that come from a higher authority, increasingly regarded as written.

*Lagu* in *Rect.*

It is possible that the use of the *lagu* in the *Rect.* can clarify its application even more. The question is, do authoritative *lagu* proceed only from law-codes. The first section of the *Rect.* suggests, no. The very first words tell us that “the thegn’s law is that he should be worthy of his *bocriht,*** i.e. of the rights and obligations that come with
holding land by charter from the king. However, those rights and obligations were not defined by law-codes, but by the charters. Certainly charters fit within the definition of lagu proposed above, a binding pronouncement from a higher authority. Paul Harvey was surprised that Rect. I uses lagu here instead of riht, and Patrick Wormald felt that the presence of the word lagu in the text was “out of kilter with the tone or substance of the rest.” {P. Harvey, "Rectitudines," 13; Wormald, Making of English Law, 388.} I would contend that the author of the Rect. is simply reminding his readers that the boc had the same binding authority as did the king’s other lagu.

But was it only the king that could issue a lagu? Rect. 4,4 and 21 provide evidence that this is not the case. Rect. 4,4 states, “This estate law (landlagu) is in force on a particular estate...,” referring to the service obligations and the provisions of the gebur as they probably were on the author’s estate. In addition, Rect. 21 tells us that landlaga vary. If a lagu is a binding set of conditions established by a higher authority, we might understand Rect. 4,4 as the lagu that is placed on the gebur by his lord, his immediate superior. This would easily explain Rect. 21, since the laga would vary with each lord, with each estate. As we saw in chapter three, the gebur was the tenant chiefly responsible for the plowing of the inland. His tenure, at least on the estate of the Rect. involved being provided with a house, animals and all the implements he needed to perform his duties (Rect. 4,3-4,3b). However, we have seen in the Tidenham charter that the conditions of service of the gebur would be very different, depending on the economy of the particular estate. It would seem reasonable that all of these was negotiated and established by individual lord as the conditions of the tenement. We saw something of this process in Ine 67 which described how the lord could compel his residents to work on his inland.

A part of the gebur’s conditions of tenure was that when he died, his property reverted to his lord (Rect. 4,3c), which makes sense given that most of it had been provided by the lord in the first place. A similar condition is placed on the beekeeper (Rect. 5,5) and servile swineherd (Rect.6,4). In this last section this particular stipulation (which is applied to the beekeeper as well as the swineherd) is called a lagu. Again, this makes sense if we understand this a part of the tenurial conditions of the beekeeper and the servile swineherds, tenurial conditions dictated by or negotiated with the lord. These terms of tenure would probably not be written, but as we have seen above, the lagu does not necessary refer to a written law.

The closing section of the part dealing with the gebur (Rect. 4,6) advises that anyone who holds a scir should know the ealdlandraeden and the þeaw of the region. The ealdlandraeden, is defined as "established law of landed property," {ASD, 94.} "Institution, disposition, ordinance of a district or country," {BT, 618, under landraeden} and by Liebermann as "echte alte landgutsordnung." {GA IIA, 58.} Given these definitions, the ealdlandraeden coincides well with our proposed meaning of lagu in this text, especially since the element -raeden means “condition, terms, stipulations.” {ASD, 276.} This is placed in combination with the þeaw of the region (þeode), which probably refers to what is later called the regions soke, i.e. the services and payments rendered to
king or lord by custom. These were of ancient standing, and thus were not dictated by the lord, as were the landlaga.

Rect. 21,3 constitutes a second admonition by the author (Rect. 4,6 being the first) that a lord must know the laga regarding the people if he is retain a good reputation on his estate. I have argued that the best way to understand this exhortation, is that lords should know and respect the previous tenurial arrangements that have been worked out with their tenants. This is not only because these arrangements vary from estate to estate, but because these words were written during a time of great change in estate morphology, when lords were consolidating their inland through the process of nucleation. By moving the geburas and others who held land by lagu, it would have been possible to override these previous arrangements.

Finally a brief word needs to be said regarding Q’s understanding of lagu. In the three occurrences where lagu occurs (Rect. 1; 6,4; 6,4) Q is consistent in translating it with lex. In classical Latin the word ius embodied the broad, universal concept of justice and right, while lex was used for particular application of right and justice. Thus it was used of contracts, of bills brought before the people, and of specific legal enactments that were binding on all concerned, i.e. laws in the narrow sense of the term. Leges were the application of ius to specific cases, and as such were often named after the people who sponsored them, or even for the province to which they applied. In the Rect. and in other parts of the Quadr. lagu is lex. Since we know so little about the actual force that Anglo-Saxon law-codes had on the population in general, it is difficult to know whether Q’s translation accurately reflects the authority they originally had. It is possible (and probably more important) that his use of lex for lagu reflects more his ambitions for these documents, hoping to exalt them as representatives of a universal Anglo-Saxon legal tradition.

Q’s treatment of landlaga is different. In Rect. 4,4, he uses the word consuetudines in regard to the conditions under which the gebur worked and held his tenure. In Rect. 21 he uses the fuller leges et consuetudines terrarum. By this latter example it appears that Q understood landlaga as referring to the obligations and privileges established both by tenurial agreement (lex) and by custom (consuetudines), conditions and terms that governed the economy of an estate (terra) as a whole. That Q uses only consuetudo to translate landlaga in Rect. 4,4 is more curious. However, it is possible that he is trying to redefine the tenurial arrangements of the gebur not as simply that dictated by the lord (which implies mutability), but as long-standing custom.
Excursus II:

The Use of Geriht, Riht, Rectitudo, and Rectum

The following is a study of how the A-S words *geriht, riht*, and the Latin *rectitudo* and *rectum* are used in the *Rect*. All of these terms are close in meaning, encompassing the ideas of “rights and privileges” or “duties and obligations.” From the first a caveat needs to be expressed about the material present here. This analysis is concerned with the use of these words only in the context of the *Rect*. Of course, for a more conclusive study one needs to look at how these A-S words are used throughout the collection of the *Quadr.*, and in particular the Latin words Q uses to translate them. This is not such a study. What is offered here are preliminary observations, a foundation from which one can build a more thorough examination of these terms, and a starting point for the questions that might be asked. Within the confines of the *Rect*, the following trends of word-usage can be recognized.

In the following chart the words *geriht, riht*, *rectitudo* and *rectum* are listed under heading indicating whether the context in which they occur is referring the privileges and perquisites or duties and obligations, or both. The asterisk by some of the entries refer to specific passage that are discussed in greater detail below. For more detailed discussion of these sections and their historiography, see the commentary.

<table>
<thead>
<tr>
<th>Privileges</th>
<th>Obligations</th>
<th>Both</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: bocriht = rectitudo*</td>
<td>1.1: landriht = landi rectum</td>
<td>4: geburgerihta = consuetudo</td>
</tr>
<tr>
<td>4,3a: gerihtu = rectitudo*</td>
<td>2: geneatriht = rectum</td>
<td>21.1: gerihtu = hoc</td>
</tr>
<tr>
<td>7: gerihtu = rectitudo</td>
<td>3: riht = rectum</td>
<td>21.4: folkgerihtu</td>
</tr>
<tr>
<td>14: riht = rectum*</td>
<td>6,1: swanriht = rectum porcarii</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9,1: nydriht = debiti recti*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20,1: folcriht = ius publicum</td>
<td></td>
</tr>
</tbody>
</table>

*These instances discussed in detail below.

Figure 8.7. The Uses of *geriht/riht* and *rectitudo/rectum* in the *Rect*.
Overall Trends
As can be seen from the above table we are able to discern three broad trends:
1) riht (without the prefix ge-) either independently or in compound, is in six of eight occurrences used in contexts clearly discussing obligations and duties. In all but two cases, Q translated this with rectum.

2) The word geriht (with the prefix ge-) is in two out of three occurrences translated with rectitudo. Two of these are clearly referring to privileges (Rect. 1 and 7), while one instance (Rect. 4,3a) is arguably ambiguous.

3) gerihtu in two cases, one possibly in compound (Rect. 4) and one not (Rect. 21,1) is used for broader contexts that include both rights and obligations. The former Q translates with consuetudo, and the latter with the demonstrative hoc.

We might then conclude that Q recognized the A-S riht as referring to duties and obligations, and rather consistently uses rectum to translate this. On the other hand, when geriht is used to refer to privileges and perquisites, Q tended to render these instances with rectitudo. In the two cases where geriht appears to encompass both rights and obligations Q uses more ambiguous terms in his translation.

Exceptions to the Trends
There are two instances where there appear to be deviations from this pattern of usage and translation:
1) Rect. 1: With the compound bocriht, we might expect a reference to the obligations of the thegn. Yet, Q did not translate this with rectum, the word most often used to refer to duties, but with rectitudo, which suggests he had rights and privileges in mind. The simplest solution is to regard this as an exception. The pre-nominal ge- is extremely fluid, often being attached to a noun or absent without any noticeable change in meaning. For this reason, many of the entries in Hall's Anglo-Saxon Dictionary begin with ±, indicating that the word may or may not begin with ge- with no discernable difference in meaning. Therefore, one must guard against looking for hard and fast laws. At best, we can talk about propensities, patterns of usage that appear to be consistent with certain meanings. The case of bocriht notwithstanding, the broader pattern of usage for geriht and riht can be fairly established.

An alternative, though far less likely, interpretation revolves around the A-S word wyrðe, which can mean on one hand “deserving of, worthy of,” and on the other hand “subject to, liable to.” (BT, 1200} If we apply wyrðe in its first sense, as Q apparently did, then the section is saying that for the thegn to be worthy of his privileges, he must perform the trimoda necessitas. However, if wyrðe is taken in the second sense, then the A-S would mean, that the thegn must be subject to the bocriht due from the land, namely the trimoda necessitas. In which case the bocriht would refer to those obligations. If this interpretation is correct, then the reason for Q’s choice would have been because dignus
is the closest translation to *wyrd*, but expresses only the first of the two meanings of the
A-S word. Consequently, Q would have understood *wyrd* in the sense of *dignus*, and so
in his Latin translation interpreted *bocriht* as the privileges (*rectitudo*) that came with
land. This explanation while possible is admittedly more convoluted, and consequently,
least the likely one.

2) *Rect. 14* probably another exception to the pattern of usage proposed above. The
context is clearly talking about the perquisites that the shepherd was to receive, and yet
the author uses *riht* to represent them, and Q uses *rectum*. Given the variability regarding
the usage of the *ge-* prefix, it is possible that in the copy of the A-S *Rect.* from which Q
was working (clearly it was not manuscript B), {see commentary on *Rect.* 20 and 21} the
*ge-* had dropped from the *geriht*. Q, perhaps translating somewhat slavishly, used
*rectum*, (despite the context) which he always does elsewhere when translating *riht*. Or
again, it could simply be an exception.

Other Notes
1). The *geriht* / *rectitudo* in *Rect.* 4,3a is always translated as referring to the obligations
that the *geburn* owed the estate, in particular that after his first year of residence on the
estate, he was to fulfill these obligations. However, there are reasons to question this
interpretation:
   a) The words *geriht* and *rectitudo* in all other cases refer to privileges and rights,
      not duties and services
   b) This falls within the broader contexts of the perquisites that the *geburn* was to
      receive, namely that he was supplied with oxen, sheep, a cow and seven acres of
      land (*Rect.* 3,4)
   c) The word *forðian* has the sense of "to advance, promote, further" which would
      be used more of benefits than obligations.
   d) There is no reason for the *geburn* to spend his first year without performing his
      duties; everything is provided for him, and he should be ready to immediately take
      up his tasks.

These issues prompt a re-examine the traditional interpretation. Rather, it is very possible
that the author is still referring to the benefits that the *geburn* received. Note, that
everything mentioned in *Rect.* 4,3 are items from which goods are regularly produced,
and which can also be augmented. In this case, *Rect.* 4,3a would be stating that the *geburn*
has the right to keep the produce that these goods generate and that he has the right to
"further" them, i.e. to increase his flock and herd.
2). Rect. 9,1 mentions that the **aehtemen** were to receive a meal on Christmas and Easter, to have a strip of land for plowing, and were entitled to a harvest handful as well as their **nydriht**, which is always translated to the effect of “necessary duties.” While this reference to duties fits well with the schema of vocabulary usage proposed above, and given that all the other occurrences of the term cited in BT must have the meaning of duties, it should be noted that this last phrase is discordant with the rest of the section, which enumerates the perquisites of the **aehtemen**.

3). Rect. 13 reads **cuhyrde gebyreð** which Q translates as **uaccarii rectum est**. This might appear to be an exception to Q’s normal translation pattern. However, the **rectum** here is not a noun but an adjective in the predicate position, meaning “right, correct, proper, appropriate.” The neuter form is used because it is modifying the following purpose clause. It is used to translate the verb **gebyreð**. This **rectum** is, therefore, a different construction than the one under discussion in this excursus.

Conclusions

These observations enable us to make certain conclusions, though some of them tentatively. First, it is generally held that the presence of the pre-nominal prefix **ge-**, while on occasions marking a lexical difference, often makes no difference in meaning. Here, however, we see that the author of the Rect. did use the nouns **geriht** and **riht** in different contexts, the former when representing rights and privileges and the latter when emphasizing duties and services. One cannot necessarily, project these conclusions to the use of these words in the entire A-S corpus, but we know that for at least one author, there was a semantic distinction made by the presence or absence of the **ge-** prefix with **riht**.

Secondly, if the above conclusions are correct, we are prompted to completely reinterpret Rect. 3,4a. As mentioned before, this section has been interpreted as meaning that for the first year of the **gebur**’s residency on the estate, he was exempt from performing services. However, if the author of the Rect. used **geriht** and Q used **rectitudo** to represent benefits, then we need to completely reinterpret these words. This section seems to saying, rather, that the goods and produce from the livestock and fields given to the **gebur** can be used by him to increase his assets. The **gebur** was free to enlarge his livestock and perhaps even his holdings. Given that these goods were provided by the lord in the first place, it would be important to clarify who received the offspring of the livestock and whether these benefits could be enlarged.

Finally, we might want to modify our view of Q as a translator. The reputation of Q’s Latin is largely based on the byzantine and cumbersome style of the Argumentum, the Dedicatio and the Prefatio of the Quadr. But, we should not confuse Q’s ability as a translator with that as a composer. In the case of the Rect. at least, we find that Q displays an awareness of the usage of the A-S **geriht** and **riht**, and the semantic difference that the author sought to mark by them, being careful to use **rectitudo** for the former and **rectum** for the latter. In addition, when **geriht** seems to embody both rights and obligations, Q marks this by using **consuetudo**. By this we see that Q was aware of
how context affects the semantics of the A-S words he is translating, and sought to reflect those changes in his Latin translation. When one more thoroughly examines his translation of the *Rect.* as a whole, he finds that Q’s translation is sensitive and well considered. This should prompt us to read more carefully his word usage, not assuming that unexpected translations are the result of mistakes, but rather careful interpretations or reinterpretations of the text.
CHAPTER IX
CONCLUSION

If there has been an overriding theme to this dissertation, it has been context. This has been a study of the *Rectitudines singularum personarum* in its various contexts, socio-historical, canonical, and linguistic. While the *Rect.* has been studied and translated since the middle of the nineteenth century, few have asked why it was written and within what social context, let alone pondering its canonical or linguistic environment. Part of the problem in this regard is that the Anglo-Saxon and the Latin versions of the *Rect.* have been regarded as simply the same text written in two different languages. There has been little appreciation of the fact that translation changes a text and that the act of translating is itself motivated and guided by a specific social and historical context, the needs that prompted its retransmission into a different language. In order for us, then, to fully understand the *Rect.* we must begin by regarding the Anglo-Saxon and Latin versions as separate texts, each generated for its own purpose, employing its own language and contextualized in order to serve that purpose. Each must be studied in terms of its own historical, canonical and linguistic context.

Over the decades the *Rect.* has provided a great deal of information about rural social structure in Anglo-Saxon England, if not for the whole of the realm then at least for
some estates. Earlier studies have tried to perceive in it evidence of the classical medieval “manor” in Anglo-Saxon England. It has also been studied in light of other documents such as the Tidenham and the Hyssebourne Prior charters as well as the *Domesday Book* in order to gain a clearer image of the residents who lived in Anglo-Saxon estates, what their lives, rights and duties were. Not much, however, has been done to try to ascertain why the *Rect.* was composed in the first place. In part this is because little has been done to place it within the broader backdrop of the evolving estate morphology of the tenth and eleventh centuries. The archaeological evidence on this matter tells us that estates were undergoing a profound change due to two factors, nucleation, i.e. the consolidation of estate arable and labor into open fields and villages, and fragmentation, the breaking up of large multiple-estates into smaller ones. Both of these dynamics resulted in the relocation of many of the estate’s residents, and doubtless opened the door to the redefinition of their functions and rights. As we have seen, Archbishop Wulfstan alludes to the upheavals of rural society in his famous *Sermo lupi ad Anglos*.

When we read the *Rect.* in light of these developments, we find that the estate that it describes was one in the process of these changes. On one hand, the residents called *geneatas* seem to have retained the same rather defined duties that had been owed by residents of the *scir*, ancient duties called *socn*, later soke, that were owed to king and later to lord, and were the mark of freedom. There is nothing in the *Rect.* to suggest that the *geneat’s* status or location on the estate had changed, his agricultural duties being minimal. There are features of the *Rect.* however, that suggest this was not the case with
the *gebur*. The sections of the *Rect.* dealing with him are long, spelling out in some detail his duties (and their limits) as well as the provisions he was to receive. This part also concludes with an exhortation that the lord should be mindful of the previous estate arrangements (*ealdlandraeden*) and customs (*þeaw*), which suggests that these were in fact being circumvented. Already largely regarded as property of the estate, the *gebur* would have been easily susceptible to relocation, as lords consolidated their *inland*, including the laborers who cultivated it.

The second admonition given in the *Rect.* concludes the part outlining the various perquisites that were given to the *inland*-workers, each being determined by the type of work the individual did. It too states that the lord should know the laws (*lagu*) of his estate in keeping with its customs. Again, it is reasonable to assume that the author so emphasized these rights and perquisites because there was a need to. If the *inland*-workers as well as the *geburas* were being relocated, it would be reasonable to assume that their duties and their traditional perquisites were also susceptible to change.

The whole purpose of the *Rect.* is in keeping with its own statement of purpose – a statement that has received little attention – that it is an exhortation (*myngung*). This makes it much more than a practical description of how estates worked. It becomes a moral treatise, admonishing lords that, even while the morphology of their estates are changing, they must not use that as an excuse for overriding and circumventing the previous tenurial arrangements or the traditional customs of the estate. The estate of the *Rect.* may have been a real one, but more importantly in the mind of its author it was a
just one, undergoing a limited nucleation and yet preserving the ancients rights and
practices of the residents.

The Latin version of the Rect., however, was written within an entirely different
social context, the rural society of twelfth-century, post-Conquest England. Evidence
from the Domesday Book and from other estate surveys demonstrates that the
nomenclature for estate tenants had undergone an abrupt change. There have, of course,
been numerous efforts to coordinate the terminology of the DB with that of the Rect. and
other pre-Conquest documents, but any one-to-one correlations are impossible. The
problem is that there has been no attempt to understand these nomenclatures as part of
broader systems of categorization, such as those dealing with legal status, function or
tenurial holdings. When such an approach is taken, it is arguable that the terms used in
the Rect. for estate residents focus on tenurial and functional categories, while those used
in post-Conquest documents are relational, i.e. defining people in terms of their
relationship with their lord. Such emphasis is in keeping with overall social
developments among the Normans on both sides of the Channel, with lords gaining
increasing control of their dependents through a new proprietorial control over their
lands. Thus, terms like sokemannus, colibertus, and villanus did not define specific
tenure, but rather the level of commendation that these individuals owed their lord as well
as the types of services they rendered to him. We cannot go so far as to say that this
recategorization was part of a deliberate program, let alone that the DB was the
instrument by which that agenda was carried out. Nevertheless, what was happening was
that the Normans perceived people by the categories they had already come to expect.
This shift in the way people were defined was not only a linguistic or intellectual phenomenon. It also affected the way manorial economies were managed. The most obvious example of how the change of nomenclature impacted tenurial realities is the villanus. The villanus might best be defined as an individual who was fully commended to his lord through his land; he was unable to “go with it where he will,” i.e. to another lord. The main service he provided his lord was agricultural. This category encompassed a variety of tenurial categories, including those who had previously held land as geburas as well as those who had been geneatas, some of whom had prospered to the point of having land and tenants of their own. But since all were now included under one class, all equally subject to the lord and his service, we can see through the course of the twelfth century that the class of villanus as a whole increasingly took on the labor duties and the status of its lowest element, the gebur. By the thirteenth century the villanus was owing week-work and boon-work as did the gebur before him, and his possessions had become the property of his lord.

A factor that probably accelerated this process was the farming out of estates by the new Norman lords. The magnates of William’s reign were men with land and interests on the south side of the Channel as on the north. In England they had been given estates populated by tenants whose language they could not understand, and who held land under conditions that were foreign to the Normans. It would only have made sense for some of them to sublet estates to firmarii, who would pay the lord a set annual rent, and then be entitled to whatever other profits the estate might generate. Of course, this only encouraged the firmarii to find new ways to maximize their income, and this was
accomplished in a variety of ways. Tenants of the estate were increasingly corvéed into working on the demesne, whether their ancient arrangements dictated it or not. Their new dependence on their lord through their land made this process much easier. Further, slaves and other workers who had been provided with food allowances and other provisions by the estate were, to a degree, emancipated and given land of their own, both reducing the expenditures of the estate and creating new gafol-paying tenants. These changes without doubt altered their labor duties and their customary perquisites.

In this context of an increasingly servile tenantry the legal thinkers of the twelfth century regarded the message of the Rect., with its exhortation to preserve the ancient rights and perquisites of estate tenants, as relevant and necessary. However, rather than just copying it as an independent tract, its inclusion in legal compilations of Anglo-Saxon laws testifies that these scholars wanted to empower it with a new authority, that of being part of the large Anglo-Saxon legal tradition. Since the Conquest, it had been part of the legal discourse of the Norman rulers that they would govern England in accordance with the Laws of Eadweard, the last king of the Anglo-Saxons that the Normans recognized. The difficulty here was that Eadweard himself had never promulgated any law-codes of his own. The phrase “Law of Eadweard” was in fact an ideological label embodying what was understood to be the Anglo-Saxon legal tradition. For the reigns of the two Williams this apparently was left in a somewhat nebulous state, the machinery of Anglo-Saxon justice continuing to work, while the laws that governed it remained locally defined.
Nevertheless, by the early twelfth century there seem to have been efforts to more concretely define what exactly constituted the Law of Eadweard, and one manifestation of that quest was the collecting and ordering of Anglo-Saxon laws. One of the most famous is CCC 383, which is also known as manuscript B. Here we meet with a paradox that is frequently encountered, but with equal frequency little appreciated, the distinction between text and document. A document is a physical artifact, ink on vellum, whereas a text is the language and intellectual content that is recorded on the document. With manuscript B we find a pre-Conquest text written on a post-Conquest document. As a twelfth-century document, the Rect. was collected along with Anglo-Saxon legal texts, some of them law codes, others paralegal in nature. That fact of its inclusion in such a collection is surprising, given that matters of estate tenure and service had never been issues that Anglo-Saxon laws addressed. In its new canonical context the Rect. found itself numbered among the documents regarded as legally authoritative and definitive of the Anglo-Saxon legal tradition. This gave the Rect. a standing that it seems never to have had before.

This newfound place of the Rect. in this authoritative canon would be defined by the other legal and paralegal documents with which it was associated in manuscript B, most importantly II Atr. and Duns. The former was an official law code of Aethelraed which defined the legal relationship between the Anglo-Saxons and the Danes. Duns., on the other hand, is a paralegal text (i.e. not a law-code issues by a king), also establishing an intermediary legal mechanism between the Welsh and the Anglo-Saxons living around the River Wye. Both treaties operated under the presumption that the legal traditions of
the two parties were fully functional and independent, and were to be preserved. That the
*Rect.* would be associated with documents of this philosophy suggests that in the mind of
the compiler, the *Rect.* represented a legal tradition of the Anglo-Saxons that was to be
preserved independently from that of the Normans. In this way, the compiler provided a
legal justification for the preservation of ancient tenurial rights of Anglo-Saxon tenants.

Manuscript B is not, however, the only such compilation, nor by any means the
greatest. Perhaps that distinction belongs to the collection scholars have dubbed the
*Quadripartitus*. Its editor, here referred to as Q, not only compiled and ordered Anglo-
Saxon laws and paralegal texts, he also translated them all into Latin. The act of
rendering these Anglo-Saxon sources into Latin itself transferred to them the high status
that came with all Latin texts. In addition, Q included the Anglo-Norman laws
promulgated by William and Henry I, thereby presenting the whole collection as an
unbroken line of English legal tradition, the Anglo-Saxon being on no less a par with the
Norman. Within this collection is the *Rect.*

Like the compiler of CCC 383, Q also contextualized his texts, and by their
mutual associations within the canon he created blocks of texts, each usually comprised
of one or more royal law-codes plus a number of paralegal texts. However, Q did not
simply create one version of his compilation but six discernable versions, each different
by the order in which he placed texts and blocks of texts. The *Rect.* is preserved in four
of these recensions. In the earliest of them, represented by manuscript R, Q seems to
follow the same strategy of contextualization that the compiler of B used. He associated
the *Rect.* with *II Atr.* and *Duns.* and in addition added to that block of texts *Iudex* and *Wl.*
Lad. The former is an admonition to judges to render just verdicts without consideration of the persons involved, and the later a prescription for the different modes of exculpation between Normans and Saxons. As with manuscript B, Q's earliest attempt to integrate manorial issues into the legal dialogue was by arguing that the Rect. represented an Anglo-Saxon tradition regarding land tenure and service, a tradition that needed to be preserved side-by-side with the Norman.

However, with the accession of Henry I, Q’s ideological understanding of law in England changed, as reflected in his Argumentum which prefaces the last three recensions of the Quadr. (represented by manuscripts T, M, and Hk). Henry I’s efforts to increase the royal presence in the administration of justice, by the establishment of the Exchequer and regional justiciars, encouraged Q to envision a single English law and legal tradition, one that finds its source and foundation in the person of the king. We also see in this the rudiments of an “English” identity, though here we must employ caution. It is difficult to be certain as to the degree to which we may project Q’s sentiments on others of his day. Further, this identity did not rest on a common language or ethnic background, and any sense of a shared history was a legal one – Q recounts the legal history of his England. Thus, Q’s Englishness resided in the laws that Q was collecting and in the king who was in the process of standardizing those laws for the whole of his realm. It seems that in both the person of Henry I and in the laws, Q believed that a new identity could be forged, one by which those who spoke Anglo-Saxon and those who spoke Norman French could unite.
Consequently, Q no longer defined the preservation of tenant rights as a matter of adhering to a separate Anglo-Saxon legal tradition, but fully integrated it into the structure of a homogenous English society. In this new strategy Q inserted the Rect. within a new block of texts, comprised of I-II Ew, I-III Em, Swer., Wif, Wer, and Wl. Lad. The laws of Eadweard have in common the topic of law-worthiness, the second having a particular emphasis on the role of the lord as one who makes his dependents law worthy. The II & III Em. also focus on lordship, the former mentioning the role of the lord in the feud and the paying of wergeld, and the latter addressing the matter of commendation. I Em., though dealing primarily with ecclesiastical issues, contains an important statement that the clergy were to teach all people to carry out the responsibilities that come with their station in life. Swer. begins with the oath of fealty to one’s lord, and Wer also mentions the role of the lord in the paying of the wergeld. Wif is concerned with the rights of wives and widows, and mentions the role of “friends” in the protection of married women, a role increasing played by the lord. Finally, by recontextualization Wl. Lad was given a new tenor; the focus now was not so much on the difference between Normans and Anglo-Saxon thegns, but on the warrior class of thegns, i.e. lords. All in all, the Rect. is placed in a block of texts that have as their common theme the role of the lord in matters of law, and especially their obligation to protect those under them. Thus, the preservation of Anglo-Saxon tenurial arrangements is integrated into the legal discourse through the lord’s legal responsibility to preserve the rights of his dependents.

The linguistic context of the Latin Rect. confirms that, at least in the administration of manorial justice, it was the lord’s obligation to protect the ancient rights
of his tenants. As we have seen, the socio-linguistic sphere of the Norman lords penetrated only so far into the day-to-day affairs of their estates. They knew indigenous terms for matters dealing with revenues, but were not in contact with the Anglo-Saxon population enough to know the nomenclature for their services or perquisites. Yet, it is precisely these terms that Q highlights by the use of *id-est*-translations. This translation strategy suggests that his Norman readers would not have known these Anglo-Saxon words, but also that, in the context for which the *Quadr.* was written, they were words these lords would need to know. Since the most likely context in which lords would deal with such matters was the *domini curia*, we might assume that the Anglo-Saxon words so marked were those Q expected his readers would hear as actions of *causae* in their courts.

It seems that though the *Quadr.* was probably intended to be a guide for royal justiciars, Q also envisioned it being used by lords, though most likely ecclesiastical ones, in the administration of their own manors.

Of particular interest to Q was the status of the *villanus*, the word with which he translated the Anglo-Saxon *geneat*. As we have seen, Q had a number of post-Conquest social terms by which he could have translated *geneat*, such as *radcniht*, *liber homo*, or *sochemannus*, the last of which was probably at this time the closest to the tenurial realities of the *geneat*. Nevertheless, Q chose to use *villanus* to translate it. It could hardly be a coincidence that the *villanus* was the most vulnerable of these to the degradation of rights and freedoms, taking on the labors and the servile status formerly associated with the *gebur* – a process that clearly proceeded unimpeded into the thirteenth
century. In his translation Q associated the *villanus* with the old soke-rights of the *geneat*, and thereby sought to preserve for him those rights.

In addition, Q’s translation also tells us much about how he understood the *Rect.* and the legal force he sought to give it. First of all, he wanted to make the practices and customs of the *Rect.* representative of a broader, Anglo-Saxon tradition, a claim that the original text never makes. Even though the Anglo-Saxon version makes it clear that what is being described is the practice of a particular estate, Q changes these passages to read *in quibusdam locis*, “in certain places,” giving the impression that the customs and arrangements described in the *Rect.* were more widespread.

Furthermore, in various places of the *Rect.* Q interjected the Latin word *iure*, “by legal right,” especially in those sections dealing with perquisites. By this simple insertion Q elevated the practices described in these sections from being matters of local custom to having a broader and more binding authority than the original Anglo-Saxon. One cannot help but believe that in this way Q was trying to convince his readers that the *Rect.* was in fact part of the Laws of Eadweard, the Anglo-Saxon legal tradition by which the Anglo-Norman kings had committed themselves to rule.

In summary, the conclusions of this study can be seen as touching on three specific areas of medieval studies: the methodology of studying bilingual texts, our understand of the *Rect.* in particular, and the evolution of medieval rural society in general. In regard to the first of these, it is easy to project our expectations of the genre of translation back onto other cultures. It is an almost unconscious assumption that those of the medieval past, like us, held translations to be a close reflection of the original text’s
meaning, and that the thought of consciously and deliberately altering the text in
translation would have been as reprehensible to them as it is to us. Consequently, when
we detect significant deviations between a text in its source language and its translation
into a target language, the general assumption tends to be that the translator simply made
a mistake. Being so judged, these deviations are simply overlooked. However, I propose
that we should not assume that translators of the past understood their task in the same
way as translators today, that for them, the act of translation did not simply involve
language, but also culture and society. Their task was to make the text meaningful not
only to the language of their target audience but also to its circumstances. If this
hypothesis is correct, we can no longer simply dismiss such differences in a translation as
mistakes, but must seriously consider the possibility that they represent deliberate
changes in the text. If this is the case, the differences in the wording and phraseology
between an original text and its translation can provide insight into how the translator
hoped to direct his text toward meeting the needs and circumstances of his own day, and
just what those differences and needs were.

Translations, then, should not be seen as the mere representation of a text in a
different language. Dynamic translations, i.e., translations that knowingly alter the text,
become part of a broader, diachronic dialogue. The scribes and scholars who copied and
translated their texts saw them as part of a long discourse, one in which they were a part.
Through the act of copying, adding marginalia, re-formatting the mise-en-page, and even
through translating, compilers and translators added their voice to the discussion, re-
defining and re-applying the message of these texts to their own circumstances and needs,
as they saw them. From this perspective, one cannot regard translations as the same text as the original, but as a different text, one generated for a different audience, to address different needs, and to accomplish a different purpose than its original.

The Rect. itself must be understood within this broader dynamic. It was a text that existed through time, changing and evolving in its purpose and application. In order to understand the Rect., one must ascertain the context and the purpose of the text at each stage of its incarnation. Sadly, because the Rect. is our best source for Anglo-Saxon rural society, most scholars through the decades have simply extracted from it whatever information it can yield about the Anglo-Saxon estate, and have felt little need to determine why it was composed in the first place. This study not only seeks to answer that question, but to also underline the importance of the answer for understanding the Rect., not only as a pre-Conquest text, but also for appreciating its role as a post-Conquest treatise.

But more importantly, this dissertation has demonstrated that the Anglo-Saxon and the Latin versions of the Rect., while literally expressing the same intellectual content, cannot be read as the same text. The Latin Rect. was created for purposes different (even if related) to its Anglo-Saxon predecessor, and its content was adjusted to address those needs. One can determine that new purpose only by ascertaining the raison d’etre of the original; by comparing that with the context and the language of the Latin version one can detect social shifts in English society, the new concerns that they created, and thus the goals that Q, the translator, hoped to accomplish through it. What has been missing our in previous interpretations of the Rect. is an appreciation of it as a witness of
rural social change through time, one that not only speaks to conditions on the estates of Anglo-Saxon England, but one that has much to say about the changes that took place in rural society after the Conquest.

This leads to the final implication of this study, the insight it provides for the social evolution of medieval English rural society in general. Previous studies have sought to understand the line of development from the Anglo-Saxon period, through that of the DB up to the manor of the thirteenth century, for which we have such abundant information. Generally, this effort has been characterized by trying to equate the various terms of these periods, trying to determine how, for example, the gebur became the villanus, who then became the villain and the serf. However, these studies have failed to consider the large categorical shifts that these changes in nomenclature represent. This dissertation has sought to demonstrate that there cannot be a clean line drawn between these various classes in a straight progression of evolution. The Anglo-Saxon terms as we have them in the Rect. focus on the tenurial categories, while those of the DB and later texts define people by their relationship and commendation to their lord. There is, therefore, a complex system of overlap between these two sets of social terminology. Some, who had held land as a geneat in Anglo-Saxon times, came to be categorized later as sochemanni, while others became mili
tes and still others villani. Conversely, many who were latter dubbed villani had held land as geburas. It is only when the complex nature of these relationships are understood that one can perceive the underlying dynamic that guided social change on English estates. Many whose ancestors had been independent geneatas had fallen into the same type of servile dependence as the geburas
because so many of both had come to be re-categorized as *villani*. It is this shift in categorization introduced by the Normans that best explains the social evolution of English estates well into the thirteenth century.
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APPENDIX A

THE TIDENHAM CUSTUMAL

Manuscript: Parker Library, Corpus Christi College, Cambridge, CCC 111, pp. 73-74 (S 1555).

Date: Recorded in a cartulary for St. Peter's of Bath dating 1155-6.

Page Dimensions: average 30.35 ×21.9 cm.

Rulings: 1 2 1 - 2 / 0 / 1 1 1 1 / J.¹

Verticle (from L): 1.35 cm.; 2.6 cm; L margin 3.3 cm ; R margin 16.5cm; 17.4 cm.

Horizontal (from T): Top of text 2.6 cm; first text ruling 2.8 cm.; 4.6 cm.; 24.75 cm; bottom text ruling 26.55 cm

Columns and Lines of Text: Single columned with 27 lines, averaging 13.3 cm. in length

Script: The Anglo-Saxon portions are written in insular square minuscule influenced by Caroline (the "a" and the presence of the half-r [marked by bold], and occasionally "g", "s" and "d"). The Latin texts are written in English Caroline.

Versals: Written in an uncial script, in green, red or both, often with tendrils and foliation. Average size: 2.6 cm wide by 2 cm high.

Select Bibliography

¹This and all other manuscript descriptions will use the system of notation for manuscript rulings as described in Muzerelle, D., 1999. For a description of the notation system see Appendix E.
Divisions and customs in Tidenham.

ON dydan hamme synd.xxx. hida. ix. inlandes. and . xxi. hida ge settes landes. To straet synd. xii.

hida.xxvii. gyrdas gafol landes. and on saeuerne. xxx. cytweras. To middel tune. v.hida. xiïii. gyrdas gafol
landes. xiii. cytweras on saeuerne. and. ii. haécweras on waege. To cinges tune. v.hida sind. xiii. gyrdas gafollan
des. and.ii.hida bufan dic þæet is nu eac gafolland. andþæet utan ham
me is gyt sum inland. Sum hit is þan scip wealan to ga_fole gesett. To cynges tune on saeuerne.xxx. cytweras.
and on waege. xii. To bispes tune synd. iii.hida. and. xv.cytweras. On landcawet synd.iii.hida. and.ii.haéc

weras .on waege. On landcawet synd.iii.hida. and.ii.haéc

weras on waege. and. ix. cytweras. Ofer eall þæet land gebyrad
at gyrdas.xiii.paenegas. and. iiiii. aelmespenegas.Æt aelcum were þe binnan þam.xxx.hidan is. ge byrede aefre se oder fisc
þam land hlaþførde. and ealc seldeynde fisc þe weordlic byð.sty_ria. andmereswyn. healic oder saefisc. andnah man naenne fisc
wið feo to syllanne þone hlaþförd on land byð ær man hi_ne him gecyðe.Of dyddanhamme ge byred micl weor_craeden.Se geneat sceal wyrct on lande.swa of lan_de.swa hweðer swa him man byt. andridan. andauerian. and_lade lædan.drafe drifan. andfelæ oðræ ðinga don. Se_gebur sceal his riht don. he sceal erian healfne aecer.
to wice worce. andraecan sylf þæet saed on hlaþfœrdes berne.ge halne to cyrcscette sa hweþere of his agenum berne
to wer bolde.xl. maera odðe an foþer gyrdas.oððe. viii.geocu byld. iii. ebban tyne. aecertyninge.xv. gyrdas. oððe
diche. v tyne. and dicie.i. gyrdas burh heges. ripe oðer he_alfine aecer . mawe healfine. on oþran weorcan wyrce .
å be weorces maþeþe. Syle. vii. pennegas ofer estre.healf_ne sester hunies. to hlaþmaessan. vi. systres mealtes .
to martines maesse an cliwen godes nett gernes.On ðam sylfum lande stent sede. vii. swyn haebbæ þæet hesyl_le.iii. andswa forð æþæet twæoþe. andðæas naþulaes maesten raede_ne þonne maesten beo. Conuentio inter Stigandum archi

Divisions and customs in Tidenham.
In Tidenham there are 30 hides; 9 (of) inland
and 21 hides (of) gesettland. At Stroat are 12
hides 27 gyrd of gafolland and at the Severn 30
basket-weirs. At Milton five hides, 14 gyrd of gafol-
land, 14 basket-weirs on the Severn, and two hackle-weirs on
the Wye. At Kingston there are five hides, 13 gyrd of gafolland,
and one hide outside the dike that is now also gafolland, and that outside the
enclosed land
there is still some inland. Part of it is for Welsh seamen as ga-
fol fixed. At Kingston on the Severn 21 basket-weirs
and on the Wye 12. At Bishton there are three hides and 15 bucket-
weirs on the Wye. At Lancaut there are 3 hides and 2 hackle-
weirs on the Wye and 9 basket-weirs. From all that land there is due
for each gyrd 12 pennies and 4 alms-pennies. At each weir
that is within the 30 hides is required every other fish
for the lord of the land, and every unusual fish that is worthy, stur-
geon and dolphin, any other notable sea-fish. And no one (is to)
sell any fish for money while the lord is on the land, before one
informs him of it. From Tidenham is required much corvee-
work. The geneat shall work as much on land as off land (i.e. at fishing)
whatever one commands him, both to ride and provide horses, and
conduct transport, drive cattle, and do many other things. The
gebur must do what is his obligation. He must plow an half acre
as week-work, and get the seed himself at the lord’s barn.
A whole as church-fee, whatever (seed) from his own barn.
He should carry(?) for weir-building, 40 large (branches) or one cartload of
branches or eight
yokes (and) 3 ebbs. He should raise 15 yards of the fencing or
dig 15 (yards), and he should dig a one yard ditch for the burg-fence. He should
reap one
and a half acres. He should mow half (of an acre). As for other week-work,
always according to the degree of work (to be done). He should give six pennies
after Easter, a half
sester of honey on Lammas Day (Aug. 1st), six sesters of malt
on St. Martin’s Day (Nov. 11th), one clew of good net string. On
the same estate he who has seven swine shall give
three, and thereafter always the tithe, and of that, nevertheless, the right of
feeding swine in the mast-pasture
when it is (time) to mast.

3Kelly inserts “pay for” (Kelly, S., 2007, 148).
APPENDIX B

EADWEARD'S GRANT OF STOKE AT HURSTBOURNE

**Manuscript:** British Library, Additional Manuscripts, 15350, fols. 71v-72

**Date:** In a cartulary for Old Minster of Winchester dated 1130 X 1150

**Dimensions:** average 27.8 cm x 29.8 cm

**Rulings:** 2 - 2 - 1 1 1 / 0 / 1 1 1 1 / J

  Verticle (from L): 1.2 cm; L margin 1.9 cm; 11.4 cm; 12.4 cm; 13.4 cm; R margin 23 cm; 23.6 cm

  Horizontal (from T): Top of text c 3.4 cm; first text ruling 3.7 cm; 5 cm; 31.7 cm; bottom text ruling 32.4 cm

**Columns and Lines of Text:** Single columned with 42 lines, averaging 21 cm. in length

**Script:** English Caroline, using large uncial characters for first line of charters.

**Versals:** Written in uncial script in green and red with decorative foliation.

**Notes:** The list of the ceorls' rights and obligations is found on fol. 72r and comes after the list of witnesses and before the eschatocol.

**Select Bibliography**

**Transcription**
fol. 72r

9 HER synd ge writen þa ge rihta þæ ceorlas sculan dón to HYSSE
10 burnan . ÅErest aet hilcan hiwisce feorwerti penega tó herfestes

---

³This and all other manuscript descriptions will use the system of notation for manuscript rulings as described in Muzerelle, D., 1999. For a description of the notation system see Appendix E.
9 Here are written the rights and obligations, which ceorlas must do at Hysse-
10 bourne. First, in respect to each household, 40 pennies at the autumnal
11 equinox and six church-measures of ale, and three sesters of bread wheat and
12 three
13 acres to plow on their own time, and to sow with their own seed and on their
14 own time to bring (grain) to the barn, and three pounds of rent-barley, and (mow)
15 a half acre of meadow as rent
16 on their own time, and to bring that to the rick,, and four cartloads of cut rent-
17 wood
18 for the heap of firewood on their own time, and 16 yards of rent-fencing-wood
also on their own
16 time, and (to give) at Easter two ewes with two lambs and reckon two young
17 sheep for (one) old sheep, and they shall
18 wash the sheep and shear on their own time, and every week do whatever one
commands
18 except for three: one at Christmas, the other at Easter, and third on rogation days.

Translation
fol. 72r

4 and is probably a mistake for an, "one."
APPENDIX C

SUMMARY OF LEGAL TEXTS DISCUSSED IN CHAPTER FIVE

The abbreviations are taken from GA I, ix - x, and are listed first by alphabetic order of the name, and then, if applicable, by the number of the code for that king. In square brackets is provided the citation in Liebermann’s Gesetze where he edited the text and also provided commentary. The description includes the language in which the text is preserved with the manuscript sigula in parentheses. For the sigula and the manuscripts they represent see the list of abbreviations.

II Atr.  II Aethelraed (994) [GA I, 220-224, commentary in GA III, 149-154]
Languages: Anglo-Saxon (B) and Latin (Quadr.). Treaty between Aethelred (r. 978-1013, 1014-1016) and Viking leaders, most notably Olaf Tryggvason, after the inconclusive battle of London in 994. The treaty begins with a mutual assistance pact (c. 1). Discusses the circumstances under which the friðmen (i.e. those living under the terms of the treaty) and their goods are to be protected, and what he should do if these rights are violated (c. 2-4) Deals with the legal contingencies when an Englishman or a Dane kill the other (c. 5). Emphasizes that previous crimes were to be forgotten (c.6). Specifies certain conditions under which an Englishman could not clear himself by an oath of purgation (andsaec) and when Danes were to be regarded as outlaws (c. 7)

II Atr. App.  II Aethelraed, Appendix (c. 1000) [GA I, 224-227, commentary in GA III 154-155]
Languages: Anglo-Saxon (B) and Latin (Quadr.)

I Em.  I Eadmund (942-946) [GA I, 184-187, commentary GA III, 123-126]
Languages: Anglo-Saxon (D, H, B) and Latin (Quadr.). Promulgated at the synod of London. Deals with matters touching on the spiritual life of the kingdom. Clergy are to teach the people to live in purity according to their position in society (c. 1). Every layman is to pay his church dues (Church-scot, Rome-penny, ecclesiastical tax) on ploughed land (c. 2). Those who shed Christian blood, must first do penance before coming before the king (c. 3). Those who violate a nun have no consecrated burial - same for a murderer and an adulterer (c. 4). Bishops
are to maintain churches from the proceeds of their own property (c. 5). Perjurers
and workers of magic are to be excommunicated (c. 6).

**II Em. II Eadmund** (943-6) [GA I, 186-191, commentary GA III, 126-128]
Languages: Anglo-Saxon (H, B) and Latin (Quadr.). In the prologue Eadmund
expresses concern about the proliferation of feuding. Clause 1 stipulates that if a
man slays someone and does not pay the *wergeld*, he is under vendetta, and that
his family has the choice of supporting him or not (in this latter case, the clan is
exempt from any violence). The king’s boroughs are to be cities of refuge (c. 2)
and all *manbot* (“fine paid to the lord of a slain man”) are to be paid (c. 3). There
is no refuge in the king’s household until the perpetrator has done penance (c. 4).
Eadmund thanks all for their help in keeping the peace and admonishes them to
improve that peace (c. 5). Those who violate a person in his home forfeits all he
has (c. 6). Finally, it lays out the process by which the slayer acquires the pledge
he needs and the time-table for paying the various fines and the *wergeld* (c. 7)
Select References: Wormald, P., 1999, 375, 376-377

**III Em. III Eadmund** (940-6) [GA I, 190-191, commentary, GA III, 128-130]
Languages: Latin (Quadr.). "I. Regarding the oath, which was made to Eadmund
the king. II. regarding a thief. III. whoever receives the man of another or
maintains another to injury. IIII. regarding a slave thief. V. unknown cattle not
restored without proof. VI. regarding the investigation of stolen cattle. VII. that
everyone should make his own (people) credible; and regarding those who have
been denounced; and regarding those who neglect these precepts."

**I Ew. I Eadweard** (901-924) [GA I, 138-141, commentary GA III, 92-94]
Languages: Anglo-Saxon (H, B) and Latin (Quadr.). Deals with law-worthiness
in trading: everyone should have a warranter; no trade outside a town - need for
witnesses; those wanting to vouch to warranty need witnesses or find the oath that
he makes it well; those declaring ownership need to produce witnesses or find
oath; if can’t find them, need testimony of one of six men in borough; those
setting property of another as a pledge of counter-charge, need to make public
oath that he did so without treachery (c. 1). If anyone is denied their right on
either bookland or folcland, he who had no right to the land would pay 30 s. to the
king on first and second occasions, and then 120 s. on the third (c. 2). People
convicted of perjury (by failed oath or out-oathed) are no longer oath-worthy, only
worthy of ordeal (c. 3).

**II Ew. II Eadweard** (924-5) [GA I, 140-145, commentary GA III, 94-96]
Languages: Anglo-Saxon (H, B) and Latin (Quadr.). Promulgated at Exeter.
Eadward asked his council to pay fidelity to him - to submit to recompense; to
love what he loves to avoid what he avoids - this so that no one could deny the
rights of another, the punishment for which is 30s. the first two times, and 120s
the next (c. 1). Reeves should require the attestation of witnesses (c. 2).
Regarding the accusation of theft: those who commended the accused to a lord
should stand in surety (c. 3). Lords shall have men on their lands who will defend
it and not make peace with crime (c. 4). Spells out the penalties for not doing the
above, especially the loss of the king's friendship (*freondscipe*) (c.5). If one loses
freedom due to charge of stealing, his kin forsake him, and he “gives his hand in
hand” (i.e. commends himself), he is worthy of slave work (*þeowweorc*) & the
kinsmen lose his wergeld (c. 6). One cannot take in commendation the man of
another; if so, he pays fine for disobedience to the king (c. 7). The reeve should
have court about every four weeks, everyone should be worthy of folk-right, and
each suite should have an end-date (c. 8).

**Duns. Dunsæte** (c.926-1000) [GA I, 374-379, commentary in GA III, 214-219]
Languages: Anglo-Saxon (B) and Latin (*Quadr.*) A treaty that sets the terms for
the legal interactions between the English and the Welsh in what is generally
regarded as the region of Archenfield in south-west Heref. Covers the issues of
cattle tracking (c. 1), forensic procedures (cc. 2-4), inter-community killing (c. 5),
witnesses and exculpation (c. 6), valuing of livestock (c. 7), vouching to warranty
(c. 8) and finally, who owes tribute and peace-hostages to whom (c. 9).
Select References: Wormald, 1999, 381-382

**Ger. Gerefa** (c. 975-1025) [GA I, 453-455, commentary in GA III, 244, 252-255]
Language: Anglo-Saxon (B). Opens with a catalogue of the personal attributes
that a *gerefa*, i.e. an estate steward, should have, his dedication to protecting the
Tenants and the lord’s rights, as well as maintaining control of the hirelings (cc.1-
8). This is followed by a broad (very broad) description of seasonal activities (cc.
9-12) which concludes with an admonition that the *gerefa* should always be about
the improvement of the estate (c.13). The next sections provide a long list of the
various tools and utensils that an estate needs (cc.14-17). The text concludes with
a statement of how complex the task of the *gerefa* is, needing to keep track of
every detail, from mousetraps to the pins of hasps (cc.18-19).

**Gehyn. Geþyngðo** (c. 1029-1060) [GA I, 456-459, commentary GA III, 255-259]
Languages: Anglo-Saxon (D, H) and Latin (*Quadr.*). Once regard for the ranks of
*eorl*, *ceorl*, *þegn* and *þeoden* were important (c. 1). If a *ceorl* gains 5 hides of
land, church, kitchen, bell-house and gate-house, he attains a *þegn*’s status (c. 2).
If a *þegn* served the king at court and himself has a *þegn*, then he may represent
the king in court (c. 3). If one does not have a representative, let him swear on his
own behalf (c. 4). A *þegn* may prosper and attain the rights of an *eorl* (c. 5). If a
merchant travels overseas at his own expense, he may attain the rights of a *þegn*
(c. 6). Scholars and priests who hold offices are worthy of the respect due a þegn; the king and bishop are responsible for the protection of his rights (cc. 7-8).

Iudex (late 10th - mid-11th c.) [GA I, 474-476, commentary GA III, 268-269]
Languages: Anglo-Saxon (G) and Latin (Quadr.). A reworking of “de iudicibus,” chapter 20 of Alcuin’s treatise, On Virtues and Vices. States that cases must maintain a balance between strict adherence to the law and mercy (cc. 1-2). Admonishes that judges should decide cases without respect of persons - whether rich or poor, hated or loved (c. 3), and warns against receiving bribes (c. 4). Reminder that God judges judges (cc.5-7). The people suffer if an ealdormann appoints unrighteous judges (cc. 8-10). Warns against judges delaying the decision of cases for money (c. 11). Unrighteous judges and reeves plunder the people they are supposed to protect. (cc. 12-14) Repeats that judges cannot take into consideration the rank of the people involved, only the claim (cc.15-16). Final warning against taking of bribes and final reminder that God is the ultimate judge (c. 17)
Select References: Torkar, R., 1981.

Swer. Swerian (c. 920- c.1050) [GA I, 396-399, commentary GA III, 233-236]
Languages: Anglo-Saxon (H, B) and Latin (Quadr.). A compilation of oath formulae for: fealty (c. 1); that a suit is being honestly brought (c. 2); non-complicity in a crime and oaths that goods (cattle) were legally acquired (c. 3); another that a suit is brought without slander or hatred (c. 4); of innocence (c. 5); of oath helping (c. 6); that a witness can attest to the terms of a sale (c. 7); of a witness (c. 8); another of innocence (c. 9) of demand of payment (c. 10) and of denial of debt (c. 11)

Wer Wer(geld) (944-c.1060) [GA I, 392-395, commentary GA III, 231-232]
Languages: Anglo-Saxon (H, B) and Latin (Quadr.). Describes the compensation of wergeld. Discerns two classes of people, 200-men and 1200 men (defined by the amount of the their wergeld) (c.1-2) Describes how the offender makes surety and the secures pledges (c. 3). This done all swear the offender is under the king’s peace - then describes time-table for the payment of the halsfang (privileged portion of the compensation), the manbot (compensation to the deceased’s lord), the fihtwite (fine paid to king for the slaying) and the first installment of the wergeld (c. 4-6). The same process holds true for the 200-man. (c. 7).

Wif Wifmannes bewedding (1030?-c. 1060) [GA I, 442-445, commentary GA III, 241-244]
Languages: Anglo-Saxon (H, B) and Latin (Quadr.) Describes the process of marriage and the protections of the woman. A prospective groom needs to give
pledge and promise to a girl’s sponsors that he will take her as his legitimate wife (c. 1). It is then determined who receives the fosterlean (payment for maintenance) and a pledge is made to that effect (c. 2). If the woman agrees, he then makes public profession of what he will provide should she survive him (c. 3). A widow should get half the inheritance - the whole if they have a child in common (c. 4). The groom will confirm with a pledge and his "friends" will stand in surety for it (c. 5). If all is in agreement, the male kinsman promise her to wife; the person overseeing the transaction should receive surety (c. 6). If a woman is taken to another "land," then her friends should agree to protect her: if she commits a crime, they are to help with compensation (c. 7). A priest must bless the union (c. 8). The bride and groom should not be too closely related. (c. 9).

**Wl. Art. William’s Ten Articles** (c. 1110-35) [GA I, 486-488, which Liebermann leaves curiously untranslated, commentary GA III, 277-281]

Languages: Latin (Quadr.). A compilation of laws attributed to William I made during reign of Henry I. Expresses William's concern that the Christian faith be practiced and that there be peace between Saxon and Norman (c. 1). Required that all pledge faithfulness to William (c. 2). Makes a man's lord responsible for the apprehension of his murder on penalty of a fine (c. 3). Frenchman in England during Edward's reign are bound by English law (c. 4). Livestock to be bought and sold in cities before three witnesses (c. 5). In cases between Saxon and French the Saxon can chose between trial by combat or the ordeal by iron (c. 6). All (the English?) are to be under the law of Edward the Confessor (c. 7). Everyone is to be under pledge and stipulates what should be done of one fails to appear before the court (c. 8). No one is to be sold as a slave outside of the country (c. 9). William forbids capital punishment, though allows for eyes to be gauged or testicles torn off (c. 10).


**Wl. ep. William’s episcopales leges**. (1070-1076) [GA I, 485, commentary, GA III, 274]

Language: Latin. Written to two addressees: 1) to the magnates of Ess., Herts., and Mdix.; 2) the counts within the see of Remigius, Bishop of Lincoln. Dictates the withdrawal of ecclesiastical jurisdiction from hundred courts and exclusive jurisdiction of bishops in ecclesiastical causes.


**Wl. Lad William’s Lad** (1067-77) [GA I, 483-484, commentary, GA III, 271-273]

Languages: Anglo-Saxon (H) and Latin (Quadr.). Allows the right of judicial combat to Englishmen, including the option of naming a champion to fight in his stead. On the other hand, the Englishman, if challenged to combat, has the option of exculpating himself through ordeal by hot iron. However, in cases resulting in
the outlawry of the guilty, the Englishman must prove his case by judicial combat, else the Frenchman can clear himself by simple oath.

*Wl. Lond.* William’s *Writ for London* (1066) [GA I, 486-488, commentary, GA III, 276]
Languages: Anglo-Saxon and Latin. Written to the bishop of London, and the city’s port-reeve, Gosfregð assuring them that William, the king, would continue to honor the rights (laga) that they enjoyed during Edward’s day. It also adds that sons will be guaranteed the right to inherit from their fathers.
Select References: Richardson and Sayles, 1966, 30.
APPENDIX D

DEVELOPMENT OF TEXT-GROUPS IN THE QUADR.

The following is a summary description of the main text-groups of the Quadr. discussed in Chapter Five and the impact of these themes on Q’s interpretation of Rect. The summaries of each of the laws only include those tenets that are in concord with the broader theme of the text-groups to which they belong.

Manuscript Tradition R

- *II Atr.* Group ([*II Atr.*, *Duns.*, *Iudex*, *Rect.*, *Wl. Lad*])
  - *II Atr.*: Treaty defining the legal interaction between the Danes and Anglo-Saxons, two people with separate laws.
  
  - *Duns.*: An agreement between Anglo-Saxon and Welsh, again defining how two separate legal traditions were to interact when necessary.
  
  - *Iudex*: A treatise exhorting judges to eschew bribes and to have no respect of persons in their judgements.
  
  - *Rect.*: Stresses the preservation of pre-existing customs and agreements on the estate.
  
  - *Wl. Lad*: Describes how Normans and Saxons legally interact in respect to the practice of trial by combat (a Norman practice).

- Dominant Theme of the Group: The texts provide a mechanism by which people of different legal traditions can legally interact while stressing the preservation of separate legal traditions. The inclusion of the *Rect.* in this group indicates that the preservation of customary, manorial rights is presented as part of preserving a separate Anglo-Saxon legal tradition.

- *II Em.* Group ([*II Em.*, *Swer.*, *Wif*, *Wer*])
  - *II Em.*: Describes the obligations of family and lords in respect to the feud.

  - *Swer.*: A list of different types of oaths, beginning with and giving prominence to the oath of fealty.
- *Wif*: Prescribes the procedure for the pledges regarding marriage, the inheritance of widows, and the legal protection of women.

- *Wer*: Describes the procedure for how the payment of the wergeld to the slain man’s family takes place, the securing of pledges and the schedule for the payment of different fines, including manbot (the payment given to a lord as compensation for the loss of his man).

- Dominant Theme of the Group: Documents emphasize the role of family and lordship in providing individuals with a legal identity and protection.

**Manuscript Tradition T**

- *III Em. Group*
  - *III Em.*: Deals with cattle theft, but also requires that those with men under them should make them "credible," i.e. oath worthy, nor should a lord take on a man without his previous lord's permission.

  - *Wl. Lad.*: Defines use of trial by combat by Saxons, here perhaps referring to Saxon thegns.


  - *Geþyn.*: Describes how one becomes a thegn; his rights and his advancement.

  - *Rect.:* The work begins with the thegn and his obligations to the king.

  - Dominant Theme of the Group: While touching on a variety of issues, these texts hold in common precepts regarding the thegn: his economic position, his rights, his responsibilities. The relocation of the Rect. into this group makes the protection of traditional manorial rights part of the responsibilities of lordship.

- *Ew-Em Group (I & II Ew., I Em. + II Em. Group)*
  - *I Ew.*: Emphasizes the need for a geteama, a "warrantor," a role often played by one's lord.

  - *II Ew.*: Stresses the need for magnates to be in fellowship with the king in his pursuit of justice; describes commendation; and exhorts lords not to take on a man without his previous lord’s permission.

  - *I Em.*: Admonishes clergy to instruct the people that they must live up to the obligations of their *had* (Latin *ordo*), their "station in life."
+ The *II Em.* Group - See under Manuscript Tradition R

- Dominant Theme of the Group: Focus of these texts is on the lord’s role in making the people under him law-worthy.

**Manuscript Tradition M & Hk**

- *I Ew-III Em.* Group (*Ew-Em Group + III Em. Group [includes Rect.]*)
  The combination of the *Ew-Em* and the *III Em.* Groups naturally integrates the theme of the thegn with that of family and particularly of the lord. The focus being on the rights and duties of different *had/ordines.* The effect of including the *Rect.* within this group not only connects thegn-ship with lordship and its obligations, but also redefines the categories of tenants as no longer functional/tenurial, but relational.
APPENDIX E

TRANSCRIPTIONS OF THE MANUSCRIPTS

The following pages provide manuscript descriptions and transcriptions for the Anglo-Saxon and the Latin manuscripts of the Rect. At the beginning of each transcription I have provided the date, dimensions, ruling schema, number of columns and lines, the script, and the average for the versals, notes on the manuscript and short bibliography of discussions of the manuscript. Each page of a manuscript is presented on a single page. The text is provided with line numbers and below this are notes on peculiarities for each line. These transcriptions endeavor as much as possible to reflect the placement of the text on the page, not only recording the lines, but also approximating the spacing between words, the abbreviations used and the relative locations of rubrics and marginalia. In order to preserve the visual unity, each transcription will begin a page. Rubricated characters are represented by a single underline, while versals or flourished letters are marked by a double-underline. These latter are usually described in the line notes at the bottom of the page. While all of the manuscripts were written in a minuscule script, the use of capital letters indicates majuscule characters used by the scribe, usually used to mark a new section or to give greater emphasis to a portion of the text. Finally, a "w" in bold marks the use of the wynn.

The notation system used to represented the rulings on the page was developed by Denis Muzerelle. The system divides the description into four zones, each divided by a slash (/). The first notes the vertical lines used on page, the second represents the horizontal lines used above and below the writing area, and the third describes the horizontal lines used within the writing area, and the last zone indicates whether the text is written in one or two columns, J indicating one column, JJ two. These zones are further divided into segments, which are distinguished by hyphens (-). Within the first zone, the first segment gives the vertical lines to the left of the writing area, the second those to the right and the third those within the writing area. In the second zone, the first segment gives the lines above the writing area, the second those below. The numbers represent lines, 1 meaning a single, isolated line, 2 a double line, 3 a triple, etc. In the third zone the hyphen is used to mark large gaps between groups of horizontal lines within the writing area. Thus, the schema for text B, 1 1 - 1 / 0 / 1 0 1 - 0 1 / J would

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6 Muzerelle, "Pour décrire les schémas": 134
mean: 1) two separated vertical lines to the left of the writing area, and one to the right, 2) no horizontal lines above or below the writing area; 3) two separated horizontal lines followed by a large space with two more separated lines at the bottom of the writing area, with 4) one column of text.

Special attention to page features such as ruling is one facet of what has come to be called "quantitative codicology." This approach endeavors to integrate the *mise-en-page* with the text in the interpretation of a document, and notes such features as rulings, running heads, glosses and marginalia. In addition, analysis of these qualities can give clues to patterns of book production and transmission. In keeping with this approach the following transcriptions endeavor to reflect these features.

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Manuscript B

Manuscript: Parker Library, Corpus Christi College, 383, 63v (p. 96) - 66v (p. 102).

Date: 1125 ×1130

Dimensions: average 18.5 ×12 cm.

Rulings: 1 1 - 1 / 0 / 1 0 1 - 1 0 1 / J
         Vertical (from L): .75 cm; L margin 1.4 cm ; R margin 9.2 cm.
         Horizontal (from T): Top of text 2 cm; first text ruling 2.2; 3.35 cm; 14.9 cm.;
         bottom text ruling 16.15 cm

Writing Area: 13.95 × 7.5 cm.

Columns and Lines of Text: 26-27 lines, averaging 7.5 cm. in length

Script: English Caroline, occasional use of Roman Rustic for first line of sections.

Versals: Written in an artificial unical, all in red ink, averaging .6-.7 cm wide and .55 cm high.

Notes:

Bishop Parker, who owned the manuscript wrote page numbers in the upper right
hand corner of the recto of each folio. Most previous scholarly references to the
manuscript use the Parker page numbers. However, recently the manuscript has
been foliated and it is these numbers that are the primary mode of citation used
here, though Parker's page numbers are provided in square brackets.

DEGENES LAGV ·

1. DEGEN LAGV is þæet he sy his boc rihtes wyr
2. ðe · andþæet he dreo dinc of his lande do fyrd
3. faere ld · anddburhbone and bryc ge weorc · eac
4. of manegum landum mare land riht arist-
5. to cyniges ge banne swilce is · deor hege
6. to cyniges hame andsscorp to friðscipe · and
7. saewaerd andheafod weard andfyrd weard · ael -
8. mes feoh andcyric sceat andmaenige oðere
9. mistlice ðinge · GE NEATES RIHT ·
10. Ge neat riht is mistlic be ðam ðe onland -
11. de staent · onsumon he sceal land gafol
12. syllan andgaers swyn · ongeare · andridan and -
13. auerian andlade laedan-wyrca and -
14. deormian · ripan andmawan · deorhege
15. heawan · andsaeete haldan · bytlian · andburh
16. hegegian nige faran to tune feccan ·
17. cyric sceat syllan · andaelmes feoh · heafod
18. warede healdan · andhors weerde · aerendi -
19. -an · fyr · swa nyr · swa hwyder swa him
20. mon to taecð · KOTSETLAN RIHT ·
21. K ote setlan riht · beðam ðe on land -
22. de stent onsumon he sceal aelce
23. mon daege ofehe geares fy rst his la -
24. forde wyrca · oðð · iiii · dagas aelcre
25. wucan on haerfest · ne dreart he land
26. gafol syllan · him ge byriað · v · aece -

Line Notes
1. The heading "DEGENES LAGV" at the beginning is NOT written on a text ruling, the bottom of the letters dangle c. .5 cm. above the first text ruling.
2. Line 1: The "D" of "DEGEN"; the inside margin of the stem is along the L margin ruling; .9 cm at widest W; the bottom hangs little more than halfway between text rulings 1 & 2; the top reaches the bottom of the heading.
3. Line 4: at the end is a line beginning horizontally, but bending to a near vertical. However, here this cannot be a hyphen indicating continuation of a word on the next line.
4. Line 10: The "G" of "Ge neat": is centered on the L margin ruling; is c. .7 cm wide; the bottom hangs halfway between text rulings 10 and 11, the top nearly reaches text ruling 9.
5. Line 21: the "K" of "Kote setlan": the right of the stem is along the L margin ruling; c. .8 cm wide; the bottom rests just below or on text ruling 22 and the top reaches between text rulings 19 and 20.
6. Line 26: the numeral "v" is partially obscured by a hole in the membrane.
1. Line 1: the hyphen is to the left of the L margin ruling.
2. Line 10: the "G" of "G ebur": is centered on the L margin ruling with the inside of the left curve is along the L margin ruling; .6 cm wide; the bottom hangs almost to halfway between text rulings 10 and 11; the top nearly reaches text ruling 9.
4. Line 16: the hyphen is to the left of the L margin ruling.
5. Line 26: The "c" in "raecan" is overwritten in a brown ink, a vertical stroke coming down from the front of the top curve down into a descender, making it into a "p" or an "f"
berne · to eacanðam · iii · aeceras to bene ·
andii togaers yrðe · gyf he mawan gaerses be
dyrfe ðonne earnige ðaes swa him man ða
fige · his gauol yrðe · iii · aeceras erige andsawe
ofhis aganum berne · andsylle his heorð paenig ·
twegen andtwegen fedan aenne heador hund ·
and aelec gebur sylle · vi · hlafas ðam inswa ðonne
he his heorde to maestene drifé · On ðam
sylfum lande ðeðeos raeden onstaent gebu -
re ge byreð þaet him man to land setene sylle .
ii · oxan·and·i · cu· and·vi · sceap · andvi i · aeceras ge
sawene onhis gyrde landes · forðige ofer þaet
gear ealle ge rihtu ðehim to gebyrigean · and
sylle him man tol to his weorce andandla man
to his huse · ðonne him forð sit ge byringe gy -
me his hlaford ðaes he laefè ·
ð EOS LAND lagu staent onsuman lande · ge
hwar hit is swa ic aer cwaed hefigre ge hwar
ea leohtré · for ðam ealle landsida ne syn
gelice · On sumen landa ge bur sceal syllan
hunig gafol · Onsuman mete gafol · Onsuman
ealu gafol · hede seðe scire healde þaet he wite
á hwaet eald land raedensy · andhwaet eald land
raedensy andhwaet ðeode ðeaw · BE ÐA M DE BEON BE
B eo ceorle gebyreð gifhe gafol heorde WITAD
healt þaet he sylle ðonne lande ge raed beo ·

Line Notes
1. Line 6: there is an erasure before "twegen," thus there is a space the size of a letter between the L margin and the word "twegen."
2. Line 17: "ð" in "ð EOS"; the circular portion is centered on the L margin ruling; .65 cm at widest; the ascender extends horizontally to the left c. 1.95 cm left of the L margin ruling; the bottom is halfway between text ruling 17 and 18; the top nearly reaches text ruling 16.
3. Line 25: the "B" in "B eo ceorle": the left side of the stem is along the L margin ruling; .35 cm at widest; the bottom rests on text ruling 25 and the top touches text ruling 24.
mid us is ge raed þaet he sylle · v· sustras huniges to
gafol · Onsuman landum gebyred mare gafol
raeden · Eac he sceal hwiltidum geara beon onma
negum weorcum to hlafordes willan · to eacan
benyrde and bedripe andmaed maewecte · andgyf he
wel ge lend bið he sceal beon ge horsad þaet he
maege to hlafordes seame þaet syllan · oðde sylf
laedan · swaeðer him man tæce · andïela ðinga
swa Gerard man sceal don · eal ic nu atellan
ne mæig · ðonne him forð sið gebyrige hede
se hlaford ðæes he laeþe bute hwet friges sy ·
Gæol swane gebyred þaet he GAFOL SWANE ·
sylle his slyht beðam ðe onlandestent · On
manegum landum stent þaet he sylle aelce geare ·
xv · swyno sticunge · x · ealde · and· v · gyne · haeb ·
be sylf þaet he ofer þaet araere · On manegum lan ·
dum gebyred deopre swanriht · gyne eac swan
þaet he aefter sticunge his slyht swyn wel behweor ·
fe · saençe · ðonne bið he ful wel gewyrces wyr ·
ðe · eac he sceal beon swa ic ær beo cere cwæð ·
oftraede to gehwilcon weorce · andgehorsad
tohlafordes neode · ðeowswan · andđeow beoce ·
re · aefter forð siðe beanre lage wyrðe ·
Æhte swane ðe inherode healt BE AEHTESWANE ·
gebyred stif earh · andhis ge wirce ðonne he
swic behworfen haefð · andðelles ða ge rihtu ðe ·

Line Notes
1. Line 12: the "G" in "G æol"; the right side of the stem is along the L margin ruling; .5 cm at its widest; the bottom hand just less than halfway between text ruling 12 and 13; the top is close to text ruling 11. The top of the "G" extends horizontally c. .1 cm to the right of the body.
2. Line 24: The "Æ" in "Æhte swane": the left lower corner and the top serif bound on the L margin ruling; c. .75 cm in width; the bottom hangs just below text ruling 24; the top is near text ruling 23.
- sunge .
1. ðeowan men to gebyriað · Be manna met -
2. Anan esne gebyreð to metsunge · xii · pund
3. godes cornes · andi · scipæteras · and · i · god me -
4. te cu wuduraeden beland side · be wifmonna
5. ðeowan wifmen · vii · pund cornes to mete metsung,
6. · i · sceap oððe · iii · paenigas · to winter sufle · i · syster
7. beana to laengten sufle · hwæig onsumer ·
8. oððe · i · paenig · eallum ahte mannum gebyreð mid
9. wintres feorm · andeanfeorm · sulh aecer ·
10. anðhaerfest hand ful · to eacan heora nydrihte ·
11. F olgere gebyreð ðæetheontwelf · be folgeran ·
12. monðum · ii · aeceras ge earinge oðerne
13. gesawene andoðerne unsawene saedige sylf
14. ðæene · andhis mete · andscounge and glofing him
15. ge byreð gyrof he mare geearnian maeg him
16. bið sylfum · Be SaeDERE ·
17. S ædere gebyreð ðaet he haebbe aelces saed cyn -
18. nes aenne leap fulne · ðonne he aelc saed wel
19. ge sawen haebbe ofer geares fyrt · Be oxan
20. Oxan hyrde mot laeswian · ii · oxan oððe hyrde
21. ma mid hlafordes heorde ongemaenre
22. laese be his ealdor mannnes ge wit nesse · ear
23. nian mid ðam scos andglofa him sylfum · and
24. his mete cu mot gan mid hlafordes oxan ·
25. Æu hyrde ge byreð ðaet he Be · ku · hyrde ·
26. haebbe ealdre cu meolc · vii · niht syðdan

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**Line Notes**

1. The "-sunge" is not written on a text ruling, but is above the line that is on text ruling 1.
2. Line 2: the "A" in "Anan": the left diagonal is centered in the L margin ruling; .7 cm.
   wide at the base (sans serif); bottom hangs slightly more than halfway between text ruling
   2 and 3; the top very nearly touches text ruling 1; the central horizontal meets the left
   vertical at the L margin ruling, then extends left c. .4 cm.
3. Line 5: the "D" in "Deowan": the left side of the stem is long the L margin ruling. 45
   cm at widest; the bottom hangs just below text ruling 5; the top is close to text ruling 4.
4. Line 5: "metsung." is written to the right of the R margin ruling.
5. Line 7: There is a vertical line just long the left of the L margin ruling the height of a
   minim in a browsier ink.
6. Line 11: the "F" in "F olgere": the stem is centered on the L margin ruling; .5 cm wide;
   the bottom hangs just below text ruling 12; the top is 3/4 up to text ruling 10.
7. Line 17: the "S" in "Saedere"; off center to the L margin, c. 3/4 of the letter to the right; .4 cm wide; the bottom hangs nearly halfway between text ruling 17 and 18; the top very close to text ruling 16.
8. Line 20: the "O" of "Oxan"; centered on the L margin ruling; .75 cm at widest; the bottom hangs a bit below text ruling 20; the top touches text ruling 19.
9. Line 25: the "C" of "Cu hyrde"; off center to the L margin, c. 1/3 of the letter to the right; .8 cm. wide; the bottom hangs halfway between text ruling 25 and 26; the top touches text ruling 24.
heo nige cealfod haefð andfrymet linge bystin -

g · xiiii · niht andga his mete cu mid hlafordescu ·

S  ceap hyrdes riht is þæt he haebbe Be sceap hyrdan ·

twelfl nihta ðingan to middan wintra · and· i ·
lamb of geares geogeðe · and i · bel flys · andhís

heorde meolc · vii · niht aeter em nihtes daege

andblede fulle hweges oððe syringe ealne sumor ·

Gat hyrde gebyreð his heorde Be Gat hyrde ·

meolc ofer martinus maesse daeig · andæer

dam his dael hwaeges · and· i · ticcen · of geares geo -
goðe gif he his heorde wel begymeð · Be cys wyhte ·

Cys wyghtan gebyreð hundred cyse andþæt

heo of wringh waegæ buteran macige to

hlafordes beode · andhæbbe hire ða syringe ealle

butan ðæes hyrdes daele · Be berebrytte ·

Bere bryttan ge byreð corn ge brot onhaer

feste aet bernes dure · gif him his ealdor

man ann andhe hit mid getrywdan ge earnød ·

B ydele ge byrað þæt he for his Be bydele ·
wycan sy wœorcæs frigra ðonne oðer man ·

forðón he sceal beon oftraede · eac him

ge byreð sum land sticce for his ge swince ·

Wudu wearde gebyreð ælæc wind Be wudewarde ·

fylded treow · Hæieg werde ge byreð þæt

man his geswince lang gecnawe on ðam en -

dam þe to eten laese licgan for ðam he mæig

Line Notes
1. Line 3: The "S" in "S ceap"; roughly centered on L margin ruling, with more to the right; c. .4 cm wide; the bottom hangs halfway between text ruling 3 and 4; top is very close to text ruling 2.
2. Line 5: "geogeðe"; the second "g" is 1) changed by a brown ink into a "ð" OR 2) was originally "ð" then the top was erased and a tail added to the circle. #2 seems more likely since "g" is not written with a circle (as clearly here) and the tail is not attached.
3. Line 8: the "G" of "Gat"; centered on the L margin ruling; .6 cm wide; the bottom hangs halfway between text rulings 8 and 9; the top very nearly touches text ruling 7; the upper arch extends beyond the base to the right c .2 cm.
4. Line 12: the "C" of "Cys"; roughly centered on the L margin ruling, with more to the right; c .7 cm wide; the bottom hangs halfway between text ruling 12 and 13; top very nearly touches text ruling 11.
5. Line 15: the "Be berebrytte" is rather faint.
6. Line 16: the "B" of "Bere"; the left edge of the stem is along the L margin ruling; .45 cm at widest; the bottom hangs not quite halfway between text ruling 16 and 17; the top touches text ruling 15.
7. Line 19: The "B" of "b ydele"; the stem is centered on the L margin ruling; .4 cm at widest; the bottom hangs almost halfway between text rulings 19 and 20; the top is near text ruling 18.
8. Line 23: the wynn of "Wudu wearde"; the left side of the stem is close to the L margin ruling, though moves slightly right as it goes down; .5 cm at widest; the bottom hangs halfway between text rulings 24 and 25; top is 3/4 way to text ruling 22.
wenan gyf he þaet aer for gymd þaet him man hwil -
ces land sticces ge ann þaet sceal beon mid folc
rihte nyhst eten laeze forðam gyf he for
slaepðe his hlaforðes for gymd nebið his ag -
um wel geborgen gifhit bið ðus funden ·
gyf he ðonne eal wel ge frío að he healdan
sceal ðonne bið he godes leanes ful wel wyrdæ ·
LAND LAGA SYN mistlice· swa
íc aer beforan saede· ne sette wena ðas ge rihtu
ofe ealle ðeoda · ðe we aer beforan ymbe
spræcon ac we cyðað hwaet ðeaw is ðaer ðaer
us cuð is gyf we selre ge leorniað þaet we willað
georne lufian andhealdon bedæere ðede ðeawe
dewe ðæenne onwuniað · for ðam · laga sceal
onleode luflice leornian · lof seðe on lande
sylf nele leosan · Feola syndon folc gerihtu ·
Onsumre ðeode ge byreð winter feorm · easter
feorm · bendform for ripe · gyt feorm for
yrðæ · mæð med hreac mete · ðet wudu lade
waen treow · ðet corn lade hreac copp ·andfela
dīnga ðe ic getellan ne mæig · ðis is ðeah myn -
gung manna bi wiste · andeal þaet ic aer beforan
ymbe rehte Be ge sceadwisang ðe refan ·
S ESCAD wis gerefa sceal aegðaer witan ge
hlaforðes land riht ge folces ge rihtu
beðam ðe hit of ealddagum · witan geraeddan

Line Notes
1. Line 4: the "p" in "slaepðe" should be a wynn, but the copiest probably confused the letters.
2. Line 8: the "L" of "LAND"; right side of the stem is along the L margin ruling; the base is .65 cm (not counting the left serif); the botton is nearly halfway between text rulings 8 and 9; the top extends 3/4 way from text ruling 7 to text ruling 6.
3. Line 8: about 1/3 of the line is left blank on the left, and appears to have been set aside for a rubric that was never written in.
4. Line 24: the "S" in "SESCAD"; is centered on the L margin ruling; .6 cm wide; bottom extends well more than halfway between text rulings 24 and 25; the top touches text ruling 23.
Manuscript M

Manuscript: John Rylands University Library MS Lat. 420, 33v - 36r.

Date: c. 1150

Dimensions: average 20 × 14.5 cm.

Rulings: 1 1 - 1 1 / 0 / 1 - 1 / J
    Vertical (from L): 1.9 cm.; L margin 2.5 cm; R margin 12 cm; 12.7 cm
    Horizontal (from T): Top of text 1.9 cm; first text ruling 2.2 cm; bottom text
    ruling 18.55 cm

Columns and Lines of Text: 25 lines, averaging 9.5 cm. in length

Writing Area: 16.35 × 9.5 cm.

Script: Early Gothic.

Versals: All written in brown ink averaging .7-.9 × .65-.8 cm.

Notes: The book was rebound and previous material removed. It was given a new
    foliation. However, Liebermann used the old foliation numbers (now crossed out), which
    here are provided in the square brackets. Written in a not-so-careful hand. Use of red
    lining the right sides of numerals and versals. Heavy use of marginal notes used as
    finding guides.

panariam et ianuam sedem. et sunder notam. in aulam regis. deinceps
erat taini lege dignus. sit tainius ascendisset ut seruiret regi.
et equitatus sui uice fungeretur infamilia sua. Si tune habeat tainum
qui ministret. Et qui ut Waram regis. hidas haberet et in aula
regis domino suo seruiret. qui tertio uenisset in nutium eius ad regem. iste
poterat de inceps iurare pro domino suo in magnam necessitate. et accusa-
tione eius recte ad mallare. ubicunque opus esset. Et qui sic promo tum
hominem non habet. ipse causam suam super iuret ut uel amittat.
Et tainius priuebat ad consulatun. sit post ea dignus rectitudine
comitis et honore. si massaere ascenderet ut ter mare-

magnum trans fretaret. proprium negotium suum: fuit deinde taini dignus
rectitudine. si scolaris profecisset in doctrina. cur ad sacros
ordines transiret. et ypisto domino ministret. erat de nique
dignitatis et pacis dignius. quanta pertinebat super illud. nisi foris-
faceret cur ipsius ordinis officio non uteretur. E t si euenir et-
ut ordinatus uel alienigena distrabaret. uel uerbis uel operibus :
tre pertinebat regi et episcopo hoc emendare quam ciuus possent. personarum

aini lex est. ut sit dignus rectitudine. Rectitudines sin gularum-
testamenti sui. et ut tria faciat proterra sua. scilicet expeditionem. Burh-
botam. et brigbotam. et de multis terris maius landi rectum exurgat.
Ad bannum regis sicut est. de horhege admansionem regiam. et scorpus
inhosticum et custodiam maris. et capiatis. et pacis. et elimesfech. et
cyrisceatum. et alie res multimode. VillaNi.
V illani rectum est. uarium et multiplex. secundum quod intera statutu est.
In quibus terris debet dare landgablu. etgressuin: id est. porcum her -
11. Line 7: the "E" of "Et" has red along right edge of lower curve.
12. Line 9: the "E" of "Et"; W .8 cm; H .9 cm; the middle horizontal is just above text ruling 9.
13. Line 9: the "t" of "Et"; has red on right edge of stem.
14. Line 10: the "E" of "Et"; W .7 cm; H .8 cm; middle horizontal is a but above text ruling 10.
15. Line 12: the "E" of "Et"; W .65 cm.; H .7 cm; the middle horizontal at height of minis.
16. Line 14: the "E" of "Et" Square not rounded like the rest; W .4 cm; H .9 cm; the center horizontal near text ruling 14; bottom hangs halfway between text rulings 14 and 15.
17. Line 18: The "T" of "Taini"; horizontal is 1.1 cm.; H 1 cm.; the bottom hangs halfway between text rulings 17 and 18.
19. Line 24: The "V" in "Villani"; W .9 cm (at top not counting serif); H 1.1 cm; the bottom is halfway between text rulings 24 and 25.

Marginal glosses:
1. Above line 1 on center of page "verque.Consuetudo promotionum.
2. To right of line 1: "sunder nota" and beneath that "Aula . Re"
3. To right of line 2: "Tainus: and on text ruling 2 "Tainus"
4. to right of line 3: "Equitas" and below that "Familia"
5. Line 4: above and between "ut Waram" is "expeditio"
6. To right of line 4: "Tainus" and below that "ut wara"
7. To right of line 5: "Aua Re"
8. To right of line 6: Ad mallare"
9. to right of line 9: "Tainus" and below that "Consulatus"
10. to right of line 10: "Comes" and below that "honore"
11. to right of line 11: "Massaere"
12. to right of line 12: "Scolaris"
13. to right of line 13: "ordines"
14. to right of line 14: "Dignitas"
15. to right of line 16: "Alienigena"
16. to right of line 19: "Tainus" and below that "Testament"
17 to right of line 20: "Ex peditio" and below that "Burhbote"
18. to right of line 21: "Brigbote: and below that "Bannum Re"
19. to right of line 22: "Horhege" below that "Domus re" below that "Scorp."
20. to right of line 23: "Custod [ ] maris"; below that "elmes feoh"
21. to right of R margin of line 24: "Cyricsceat"
22. to right of line 25 "villanus"
23. below bottom text ruling and to right of R margin ruling "Landgabluum" below that "Gresswine ."
M 34r [79r]

1. bagii. et equitare. etauariare. etsummagium ducere. operari. et dominum suum
2. firmare. Meter & et falcare. de horbege cedere. establishatem obseruare.
3. edificare. et circumsepireN ouam faram ad ducere. Cric seatum dare. et almeS-
4. fech.id est.pecuniam elemosine. heauod wardam custodire. ethorswardam.
5. In nuntium ire longe uel prope. quocumque dicetur et. otsete rectum est. oiuxta quod
6. interra constitutum est. apud quosdam debet omni die lune peranni spacium
operarii
7. domino suo. et.iii. diebus unaquaque septimana inagusto. A pud quosdam
operatur
8. pertotum augustum omni die. & unam acram auenë metit pro diurnali opere.
9. et habet garbam suam. quam prepositus uel minister domini dabit ei. Non dabit_
10. landgablurom. Debet habere. v.acras adperhabendum plus. si consuetudo
11. sit ibi parum nimirum. si minus sit. quod deseruit. quia sepius est.
12. illius. Det heorðpenig insanco die iouis sicut omnis liber facere
debet. Et ad quiuetet inland domini sui. Sub monitio fiat de séwerde.
13. · idest ·de custodia maris. uel de regis deñorhége etceteris rebus que suq mensure
14. sunt. & det suum cyricscaettum infesto sancti martini.
15. = Ebu consuetudines inueniuntur multitudine. aet
16. ubi sunt aneroso. et ubi sunt leuióres. aut medie. Inquibusdam
17. terris operatur. opus septimane. idest duos dies. sicopus sicut ei dicetur.
18. peranni-
20. & á festo candelarum ad usque pascham. iij. Siaueriat: non cogitur operari
21. quam diu equs eius foris moratur. Dare debet infesto sancti michaelis.x.denarios.
22. de gablo. etdie sancti martini .xxiiij. etsestarium ordei. et ii [.gallinas.
23. Ad pascham unam ouem iiuenuem. uel. ii*. denarios. E t iacebit a festo sancti
24. martini
25. usque ad pascha ad faldam domini sui.quotiens eipertinebit. & atermino
26. quo primitus arbitur usque ad festum sancti martini arabit unaquaque septi -

Line Notes
1. Line 2: the "M" in "Metere", the left space is filled with red.
2. Line 3: the "N" of "N ovam"; the ridge edge of the stem has red lining.
3. Line 3; the "C" of "Cyricscaetum" has the space filled in with red.
4. Line 4: there is a line over the "h" of "fech" but there is nothing to abbreviate.
5. Line 4: the "h" of "heauod wardam"; the space is filled with red.
6. Line 5: red capital "I" is written over a brown "i"
7. Line 5: The "C" of "C otsete": W .6 cm.; H .7 cm; bottom hangs just below text ruling
8. Line 5: "oiuxta" is what is written.
9. Line 6: a correction over the "ii" of "operarii"; a single "i" is written.
10. Line 7: the numeral "iii" has red on the right edges of the stems.
11. Line 7: The "A" of "A pud" has space filled with red.
12. Line 8: the bottom space in "&" has red on the left side.
13. Line 9: The "N" of "Non" is red on bottom edge of the diagonal.
14. Line 10: The "D" in "Debet" is red on the right edge of the stem.
15. Line 10: the numeral "v" has red on the right edge of the left diagonal.
16. Line 13: The "E" in "Et"; has red on right edge of lower curve.
17. Line 13: The "S" of "Sub" is elongated to the left and has red on right edge of upper curve.
18. Line 15: The "&" has red in the lower space.
19. Line 16: The "G" of Gebur: W: 1.8 cm; H: 2.1 cm; bottom hangs below text ruling 17; top touches text ruling 15.
20. Line 17: The "I" in "In" has red along its right edge.
21. Line 19: the numeral "iii" has red along its right edges.
22. Line 20: The "&" has red in the lower space
23. Line 20: the numeral "III" has red along its right edges
24. Line 20: The "S" in "Si" is elongated to the left, and had red on the right edge of upper curve.
25. Line 21: the "D" in "Dare"; it's space is filled with red.
26. Line 22: the superscripted "as" is written directly over "ii".
27. Line 23: The "A" in "Ad"; its space is filled with red.
28. Line 23: the superscripted "os" is written directly over "ii"
29. Line 23: The "E" of "Et"; the right edge of lower curve lined with red.
30. Line 24: The lower space in "&" is filled with red.

Marginal Glosses
1. Above line 1; at center of page: "rectitudines personarum"
2. Marginal notes are written well to the L, and usually terminate before the first L vertical ruling.
3. To left of line 1: above text ruling 1: "averiare" & below text ruling 1: "Summagium"
4. To left of line 2, on text ruling 2: "firmare"
5. To left of line 3: "Orhege" below that "Stabilitas"
6. To left of line 4: "AEdificatio" below that "Circumsepire"
7. To left of line 5: "Hevod warda"; below that "Horsward"
8. To left of line 6: "Nuntius"; below that "Cotsete"
9. To left of line 7: "Opera"
10. To left of line 9: "Garba"; on text ruling 10: "prepositus"
11. To left of line 10: "Langablum" (sic)
12. To left of line 12: "heorth peny"
13. To left of line 13: "Inland"
14. To left of line 14: "Sewearde"; below that "orhege"
15. To left of line 15: "Cyricsceate"
16. To left of line 16: "Consuetudines"
17. To left of line 21, just below text ruling 20: "Averiare"
18. To left of line 22: "Gablum"
19. To left of line 24; "Falda"
20. To left of line 25: "Arabo"
M 34v [79v]

1 mana unam acram. & ipse para semen in horreo domini sui. Ad hec · iij . acras
2 precum . et · ii". deherbagio . Siplus indigeat herbagio:arabit proinde sicut
3 ei mittetur . Dearit gabli sui arabit . iij . acras . etseminabit de -
4 horreo suo . et dabit suum hiorò penig . et · ii". pascant unum molossum
5 et omnis geburus det . vi . panes porcario . curiè quando gregem suum mi -
6 nabi inpastinagium . Inipsa terra ubi hec consuetudo stat: moris est
7 ut adterram assidendam . dentur ei duo boues . etuna uaca et · vi . oues .
8 et · vii". acras seminate insua uirgata terra . Post illum anum : faciat
9 omnis rectitudines que ad eum adtattinent . et committuntur ei tela
10 ad opus suum . et suppellex ad domum suam . Sumatem obeat: rehabeat
11 dominus suus omnia. Hèc consuetudo stat inquibusdam locis . &
12 alicubi est . sicut predixinus grauior . et alicubi leuior . Quia omnium terrarum
13 instituta non sunt equalia . I inquibusdam locis gebur dabit unigablum .
14 Inquibusdam methegablum . I inquibusdam eala gablum . Videat qui scyram
15 tenet . ut semper sciat que sit antiqua terrarum . instituto . uel popli consue -
16 B ochero · idest · apium custodi pernet . si gasforh'orde · idest · tudo .
17 gregem adscensum teneat . ut inde reddet sicut ibi mos erit . Inquibus dam
18 locis . est . institutum reddi . vi . sastaria mellis ad censum . Inquibusdam
19 locis plus gabli redditur . & aliquotiens etiam debet . esse . parato"s
20 ad multas operationes voluntatis domini sui . et ad benyrde . idest . ara -
21 turam precum et benripe . idest . adpreces metere . et pratum falsare . etsi bonam
22 terram habeat : equum habeat quem ad summagium domini sui prestare possit .
23 uel ipse ininari quecumquedicatur ei · & huiusmodi plurima facienda
24 sunt eo que modo nequent enarrari . Cum finis eum de mediabiat: habeat
25 dominus quod relinquetit . nisi forte liberum aliquod inter SÌT .

Line Notes
1. Line 1: "para" (sic)
2. Line 2: the superscripted "as" is written directly above the "ii"
3. Line 2: The upper curve of the "S" in "Si" is elongated to the left.
4. Line 4: the superscripted "o" is written directly over "ii"
5. Line 8: "anum" (sic)
6. Line 9: "adtattinent" (sic)
7. Line 10: "Sumatem" (sic)
8. Line 11: Scribe forgot to put line over "dominus"
9. Line 11: The "H" in "Hèc": W .6 cm.; H .8 cm; bottom hangs halfway between text rulings 11 and 12.
10. Line 15: "popli" (sic)
11. Line 16: the "B" in "B ochero"; W .7 cm; H .9 cm; bottom hangs halfway between text ruling 16 and 17; left edge of stem indented by .3 cm from L margin ruling.
12. Line 16: "pernet" (sic)
13. Line 19: the superscripted "u" is written directly above the "o" of "paratos" as a correction.
14. Line 25: "relinquerit"; there is a line over what is clearly an "r" at the end of the word.

Marginal Glosses
1. There is writing above the first line in the middle of the page is so worn it is now illegible.
2. To right of line 3: "aratura"; below that "gabluu"
3. To right of line 4: "hearth peny"
4. To right of line 5: "Molossum"; below that "porcarius"
5. To right of line 7: "Terra"; below that "assidenda"
6. To right of line 12: "Instituta"
7. To right of line 13: "terraruum"; below that "vini gabluu"
8. To right of line 14: "methgabluu"; below that "Ealu gab:"
9. To right of line 15: "Scyra"
10. To right of line 16: "Bochere"
11. To right of line 17: "Gafolheord"; below that "Census"
12. To right of line 18: "Mel"; below that "Census"
13. To right of line 19: "Gabluu"
14. To right of line 20: "Operatio"; below that "Ben yrd"
15. To right of line 21: "Ben ripe"
16. To right of line 22: "S s inag"; below that, in text ruling 22, "Equus ."
17. To right of line 23: "minari"
G    afolswano · idest · ad censum porcario pertinet ut suam occasio
dem quod in patria statutum est. I n multis locis est. ut det singulis annis
sves porcos adoccisionem. x. ueteres. et. vque · iuuenes. Ipse autem habeat
super-
augmentum. In multis est. seruilius rectum porcarii. Viderit etiam porcarius
ut post occisam ipsam porcos ipsos bene corradiet. etsuspendat. ettunc
habeatur dignus opera sua. Etiam erit sicut de custode apium diximus.
multis operibus frequentatus et equum habeat inopus domini sui. Seruus porcarius.
ererusus custos apium post obitum suum sint unius legis digni.
E hte swâne · idest · seruo porcario qui dominicum gregem curi curstid.
pertinet habere stiward · idest · porcellum de sude. et suum gewyrce quando baco -
nenus suos bene corrodiauerit · et amplius. eas rectitudines. que sunt. uo iure pertin -
U ni & sno. id. est. inopi. contingunt ad uictum. xii. pondia |ent.
bone annone. et. xii. scepe terras. idest. ouium corpora. et. una bona
conuictualis uacca ersarticare iuxta situm terrâ.
V ni ancille. viij. pondia annone. ad uictum. una ouis. uel. iij.
denarios et ad hiemale compleans. unum sester fab que adquadragesimalem
conuictum. Inestate suum hweig. uel. x. denarium.
O mnibus aceremannis iure competit natalis firma. et paschalís.
sullacer. idest. carruce acra. et. manipulus augusti. inaumentum
uire debiti recti. E olcargo competit ut in. xii. mensibus · iij.
aebras habeat unam seminatimum. aliam non. sed. ipse eam seminat. et. uictum
suum et calciamenter debet habere. et. cirothecas. Siplus deseruit:
ipsi commodum erit. S edere. id. est. seminatori pertinet
ut habeat unoquaque semitis tempore unam lepfulnê quando semen omne bene
seminauert. inanni spacio. B ubulco licet ad herbare

Line Notes
1. Line 1: The "G" in "G afolswano". W: .6 cm.; H: .6 cm.: the left edge is against the L
margin ruling; the top of the inside curve rests on text ruling 1.
2. Line 3: the superscripted "que" is written directly over the numeral "v"
3. Line 7: the upper curve of the "S" of "Seruus" is extended to the left.
4. Line 9: the "E" in "E hte swâne"; W: .85 cm; H: 1 cm.; left edge is centered between the
2 left rulings; the bottom is halfway between text rulings 9 and 10; the top nearly touches
text ruling 8
5. Line 11: "uo iure" (sic)
6. Line 12: the "U" in "Uni"; W: .8 cm; H: .75 cm; the outer edge of the left vertical is
along the L margin ruling; the bottom is halfway between text rulings 12 and 13.
7. Line 15: The "V" of "V ni"; W: .8 cm. (not including serifs); H: .8 cm.; the top of left
diagonal is roughly centered on the L margin ruling; bottom is halfway between text
rulings 15 and 16; top nearly touches text ruling 14.

463
8. Line 17: the superscripted "\( i \)" is a correction, written above the "." between "uel" and "denarium".
9. Line 18: the "O" of "O mnibus"; W: .9 cm.; H: .85 cm.; the left outer edge is centered between the two left vertical rulings; the bottom is halfway between text rulings 18 and 19; the top extends 3/4 up to text ruling 17.
10. Line 20: the "F" in "F olario"; W: .4 cm (not counting serifs); H: .9 cm; bottom hangs more than halfway to text ruling 21; top is halfway up to text ruling 19.
11. Line 22: the upper curve of the "S" of "Siplus" is extend to the left.
12. Line 23: The "S" of "Sedere"; W: .6 cm.; H: .8 cm.; bottom hangs halfway between text ruling 22 and 23.
13. Line 15: the "B" in "B ubulco"; W: .7cm; H: .8 cm; The top reaches halfway to text ruling 14.

Marginal Glosses
1. Above the line 1, in middle of page: "Personarum rectitudines"
2. To left of line 1: "Gafolswyne"
3. To left of line 2: "Porcarius ad"; below that "censum"
4. To left of line 7: "Equus"
5. To left of line 8: "Servus porcari q"; below that "Servus custos"
6. To left of line 9: "E hte swane"
7. To left of line 10: "Servus porcorus"
8. To left of line 11: "Dominicus"; below that "grex"
9. To left of line 12: "Esnus."
10. To left of line 15: "Ancilla ."
11. To left of line 16: "Companagium"
12. To left of line 17: "Sester"; below that "whay . Convictus"
13. To left of line 18: "AECremamnus"
14. To left of line 19: "Firma natalis"; below that "& pasch ."
15. To left of line 20: "Sulhacre ."; below that "mani pulus aug."
16. To left of line 21: "Folgarius ."
17. To left of line 24, just below text ruling 23: "Sedere . Seminaros"
18. To left of line 15, just below text ruling 24: "Lep · Sed lepeful" below that "Bubulcus ."
M 35v [80v]

1. Line 4: the "V" in "V accarii": W: .75 cm (not counting serifs); H: .9 cm.; top inside edge of the left vertical begins on L margin ruling; the bottom hangs a little more than midway to text ruling 5.
2. Line 6: the "P" in "Pastoris"; W: .7 cm.; H: .9 cm.; the left edge of the stem lies roughly along the L margin; the bottom nearly touches the minis of line 7; the top is a little more than halfway up to text ruling 5.
3. Line 7: over the first "a" of "hornatin" is written "o" as a correction.
4. Line 10: the "C" in "Caprario"; W: .8 cm.; H: .8 cm.; the left side is roughly centered on the L margin ruling; the bottom hangs a bit less than halfway to text ruling 11.
5. Line 11: "capri cum agniculum" seems to be a mistake for "capitum annicum"
6. Line 12: the "C" in "Caseum": W: .7 cm.; H: .75 cm.; the right edge of the left side (the curve) is aligned with the L margin ruling; the bottom is not quite halfway to text ruling 13.

7. Line 14: "erebreco": the rubrinator (?) forgot to put the versal "B" in this spot.

8. Line 15: "custo" (sic) is underlined; should have been "concedat"?

9. Line 16: the "B" in "B edello": W: .7 cm.; H: .85 cm; the stem is centered on the L margin ruling; the serifs extend to the left vertical ruling; the bottom is halfway between text rulings 16 and 17.

10. Line 18: the wynn of "Wvdeward": W: .5 cm.; H: .8 cm.; the bottom is halfway between text rulings 18 and 19.

11. Line 19: the "H" of "H eiwardo": W: .6 cm.; H: .9 cm.; the bottom hangs halfway between text rulings 19 and 20.

12. Line 24: the "L" of "L eges": W: base is .5 cm.; H: .7 cm.; top edge of the base is along text ruling 24; top is quite close to text ruling 23.

Marginal Glosses
1. to right of line 1: "Grex domini"
2. to right of line 2, just under text ruling 1: "communa pascua"; below that "Aldremannus"
3. to right of line 3: "mete -cû"
4. to right of line 4: "vaccarius -";
5. to right of line 5: "Bistingium"
6. to right of line 6: "Pastor oviu"
7. to right of line 7: "Dingia 12"; below this "noctium ."
8. to right of line 8, near text ruling 7: "Belfhys ."; below that "Blede ."
9. to right of line 9: "mesgui"; below that "siringui"
10. to right of line 10: "Caprarius"
11. to right of line 11: "mesgui"
12. to right of line 12: "Siringia"
13. to right of line 13: "Siringia"
14. to right of line 14: "b erebreius"
15. to right of line 15, just below text ruling 14: "horrearius"; below that "Aldermannus"
16. to right of line 16: "Bedellus"
17. to right of line 18: "wudeward"
18. to right of line 19: "forestarius"; below that "wyndfals"
19. to right of line 24: "Leges"
20. to right of line 25, just below text ruling 24: "Consuet"
1. Lines 1 through 9 contain the Rect.; lines 10-25 contain "Institutiones Henrici Regis"

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**M 36r [81r]**

1. hoc super omnes dnn gneralq. Notificamus tamenquid inquirusdam locis sit obser-
2. uare . simelius innosciat . gaudenter amplectimis . et custodiri uolumus
3. uitas mores populi cum quo nunc habitamus. L= eges debet inpopulis libenter
4. addiscere. qui non uult inpatria solus amittere. I Nquirusdam locis
datur firma
5. natalis domini . etfirma preciun adcongregandas segetes . etgutfirma
   adarandum.
6. etfirma precorum . fenandorum . hreac croppum . idest . macholi summitas.
   etfirma
7. admacholum faciendum . Interrae nemorosa lignum . plausti . I interra uberi
caput
8. macholi. et alia plurima fuerit apluribus. quorum hoc viaticum sit . etquod
9. supRA . D I X M V S ; CAPITVL.
10. · i · De libertate ecclesié. · ii · De releuationibus. · iii · De puellis non sine
dominorum licen -
11. · iiii · De heredibus. v · De uiduis cum liberis. uel sine liberis.
   |tiis maritandiS
12. · vi · De montegio. et de falsa moneta . viij . que condonando . que excipi -
13. enda placita uel consuetudines. viij · De distribulatione pecunié
14. infirmi . uel morte preuenti . ix . Deforesfacturis. x · De murdra .
15. · xii · eforestis. xii · De uauasorios . xiii · De redditione legis.
16. · xiii · De rebus raptis . post obitum . Willemiregis . xv · Epistola
   adapostolicum . inqua -
17. de in uestitirius ecclesiariam . erdatione baculorum . xvi · Alia epistola de
   introni -
18. zatione Girardi archiepiscopi . eboracensis adeundum apostolicum. xvii · De
   legaturum
19. regis âdno? Papa cum gudio receptione & remissionem. etde
   archiepiscopi
20. Anselmi exilio etreductione. xviii · De famoso post legatorum reditum
21. consilio habito lundonie . xix . De archidiaconibus . presbyteris canoniS.
22. · xx · De hundretis & commitatibus . etquoloco quod libet placitum teneri
debat .
23. In stitutiones Henrici R egiS.
24. HENRICVS dei gratia rex anglorum omnibus baronibus etfidelibus
suis francis etanglis salutem. Scias me dei misericordia

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**Line Notes**
1. Lines 1 through 9 contain the Rect.; lines 10-25 contain "Institutiones Henrici Regis"
2. Line 1: "dns" (sic); should be "dicimus"
3. Line 1: "gneralę" (sic); scribe forgot the line over "g"
4. Line 3: the "L" in "Lege": W: base is .5 cm.; H: .7 cm.; the top touches text ruling 2; the bottom hangs well below text ruling 3.
5. Line 4: the "l" in "IN": the stem is .15 cm wide; H: .7 cm.; the bottom nearly touches the minis of line 5.
6. Line 7: "plausti" (sic)
7. Line 10: the "D" in "De"; W: 1.25 cm.; H: 1.25; the right edge of the stem is along the L margin ruling; the left edge of the stem is between the two left vertical rulings; the right curve almost completely covers the "e"; bottom hangs just below text ruling 11.
8. Line 10: in the following lines, material to the left of the | is written to the left of the L margin ruling.
9. Line 19: I believe the line over the "e" in "remissionem" is a scribal mistake; should be in ablativ.
10. Line 20: "ádno?": the "n" has a line over it.
11. Line 24: the "H" in "HENRICVS": W: 1.45 cm.; H: 2.15 cm; the right edge of the stem is along the L margin ruling; the top is just below text ruling 22; the bottom hangs just below text ruling 25.

Marginal Glosses
1. to left of line 5: Firma nat domini"
2. to right of line 5: "d"
3. to left of line 6: "Firma precum ad"; below that "congre. segetes ."; below that "Gutfirma ."
4. to left of line 7: "Firma precorum"; below that "hreac cop ."
5. to left of line 8: "macholum"; below that "Viaticum"
Manuscript R

Manuscript: British Library Royal Manuscripts 11 B.ii, 163r - 166r.

Date: c. 1160

Dimensions: average 25.8 ×16.8 c.m

Rulings: 2 - 2 - 1 1 / 0 / 1 0 1 - (1 0) 1 / JJ
    Vertical (from L): 3.2 cm ; L margin 3.9 cm; R margin 9 cm; L margin 10.05 cm;
    R margin 15.1 cm; 15.85 cm
    Horizontal (from T): Top of text 1.9 cm; first text ruling 2.2 cm; 3.7 cm; 18.3;
    bottom text ruling 19.7 cm

Columns and Lines of Text: Double columned text, with 25 lines each averaging 5 cm. in length.

Writing Area: 17.5 × 11.2 cm.

Script: English Gothic, occasion use of Roman Rustic for first words of different works..

Versals: Typical use of two sizes of versals alternating in color in red and blue. The large
    are written in a half-uncial script and , averaging 1.5 × 1 cm. The smaller closer to a
    Roman Capital script averaging .75 × .5 cm.

Notes: Occasional use of red ink to color in enclosed spaces of letters and on the right
    side of numbers. The scribe/rubricator seems to have organized the material on three
    levels: 1) marked by a large versal, 2) by a small versal and 3) by a larger letter with red
    outlining.

R 163r

1 iudiciu est: ubi non persona. multimode. Villani
2 sed opera considerantur. Scri_ rectum est uarium & multi_ statutum est. In quibusdam terris
3 ptum est: non attendas personam hominis in iudi_ debet dare langabulum.
4 personam hominis in iudicium est: ubi n non per_ personas. multimode. Villani
5 cio. nec pro aliquo facies. & multi_ sed opera considerantur. Scri_ rectum est uarium & multi_
6 ut auero deues: &in_ statutum est. In quibusdam terris.
7 iuste iudices. Suscep_ ut auero deues: &in_ herbagii. & equitare.uel
8 tio muneris: dimissio aueriare. & su care: deorhege cedere: & stabilatatem obserua_
9 est veritatis. De dignitate re edificare. & circumsepi_
10 TAINI lex est hominum. ducere: operari. & dominum su_
11 ut sit dignus rectitudi_ um firmare. metere. & fall care: deorhege cedere: & stabilatatem obserua_
12 ne testamenti sui. & reckitum dare. & alie re: nouam faram adducere: cirisceattum dare . & ael_
13 ut tria faciat pro terra sua re edificare. & circumsepi_
14 scilicet expeditionem. re: nouam faram adducere: & stabilitatem obserua_
15 burhbotam & brugbo_ re: nouam faram adducere: & stabilitatem obserua_
16 tam. Et de multis terris. mesfeoh.id est pecuniam
17 maius landrectum.exur_ eleemosine. heafold wa_
18 git ad bannum regis.sicu_ rdam. custo dire. & hors_
19 est deorhege. ad mansi_ wardam.in nuntium ire
20 onem regiam. et Sceorpu_ longe uel prope quocumque dicetur ei.
21 inh osticum. & custo diam Cotsetle rectum est iuxta
22 maris & capitis. & pa_ quod in terra constitutum
23 cis & elmesfeoh: id est pe_ est. Aput quosdam debet omni
24 cunia elemosine . & ci_ die lune per anni spatiu
25 ricsceatum. & alie res operari domino suo : & tribus

Line Notes
1. Line 2a: The "S" in "Scri_ " has its spaces colored in red.
2. Line 6a: After the "id" a superscripted "e" was latter added as a correction to supply "est"
3. Line 7a: The "S" in "Suscep_ " has its spaces colored in red.
4. Line 10a: The "T" of "Taini" - a large versal, is solid blue: right side of stem is along the L margin ruling and rests between text rulings 11 & 12; the top of the letter is level with the top of the other letters on the line; the left crossbar goes to the outer vertical ruling.
5. Line 10a: The letters "AIN" in "TAINI" have their spaces colored in red.
6. Line 16a: The "E" in "Et" has its spaces colored in red.
7. Line 20a: The "S" in "Sceorpum" has its spaces colored in red.
8. Line 1b: The "V" in "villanus" - a small versal is solid red.
9. Line 4b: The "I" in "In" has red coloring on its right side.

470
10. Line 17b: The "w" in "wa_" has its spaces colored in red.
11. Line 19b: The "w" in "wardam" has its spaces colored in red.
12. Line 21b: The "C" of "Cotsetle" - a large versal, is solid red: the letter is centered on the left margin ruling; the bottom of the letter rests between text rulings 22 & 23
diebus unaquaque septima leuiores aut medie. In
na in augusto: apud quibusdam terris operatur opus sep_
quosdam operatur per totum timane.ii. dies. sic opus_
augustum omni die: & u_ sicut ei dicetur: per anni spa_
nam acram auene metit tium omni septimana. &
pro diurnale opere.& ha_ in augusto.iii. diespro septi_
beat garbam suam quam prepo_ manali operatione. & a fe_
situs uel minister domini da_ sto candelarum ad usque
bit ei. Non dabit land_ pascha.iii. Si aueriat:
gablum. Debet habere non cogitur operari. quamdiu
quinque acras adperha_ equus eius foris moratur.
bendum plus si consuetu_ Dare debet in festo sancti
do opus est operisillius: det super michaelis.x.denarios.de gablo.
heordpenig in sancto die & sancti martini die.xxiii.
iouis. sicut omnis liber faceret & sestarium ordei. & ii.
debet: & adquietet inland gallinas. Adpascha.ii.
domini sui. Si submonito ouem iuenem: uel.ii.denarios. & ia_
fiat de sewarde.id est de cebit a festo sancti martini
custo dia maris uel de re_ usque ad pascha ad fal_
gis deorhege.& ceteris rebus dam domini sui. quotiens ei per_
que sue mensure sunt:& det tinebit. & atermino quo pri_
suum cyricsceatum in festo mitus arabitur usque ad fe_
sancti martini. Gerburi con_ stum sancti martini. arabit
suetudines inueniuntur unaquaque septimana. i.
multimode: & ubi sunt acram. & ipse parabit
13. Line 14b: The numeral "xxiii" has red coloring on all its right sides.
14. Line 15b: The numeral "ii" has red coloring on all its right sides.
15. Line 16b: The "A" in "Ad" has its spaces colored in red.
16. Line 17b: The numeral "ii" has red between the two "i"s.
17. Line 17b: The "d" in "denarios" has its space colored in red.
18. Line 17b: The "&" has its spaces colored in red.
19. Line 24b: The numeral "i" has red coloring on its right side.
R 164r

1. semen domini sui in horreo. pellex ad domum suam.
2. Ad hec.iii. acras precum. Si mortem obeat: reha consuetudo stat in quibus
3. & duo de herbagio. Si locis & alicubi est sicut pre diximus grauior & alicu
4. plus indigeat herbagio: bi leuit qui omnium terra rum instituta non sunt equa
5. arabit proinde sicut ei per locis & alicubi est sicut pre
7. & seminabit de horreo & seminabit suum heord
8. suum heord
9. penig. & duo & duo pa sunt
10. cant unum molossu: & qua
11. omnis geburus det vi. p ane
12. porcario curie quando quibusdam ealagabulum. Vide at qui scyram tenet. ut semper
13. gregem suum minabit in sciat que sit antiqua terrarum
14. pastinagium. In ipsa terra
15. ubi hec consuetudo stat: mo uel populi consue
16. ris est ut ad terram assiden uel eor. id est
17. dam dentur ei. ii. boes. ad censum teneat. ut in
18. &. i. uacca. & vi. oues. &
19. vii. acre seminare. in erit. In quibusdam locis est in
20. sua urgata terre. P ost stitutum. reddi. vi. sestaria
21. illum annum faciat omnes mellis ad censum. In quibus
22. rectitudines que ad eum dam locis plus gabli red
dam locis plus gabli red
23. attinent: & committantur ditur. & aliquotiens etiam de
24. ei tela ad opus suum: & sup bet esse paratus admulta
25. bet esse paratus admulta

Line Notes
1. Line 2a: The "A" in "Ad" has its spaces colored in red.
2. Line 2a: The numeral "iii" has red in the spaces between the "i"s.
3. Line 3a: The "S" in "Si" has its spaces colored in red.
4. Line 6a: The "D" in "De" has its space colored in red.
5. Line 12a: The numeral "vi" has red in the space of the "v" and red coloring on the right side of the "i".
6. Line 15a: The "I" of "In" has red coloring on its right side.
7. Line 18a: The numeral "ii" has red in the space between the "i"s; the superscripted "o" is directly over the numeral.
8. Line 19a: The numeral "i" has red coloring on its right side. The superscripted "a" is directly over the numeral.
9. Line 19a: The numeral "vi" has red in the space of the "v" and red coloring on the right side of the "i".
10. Line 20a: The numeral "vii" has red in the space of the "v" and red in the space between the "i"s.
11. Line 21a: The "P" in "Post" has its space colored in red.
12. Line 2b: The "S" in "Si" has its spaces colored in red.
13. Line 3b: The "H" in "Hec" - a small versal, is solid red; its bottom rests on text ruling 3 and its top is close to text ruling 2.
14. Line 9b: The "I" in "In"has red coloring on its right side.
15. Line 10b: The "I" in "In"has red coloring on its right side.
16. Line 11b: The "V" in "Vide_" has its space colored in red.
17. Line 15b: The "B" in "Bochero" - a small versal, is solid red; its bottom rests just below text ruling 15; its top is close to text ruling 14.
18. Line 20b: The "I" in "In"has red coloring on its right side.
19. Line 21b: The numeral "vi" has red in the space of the "v" and red coloring on the right side of the "i".
20. Line 22b: The "I" in "In"has red coloring on its right side.
operationes: voluntati seruus rectum p orcarii

domi sui. & ad ben yrðe

id est araturum precum & ben

ripe.id est ad preces metere.

& pratum falcare. & si bo_

nam trett habeat. equum habeat

quem ad summagium domini

sui prestare possit. uel ipse

minare quocumque dicatur ei.

& huiusmodi plurima

facienda sunt ei que modo neque_

unt enarrai .Cum finis

eum demediabit: habeat

dominus quod relinquet nisi forte

liberum aliquid intersit.

Gafol swane.id est ad cen_

sum porcario pertinet

ut suam occasiorem det

secundum quod in patria statu_

tum est.In multis locis

stat ut det singulis anni*

.xv.porcos ad o ccisionem

.x. ueteres.et.v.iuuenes.lp_

se autem habeat super augmen_

tum. In multis locis est serulius

Line Notes
1. Line 12a: The "C" in "Cum" has red coloring on its right side.
2. Line 16a: The "G" in "Gafol" - a large versal, is solid red; it is centered between the L margin ruling and the outer ruling; its bottom rests a little below text ruling 17; its top reaches to just below text ruling 15.
3. Line 20a: The "I" in "In" has red coloring on its right side.
4. Line 22a: The numeral "xv" has red coloring on the right side of "x" and red in the space of the "v".
5. Line 23a: The numeral "x" has red on its right side.
7. Line 23a: The "I" in "In" has red coloring on its right side.
8. Line 25a: The "I" in "In" has red coloring on its right side.
9. Line 25a: Between "multis" and "est" is written in superscript "lo cis", and a vertical line is written between the "i" and the "s" of "multis" to indicate the insertion of the correction.
10. Line 25a: "seruulius" is a mistake for "seruilius"
11. Line 1b: "seruulus" is a mistake for "seruilius" - it is repeated from line 25a.
12. Line 2b: The "V" in "Viderit" has its space colored in red.
13. Line 6b: The "E" in "Etiam" has its spaces colored in red.
15. Line 16b: The "S" in "Stiferh" has its spaces colored in red.
16. Line 22b: The "V" in "Vni" - small versal, is solid blue; its bottom extends below text ruling 22; its top reaches near text ruling 21.
17. Line 23b: The "nt" in "contingunt" is written as a ligature.
1814. Line 24b: The numeral "xii" has red coloring on all its right sides.
R 165r

1 scaepe teras. id est ouiwm    Saedere id est seminato_  
2 corpora &.i.bona con_   
3 uictualis uacca. Esar_  
4 ticare iuxta situm terrq.  
5 Uni ancille. viii.pon_  
6 dia annone : ad uic_  
7 tum. i. ouem.uel.ii. denarios ad hie_  
8 malem companagium. i.  
9 sester fabe ad quadragesi_  
10 malem coniucum. In estate  
11 suum. hweig .uel. i.denarium. Omnibus  
12 ehtemannis iure compe+  
13 tit. natalis firma : & pa_  
14 chalis sulh acer id est car_ 
15 ruce acra. & manipulus  
16 augusti in augmentum iu_  
17 re debiti recti. Folga_  
18 rio comp etit ut in duo_  
19 cim mensibus. ii. acras hab_  
20 beat unam seminatam  
21 aliam non.sed idem seminet  
22 eam. & uictum suum. & calci_  
23 amenta deb et habere.  
24 & cirotecas. Si plus deser_  
25 uit: ipsi commodum erit.  

Line Notes
1. Line 3a: The "E" in "Esar_ " has its spaces colored in red.
2. Line 5a: The "U" in "Uni" - a large versal, is solid red; it is centered on the left margin ruling; its bottom is between text rulings 6 and 7; its top is close to text ruling 4; its left side touches the outer vertical ruling; its right side partially covers the letters following on lines 5 & 6.
3. Line 5a: The numeral "viii" has red in the space of the "v" and red in the spaces between the "i"s.
4. Line 7a: The numeral "i" has red on its right side.
5. Line 7a: The word "uel" has red on its right side.
6. Line 7a: the "o" in "ouem" has its space colored in red.
7. Line 7a: The numeral "ii" has red between the "i"s.
8. Line 7a: The "d" in "denarios" has its space colored in red.
9. Line 8a: The numeral "i" has red on its right side.
10. Line 10a: The "I" in "In" has red on its right side.
11. Line 11a: The numeral "i" has red on its right side.
12. Line 11a: The "d" in "denarium" has its space colored in red.
13. Line 11a: The "O" in "Omnibus" has its space colored in red.
14. Line 17a: The "F" in "Folga_" - a small versal, is solid blue; its bottom hangs between text rulings 17 & 18; its top is 3/4 up to text ruling 16.
15. Line 19a: The numeral "ii" has red in the space between the "i"s.
16. Line 24a: The "S" in "Si" has its spaces colored in red.
17. Line 1b: The "S" in "Saedere" - a large versal, is solid blue; it is centered on the left margin ruling; its bottom hangs half way between text rulings 1 & 2 and its top extends nearly a full ruling above text ruling 1.
18. Line 6b: The "B" in "Bubulco" - a small versal, is solid red; its bottom rests on text ruling.
19. Line 12b: The "D" of "Deseruiat" has its space colored in red.
20. Line 16b: The "V" of "Vaccariï" - a small versal, is solid blue; its bottom hangs below text ruling 16; its top texts to 3/4 to text ruling 15.
21. Line 18b: The numeral "vii" has red in the space of the "v" and red in the spaces between the "i"s.
22. Line 20b: The numeral "xiii" has red on the right side of the "x" and red in the spaces between the "i"s.
23. Line 22b: The "P" of "Pastoris" - a small versal, is solid blue; its bottom hangs below text ruling 22; its top extends 3/4 to text ruling 21.
24. Line 24: The numeral "xii" has red on the right side of the "x" and red in the spaces between the "i"s.
25. Line 24: The "d" in "domini" has its space colored in red.
26. Line 25: The numeral "i" has red on its right side.
hornotina. & i. bel flis
id est timpani uellus.
& lac gregis sui. vii. no_
citius ante equinoctium &
bled. id est cupram ple_
nam mesgui de siringia.
tota estate. Caprario
conuenit lac gregis
sui post festum sancti martini.
& antea pars sua mes_
guii & capritum anniculm
si bene custo diat gre_
gem suum. Caseum facien_
ti reddere conuenit. cen_
tum caseos. & ut buti_
rum faciat ad mensam
domini sui. de siringie &
habeat sibi totam siringiam
preter partem pastoris.
 sede cor haerrea s
um ad ostium horrei in
augusto. Si aldremannus
suus ei concedat. & idem
fideliter deseruiat. Bedel

lo pertinet ut pro seruitio
suo liberior sit ab operati_
one quam allii homines. quia
sepia esimpeditus etiam ei
cconuenit ut aliquam ter_
re portiunculam habeat
pro labore suo. W udewhat
id est custo dii nemoris uel
forestariso iure concedit
lignum omne uento deiec_
to eiuardo pertinet fo.
ut merces laboris eius
compensetur in eam partem
segetis que pasquis adia_
cet. Quia scire debet
si minus hoc seruabit.
damnum segetis impu_
tabit illi. & si aliquaterq
portiuncula permitatur ei.
secundum ius publicum debet
esse uicina compascuis ut
si per desidiam eius seges in_
 festabitur a suo primitu'
expectetur. Leges & con_
suetudines terrarum sunt

Line Notes
1. Line 1a: The numeral "i" has red on its right side.
2. Line 3a: The numeral "vii" has red in the space of the "v" and red on the right sides of the "i"s.
3. Line 7a: The "C" of "Caprario" - a small versal, is solid red; its bottom rests on text ruling 7, its top extends to 3/4 up to text ruling 6.
4. Line 13a: The "C" of "Caseum" - a small versal, is solid blue; its bottom extends to just below text ruling 13; its top extends to 3/4 up to text ruling 12.
5. Line 20a: The "B" of "Berebreto"; - a large versal, is solid red, the right side of the letter (on the inside of the stems) is along the left margin ruling; the stem of the letter is between the outer and the left margin rulings; its bottom has down more than half way to text margin 21 and its top is close to text ruling 19.
7. Line 25a: The "B" in "Bedel" - a small versal, is solid blue; its bottom hangs just below text ruling 25; its top a little more than half way to text ruling 24.
8. Line 7b: The "W" of "Wudeward" - a small versal, is solid red; its bottom hangs half way between text rulings 7 and 8; its top is 3/4 to text ruling 6.
9. Line 7b: The "u", "d", and "w" of "Wudeward" have their spaces colored in red.
10. Line 15b: The "Q" of "Quia" has its space colored in red.
11. Line 24b: The "L" of "Leges" - a small versal, is solid blue; its bottom rests just above text ruling 24; its top extends to over 3/4 to text ruling 23.
multiplices & uarie: & alia plurima fuerint
sicut prelibamuis. ec a pluribus quorum hoc via ticitum sit: & quod supra diximus.
dicimus generale. notifica Instituo regis uuillemmi.
mus tamen qui in quibusdam Vilelms dei gratia rex an._
locis sit observare Sup me _
lius innotescat : gauden_ scriptum hocperueniet sa_.
ter ampltetimus. & custo_ luten & amicitiam.Man _
diri uolmus iuxta more & pprecipio per totam an_.
populi cum quo tunc habita-bimus. Leges deb et in po_ Si anglicus homo compellet
qui non uult in patria solus bellum. de furto uel homi_.
mittere. In quibus dam loci cidio uel aliqua repro qua bellum
datur firma natalis domini. fieri debeat uel iudicium
&firma paschalis. & fir_ inter duos homines: hbeat
ma precum ad congreganda_ plenam licentiam facien_
segetes. & gutfirma ad di. Et si anglicus bellum
arandum. &firma pratorum nolit: francigena com_
fenandorum & hreaccrop_ pellatus adlegiet se iure_
pum id est macoli summita_. iurando contra eum per testae'
& firma ad macholum suos: secundam legem norman_
faciendum.In terra neme nie. Item si francigena com_
rosa. lignum plaustrI. In pellet anglicum per bellum
terra uberici.caput macholi. de eisdem rebus: anglicus
Manuscript T

Manuscript: British Library, Cotton MS Titus A xxvii, 150r - 152r.

Date: c. 1180 ×1225

Dimensions: average 19.8 × 14.1 cm.

Rulings: 1 - 1 / 0 / 1 - 1 / J
    Vertical (from L): L margin 1.6 cm ; R margin 11.5cm
    Horizontal (from T): Top of text 1.4 cm; first text ruling 1.7; bottom text ruling 16.8 cm

Columns and Lines of Text: 24-25 lines, averaging 9.9 cm. in length

Writing Area: 15.1 × 9.9 cm.

Script: Early Gothic

Versals: Relatively rare, written in solid green or blue averaging .94 × .6 cm.

Notes: A latter hand (15th c.?) occasionally added marginal finding guides.

proprium negotium suum: fuit deinde taini dignus rectitudine. Et si sco-
laris profecisse indoctrina cur ad sacros ordines pertransiret. et christo domino mi-
nistrearet: erat deneque dignitatis et paris dignis. quanta pertinebit super illud.
nisi forisfaceret cur ipsius ordinis officio non utatur. Et si euenerit ut ordinatus ut
alienigena disturbaretur alicubi uerbis uel operibus. tunc pertinebat regi et
episcopohoc
emendare quam citius possent. De lege taini.
Tainilex est ut sit dignus rectitudine testamenti sui. et utrīa faciat pro
terra sua. scilicet expeditionem. burhbotam et brigbotam. et de multis terris
maiuslandi rectum exurgit ad bannum regis. sicut est de orhege ad man
sionem regiam. et scorpum in hosticum et custodiam maris et capitis et pacis.
et elmesfeach · idest · pecunia elemosine · et cyricsecatum · et alie res multimode ·
Villani rectum est uarium et multiplex · secundum quod in terra statutum est ·
Inquibus-
dam terris debet dari landgablam. et gersswin · idest · porcum herbagiī. et
equitare
et auariare · et summagium decere. operari · et dominum suum firmare · metere et fal-
care. de orhege cedere · et stabilitam obseruare · edificare et circumsepire. no-
um faram adducere. cyricsecatum dare et elmesferh · idest · pecuniam elemosine ·
heafoswardam custodire et horswardam. in nuncium ire longe uel prope ·
quocunque dicetur ei. Cotsede rectum est iuxta quod interra constitutum est · Apud
quosdam debet omni die lune per annī spaceum operari domino suo · ettribus
diebus
unaquaque septimana. in augustō · et apud quosdam operatur pertotum augustum ·
omni die. et unam acram auene metit pro diurnali opere. et habeat garbam suam ·
et de alia annona: dimidiam acram · et habeat garbam suam. quam prepositus uel
minister domini dabiti · Non dabit landgablam. Debet habere · et · acras
ad perhabendum plus si consuetudo sit · ibi · et parum nimis est si minus
sit quod deseruit · quia sepius est operi illius · det super heorum penig in sancto

Line Notes
1. The first 6 lines of the page are the concluding lines of Geþynðo.
2. Line 2: The word "christo" is written with the chi; the superscripted "o" is written
directly over the chi.
3. Line 7: The "T" of "Taini" is written in green; the top horizontal touches the bottom of
text ruling 6, and the bottom ends between text rulings 7 & 8.
4. Line 22: here the scribe goes back and puts "et de alia annona dimidiam acram" which
should have been in the previous line after "diurnali opere." However, he also re-writes
"et habeat garbam suam" in the process.
Marginal Glosses
1. All the marginal notes are made in a later hand; bastard secretary (15th c.?)
2. Between lines 9 & 10 is the word "consuetudie"
3. To the right of line 10 is the word "villanorum"
4. To the right of line 11 is the word "elmesfeach"
5. To the right of line 13 is the word "Gersyn"
6. To the right of line 18 is the word "Cotseda"
posuere . sicut omnis liber facere debet et adquietet inland domini sui . Sub
monitio fiat de sewarde · idest · de custodia maris . uel de regis deorhege et
ceteris
rebus que sue mensure sunt . Et unusquisque det suum scyricsceatum in festo
Geburi consuetudines De Geburi consuetudinibus . ¶ sancti martini ·
inueniuntur multimode . et ubi sunt leuiores aut me-
die . In quibusdam terris operatur opus septimane . ii · dies . sic opus sicut ei dice-
tur per anni spaciurn omni septimana . Eo in augustio . iii · dies pro septima-
nali operatione , et á festo candelarum usque ad pascha tres . Si aueriat · non co-
gitur operari quam diu equus eius foris moratur · Dare debet in festo sancti
micha-
elis · x . denarios · de gablo . et sancti martini die xxiii · et sextarium ordei et duas
gal-
linas . Ad pascha unam ouem iuuenem · uel · ii · denarios · et iacebit á festo sancti
martini usque ad pascha ad faldam domini sui · quotiens ei pertinebit ·
Et á termino quo primitus arabitur usque ad festum sancti martini . arabit
unaquaque septimana · i · acram · et ipse parabit semen in hordeo domini sui ·
Ad hec tres acras precum · et duas de herbagio . Si plus indigeat herbagio:ara-
bit proinde sicut ei permittetur . De aratura gablī suarit . iii · acras . et se-
minabit de horreo suo · et dabit suum heord penig et duo pascent · unum
molosum . Et omnis geburus det vi panes porcario curie quando gre-
gem suum minabit in pastinagium . In ipsa terra ubi hec consuetudo stat:
moris est ut ad terram assidendam dentur ei duo boues et una uacca.
et · vii · oues · et vii · acre seminate in sua airgata terra . Post illum annum
faciat omnes rectitudines que ad eum attinent · et committantur
ei tela ad opus suum . et suppelle ad domum suam · Si morte obeat:
rehabeat dominus suus omnia . ¶ Hec consuetudo stat in quibusdam

Line Notes
1. Line 2: "earde · idest · de custodia mar" has been underlined.
2. Line 4: The "G" of "Geburi": the inside of its left stem is along the left margin ruling,
and its right side is 6 mm into the text; the top extends to text ruling 3 and the bottom
hang between text rulings 4 and 5.

Marginal Glosses
1. To the left of line 2: "se wearde"
locis. et alicubi est sicut prediximus grauior et alicubi leuior. quia omnium
terrarum instituta non sunt equalia. In quibusdam locis gerbur dabit hu-
nigablum. in quibusdam metegablum. in quibusdam ealagablum.
Videat qui scyram tenet ut semper sciat que sit antiqua terrarum institu-
tio. uel populi consuetudo. ¶ Bochero · idest · apium custodi
pertinet. si gafolheorde. idest · gregem ad censum teneat. ut inde reddat sicut
ibi mos erit. In quibusdam locis est institutum reddi · vi · sextaria mel-
is ad censum · in quibusdam locis plus gabli redditur. Et aliquotiens
etiam debet esse paratus ad multas operationes uoluntatis domini sui · et
ad benhyrde. idest · araturam precum. et benripe. idest · ad preces metere. et
pratum fals-care. et si bonam terram habeant. equum habeat quem ad summagium domini sui
prestare
possit. uel ipse minare quocumque dicatur ei. Et huismodii plurima facienda
sunt ei que modo nequeunt enarrari. Cum finis eum demediabit: habeat
quod relinquet · nisi forte liberum aliquid intersit. ¶ Gafolswane · idest · ad
censum
porcario pertinet. ut suam occisionem det secundum quod in patria statutum est.
In multis locis stat. ut det singulis annis · xv · porcos ad occasionem ·
· x · ueteres et. v · iuuenes. Ipsae autem habeat super augmentum. In multis locis
serulius rectum est porcari. Viderit etiam porcarius ut post occisam ipsam por-
ocos occisos bene corrodiet. et suspendat. et tunc habeatur dignus opera sua ·
Etiam erit sicut de custode apum diximus. multis operibus frequentatus ·
et equum habeat in opus domini sui. Seruus porcarius etseruos custos apum. post
obitum suum sint unius legis digni. AEhte swane.idest · seruo porcario qui
dominicum gregem curie custodie. pertinet habere stiwarh. idest · porcellum de
sude.
et suum gewyrce quando bacones suos bene corrediauerit. etamplius eas

Line Notes
1. Line 8: "aliquotiens" a mistake for "aliquotiens"?
2. Line 23: has "stiwarh" for "stifarh"

Marginal Glosses
1. to the right of line 5: "Bocherio"
2. to the right of line 6: "Gafolheorde"
3. to the right of line 10: "Benhyrde"
4. just above and to the right of line 11: "Benurpe"
5. to the right of line 14: "Gafolsdane"
6. to the right of line 22: "ahte sdane"
7. to the right of line 23: "Stydarh"
rectitudines que seruo iure pertinerit. Uni aesno · idest · inopi contingunt ·
aduictum. xii · pondia bone annone. et. ii · scepertas · ouium corpora. et i ·
bona conuictualis uacca. et sarticare iuxta situm terre. Uni ancile. viii ·
pondia annone ad uictum · unam ouem. uel iii · denarios · ad hyemale compana-
gium. unum sester fabe ad quadragesimale convictum · In estate suum hwig uel
· i · denarium · Omnibus ethemannis iure competit natalis firma et paschalis
sulhaeker. carruce acra. et manipulus augusti · in augmentum iure
debiti recti. Folgario competit · ut in xii · mensibus duas acras habeat. unam semi-
natam aliam non · sed idem seminet eam · et uictum suum et calciamenta debet
habere et cirotecas. Si plus deseruit:ipsi commodum erit · Sedere · idest · semi-
natori pertinet. ut habeat unoquoque sementis tempore · leapfulne quando semen
omne bene seminauerit in anni spacio · Bulbulco licet adherbare · ii ·
boues · et alicubi plus cum grege domini in communis pascuis. pertestimo-
nium tamen aldremani sui. deseruiat per id calceos et cirotecas. et eius mete-
cu · idest · uictus sui uacam licet ire cum bobus domini. Vaccarii rectum est ut habeat
lac uacce ueteris · vii · noctibus postquam enixa erit · et primitiuarum bystingui-
um · xiii · noctibus · et euis uacca cum uaccis domini · Pastoris ouium rectum
est ut habeat dungiam. xii · noctium in natali domini · et unum agnum de iuen ·
tute hornotiaua · et unum belflys · idest · timpani uellus et lac gregis sui · vii ·
noctibus ante equinoctium ethlede · idest · culpam plenam mesguíí de syrin
gia tota estate · Caprario convenit lac gregis sui post festum sancti martini ·
et antea pars sua mesguíí · et unum capricum anniculum · si bene custo-
diat gregem suum · Caseum facienti redere convenit · c · caseos · et ut
butirum faciat ad mensam domini sui de siringie. et habeat sibi totam siring-
giam · preter partem pastoris · Berebrecto · idest · horreario pertinet habere crodi

Line Notes
1. Line 3: text has "et sarticare." probably copied from an exemplar with something like "e sarticare".
2. Line 19: text clearly has "hornotiaua" for "hornotina"
3. Line 20: clearly has "culpam"

Marginal Glosses
1. To left of line 1: "AEsno"
2. To left of line 10: "Sedere"
3. To left of line 15: "Metecu"
4. To the left, between lines 19 & 20: "Belflys"
5. To the left, between lines 20 & 21: "hlede"
T 152r

num ad hostium horrei in augusto· si aldremannus suus ei concedat·
et idem fideliter deseruiat . Bedello pertinet ut pro seruitio suo liberior sit ab
opera·
tione.quam alií homines. quia sepius est impeditus· et etiam ei conuenit ut
aliquam terre partdiunculam habeat pro labore suo.Wudewead· idest· custodi
nemoris
uel forestario iure cedit lingnum omne uento deiectum. Heiwardo pertinet
ut merces laboris eius conspensetur in eam partem segetis que pascuis adiacet·
quia scire debet si minus hoc seruabit: damnum segetis imputabit
illi. Et si aliquaterrre portiuncula permissatur ei secundum ius publicum debet esse
uicina cum pascuis· ut si per desidiam eius segetes infestabit: á suo primitus
expetetur. Leges et consuetudines terrarum sunt multiples· et uarie sicut preli-
bauimus· nec sanctum hoc super omnes dicimus generale· Notificamus tamen
quid in
quibusdam locis obseruare. Si melius innotescat; gaudenter amplecti-
mur. et custodiri uolumus uitam· mores populi cum quo tunc habitabimus.
Leges debet in populis libenter addiscere· qui non uult in patria solu' amit-
tere . In quibusdam locis datur firma natalis domini · et firma paschalis · et
firma precum ad congregandas segetes. et gutfirma ad arandum. et fir-
ma pratorum fendarorum . Hrec croppum · idest · mancoli summitas . et firma
ad mancolm faciendum. In terra nemorosa lignum plaustri · in terra uberi
capdem mancholi · et alia plurima fuerint á pluribus quorum hoc uiaticum sit:
et quod supra diximus. Incipit prefatio super decreta uel emendationes henri
Regis.

Regem anglie singulari maiestate regni sui dominum esse manifeste
ueritatis intuitus. et singulorum denique cognouit effectus. Quod cum inclita
bonitate regis et iure debita subditorum fidelitate proueniat. situs quoque patrie
confidenter aduuiat. nature beneficiis et maris uicinitate conclusus. ut
tsine gratuitia dominorum licencia · nullus exitus . nulli relinquantur ingressus.

--- Line Notes ---
1. Line 9: In the word "segetes" there are dots underneath "te"
2. Line 13: "uitam" is clearly written - mistake for "iuxta"?
3. Line 19: The text clearly has "capd" with a line over "d" - should be "caput"?
4. Line 21: The "R" of "Regem" is colored solid blue; the left side of the stem is along the left margin ruling; the top reaches to text ruling 20; the bottom hanges down half way between text ruling 21 and 22.
Marginal Glosses
1. Along the very top of the page: "Leges Henrici regis"?
2. To the right of line 4: "W oudedeard"
3. To the right of line 17: "Hreacermani"?
Manuscript Hk

Manuscript: British Library, Additional Manuscripts 49366, 97r - 100r.

Date: c. 1180 ×1225

Dimensions: average 15.5 × 10.9 cm.

Rulings: 1 1 - 2 1 / 0 / 2 - 2 - 2 / J
   Vertical (from L): .2 cm; L margin 1.3 cm; 8.1 cm; R margin 8.7 cm; 10.2 cm
   Horizontal (from T): Top of text c 1 cm; first text ruling 1.2 cm; 1.7 cm; 6.6 cm;
   7.2 cm; 12.5 cm; bottom text ruling 13 cm

Columns and Lines of Text: 25 lines, averaging 7.4 cm. in length

Writing Area: 11.8 × 7.4 cm.

Script: Early Gothic.

Versals: All written in solid red, averaging .7 × .5 cm.

Notes:

nebat regi et episco po hoc emendare quam citius possent. 

Rectitudines singularum personarum taini.

Taini lex est ut sit dignus rectitudine testa.

menti sui et ut tria faciat pro terra sua. scilicet expedicio

nem. Burhbotam et brigbotam et demultis terris 

maius landi rectum exurgat. Ad bannum regis sicut 

est de horhege admansio nem. Burhbotam etbrigbotam et demultis terris in]

hosticum et custodiam maris. capiatis et pacis eteli

mesferh. et cyrisceatum. et alie resmultimode. VillaNI.

Uillani rectum est uarium et multiplex secundum

quod interra statutum est. Inquibus terris debet dare landgablu.

et gaersswin: id est porcum herbagii et equitare et auariare.

et summagium ducere operari et dominum suum fir mare. Me 

tere et falcare de orhege cedere et stabilitatem obserua.

re edificare et circumeipire. Nouam faram adducere. Cy 

ricsceatum dare et almesfech id est peccuniam elemosine.

Heauod wardam custodire et horswardam In nun

tium ire longe vel prope. quocumque dicetur. Cotsete rectum 

est iuxta quod interra constitutum est apud quosdam debet 

omni die lune peranni spacium operariri domino suo et iij.

diebus unaquaque septimana in augusto. Apud quosdam 

operatur per totum augustum omni die & unam acram auene 

metit pro diurnali opere et habeat garbam suam quam prepositus 

uel minister domini dabtit ei. Non dabit langablu. Debet 

habere vel acras adperhabendum plus si consuetudo sit ibi

Line Notes
1. Line 3: the "T" of tainus: solid red; right of stem strattles left margin; left top arm extends nearly to first vertical ruling; the bottom hangs above text ruling 6; the top is between text rulings 2 and 3; cross bar is 1.5 cm in length.
2. Line 10: The "U" of "Uillani": solid red; the letter is centered on L margin; the bottom is between text rulings 10 and 11; the top extends to near text ruling 9; .7 cm in length.
3. Line 18: The "C" of "Cotsete": solid red; the bottom rests on text ruling 18 and the top touches text ruling 17; .5 cm in width.
parum nimis est siminus sit. quod deseruit. quia sepium est

illius. Det heorðpenig in sancto die iouis sicut omnis
liber facere debet. & ad quietet inland dominii sui. Sub
monitio fiat de se wearde. idest. de custodia maris.
uel de regis deorhege et ceteris rebus que sue mensure sunt.
& det suum. cyrcsceatam in festo sancti martini.

Geburi consuetudines

inueniuntur multitudine. et ubi sunt onerose, et ubi sunt
leiuores aut medie. Inqui/busdam terris operatur. opus
septimane. idest. duos dies. sic opus sicut ei dictetur. peranni
spacium omni septimana. et inaegusto. iij. dies. per
septimanali. operatione. & a festo candelabrum

ad usque pascha. iij. Si aueriat. non cogitur operari. quam
diu equus eius foris moratur. Dare debet infesto sancti mi_
chaelis x. denarios. de gablo. et die sancti martini. xxiii. et se_
starium ordei. et ij".gallinas. Ad pascha unam ouem
iuuenem. uel. iij". denarios. & iacebit á festo sancti martini
usque ad pascha ad faldam dominii sui.quotiens ei perti_

nebit. & atermino quo primitus arbitur usque ad festum
sancti martini arbit unaquaque septimana unam acram
et ipse para semen in horreo dominii sui. Ad hec. iij. acras
precum. et ij". deherbagio. Slius indigeat. her_
bagio: arbit proinde sicut ei mittetur. Dearitura gabli_
sui arbit. iij. acras. et seminabit de horreo suo. et
dabit suum hiorè penig et ii°. pascant unum mo_

Line Notes
1. Line 7: the "G" of Gebur; solid red; centered on the L margin; bottom hangs below text ruling 9; the top touches text ruling 6; 1 cm wide.
2. Line 12: there is a dot under the "b" of "candelabrum."
3. Line 16 ff.: superscripted "as," "os" or "o" are directly over the preceding numerals
lossum & omnis geburus det. vj. porcario. curiē
quando gregem suum minabi<♂> inpastinagium. In ipsa terra
ubi hec consuetudo stat: moris est ut ad terram assiden
dam. dentur ei duo boues. et una uacca. et vi.oues
et vii.acras seminate in sua urrgata terra. Post illum
annum: faciat omnis rectituines quae ad eum adtintent.
et committuntur ei tela ad opus suum. et suppelle ad
domum suam. Sumate: re habeat dominus suus
omnia. Hēc consuetudo stat inquibusdam locis. et
alicubi est sicut prediximus grauior. alicubi leuior.
Quia omnium terrarum instituta non sunt equalia. Inquibus_
dam locis gebur dabit unigablum. Inquibusdam
methegablum. Inquibusdam eala gablum. Videat qui
sciram tenet. ut semper sciat que sit antiqua terrarum .
instituto. uel populi consuetudo. Bochero
. idest. apium custodi pertinet. si gaforheorde. idest. gregem
ad censum teneat. ut iure reddat sicut ibi moserit .
inquibusdam locis est institutum reddi. vi. sastaria
mellis ad censum. Inquibusdam locis plus gabli redditur .
et aliquotiens etiam debet esse paratus ad multas operati_
oneis ulunctatis domini sui. et ad benyrde. idest. araturam
precum. et benripe. idest. ad preces metere. et pratum falcare .
et si bonam terram habeat: equum habeat quem adsumma_
gium domini prestare possit uel ipse minare quecumque
dicatur ei. & huiuscemodi plurima facienda sunt eo

Line Notes
1. Line 8: "Sumatem" or "Sumatere" uncertain of meaning. Should be "Si mortem"
2. Line 9: "H" of "Hēc"; solid red; bottom hangs just below text ruling 9; the top touches
text ruling 8; .5 cm wide.
3. Line 15: The "B" of "Bochero"; solid red; bottom extends below text ruling 15; the top
nearly touch text ruling 14; .55 cm in width.
4. Line 17: has "iu" with a line over it, which I read as "iure." Leibermann's transcription
has "inde."
que modo nequeunt enarrari. Cum finis eum deme
diabat: habeat dominus quod relinquitet. nisi forte liberum alii
quid inter sit. G afols wano. id est. ad censum porcario
pertinet ut suam occasionem det secundum quod in patria
statutum est. Inmultis locis est ut det singulis anni
. xv. porcos ad occasionem. x. ueteres. et v. iuvenes.
Ipse autem habeat super augmentum. In multis est. seruius
rectum porcarii. Viderit etiam porcarius ut post occisas
ipsam porcos ipsos bene corradiet. et suspendat.
et tunc habeatur dignus opera sua. Etiam erit sicut decusto-
de apium diximus. multis operibus frequenta-
tus. et equum habeat inopus dominii sui. Seruuspor-
carius et seruus custos apium. post obitum suum sint
legis digni. E hte swane. id est. seruo porca

tio qui dominicum gregem curie custodit. perti-
net habere stiward. id est. porcellum de sude. et suum
gewyrce quando bacones suos bene corrodiauerit. et am_
plius. eas rectitudines. que sunt uoiure pertinent.
U ni et sno. id est. in opi. contingunt ad uictum. xii.
pondia bone annone. et xij. scepe terras. id est. ouium
corpora. et una bona conuictualis uacca. et sarti_
care iuxta situm tre. V ni ancille. viij. pon_
da annone. ad uictum. una ouis. vel. uj. denarius et ad
hiemal companagium. unum sester fabe adquadra_
gesimalem conuictum. In estate suum hweig. vel. i. denarium.

Line Notes
1. Line 2: has "relinqnt" with lines over the "q" and the "t". I take what precedes the "t" as an "r" and interpret the whole as "relinqueret" Liebermann has "relinquet"
2. Line 3: The "G" of "Gafols wano": solid red; bottom hangs just below text ruling 3; top touches text ruling 2; .5 cm wide.
3. Line 6: the superscripted "que" is written directly over the preceding numeral.
4. Line 14: The "E" in "Ehte swane"; solid red; bottom hangs just below text ruling 14; top touches text ruling 13; .5 cm wide.
5. Line 17: "gewyrce": the "y" is written in small superscript between the wynn and the "r" as an addition. The initial "g" is a large minuscule in which the right-side loop is NOT closed
6. Line 18: the 2nd half has: "q st uoiure" with lines over the "q" and the "st." The scribe misread: "que servo iure"
7. Line 19: The "U" of "U ni": solid red; left edge of the right stem runs along the left margin of the text, all else to the left is beyond the margin; left stem ends at the second
vertical ruling & has a vine extending up along the left margin of the text terminating just above the text ruling 14; bottom hangs midway between text ruling 19 and 20; top of right stem 3/4 to text ruling 13.

8. Line 19: The scribe wrote "Uni et sno" misunderstanding "uni aesno"

9. Line 20: The scribe wrote "scepe tras" with a line over the "t". He misunderstood "scepeteras"

10. Line 22: The "V" in "V ni"; solid red; the bottom nearly halfway between text ruling 22 and 23; the top touches text rulig 21; .5 cm wide at top (not counting serifs)

11. Line 22: the scribe forgot to put the line over the "tre" for "terras".
Omnibus æcemannis iure competit natalis
firma. et paschalis sulhacer. idest. carruce acra et
 manipulus augenti. inaumentum iure debeti re_
cti. Folgario competit ut in. xii. mensibus. ii.
acras habeat unam seminatum. aliam non sed ipse eam
seminet. et uictum suum et calciamanta debet
habere. et cirothecas. Si plus deseruit. ipsi commo_
dum erit. $S$ edere. idest. seminatori pertinet
ut habeat unoquoque semitis tempore unum lep fulnê
quando semenomne bene seminauerit. inanni
spatio. Bubulco licet adherbare.ii.
boues. et alicubi plus. cum grege domini et comu_
nibus pasquis. pertestimonium tunç aldremen_
ni sui deseruiat per id calceos. et cirotecasSibi.
et eius metecu. idest. uictus sui uaccam licet ire cum
bobus domini. Vaccarií rectum est ut habeat lac
uacce ueteris. vii. noctibus postquam enixa erit .
etprimitiuarum bistingium. xiiiij. eterit eius
uacca cum uaccis domini. Pastoris ouium re_
ctum est ut habeat dingiam . xii. noctium innali
domini . etnum agnum de iuuentute hornoti_
tia unum belflis . idest. timpani uellus . etlac gregis
sui . vii . noctibus ante equinocctium . et blede.idest.cup_
pam plena mesgui.desiringi tota estate .
Caprario conuenit lac gregis sui post festum sancti

Line Notes
1. Line 1: The "O" of "Omnibus": solid red; the right side of the left stem stratels the left margin; bottom rests on text ruling 1; .6 cm wide.
2. Line 1: the "e" of "æcemannus" is written over the "e".
3. Line 4: The "F" of "Folgario"; solild red; bottom hangs halfway between text ruling 4 and 5; top close to text ruling 3; .3 cm wide.
4. Line 8: The "S" of "S edere": solid red; bottom is 1/4 between text ruling 8 and 9; the top touches text ruling 7; center is .4 cm wide.
5. Line 11: The "B" in "Bubulco"; solid red; bottom hangs just below text ruling 11; top touches text ruling 10; .5 cm wide.
6. Line 12: the scribe forgot to put the line above the "m" in "comu ".
7. Line 16: The "V" in "Vaccaríi"; solid red; botton hangs almost midway between text ruling 16 and 17; top close to text ruling 15; top is .5 cm wide (not counting serif).
8. Line 19: The "P" in "Pastoris"; solid red; bottom stem hangs down nearly mid way between text line 19 and 20; top just touches text line 18; .4 cm at widest.
9. Line 20: the scribe writes "inali" with a line over the first "i" to make "in" but forgets to put a line over "nali" to make "natali"

10. Line 25: The "C" of "Caprario"; solid red; is centered on the left margin of the text; bottom hangs well below text ruling 25; top close to text ruling 24; .6 cm at widest.
martini . et antea pars sua mesgui. et unum capri
cum agriculum. si bene custodiat gregem suum. Caseum
facienti reddere conuenit. i. caseos . etut buturum
faciat admensam domini sui . de siringie . et habeat
Sibi totam siringiam preter partem pastoris. Cere_
breto . id est. horreo pertinet habere cuscinum ad ostium
horrei inausgado . si alderemmanus suus ei et idem
fideliter deseruim . B edello pertinet ut perser
uitio suo liberior sit aboperatione quam alii ho_
mines. quia sepius impeditus . Etiam ei conuenit ut aliquam
terre portiunculam habeat prolabore suo. W ude
ward . id est . custodi nemoris . utel forestario iure
cecedit lignum omne uento deiectum . Heiwar_
do pertine ut merces laboris eius compensetur ineam
partem segetis que pascuis adiacet . quia scire debet
si minus hoc seruauerit : damnum segetis ei in
putabatur . &si aliquere terre partiuncula permittatur ei :
secundum ius publicum debet esse uicina cum pascuis.
ut si per desidiam ei sus infestabitur : a suo primitus
expectetur. L. eges etcusuetudines terrarum sunt
multiplices . etuarie sicut prelibauimus nec sanctem hoc super
omnes dns generale. Notificamus tamenquid inquisbusdam locis
sit obseruare . simelius innotescat gaudenter am_
plectinius . etcustudiri ulimus uitas mores populi
cum quo nunc habitamus . L. eges debet in populus libenter

Line Notes
1. Line 2: "cum" at beginning of line should be "-tum" completing "capritum"
2. Line 2: The "C" of "Caseum"; solid red; bottom touches belows text ruling 2; top 3/4 to
text ruling 1; partially covers the punctu; .5 cm wide.
3. Line 5: the "C" of "Cere_"; solid red; bottom touches belows text ruling 2; top 3/4 to
text ruling 1; partially covers the punctum; .5 cm wide.
4. Line 6: "cdinu" has the "us" abbrev. between the "e" and the "d", though the word
should be "crodinus"
5. Line 8: the "B" of "B edello"; solid red; bottom touches below text ruling 8; top almost
touches text ruling 7; .5 cm wide.
6. Line 11: The "W" of "W ude"; solid red; bottom hangs half way between text ruling 10
and 11; top touches text ruling 9; .3 cm wide.
7. Line 13: The "H" of "Heiwar"; solid red; bottom rests on text ruling 13; top touches
text ruling 12; .4 cm wide.
8. Line 20: The "L" of "Leges": solid red; the top of the lower horizontal is along text ruling 20; top touches text ruling 19; lower horizontal is .3 cm. long (not counting serif).
9. Line 24: has "uitas" instead of "iuxta"
10. Line 25: The "L" of "L eges": solid red; lower horizontal centered on text ruling 25; top touches text ruling 24; lower horizontal .3 cm wide.
addiscere. *qui non* uult inpatria solus amittere. I *nquiibusdam*
locis datur firma natalis domini. et firma precium adcongrem
grandas segetes. et gutfirma adarandum et firma
pracorum fenandorum. hieac croppum. idest. macholi summi_
tas et firma ad macholum faciendum. In *terra ne_
morosa lignum plausti. In *terra uber* caput macholi.
etalia plurima fuerit apluribus. quorum hoc uiatricum sit et *quod supra*
diximus. Capitv la in le. *henci regis_
diximus. De libertate ecclesia. De reuelationibus. De
APPENDIX F

INDEX OF ANGLO-SAXON AND LATIN WORDS

This appendix provides an index for both the Anglo-Saxon and the Latin Rect. As was the practice in the last few chapters, Anglo-Saxon words will be printed in bold, while Latin words will be in italic. The list includes all nouns, verbs (except beon and esse), adjectives, adverbs (except for negative particles) and conjunctions (except for þæt & and in Anglo-Saxon and ut & et in Latin) found in the Rect. are represented. Prepositions and personal, relative and demonstrative pronouns are not included. In keeping with the practice in chapters five, six and seven, the Anglo-Saxon words are presented in bold, the Latin in italic.

Orthography

The orthography used in the index is that used in the Rect. When the form in the Rect. deviates significantly for the form currently regarded as standard by modern scholars, the currently used form will be provided parenthetically after the entry form.

Variants

When there are two different forms in the text, the one that is closest to the standard orthography accepted by modern scholars (as represented in the BT and Hall, J., 1960) will be chosen as the main form. Under the main form will be found all occurrences of a word (including those of variants), while under the variants only the occurrences of that form will be listed. Main entries will refer the reader to other forms by noting the "variants" that occur. Variant entries will direct the reader to the main entry through a "See" comment.

The Anglo-Saxon prefix ge- is treated as a variant of the non-prefixed form. However, if the prefix is regarded as altering the meaning of the word, a definition will be provided under that form. An important example of this exception are the words geriht and riht, since there is a significant difference in meaning between the prefixed and unprefixed form (see chapter seven, Excursus II). Consequently, each word will refer the reader to the other by a "See also" comment.

Comparative and Superlatives

Comparatives and superlatives are treated as variants of the positive form of the word. Therefore, the index will direct the reader to the positive form through a "See" statement. Citations of occurrences in the lexicon and the index are the same as for variants (see above).
Abbreviations
In the index the following abbreviations will be used.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>adj.</td>
<td>adjective</td>
</tr>
<tr>
<td>adv.</td>
<td>adverb</td>
</tr>
<tr>
<td>DN</td>
<td>divine name</td>
</tr>
<tr>
<td>conj.</td>
<td>conjunction</td>
</tr>
<tr>
<td>num.</td>
<td>number</td>
</tr>
<tr>
<td>PN</td>
<td>proper noun</td>
</tr>
</tbody>
</table>
SAXON WORDS IN THE *RECTITUDINES*

ä, adv.: Rect. 4,6

ac, conj.: Rect. 21,1

acer, noun: Rect. 3,3; 4,1b; 4,1c; 4,2; 4,3; 10

äéhtemann, noun: Rect. 9,1

äéhteswän, noun: Rect. 7

äélc, pron.: Rect. 3; 3,4; 4a; 4,1b; 4,2c; 6,1; 11; 19

aelmesfeoh, noun: Rect. 1,1; 2

äär, adv.: Rect. 4,4; 6,3; 20; 21; 21,1; 21,5

äërendian, verb: Rect. 2

äërest, adv.: Rect. 4,1b

aferian, (variant: auerian), verb: Rect. 2; 4a

agan, (adj.), adj.: Rect. 4,2; 20,1

ān, num.: Rect. 4,1; 4,1b; 4,2b; 4,3; 6,4; 8; 9; 11; 14; 15

andlāman, noun: Rect. 4,3b

ārāéran, verb: Rect. 6,1

arīsan, verb: Rect. 1,1

ätellan, verb: Rect. 5,4

averian, (See: aferian), verb: Rect. 2

bēan, noun: Rect. 9

bedrīp, noun: Rect. 5,2

beforan, adv.: Rect. 21; 21,1; 21,5

begān, verb: Rect. 4,1a

begŷman, verb: Rect. 15

behweorfan, verb: Rect. 6,2; 7

belflŷs, noun: Rect. 14

bēn, noun: Rect. 4,1c

bendform, noun: Rect. 21,4

bēnyrpb, noun: Rect. 5,2

béo, noun: Rect. 5

bēoceorl, noun: Rect. 5

bēocere, noun: Rect. 6,3; 6,4

bēod, noun: Rect. 16

bēodan, verb: Rect. 3,4

beorgan, verb: Rect. 20,1

bere, noun: Rect. 4,1

berebrytta, noun: Rect. 17

bern, noun: Rect. 4,1b; 4,2; 17
bewitan, verb: Rect. 5
beþurfan, verb: Rect. 4,1c
bīwist, noun: Rect. 21,5
bledu, noun: Rect. 14
bōcriht, noun: Rect. 1
brycgeowerc, noun: Rect. 1
burh, noun: Rect. 2
burhbōt, noun: Rect. 1
būte, conj.: Rect. 5,5
butere, noun: Rect. 16
bydel, noun: Rect. 18
bŷsting, noun: Rect. 13
bytlian, verb: Rect. 2
candelmaesse, noun: Rect. 4a
ćealfian, verb: Rect. 13
ćiricsceat, (variant: cyricsceat), noun: Rect. 1,1; 2; 3,4
cū, noun: Rect. 4,3; 13; 13,1
cūhyrde, (variant: kūhyrde), noun: Rect. 13
cūp, adj.: Rect. 21,1
cweþan, verb: Rect. 4,4; 6,3
cyniģ, noun: Rect. 1,1; 3,4
cyrićsceat, (see: ciricsceat), noun: Rect. 2
cyse, noun: Rect. 16
cyswyrhte, noun: Rect. 16
cypan, verb: Rect. 21,1
daeg, noun: Rect. 3; 4a; 14
dāēl, noun: Rect. 15; 16
dēop, (See also: dēopra), adj.: Rect. 6,1
dēopra, (See: dēop), adj.: Rect. 6,1
dēorheģe, noun: Rect. 1,1; 2; 3,4
dōn, verb: Rect. 1; 5,4
drifan, verb: Rect. 4,2c
dung, noun: Rect. 14
duru, noun: Rect. 17
eac, adv.: Rect. 1,1; 5,2; 6,2; 18,1
eahta, num.: Rect. 9
eal, noun: Rect. 5,4; 20,2; 21,5
eald, adj.: Rect. 6,1; 13

ealdlandræðen, noun: Rect. 4,6

ealdormann, noun: Rect. 12; 17

eall, adj.: Rect. 4,3a; 4,4; 9,1; 14; 16; 21,1

ealswä, conj.: Rect. 3,4

ealugafol, noun: Rect. 4,5

earnian, (variant: ȝeeearnian), verb: Rect. 4,1c; 10; 10,1; 12; 17

cæasterfeorm, noun: Rect. 9,1; 21,4

cæstre, noun: Rect. 4a; 4,1; 4,1a

elles, adv.: Rect. 7

emniht, noun: Rect. 14

ende, noun: Rect. 20

erian, verb: Rect. 4,1b; 4,2

esne, noun: Rect. 8

etenlæës, noun: Rect. 20; 20,1

fald, noun: Rect. 4,1a

feċċan, verb: Rect. 2

fēdan, verb: Rect. 4,2b

fela, (variant: feola), noun & adj.: Rect. 5,4; 21,4

feola, (See: fela), noun & adj.: Rect. 21,4

feorm, noun: Rect. 9,1

feorman, verb: Rect. 2

feorr, (See also: fyr), adv.: Rect. 2

fif, num.: Rect. 3,3; 5,1; 6,1

fiftiene, num.: Rect. 6,1

findan, verb: Rect. 20,1

folcɡeriht, (See folcriht), noun: Rect. 21,4

folcriht, (variant: folcɡeriht), noun: Rect. 20,1; 21,4

folgere, noun: Rect. 10

forɡyman, verb: Rect. 20; 20,1

forpam, (variant: forpam), conj.: Rect. 3,3; 4,4; 20,1; 21,3

forpam, (See: forpam), conj.: Rect. 3,3;

forþam, (variant: forþan), conj.: Rect. 3,3; 4,4; 20,1; 21,3

forþian, verb: Rect. 4,3a

forþs, noun: Rect. 4,3c; 5,5; 6,4

fremu, noun: Rect. 10,1

frīge, (See also: frīgra), adj.: Rect. 3,4;

5,5; 18
frīgra, (See: frīge), adj.: Rect. 18
frīscip, noun: Rect. 1,1
frymetling, noun: Rect. 13
ful, adv.: Rect. 6,2; 20,2
full, adj.: Rect. 11; 14
fyr, (See: feorr), adv.: Rect. 2
fyrdfaereld, noun: Rect. 1
fyrdweard, noun: Rect. 1,1
fyrst, noun: Rect. 3; 4a; 11
gaers, noun: Rect. 4,1c
gaersswýn, noun: Rect. 2
gaersyrþ, noun: Rect. 4,1c
gafol, noun: Rect. 4,1; 5,1
gafolheord, noun: Rect. 5
gafolrăëden, noun: Rect. 5,1
gafolswán, noun: Rect. 6
gän, verb: Rect. 12,1; 13,1
gāthyrde, noun: Rect. 15
gavolyrþ, noun: Rect. 4,2
ğēar, noun: Rect. 2; 3; 4a; 4,3a; 6,1; 11; 14; 15
ğeara, adj.: Rect. 5,2
ğebann, noun: Rect. 1,1
ğēbūr, noun: Rect. 4; 4,2; 4,3; 4,5
ğebryan, verb: Rect. 3,3; 3,4; 4,3; 4,3a; 4,3b; 5; 5,1; 5,5; 6; 6,1; 7; 8; 9,1; 10; 11; 13; 15; 16; 17; 18; 18,1; 19; 20; 21,4
ğecnāwan, noun: Rect. 20
ğeearnian, (See: earnian), verb: Rect. 10; 10,1; 17
ğefriþian, verb: Rect. 20,2
ğehwār, adv.: Rect. 4; 4,4
ğehwilc, adj.: Rect. 6,3
ğelend, adj.: Rect. 5,3
ğeleornian, (See: leornian), verb: Rect. 21,2
ğelîc, adj.: Rect. 4,4
ğemācne, adj.: Rect. 12
ğenēat, noun: Rect. 2
ğenēatriht, noun: Rect. 2
ğeogeþ, (See: ġegoþ), : Rect. 14
ğegoþ, (See: ġegoþ), noun: Rect. 15
ğegoþ, (variant: ġegoþ, ġegoþ), noun: Rect. 14; 15
<table>
<thead>
<tr>
<th>Word</th>
<th>Definition</th>
<th>Reference(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ġeong</td>
<td>(variant: ġyng), adj.</td>
<td>Rect. 4,1; 6,1</td>
</tr>
<tr>
<td>ġeorne</td>
<td>adv.</td>
<td>Rect. 21,2</td>
</tr>
<tr>
<td>ġerād</td>
<td>adj.</td>
<td>Rect. 5,4</td>
</tr>
<tr>
<td>ġerāëdan</td>
<td>verb</td>
<td>Rect. 5; 5,1</td>
</tr>
<tr>
<td>ġeriht</td>
<td>(See also: riht), noun</td>
<td>Rect. 4; 4,3a; 7; 21,1</td>
</tr>
<tr>
<td>ġeswinc</td>
<td>noun</td>
<td>Rect. 18,1; 20</td>
</tr>
<tr>
<td>ġetellan</td>
<td>verb</td>
<td>Rect. 21,4</td>
</tr>
<tr>
<td>ġtrywp</td>
<td>noun</td>
<td>Rect. 17</td>
</tr>
<tr>
<td>ġeunnan</td>
<td>(See: unnan), verb</td>
<td>Rect. 20</td>
</tr>
<tr>
<td>ġewirče</td>
<td>(See: ġewyrče), noun</td>
<td>Rect. 7</td>
</tr>
<tr>
<td>ġewitnes</td>
<td>noun</td>
<td>Rect. 12</td>
</tr>
<tr>
<td>ġewyrče</td>
<td>(variant: ġewirče), noun</td>
<td>Rect. 6,2</td>
</tr>
<tr>
<td>ġif</td>
<td>(variant: ġyf), conj.</td>
<td>Rect. 3,3; 3,4; 4a; 4; 4,1c; 5; 5,3; 10,1; 20; 20,1; 20,2; 21,2</td>
</tr>
<tr>
<td>ġyf</td>
<td>(see: ġif), conj.</td>
<td>Rect. 3,3; 4,1c; 5,3; 10,1; 20; 20,1; 20,2; 21,2</td>
</tr>
<tr>
<td>ġyman</td>
<td>verb</td>
<td>Rect. 4,3c; 6,2</td>
</tr>
<tr>
<td>ġyng</td>
<td>(See: ġeong), adj.</td>
<td>Rect. 6,1</td>
</tr>
<tr>
<td>ġyrd</td>
<td>noun</td>
<td>Rect. 4,3</td>
</tr>
<tr>
<td>gytfeorm</td>
<td>noun</td>
<td>Rect. 21,4</td>
</tr>
<tr>
<td>habban</td>
<td>verb</td>
<td>Rect. 3,3; 6,1; 7; 11; 13; 14; 16</td>
</tr>
<tr>
<td>haeīgerd</td>
<td>noun</td>
<td>Rect. 20</td>
</tr>
<tr>
<td>haerfest</td>
<td>noun</td>
<td>Rect. 3; 4a; 17</td>
</tr>
<tr>
<td>haerfesthandful</td>
<td>noun</td>
<td>Rect. 9,1</td>
</tr>
<tr>
<td>haldan</td>
<td>(see: healdan), verb</td>
<td>Rect. 2</td>
</tr>
<tr>
<td>hām</td>
<td>noun</td>
<td>Rect. 1,1</td>
</tr>
<tr>
<td>hēadurhund</td>
<td>noun</td>
<td>Rect. 4,2b</td>
</tr>
<tr>
<td>hēafodweard</td>
<td>noun</td>
<td>Rect. 1,1; 2</td>
</tr>
<tr>
<td>healdan</td>
<td>(variant: haldan), verb</td>
<td>Rect. 2; 4,6; 5; 7; 20,2; 21,2</td>
</tr>
<tr>
<td>hēawan</td>
<td>verb</td>
<td>Rect. 2</td>
</tr>
<tr>
<td>hēdan</td>
<td>verb</td>
<td>Rect. 4,6; 5,5</td>
</tr>
<tr>
<td>hefiğ</td>
<td>(See also: hefiğra), adj.</td>
<td>Rect. 4; 4,4</td>
</tr>
<tr>
<td>hefiğra</td>
<td>(See: hefiğ), adj.</td>
<td>Rect. 4,4</td>
</tr>
</tbody>
</table>

508
heğegian, verb: Rect. 2

henfugel, noun: Rect. 4,1

heord, noun: Rect. 4,2c; 12; 14; 15

heorppaenig, noun: Rect. 3,4; 4,2a

hlaf, noun: Rect. 4,2c

hláford, noun: Rect. 2; 3; 3,4; 4,1a; 4,1b; 4,3c; 5,2; 5,3; 5,5; 6,3; 12; 12,1; 13,1; 16; 20,1

hors, noun: Rect. 4a

horsian, verb: Rect. 5,3; 6,3

horsweard, noun: Rect. 2

hréaccopp, noun: Rect. 21,4

hréacmete, noun: Rect. 21,4

hundred, num: Rect. 16

huniğ, noun: Rect. 5,1

huniğgafol, noun: Rect. 4,5

hüş, noun: Rect. 4,3b

hwä, adj.: Rect. 21,1

hwäeg, (variant: hwäeiğ, hwēg), noun: Rect. 9; 14; 15

hwäeiğ, (See: hwäeg), noun: Rect. 9

hwēg, noun: Rect. 14

hwilć, adj.: Rect. 20

hwile, adv.: Rect. 4a

hwīltīdum, adv.: Rect. 5,2

hwyder, adv.: Rect. 2

hyrde, noun: Rect. 16

inheord, noun: Rect. 7

inland, noun: Rect. 3,4

inswān, noun: Rect. 4,2c

kotsetla, noun: Rect. 3

kūhyrde, (See: cūhyrde), : Rect. 13

lād, noun: Rect. 2

lāëdan, verb: Rect. 2; 5,3

lāëfan, verb: Rect. 4,3c; 5,5

lāën, noun: Rect. 20; 20,2

laengtensufel, noun: Rect. 9

lāës, noun: Rect. 12

lāëssa, adj.: Rect.3,3

lāëswian, verb: Rect. 12

lagu, noun: Rect. 6,4; 21,3

lamb, noun: Rect. 14

land, noun: Rect. 1; 2; 3; 3,3; 4a; 4,3; 4,4; 4,5; 5; 5,1; 6; 6,1; 21,3
landgafol, noun: Rect. 2; 3,2

landlagu, noun: Rect. 4,4; 21

landriht, noun: Rect. 1,1

landseten, noun: Rect. 4,3

landsidu, noun: Rect. 4,4; 8

landstičče, noun: Rect. 18,1; 20

lēan, noun: Rect. 20

lēap, noun: Rect. 11

lēode, noun: Rect. 21,3

lēoht, (See also: lēohtra), adj.: Rect. 4,4

lēohtra, (See: lēoht), adj.: Rect. 4,4

leornian, (variant: ġeleornian), verb:
Rect. 21,2; 21,3

lēosan, verb: Rect. 21,3

licgan, verb: Rect. 4,1a; 20

lof, noun: Rect. 21,3

lufian, verb: Rect. 21,2

luflīče, adv.: Rect. 21,3

lýtel, adj.: Rect. 3,3

mā, noun: Rect. 12

macian, verb: Rect. 16

māēdmāēwect, noun: Rect. 5,2

maesse, noun: Rect. 3,4; 4,1a; 4,1b

maessedaeiğ, noun: Rect. 4a; 4,1; 15

maesten, noun: Rect. 4,2c

māēp, noun: Rect. 3,4

māēpmēd, noun: Rect. 21,4

magan, verb: Rect. 5,3; 5,4; 10,1; 20;

21,4

manig, adj.: Rect. 1,1; 5,2; 6,1

mann, noun: Rect. 7; 8; 21,5

māra, adj.: Rect. 3,3; 4,1c; 5,1; 10,1

martinus, PN: Rect. 3,4; 4,1; 4,1a; 4,1b;

15

māwan, verb: Rect. 2

medeme, adj.: Rect. 4

meolc, noun: Rect. 13; 14; 15

mete, noun: Rect. 9; 10

metecū, noun: Rect. 8; 12,1; 13,1

metegafol, noun: Rect. 4,5

metsung, noun: Rect. 8; 9

michael, PN: Rect. 4,1

middanwinter, (See: midwinter), : Rect.

14
midwinter, (variant: middenwinter),
noun: Rect. 9,1; 14

mislič, (See: mistlič), adj.: Rect. 4

mistlič, (variant: mislic), adj.: Rect. 1,1; 2; 4; 21

mónap, noun: Rect. 10

móndaeg, noun: Rect. 3

mótan, verb: Rect. 12; 12,1

myngung, noun: Rect. 21,5

nēah, (See also: nyr, nŷhst), adj.: Rect. 2; 20,1

nēod, noun: Rect. 6,3

nīge, adv.: Rect. 13

nīgefara, noun: Rect. 2

niht, noun: Rect. 13; 14

nū, adv.: Rect. 5,4

nŷdriht, noun: Rect. 9,1

nŷhst, (See: nēah), adj.: Rect. 20,1

nyllan, adv.: Rect. 21,3

nŷr, (See: neah), adv.: Rect. 2

oft, adv.: Rect. 4,1a

oftrāeđe, adj.: Rect. 3,3; 6,3; 18

onwunian, verb: Rect. 21,2

oxa, noun: Rect. 4,3; 12; 12,1

oxanhyrde, noun: Rect. 12

öper, adj.: Rect. 1,1; 10; 18

oppe, conj.: Rect. 3; 4,1; 5,3; 9; 12

paenig, noun: Rect. 4,1; 9

pund, noun: Rect. 8; 9

rāēcan, verb: Rect. 4,1b

rāēden, noun: Rect. 4,3

rečcan, verb: Rect. 21,5

ridan, verb: Rect. 2

riht, (See also: geriht), noun: Rect. 3; 14

ripp, noun: Rect. 21,4

ripan, verb: Rect. 2

sāed, noun: Rect. 4,1b; 11

sāedicyn, noun: Rect. 11

sāēdere, noun: Rect. 11

sāēdian, verb: Rect. 10

saenc gan, verb: Rect. 6,2

sāēt, noun: Rect. 2

sāēweard, noun: Rect. 1,1; 3,4

sāwan, verb: Rect. 4,2; 4,3; 10; 11
scēap, noun: Rect. 4,1; 4,3; 9

scēaphyrde, noun: Rect. 14

scīpaetere, noun: Rect. 8

scīr, noun: Rect. 4,6

scōh, noun: Rect. 12

scorp, noun: Rect. 1,1

scōung, noun: Rect. 10

sculon, verb: Rect. 2; 3; 4a; 4,1; 4,1a; 4,1b; 4,5; 5,2; 5,3; 5,4; 6,3; 18; 20,1; 20,2; 21,3

sēam, noun: Rect. 5,3

secgan, verb: Rect. 21

sēlra, (See: gōd), adj.: Rect. 21,2

seofon, num.: Rect. 4,3; 13; 14

settan, verb: Rect. 21,1

siex, num.: Rect. 4,2c; 4,3

slāēwp, noun: Rect. 20,1

slyht, noun: Rect. 6

slyhtswýn, noun: Rect. 6,2

spic, noun: Rect. 7

sprecan, adv.: Rect. 21,1

standan, verb: Rect. 2; 3; 4,3; 4,4; 6; 6,1

sticung, noun: Rect. 6,1; 6,2

stifearh, noun: Rect. 7

sulhaecer, noun: Rect. 9,1

sum, pron.: Rect. 2; 3; 4a; 4,4; 4,5; 5,1; 21,4

sum, adj.: Rect. 18,1

sumer, (variant: sumor), noun: Rect. 9; 14

sumor, (See: sumer), noun: Rect. 14

suster, (See: syster), noun: Rect. 5,1

swā, adv.: Rect. 2; 4,1a; 4,1c; 4,4; 6,3; 21

swān, noun: Rect. 6,2; 6,4

swānriht, noun: Rect. 6,1

swilc, adj.: Rect. 1,1; 3,4; 4a

swýn, noun: Rect. 6,1

sylf, adj.: Rect. 4,3; 5,3; 6,1; 10,1

syllan, verb: Rect. 2; 3,2; 3,4; 4,1; 4,2a; 4,2c; 4,3; 4,3b; 4,5; 5; 5,1; 5,3; 6; 6,1

sy̪ring, noun: Rect. 14; 16

syster, (variant: suster), noun: Rect. 4,1; 5,1; 9

512
syþþan, conj.: Rect. 13

tāēcān, verb: Rect. 2; 4a; 5,3
tīcēn, noun: Rect. 15

tīn, num.: Rect. 4,1; 6,1

tīma, noun: Rect. 4,1b
tōēcācan, adv.: Rect. 4,1c; 5,2; 9,1
tōl, noun: Rect. 4,3b

trēow, noun: Rect. 19

tūn, noun: Rect. 2

twēġen, num.: Rect. 4a; 4,1; 4,1c; 4,2b; 4,3; 8; 10; 12
twelf, num.: Rect. 8; 10; 14
twēntiġ, num.: Rect. 4,1

unnan, (variant: ġeunnan), verb: Rect. 17; 20

unsāwen, adj.: Rect. 10

ūte, adv.: Rect. 4a

wāēntrēow, noun: Rect. 21,4

wel, adv.: Rect. 5,3; 6,2; 11; 15; 20,1; 20,2

wēnan, verb: Rect. 20

weorc, noun: Rect. 3,3; 4a; 4,3b; 5,2; 6,3; 18

werian, verb: Rect. 3,4

wicweorc, noun: Rect. 4a

wīfmorn, noun: Rect. 9

willa, noun: Rect. 5,2

willan, verb: Rect. 21,2

windfyllēd, adj.: Rect. 19

winterfeorm, noun: Rect. 21,4

wintersufel, noun: Rect. 9

witan, verb: Rect. 4,6

wringhwāēg, noun: Rect. 16

wuce, noun: Rect. 3; 4a; 4,1b

wudeward, (See: wuduweard), noun: Rect. 19

wudulād, noun: Rect. 21,4

wudurāēden, noun: Rect. 8

wuduweard, (variant: wudeward), noun: Rect. 19

wýce, noun : Rect. 18

wyrēcān, verb: Rect. 2; 3; 4a

wyrēpē, adj.: Rect. 1; 6,2; 6,4; 20,2
ymbe, adv.: Rect. 21,1

yrþ, noun: Rect. 21,4

þaenne, (See: þonne), adv.: Rect. 21,2

þäär, adv.: Rect. 21,1

þaes, adv.: Rect. 4,1c

þafian, verb: Rect. 4,1c

þéaw, noun: Rect. 3,3; 4,6; 21,1; 21,2

þéod, (See: þéod), noun: Rect. 21,2

þegenlagu, noun: Rect. 1

þegn, noun: Rect. 1

þéod, (variant: þéod), noun: Rect. 4,6;
21,1; 21,2; 21,4

þéow, adj.: Rect. 6,4; 7; 9

þinc, (see: þing), noun: Rect. 1

þing, (variant: þinc), noun: Rect. 1; 1,1;
3,4; 5,4; 21,4

þonne, conj.: Rect. 4,2c; 4,3c; 5,5; 7; 11;
20,2

þonne, (variant: þæenne), adv.: Rect.
4,1c; 5; 6,2; 21,2

þríe, num.: Rect. 3; 4a; 4,1; 4,1c; 4,2; 9

þunresdaeg, PN: Rect. 3,4
<table>
<thead>
<tr>
<th>Latin Word</th>
<th>Definition</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>acra, noun</td>
<td>Rect. 3,1; 3,3; 4,1b; 4,1c;</td>
<td>annōna, noun: Rect. 3,1; 8; 9</td>
</tr>
<tr>
<td>4,2; 4,3; 9,1; 10</td>
<td></td>
<td>annus, noun: Rect. 3; 4a; 4,3a; 6,1; 11</td>
</tr>
<tr>
<td>addiscō, verb</td>
<td>Rect. 21,3</td>
<td>antīquus, adj.: Rect. 4,6</td>
</tr>
<tr>
<td>addūcō, verb</td>
<td>Rect. 2</td>
<td>apis, noun: Rect. 5; 6,3; 6,4</td>
</tr>
<tr>
<td>adherbō, verb</td>
<td>Rect. 12</td>
<td>aratura, noun: Rect. 4,2; 5,2</td>
</tr>
<tr>
<td>adiaceō, verb</td>
<td>Rect. 20</td>
<td>arō, verb: Rect. 4,1b; 4,1c; 4,2; 21,4</td>
</tr>
<tr>
<td>adquīētō, verb</td>
<td>Rect. 3,4</td>
<td>assideō, verb: Rect. 4,3</td>
</tr>
<tr>
<td>aehteswan, noun</td>
<td>Rect. 7</td>
<td>attineō, verb: Rect. 4,3a</td>
</tr>
<tr>
<td>aelmesfeoh, noun</td>
<td>Rect. 2</td>
<td>augmentum, noun: Rect. 9,1</td>
</tr>
<tr>
<td>aesnus, noun</td>
<td>Rect. 8</td>
<td>augustus, MN: Rect. 3; 3,1; 4a; 9,1; 17</td>
</tr>
<tr>
<td>agnus, noun</td>
<td>Rect. 14</td>
<td>avena, noun: Rect. 3,1</td>
</tr>
<tr>
<td>aldormannus, noun</td>
<td>Rect. 12; 17</td>
<td>averiō, verb: Rect. 2; 4a</td>
</tr>
<tr>
<td>alicubī, adv.</td>
<td>Rect. 4,4; 12</td>
<td>bacō, noun: Rect. 7</td>
</tr>
<tr>
<td>aliquī, adj.</td>
<td>Rect. 18,1; 20,1</td>
<td>bannus, noun: Rect. 1,1</td>
</tr>
<tr>
<td>aliquotiēns, adv.</td>
<td>Rect. 5,2</td>
<td>bedellus, noun: Rect. 18</td>
</tr>
<tr>
<td>alius, adj.</td>
<td>Rect. 1,1; 3,1; 10; 18; 21,4</td>
<td>belflis, noun: Rect. 14</td>
</tr>
<tr>
<td>āmittō, verb</td>
<td>Rect. 21,3</td>
<td>bene, adv.: Rect. 6,2; 7; 11; 15</td>
</tr>
<tr>
<td>amplector, verb</td>
<td>Rect. 21,2</td>
<td>benripe, noun: Rect. 5,2</td>
</tr>
<tr>
<td>amplius, adv.</td>
<td>Rect. 7</td>
<td>bēnyrþ, noun: Rect. 5,2</td>
</tr>
<tr>
<td>ancilla, noun</td>
<td>Rect. 9</td>
<td>berebretus, noun: Rect. 17</td>
</tr>
<tr>
<td>anniculus, adj.</td>
<td>Rect. 15</td>
<td>bīstinguium, noun: Rect. 13</td>
</tr>
</tbody>
</table>
blede, noun: Rect. 14
ciroteca, noun: Rect. 10; 12
bocherus, noun: Rect. 5
cögō, verb: Rect. 4a
bōnus, adj.: Rect. 5,3; 8; 21,2
commitō, verb: Rect. 4,3b
bōs, noun: Rect. 4,3; 12; 12,1
commūnis, adj.: Rect. 12
bubulcus, noun: Rect. 12
commodum, noun: Rect. 10,1
burhbota, noun: Rect. 1
companagium, noun: Rect. 9
būtirum, noun: Rect. 16
compascuus, adj.: Rect. 20,1
calceus, noun: Rect. 12
compensō, verb: Rect. 20
calciāmentum, noun: Rect. 10
competō, verb: Rect. 9,1; 10
candēla, noun: Rect. 4a
concedō, verb: Rect. 17
caprārius, noun: Rect. 15
congregō, verb: Rect. 21,4
capricus, noun: Rect. 15
cōnstituō, verb: Rect. 3
caput, noun: Rect. 1,1; 21,4
consuētūdō, noun: Rect. 3,3; 4; 4,4; 4,6;

carrūca, noun: Rect. 9,1
4,3; 4,4; 21

cāseus, noun: Rect. 16
contingō, verb: Rect. 8
cedō, verb: Rect. 2
conveniō, verb: Rect. 15; 16; 18,1
cēdō, verb: Rect. 19
convictualis, adj.: Rect. 8
cēnus, noun: Rect. 5; 5,1; 6
convictus, noun: Rect. 9
centum, num.: Rect. 16
corpus, noun: Rect. 8
cēterus, adj.: Rect. 3,4
corrediō, verb: Rect. 6,2; 7
circumsēpio, verb: Rect. 2
cotsetla, noun: Rect. 3
ciricsceatus, noun: Rect. 1,1; 2; 3,4
crodinum, noun: Rect. 17
cum, conj.: Rect. 5,5

cuppa, noun: Rect. 14
cūria, noun: Rect. 4,2c; 7
custōdia, noun: Rect. 1,1; 3,4
custōdiō, verb: Rect. 2; 7; 15; 21,2
custōs, noun: Rect. 5; 6,3; 6,4; 19
cyricseatus, noun: Rect. 3,4
dampnum, noun: Rect. 20
dēbeō, verb: Rect. 2; 3; 3,3; 3,4; 4,1; 5,2; 9,1; 10; 20; 20,1; 21,3
decem, num.: Rect. 4,1; 6,1
dēiciō, verb: Rect. 19
dēmediō, verb: Rect. 5,5
denarius, noun: Rect. 4,1; 9
deorhege, noun: Rect. 1,1; 2; 3,4
dēserviō, verb: Rect. 3,3; 10,1; 12; 17
dēsidia, noun: Rect. 20,1
dīcō, verb: Rect. 2; 4a; 5,3; 6,3; 21,1; 21,5
dīōs, noun: Rect. 3; 3,1; 3,4; 4a; 4,1
dignus, adj.: Rect. 1; 6,2; 6,4
dīmidius, adj.: Rect. 3,1
dingia, noun: Rect. 14
diurnālis, adj.: Rect. 3,1
dō, verb: Rect. 2; 3,1; 3,2; 3,4; 4,1; 4,2a; 4,2c; 4,3; 4,5; 6; 6,1; 21,4
dominicus, adj.: Rect. 7
dominus, noun: Rect. 2; 3; 3,1; 3,4; 4,1a; 4,1b; 4,3c; 5,2; 5,3; 5,5; 6,3; 12; 12,1; 13,1; 14; 16; 21,4
domus, noun: Rect. 4,3b
dūcō, verb: Rect. 2
duo, num.: Rect. 4a; 4,1; 4,1c; 4,2b; 4,3; 8; 10; 12

duodecim, num.: Rect. 8; 10; 14
ealagblum, noun: Rect. 4,5
edificō, verb: Rect. 2
ehtemannus, noun: Rect. 9,1
elemosina, noun: Rect. 1,1; 2
elmesfeoh, noun: Rect. 1,1; 2
ēnārō, verb: Rect. 5,4
ēnītor, verb: Rect. 13
eō, verb: Rect. 2; 12,1; 13,1
equālis, adj.: Rect. 4,4

517
equinoctium, noun: Rect. 14

equitō, verb: Rect. 2

equus, noun: Rect. 4, a; 5, 3; 6, 3

esarticō, verb: Rect. 8

estās, noun: Rect. 9; 14

etiam, conj.: Rect. 5, 2; 6, 2; 6, 3; 18, 1

expeditiō, noun: Rect. 1

expetō, verb: Rect. 20, 1

exsurgō, verb: Rect. 1, 1

faba, noun: Rect. 9

faciō, verb: Rect. 1; 3, 4; 4, 3a; 5, 4; 16; 21, 4

falcō, verb: Rect. 2; 5, 2

falda, noun: Rect. 4, 1a

fara, noun: Rect. 2

fenō, verb: Rect. 21, 4

festum, noun: Rect. 3, 4; 4a; 4, 1; 4, 1a; 4, 1b; 15

fidēlīter, adv.: Rect. 17

finis, noun: Rect. 5, 5

fiō, verb: Rect. 3, 4

firma, noun: Rect. 9, 1; 21, 4

firmō, verb: Rect. 2

folgārius, noun: Rect. 10

forestārius, noun: Rect. 19

forīs, adv.: Rect. 4a

fortē, adv.: Rect. 5, 5

frequentō, verb: Rect. 6, 3

ful, adj.: Rect. 11

gablum, noun: Rect. 4, 1; 4, 2; 5, 1

gaersswin, noun: Rect. 2

gafolheord, noun: Rect. 5

gafolswan, noun: Rect. 6

gallīna, noun: Rect. 4, 1

garba, noun: Rect. 3, 1

gaudenter, adv.: Rect. 21, 2

geburus, noun: Rect. 4; 4, 2c; 4, 5

generālis, adj.: Rect. 21, 1

gewirce, noun: Rect. 7

gravior, adj.: Rect. 4, 4

gravir, adj.: Rect. 4, 4

gravis, adj.: Rect. 4, 4

grex, noun: Rect. 4, 2c; 5; 7; 12; 14; 15

gutfirma, noun: Rect. 21, 4
habeō, verb: Rect. 3,1; 3,3; 5,3; 5,5; 6,1; 6,2; 6,3; 7; 10; 11; 13; 14; 16; 17; 18,1
inde, adv.: Rect. 5

indigeō, verb: Rect. 4,1c

infestō, verb: Rect. 20,1

heafodwarda, noun: Rect. 2
inland, noun: Rect. 3,4

heiwardus, noun: Rect. 20
innōtescō, verb: Rect. 21,2

heorhpennig, noun: Rect. 3,4; 4,2a
inops, adj.: Rect. 8

herbāgium, noun: Rect. 2; 4,1c
institūō, verb: Rect. 5,1

hiemālis, adj.: Rect. 9
institūtio, noun: Rect. 4,6

homo, noun: Rect. 18
institūtum, noun: Rect. 4,4

hornōtinus, adj.: Rect. 14
intersum, verb: Rect. 5,5

horreārius, noun: Rect. 17
inveniō, verb: Rect. 4

horreum, noun: Rect. 4,1b; 4,2; 17
iovis, DN: Rect. 3,4

horswarda, noun: Rect. 2
ipse, adj.: Rect. 4,3; 5,3; 6,1; 6,2

hosticum, noun: Rect. 1,1
iūs, noun: Rect. 7; 9,1; 19; 20,1

hrēaccroppum, noun: Rect. 21,4
iuvenis, adj.: Rect. 4,1; 6,1

hūiusmodi, adv.: Rect. 5,4)
iuventus, noun: Rect. 14

huniggablum, noun: Rect. 4,5
labor, noun: Rect. 18,1; 20

hweig, noun: Rect. 9
lac, noun: Rect. 13; 14; 15

iaceō, verb: Rect. 4,1a
landgablum, noun: Rect. 2; 3,2

ibi, adv.: Rect. 3,3; 5
landirectum, noun: Rect. 1,1

impediō, verb: Rect. 18
lēap, noun: Rect. 11

imputō, verb: Rect. 20
levior, adj.: Rect. 4; 4,4
levis, adj.: Rect. 4; 4,4
mēnsūra, noun: Rect. 3,4
lēx, noun: Rect. 1; 6,4; 21; 21,3
mercēs, noun: Rect. 20
libenter, adv.: Rect. 21,3
mesguium, noun: Rect. 14; 15
liber, adj.: Rect. 3,4; 5,5; 18
metecu, noun: Rect. 12,1
liberior, adj.: Rect. 18
metegablum, noun: Rect. 4,5
licet, verb: Rect. 12; 12,1
metō, verb: Rect. 2; 3,1; 5,2
lignum, noun: Rect. 19; 21,4
michāēl, PN: Rect. 4a
locus, noun: Rect. 4,4; 4,5; 5,1; 6,1; 21,1; 21,4
minister, noun: Rect. 3,1
longē, adv.: Rect. 2
minor, adj.: Rect. 3,3
lūna, noun: Rect. 3
minus, adv.: Rect. 20
macholum, noun: Rect. 21,4
modo, adv.: Rect. 5,4
manipulus, noun: Rect. 9,1
molossus, noun: Rect. 4,2b
mansio, noun: Rect. 1,1
moror, verb: Rect. 4a
mare, noun: Rect. 1,1; 3,4
mors, noun: Rect. 4,3e
martinus, PN: Rect. 3,4; 4,1; 4,1a; 4,1b; 15
mōs, noun: Rect. 4,3; 5; 21,2
medius, adj.: Rect. 4
multimodus, adj.: Rect. 1,1; 4
mel, noun: Rect. 5,1
multus, adj.: Rect. 1,1; 3,3; 4,1c; 5,1;
melior, adj.: Rect. 21,2
5,2; 5,4; 6,1; 6,3; 10,1; 12
mēnsa, noun: Rect. 16
nātāle, noun: Rect. 9,1; 14; 21,4
mēnsis, noun: Rect. 10
nemorōsus, adj.: Rect. 21,4
nemus, noun: Rect. 19
nequeō, verb: Rect. 5,4
nimis, adv.: Rect. 3,3
nisi, conj.: Rect. 5,5
nōtificō, verb: Rect. 21,1
novus, adj.: Rect. 2
nox, noun: Rect. 13; 14
nuntium, noun: Rect. 2
obeō, verb: Rect. 4,3c
obitus, noun: Rect. 6,4
observō, verb: Rect. 2; 21,1
occīdō, verb: Rect. 6,2
occīsio, noun: Rect. 6; 6,1
octō, num.: Rect. 9
omnis, adj.: Rect. 3; 3,1; 3,4; 4a; 4,2c; 4,3a; 4,3c; 4,4; 9,1; 11; 19; 21,1
onerōsus, adj.: Rect. 4
operātio, noun: Rect. 4a; 5,2; 18
operor, verb: Rect. 2; 3; 3,1; 4a
opus, noun: Rect. 3,1; 3,3; 4a; 4,3b; 6,2; 6,3,

ostium, noun: Rect. 17
ovi, noun: Rect. 4,1; 4,3; 8; 9; 14
pānis, noun: Rect. 4,2c
parō, verb: Rect. 4,1b; 5,2
pars, noun: Rect. 15; 16; 20
parum, adv.: Rect. 3,3
parvē, adv.: Rect. 20
parvus, adj.: Rect. 3,3
pascha, noun: Rect. 4a; 4,1; 4,1a
paschālis, adj.: Rect. 9,1; 21,4
pascō, verb: Rect. 4,2b
pascuum, noun: Rect. 12; 20
pastinagium, noun: Rect. 4,2c
pāstor, noun: Rect. 14; 16
patria, noun: Rect. 6; 21,3
pāx, noun: Rect. 1,1
pecūnia, noun: Rect. 1,1; 2
perhabeō, verb: Rect. 3,3
permittō, verb: Rect. 4,1c; 20,1
pertineō, verb: Rect. 4,1a; 5; 6; 7; 11; 17; 18; 20
plaustrum, noun: Rect. 21,4
plēnus, adj.: Rect. 14

plūrimus, adj.: Rect. 5,4; 21,4

plūs, adj.: Rect. 3,3; 4,1c; 5,1; 10,1; 12; 21,4

pondium, noun: Rect. 8; 9

populus, noun: Rect. 4,6; 21,2; 21,3

porcārius, noun: Rect. 4,2c; 6; 6,1; 6,2; 6,4; 7

porcellus, noun: Rect. 7

porcus, noun: Rect. 2; 6,1; 6,2

portiuncula, noun: Rect. 18,1; 20,1

possum, verb: Rect. 5,3

postquam, conj.: Rect. 13

prātum, noun: Rect. 5,2; 21,4

predīcō, verb: Rect. 4,4

prelibō, verb: Rect. 21

prepositus, noun: Rect. 3,1

prestō, verb: Rect. 5,3

prex, noun: Rect. 4,1c; 5,2; 21,4

prīmitīvus, adj.: Rect. 13

prīmitus, adv.: Rect. 4,1b; 20,1

proindē, adv.: Rect. 4,1c

prope, adv.: Rect. 2

pāublicus, adj.: Rect. 20

quadrāgēsimalis, adj.: Rect. 9

quamdiū, adv.: Rect. 4a

quandō, conj.: Rect. 4,2c; 7; 11

quia, conj.: Rect. 3,3; 4,4

quīdam, adj.: Rect. 2; 3; 3,1; 4a; 4,4; 4,5; 5,1; 21,1; 21,4

quīndecim, num.: Rect. 6,1

quīnque, num.: Rect. 3,3; 6,1

quōcumque, adv.: Rect. 2

quotiēns, adv.: Rect. 4,1a

rectīōdō, noun: Rect. 1; 4,3a; 7

rēctum, noun: Rect. 2; 3; 6,1; 9,1; 14

rēctus, adj.: Rect. 13

reddō, verb: Rect. 5; 5,1; 16

rēgius, adj.: Rect. 1,1

rehabeō, verb: Rect. 3,4c

relinquo, verb: Rect. 5,5

rēs, noun: Rect. 1,1

rēx, noun: Rect. 1,1; 3,4

sāēder, noun: Rect. 11
saepe, adv.: Rect. 3,3; 18

sanciō, verb: Rect. 21,1

sānctus, adj.: Rect. 3,4; 4,1; 4,1a; 4,1b; 15

scāēpeteras, noun: Rect. 8

sceorpum, noun: Rect. 1,1

sciō, verb: Rect. 4,6; 20

scyra, noun: Rect. 4,6

seges, noun: Rect. 20; 20,1; 21,4

sēmen, noun: Rect. 4,1b; 11

sēmentis, noun: Rect. 11

sēminātor, noun: Rect. 11

sēminō, verb: Rect. 4,2; 4,3; 10; 11

semper, adv.: Rect. 4,6

sepius, adv.: Rect. 3,3; 18

septem, num.: Rect. 4,3; 13; 14

septimāna, noun: Rect. 3; 4a; 4,1b

septimānalis, adj.: Rect. 4a

servīlior, adj.: Rect. 6,1

servīlis, adj.: Rect. 6,1

servitium, noun: Rect. 18

servō, verb: Rect. 20

servus, adj.: Rect. 6,4; 7

sestārius, noun: Rect. 4,1; 5,1; 9

sester, noun: Rect. 9

seweard, noun: Rect. 3,4

sī, conj.: Rect. 3,3; 4,3c; 3,4; 4,1c; 5; 5,3; 10,1; 20; 20,1; 21,2

sīc, adv.: Rect. 4a

sīcut, adv.: Rect. 1,1; 3,4; 4a; 4,1c; 4,4; 5; 6,3; 21

sīngulī, adj.: Rect. 6,1

sīringia, noun: Rect. 14; 16

situs, noun: Rect. 8

sōlus, adj.: Rect. 21,3

spacium, noun: Rect. 3; 4a; 11

stabilitās, noun: Rect. 2

statūō, verb: Rect. 2; 6

stīferh, noun: Rect. 7

stō, verb: Rect. 4,3; 4,4; 6,1

submonitio, noun: Rect. 3,4

sudis, noun: Rect. 7

sulhaecer, noun: Rect. 9,1

summagium, noun: Rect. 2; 5,3
<table>
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<td>vacca, noun</td>
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APPENDIX G

ABBREVIATIONS

Abbreviations for Secondary Works

ASD     Hall, John, *Anglo-Saxon Dictionary*


DDB     Maitland, *Domesday Book and Beyond*. 

ERLH    Liebermann, Felix, *Über das englische Rechtsbuch Leges Henrici*. 

GA      Lieberman, Felix, *Gesetze der Angelsachsen*. 

          GA I = Vol. 1, *Text und Uebersetzung*

          GA IIa = Vol. 2, part 1, *Woerterbuch*

          GA IIb = Vol. 2, part 2, *Rechts- und Sachglossar*

          GA III = Vol. 3, *Einleitung zu gedem Stueck; Erklaerung*

L&S     Lewis and Short, *Latin Dictionary*

MLLM    Niermeyer, *Mediae latinitatis lexicon minus*.

S       Sawyer, P.H. *Anglo-Saxon Charters: An Annotated List and Bibliography*. 

525
Abbreviations for Primary Sources

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<td>ASC</td>
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<tr>
<td>DB</td>
<td>Domesday Book</td>
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<tr>
<td>ICC</td>
<td>Inquisitio Comitatus Cantabrigiensis</td>
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<td>IE</td>
<td>Inquisition Eliensis</td>
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<td>Quadr.</td>
<td>Quadripartitus</td>
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<td>Lond.</td>
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Abbreviation for English Legal Texts

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<td>Af.</td>
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<td>A Gu</td>
<td>Alfred/Guthrum</td>
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<tr>
<td>App. A Gu.</td>
<td>“appendix” to</td>
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<td>Hn. Cor.</td>
<td>Henry I’s Coronation Charter</td>
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<td>Hu.</td>
<td>Hundred Ordinance (I Edgar)</td>
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<td>Inst. Cn.</td>
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<td>Mirc.</td>
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Norðl. = Norðleoda laga

Ord. = Ordal

Rect. = Rectitudines singularum

personarum

Swer. = Swerian

Wal. = Walreaf

Wer. = Wergeld

Wif. = Wifmannes Beweddung

Wl. Art. = The Ten Articles

Wl. ep. = Episcopales leges

Wl. lad = William I’s writ on exculpation

Sigula of Important Manuscripts

B Corpus Christi College, MS 383

Co Corpus Christi College MSS 70 + 258

D Corpus Christi College MS 201

Dm BL Cotton Domitian viii

G BL Cotton Nero A i

H Textus Roffensis (Rochester, Cathedral Library A 3.5)

Hk BL Additional MS 49366
K2  BL Cotton Claudius D ii  
M  John Rylands Library MS Lat. 420  
Or  Oxford, Oriel Coll. MS 46  
R  BL Royal MS 11 B ii  
Rs  John Rylands Library MS Lat 155 + BL Add. MS 14252  
T  BL Cotton Titus A xxvii:  

Abbreviations for English Counties

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Sx. Sussex  
Sy. Surrey  
Warw. Warwickshire  
Wilts. Wiltshire  
Worcs. Worcestershire  
Yorks, Yorkshire