Textus Roffensis

STUDIES IN THE EARLY MIDDLE AGES

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Textus Roffensis

Law, Language, and Libraries in Early Medieval England

Edited by
Bruce O'Brien and Barbara Bombi

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In memory of two contributors to this volume
who did not live to see its publication.

Nicholas Brooks
(1941–2014)

and

Lisi Oliver
(1951–2015)

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Abbreviations

ASC	*The Anglo-Saxon Chronicle: A Collaborative Edition*, ed. by David Dumville and Simon Keynes (Cambridge: Brewer, 1983–) *cited by individual volume title
ASE	*Anglo-Saxon England*
Bede, *HE*	Bede, *Ecclesiastical History of the English People*, ed. and trans. by Bertram Colgrave and R. A. B. Mynors (Oxford: Clarendon Press, 1969; repr. with corrections, 1991)
BL	British Library
CCCC	Cambridge, Corpus Christi College
EEMF	Early English Manuscripts in Facsimile
EETS	Early English Text Society OS Original Series SS Supplementary Series
EHR	*English Historical Review*
GA	*Die Gesetze der Angelsachsen*, ed. by Felix Liebermann, 3 vols (Halle: Niemeyer, 1903–16)
KCD	*Codex Diplomaticus Aevi Saxonici*, ed. by J. M. Kemble, 6 vols (London: English Historical Society, 1839–48)
MGH	Monumenta Germaniae Historica

PL	*Patrologia cursus completus, Series latina*, ed. by Jacques Paul Migne, 221 vols (Paris: Migne, 1841–66)
RGA	*Reallexikon der germanischen Altertumskunde*, 2nd edn (Berlin: de Gruyter, 1968–2007)
S	Sawyer, Peter Hayes, *Anglo-Saxon Charters: An Annotated List and Bibliography*, Royal Historical Society Guides and Handbooks, 8 (London: Royal Historical Society, 1968), rev. edn by Susan Kelly <http://www.esawyer.org.uk/about/index.html>
TRHS	*Transactions of the Royal Historical Society*
VCH	*Victoria County History*
ZRG – GA	*Zeitschrift der Savigny-Stiftung für Rechtsgeschichte – Germanistische Abteilung*

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ingness to contribute to the success of both exhibit and conference. The exhibit also benefited from documents contributed by the Chapter at Christ Church Canterbury, and for that we owe them much thanks. In London, the *Early English Laws* team at the Institute of Historical Research, especially the project officer Jenny Benham and Principal Investigator Jane Winters supported and helped. We are grateful for all of the presenters for offering us papers of great interest and learning, and in particular thank Michael Wood for his public lecture on the *Textus*. No one could bring this almost nine-hundred-year-old old book to life for a large audience with quite the same skill.

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Bruce O'Brien
Barbara Bombi

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Textus Roffensis: An Introduction

Bruce O'Brien

In 2008 Sir Robert Worcester, then chancellor of the University of Kent, initiated planning for a conference on one of the most important manuscripts from twelfth-century England, the Rochester Cathedral book known as *Textus Roffensis*. A number of the papers given at the 2010 conference are published in this volume. These papers shed new light on many aspects of the book. Their collective wisdom confirms the view that the laws, charters, lists, and narratives that fill the folios of the manuscript constitute one of the richest troves of historical evidence for both the time of its creation, the 1120s, as well as the centuries preceding as far back as the reign of Æthelberht of Kent (d. 616). They also show that there is still much to be learned from studying this fascinating and puzzling book.

A Book of Laws, Lists, Charters, and Narratives

Textus Roffensis is not by any estimate a beautiful volume. Its two parts, the first consisting of laws and the second of records of grants to Rochester cathedral, are unadorned except for a few historiated initials.[1] It is lightly rubricated with

[1] Images of all folios are available online at *Early English Laws* <http://www.earlyenglishlaws.ac.uk/> [accessed 15 April 2014]. A black-and-white facsimile is available in *Textus Roffensis*, ed. by Sawyer. *Textus Roffensis*'s current shelf mark is Strood, Medway Archive and Local Studies Centre, MS DRc/R1. The manuscript was formerly Rochester, Cathedral Library, MS A. 3. 5.

Bruce O'Brien (bobrien@umw.edu) is academic lead of *Early English Laws* and professor of history at the University of Mary Washington. His most recent book, *Reversing Babel*, is a study of translation practices in medieval England.

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some gaps where rubrics were probably forgotten or missed. It is also a small book, its folios measuring 225 × 155 mm, and its written area 170 × 95 mm. It has suffered some degree of rearrangement in part one and mutilation and replacement in part two. It currently contains 235 folios divided into twenty-nine quires, some part of the original manuscript, some not. Detailed descriptions were published in 1957 by Neil Ker and Peter Sawyer, so there is no need to repeat here what they have written.[2] Instead, the following paragraphs will offer some general observations on the book as well as introduce the papers in this volume.

The book's two parts cover very different territories. Part one is almost entirely filled with law codes of the Anglo-Saxon period, along with four important post-Conquest legal compositions. The Anglo-Saxon laws provide the longest run of pre-Conquest law codes of any of the manuscripts to survive from the period. They stretch from the earliest written code, that of Æthelberht, to some of the last to be issued before the Norman Conquest, those of King Æthelred II (978–1016). All of these pre-Conquest codes are in Old English, the language of their issuance. The code of the last known pre-Conquest English lawgiver, King Cnut (1016–35), does not appear in its otherwise well-attested Old English text, but in the form of a post-Conquest Latin updating, revision, rearrangement, and enlargement of the Old English original. This text, the *Instituta Cnuti*, is followed immediately in the manuscript by a post-Conquest Latin compilation called the *Articuli Willelmi*, which, while unofficial, appears to include actual edicts of William the Conqueror (1066–87). The other two post-Conquest royal texts are William I's ordinance on exculpation, written in Old English, and the Latin coronation edict of Henry I (1100). In addition to these royal or pseudo-royal laws, there is also an abridgement of the canon law collection disseminated in England by Archbishop Lanfranc (1070–89).[3] Part one finishes with a series of lists of West Saxon kings, popes, emperors, eastern patriarchs, English archbishops and bishops, elders, and archangels. Fully half of the folios contain Latin texts, while the rest hold Old English. In its current

It was kept at the Cathedral until 1969, when it was transferred to the Kent Archives Office in Maidstone. It remained there until its transfer to Strood in 1992.

[2] Ker, *Catalogue of Manuscripts*, no. 373, pp. 443–47; *Textus Roffensis*, ed. by Peter Sawyer, I, 11–19 and II, 11–18. Both of these works have detailed lists of contents of part one. For part two, Sawyer listed only pre-Conquest charters, while Ker confined himself for the most part to Old English passages appearing within the Latin texts. A recent description of the whole manuscript and all of its texts is by Treharne and others, 'Rochester, Cathedral Library, A. 3. 5'.

[3] Brett, 'The *Collectio Lanfranci*', p. 162; Liebermann, 'De accusatoribus aus Pseudo-Isidor'.

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arrangement, part one begins with the oldest laws and moves generally, but not always, in chronological order, finishing with Henry I's coronation edict before turning to the lists.

The second part of *Textus Roffensis*, written by the same scribe as part one, consists principally of the cartulary of Rochester Cathedral priory.[4] Again, as with the laws, the earliest, King Æthelberht's grant of land at Rochester, begins the series of royal donations which run into the reign of Henry I. Unlike the laws, the charters recording these donations are arranged strictly by chronology, reign by reign. In the post-Conquest period, the documents become more various, with royal charters interspersed with dispute narratives, records of inquests, lists of churches and chapels owing fees to Rochester Cathedral, lists of offices and masses, and a library catalogue for the priory.

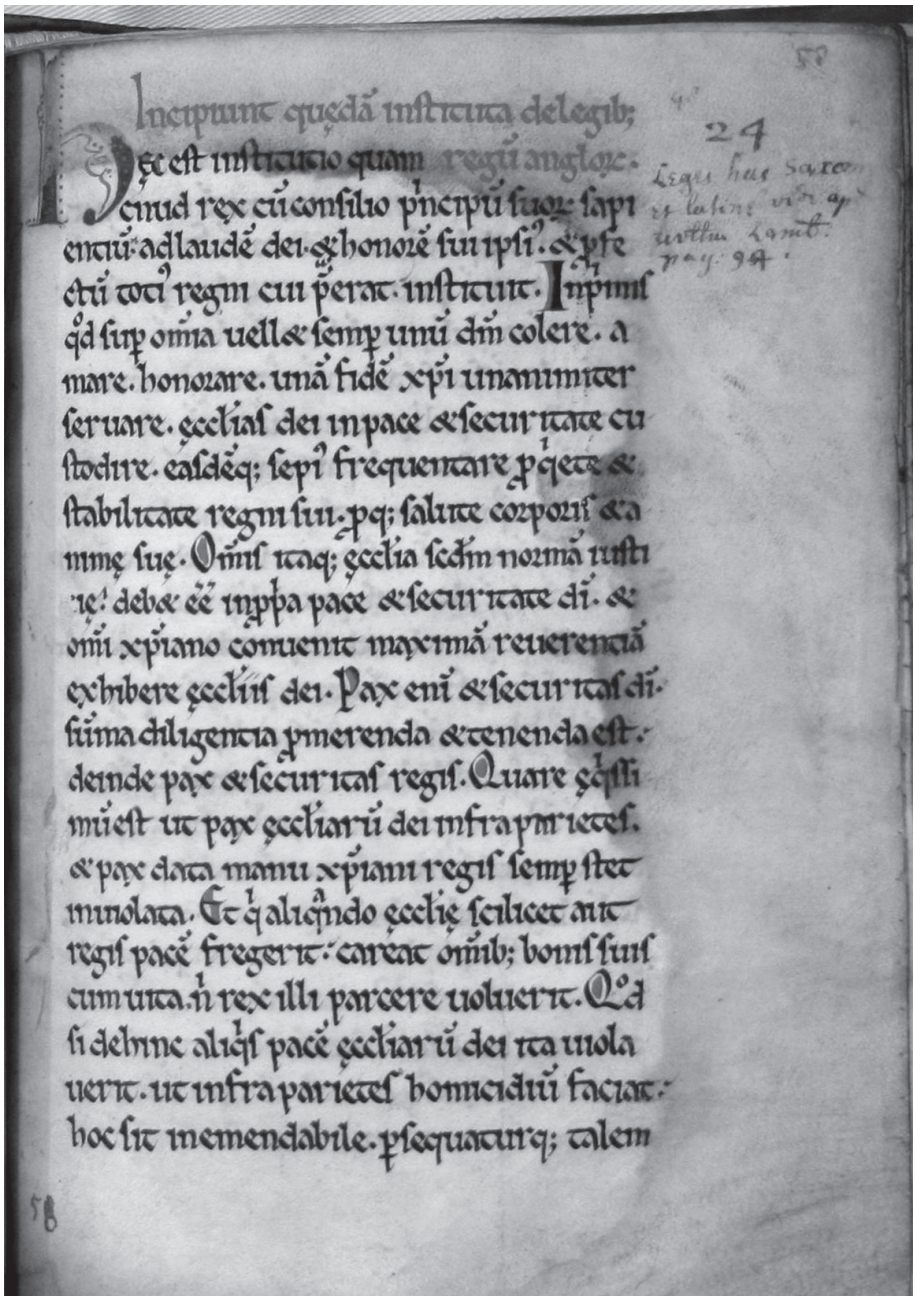
It is clear that both parts have undergone some rearrangement after their original completion. The intended order of quires in part one is a matter of debate. A rearrangement of quires is implied by the surviving quire signatures. What are now quires 7, 8, and 9 were marked to be the first three quires of the book, while the tenth quire now was then the eighth. Quire signatures confirm that part two is in its original order, but at least two dozen folios were replaced or added in the twelfth century, all in the section holding copies of post-Conquest texts.[5] In both parts, it was the post-Conquest texts that were most significantly affected by rearrangement and alterations.

While these quire signatures are thought to be the work of the main scribe or compiler, it is not known when they were added. One possible conclusion is that they were added early in the process of ordering the quires and so show the original plan of the book.[6] According to this interpretation, the book was supposed to begin with the Latin *Instituta Cnuti*, whose first quire is marked with the Roman numeral 'I' (fol. 65^{v}) This mark means that first place in the volume was given to the king whose laws would have been acknowledged in the early 1120s, when *Textus Roffensis* was being made, as the most recent and most authoritative pre-Conquest statement of law. Cnut's laws represented the *laga Edwardi*, a phrase used repeatedly by the Norman kings and post-Conquest writers to mean the good laws in force under Edward the Confessor, the king to whom William I traced his legitimate succession to the crown. It is a phrase,

[4] The hands are described in detail by Treharne and others, 'Rochester, Cathedral Library, A. 3. 5'.

[5] Ker, *Catalogue of Manuscripts*, p. 447; *Textus Roffensis*, ed. by Sawyer, I, 11–12; II, 12.

[6] *Textus Roffensis*, ed. by Sawyer, I, 12.



Incipiunt quędã instituta delegib;
Hec est institutio quam regũ anglorũ
Primus rex cũ consilio pncipũ suorũ sapi
entiũ: ad laudẽ dei & honorẽ sui ipsi. & pfe
ctũ tocũ regni cui perat. instituit. Imprimis
qd sup oĩa uelle & semp unũ dñm colere. a
mare. honorare. unã fidẽ xpi unanimiter
seruare. ęcliasq dei in pace & securitate cu
stodire. easdẽq; sepi frequentare p̃qere &
stabilitate regni sui. pq; salute corporis & a
nime sue. Omnisq; ęclia secm normã iusti
ę: debet ee in ppa pace & securitate cli. &
omni xpiano comunit maximã reuerentiã
exhibere ęcliis dei. Pax enim & securitas cli.
summa diligentia pmerenda & tenenda est.
deinde pax & securitas regis. Quare ęqlis
mũ est ut pax ęcliarũ dei infra pmissas.
& pax data manu xpiani regis semp stet
inuiolata. Et q aliqndo ęclię scilicet aut
regis pacẽ fregerit: careat omnib; bonis suis
cum uita. si rex illi parcere uoluerit. Qd
si deinde aliqs pacẽ ęcliarũ dei ta uiola
uerit. ut infra parietes homicidiũ faciat.
hoc sit inemendabile. psequaturq; talem

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Figure 1. The beginning of *Textus Roffensis* according to quire signatures (Strood, Medway Archive and Local Studies Centre, MS DRc/R1, fol. 58r).

consequently, with both political and legal meaning.[7] The *Instituta Cnuti* was followed immediately by a short collection of legislative acts attributed to William I and a series of extracts from Lanfranc's canon law manual covering legal actions against the clergy. Given the emphasis in the late eleventh and early twelfth centuries on the authority of pre-Conquest laws, particularly those of Cnut, and on their reaffirmation by the Norman kings, this order was logical.[8]

There is also, however, some sense to how the book is currently arranged, with Æthelberht's laws first. The large initial at the beginning of Æthelberht's code does link it, however faintly, to the decorative scheme that marks the start of the cartulary, suggesting that at an early point in the book's creation, perhaps from the very first, there was some intention to begin with these oldest of all English laws. That such decoration is not conclusive of the intended order was noted by Patrick Wormald, who reminded us that King Alfred's law code, starting as it does in the middle of a quire, also begins with a large initial.[9] What did *Textus Roffensis*'s creators intend to be the first text of the book? It may be that the original plan was to place the *Instituta* first, and this plan was changed before the book was assembled by a reordering of quires which put Æthelberht's laws first. If this were the case, it seems odd that the original quire signatures were not then erased in order to eliminate any confusion, and new signatures did not replace them. It seems more likely that an original plan to place Æthelberht first was changed at assembly to shift the most comprehensive texts of recent laws first and shift Æthelberht's laws to the start of the fourth quire.[10] It looks as if a decision was made to follow a new plan after Æthelberht's first folio had received its large historiated initial, but before the composition of the book list in part two (fol. 228^{r}), where this book is probably the one in Rochester's collection called 'Institutiones regum anglorum in

[7] O'Brien, *God's Peace and King's Peace*, pp. 17–18, where the phrase is identified as a product of post-Conquest pressures and anxieties; Wormald, *The Making of English Law*, p. 410; Garnett, *Conquered England*, p. 106, who suggests that Regenbald, who served as 'chancellor' for both Edward the Confessor and William I, had coined the phrase.

[8] Quadr, argumentum, c. 1, in *Quadripartitus*, ed. by Liebermann, p. 3. For a survey of twelfth-century treatments of Anglo-Saxon legal texts, see O'Brien, 'Pre-Conquest Laws', pp. 232–46. I employ in the notes the standard abbreviations used by Liebermann: As = Æthelstan; Hn com = Henry I's edict on county and hundred courts; Hn cor = Henry I's coronation charter; Hn mon = Henry I's edict on coinage; Hu = the Hundred Ordinance; Quadr = *Quadripartitus*; Wl art = Ten Articles of William I; Wl ep = William I's decree on church courts.

[9] Wormald, 'Laga Eadwardi', pp. 246–48. The large initials occur on fols 1^{r}, 9^{r}, and 119^{r}.

[10] Wormald, 'Laga Eadwardi', pp. 246–48.

i uolumine' ('Institutions of the English kings in one book'), a title similar to that which heads the *Instituta* itself (fig. 1), and would therefore have been the first title on top of the opening folio of the book.

Some in fact have wondered whether the *Instituta Cnuti*'s title was intended not for the *Instituta* alone, but for the entire collection of *Textus Roffensis*'s laws.[11] The title, appearing in the form of a common rubric, says quite simply 'Incipiunt quędam instituta de legibus regum anglorum' ('Here begin some enactments from the laws of the kings of the English'). This title would in fact cover almost all of the contents of part one of the book, and this may be the work the title was expected to do. The presence of this rubric on what was marked out to be the first folio of the manuscript can be construed as reinforcing the conclusion that *Textus Roffensis* began with the *Instituta Cnuti* and not with Æthelberht's code. However, it is worth remembering that the laws attributed to King Cnut and King William are bound together in *Textus Roffensis* almost as if a single text. In terms of its appearance on the page, the *Articuli* looks as if it were intended to be a fifth and final book of the *Instituta*.[12] The rubric might just have meant that the combined *Instituta-Articuli* text represented the legislative work of more than one king. The compiler might also have recognized that much of the *Instituta*'s third book is a translation of the laws of Alfred and of some other kings, many of which appear elsewhere in *Textus Roffensis*. The title, then, need not have referred to all the contents of *Textus Roffensis*. It is even harder to argue that it did when one considers that the 'title' is of the same modest proportions as other rubrics inserted at the beginning of the individual books of the *Instituta* itself.[13]

[11] Most strongly asserted by Flight, *The Bishops and Monks of Rochester*, pp. 18–19.

[12] For the divisions of the *Instituta Cnuti* in *Textus Roffensis*, see below, n. 13. These divisions differ from Liebermann's structuring of the *Instituta* as three books (excluding Wl art): see Liebermann, 'On the Instituta Cnuti'; *GA*, I, 612–16.

[13] The rubrics at the head of each book are as follows: Book I (fol. 58^{r}): 'Incipiunt quędam instituta de legibus regum anglorum' ('Here begin some enactments from the laws of the kings of the English'); Book II (fol. 63^{r}): 'Hęc est institutio secularis quam ego per consilium et consensum optimatum meorum seruare per totum regnum meum statui' ('This is the secular code which I, with the advice and consent of my nobles, established to be observed throughout my kingdom'); Book III (fol. 75^{r}): there are two and a half blank lines on the folio between the end of Book II and first chapter of Book III, space sufficient for a rubric; Book IV (fol. 78^{r}): 'Istę sunt consuetudines regum inter anglos' ('These are the kings' customs among the English'); Book V (fol. 80^{r}): 'Hic intimatur quid Willelmus rex anglorum cum principibus suis constituit post conquisitionem anglię' ('Here is made known what William, king of the English, with his leading nobles established after the conquest of England').

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There are a number of important conclusions to draw from the reordering of quires done to place the *Instituta* first. This new plan changed the thrust of the collection from historical to legal. Clearly both plans were considered — one a historical arrangement of laws from earliest to most recent; another a bookending of Old English laws (partially arranged by chronology) by more recent Latin laws in chronological order, with Cnut's and William I's laws coming at the start and Henry I's closing the collection.[14] The adoption of the new plan suggests that the status of Cnut's laws as the most recently promulgated and the accessibility offered by the language of this version of his laws made these Latin texts either more useful, more authoritative, or both.[15] It is hard, therefore, to argue that *Textus Roffensis*'s collection of laws, as ordered at the time of its assembly, was simply an 'antiquarian' product.[16]

The prominent placement of the Latin version of Cnut's laws also emphasizes what probably was a conscious decision by the compilers to use a Latin text rather than a copy of Cnut's laws in Old English. Copies of Cnut's Winchester code were so common and familiar that Patrick Wormald thought it had achieved a 'vulgate' status by the twelfth century.[17] The other legal encyclopaedias which, like *Textus Roffensis*, have Old English texts all hold copies of Cnut in Old English. Given that the compilers of the *Textus* had access to a number of different sources for their texts, it is hard to imagine that they did not likewise have access to a copy of Cnut's code in the vernacular.[18] The contemporary legal collection in CCCC, MS 383 — the 'other book' of Thomas Gobbitt's essay in this collection — shares sources with part one of *Textus Roffensis* and has Cnut's code in Old English.[19] Christ Church, Canterbury, which had very

[14] Part one's last legal texts are a copy of the coronation charter of Henry I (Hn cor, fols 96^{r}–97^{v}) and two excommunication formulas (fols 98^{r}–100^{r}).

[15] Richards, *Texts and their Traditions*, p. 53.

[16] Southern, 'Aspects of the European Tradition of Historical Writing IV', p. 253. I argue in 'Pre-Conquest Laws' that while Anglo-Saxon laws were seen as in some way authoritative legal texts at the start of the twelfth century, by the end of that century they were increasingly understood as historical relics with more political than legal resonance.

[17] Wormald, *The Making of English Law*, p. 351.

[18] It is worth noting that the compiler likely had two copies of Alfred's code from which to draw his text: Hough, 'Palaeographical Evidence', pp. 67–68; Hough, 'Numbers in Manuscripts', pp. 123–28.

[19] The issue of sources is complicated. For various attempts to sort it out, see *Textus Roffensis*, ed. by Sawyer, I, 19–20; Richards, *Texts and their Traditions*, pp. 47–53; Wormald, 'Laga Eadwardi', pp. 253–62; Wormald, *The Making of English Law*, pp. 249–52.

close ties to Rochester, probably possessed a copy of Cnut's law code which bore Kentish and archiepiscopal additions and revisions.[20] Enough copies of Cnut's code were around in the first half of the twelfth century to serve as sources for one partial Anglo-French translation and three complete Latin translations — though it is possible that the same copy of the Old English text could have served as the source for more than one translation.[21] The use by *Textus Roffensis*'s compilers, then, of the recently created Latin *Instituta* instead of its Old English source appears to have been deliberate. This decision is not surprising. The preference for a Latin text of Cnut's laws is in line with the general shift after the Conquest from Old English to Latin as the favoured language for records and official communication. The decision of the compilers of *Textus Roffensis* need not, of course, have been based solely on the language preference of the Rochester community, although probably more members of the cathedral priory would have been able to read the Latin version than could puzzle their way through the Old English. The *Instituta Cnuti* also might simply have appeared to be a better, more comprehensive version of Cnut's laws. It was significantly larger than its principal Old English source (I–II Cnut), and included not only translations of other pre-Conquest kings' legal codes, but also a fair amount of what appears to be unsourced material related to Kent, its archbishops, and its earls.[22] The translator, working possibly as early as the late eleventh century, had not only pieced together a larger code, but had also revised it throughout with glosses, explanations, and extensions of the sources' laws. The *Instituta* probably struck the compilers of *Textus Roffensis* as a more useful version of Cnut's code than any available Old English version because it offered at the same time a more comprehensive and a more local account of the *laga Edwardi*.[23]

If the collection can be called large, even encyclopaedic, it is still nowhere near being a complete collection of all royal laws issued before 1066. Even its collection of more recent post-Conquest legislation is incomplete. Many

[20] Wormald, *The Making of English Law*, p. 226 (BL, MS Cotton Nero A I (Part A)).

[21] O'Brien, *Reversing Babel*, pp. 1–4, 125–26, 230.

[22] O'Brien, 'The *Instituta Cnuti*'. My edition of the *Instituta* will be published at *Early English Laws* <http://www.earlyenglishlaws.ac.uk/>.

[23] The compiler of the legal collection in Oxford, Bodleian Library, MS Rawlinson C 641, from late in Henry II's reign, copied from *Textus Roffensis* only the laws that were in Latin. On the issue of the derivation of the Rawlinson texts from *Textus Roffensis* rather than from an independent common source, see the discussion in my blog entry 'Editing the *Instituta Cnuti* 4' at *Early English Laws* <http://blog.earlyenglishlaws.ac.uk/?p=97>.

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important pre-Conquest codes are missing. Some might simply not have been available to the compilers. Edmund's third code, for instance, survives only through a single Latin translation, as also does Æthelred's fourth code.[24] Other Old English sources and Latin translations might have been equally rare.[25] Others, however, must have been available to the compilers. The gaps in *Textus Roffensis*'s contents are surprising. There is none of Edgar's legislation, including his Andover code (II–III Eg), which Patrick Wormald labelled 'the best attested legal text of the Anglo-Saxon period other than the Alfred-Ine lawbook', surviving as it does in six manuscript witnesses.[26] One of these witnesses to the Andover code, BL, MS Cotton Nero A I (part A), fits more comfortably with a Canterbury origin than any other, albeit circumstantially, and so probably lay at no great distance from Rochester.[27] Canterbury probably was a source for exemplars for other texts found in *Textus Roffensis*. Most of Æthelred is missing (all but I and III Atr), as also the Alfred-Guthrum treaty and two of Æthelstan's codes.[28] Surely at least some of these were available to the compilers. Of post-Conquest legislation, William I's writ on church courts and Henry I's writ-charter on county courts and regulations for minting coins are not here.[29] So we have a paradox: The compiler appears to have sought additional texts in order to increase his collection and to improve texts he already had, but nevertheless we have grounds to suspect that he did not include in *Textus Roffensis* all the laws he found.

[24] Both survive only in *Quadripartitus*, which means that at least one Old English copy was available to the translator in the late eleventh or early twelfth century.

[25] For example, some of Æthelred's later codes.

[26] Wormald, *The Making of English Law*, p. 313.

[27] Wormald, *The Making of English Law*, p. 226.

[28] In addition to the codes of Edmund, Æthelstan, Edgar, and Æthelred named above, *Textus Roffensis* also lacks the Hundred Ordinance (Hu). The two codes of Æthelstan not found in *Textus Roffensis* are I As and II As, while IV As appears as a fragment (fol. 38^{r}, ll. 5–18).

[29] Although William I's writ (Wl ep) and Henry I's regulations on coinage (Hn mon) were, judging from surviving copies, rare, the edict on county courts (Hn com) was included in *Quadripartitus*. Sufficient copies were around of the first two for them to be copied in the thirteenth and fourteenth centuries. I would like to thank Richard Sharpe for sharing with me his draft editions of the relevant *acta* of Henry I. For William I's writ, see *Regesta*, ed. by Bates, no. 128, pp. 440–42. This edition and brief versions of Richard Sharpe's editions of Hn mon and Hn com are available online at *Early English Laws*. The full versions are online at Sharpe, *The Charters of William II and Henry I* <http://henry1.wordpress.com/>.

These additional texts may not have been chosen for their legal importance or contemporary relevance. This is one of the key implications of Patrick Wormald's observation that a number of the shorter codes have been used principally to fill the blank folios at the ends of larger texts and of quires.[30] In these cases, size was what mattered most. This criterion would explain the placement of William I's writ on exculpation on folio 47$^{r–v}$, at the end of Æthelred's first code, rather than with the Norman king's other laws on folios 80–81^{v}. William's writ has been added on the blank lines at the end of quire five, but the scribe appears to have misjudged the writ's length and it proved too long for the space. Carrying the text of the writ over onto the first folio of the next quire was not an option as it was probably already filled with the text of Æthelred's third code. The scribe solved the problem by adding three lines to the bottom of fol. 47^{v} in order to fit all of the writ on the final folio of its quire.[31] If its language made William I's writ acceptable as an addition to the other Old English laws, its size probably dictated its actual inclusion. While such a priority to fill spaces might have directed the treatment of empty folios in quires holding Old English law codes, it does not seem to have been applied to the folios holding Latin legal texts. There appears to have been no similar effort made to fill the admittedly smaller number of empty spaces in Latin quires. The quire that ends the first run of post-Conquest Latin texts, finishing with the *Exceptiones* on fol. 87^{r}, has five lines blank at the end of the recto and all of the verso blank as well.[32] The result is that the Latin texts feel less cluttered and squeezed than the Old English texts.

The relationship of the laws of part one to the charters of part two is not uncomplicated. While probably created as two separate volumes, by the early fourteenth century parts one and two had been joined together as a single book. There is much, however, to suggest the two parts were associated from the start.[33] They shared a scribe and a format. They also shared, according to the current order of quires (which as suggested above might have been the original

[30] Wormald, *The Making of English Law*, p. 248.

[31] This example and other instances like this are cited by Wormald, 'Laga Eadwardi', p. 248; and Wormald, *The Making of English Law*, pp. 247–48.

[32] Similarly, the excommunication texts that end on line two of fol. 100^{r} are followed by nothing on either fol. 100^{r} or fol. 100^{v}.

[33] For an argument against this position, see Flight, *The Bishops and Monks of Rochester*, pp. 17–18; and more strongly in Flight, 'The Making of the "Textus Roffensis"'.

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order), a chronological arrangement of contents.[34] Although Colin Flight has suggested that they both remained collections of unbound booklets when written, and were in fact completely separate works until possibly around 1230, these suggestions seem overly complicated and overly sceptical, given what we know about the scribe, and what is common to the format of all the scribe's work in the book.[35] The simplest explanation for the similarities between the two parts and for the unusual contents of the whole is that they were always considered to be twin volumes, linked together by a shared vision of the past and, to a lesser degree, by a shared purpose.

One surprising similarity, in fact, may provide an additional clue to the nature of the close relationship of the two parts. It appears that in their original forms, part one, holding the laws, and part two, holding the cartulary, were nearly identical in size, at respectively 100 and 101 folios.[36] The similarity of the sizes of parts one and two may witness what in their original forms was an exact similarity. Of course part two has seen significant adjustments made to its folios, with seven replacement leaves and sixteen to nineteen new folios added as single sheets and gatherings. The actual number of excised sheets is unknowable. Nevertheless, according to the descriptions of Ker, Sawyer, and Flight, it looks as though both parts were once almost exactly the same size.

This similarity is unlikely to have been a product of coincidence. It is worth considering whether the size of one part could have determined the size of the other. I would argue that this is the case. Considering all of the laws which are missing, and the miscellaneous quality to many of the shorter codes added to fill folios, and considering the apparently comprehensive nature of the more regular sequence of charters, it seems reasonable to conclude that the size of part two determined the size of part one. The compilers knew the size of their collection of charters recording grants made to Rochester and other records,[37] and that, they may well have decided, determined the size of the accompanying volume of laws. The rearrangement of part one to place what must have appeared to be the most useful laws first nevertheless did not alter the size of

[34] Richards, *Texts and their Traditions*, pp. 44–46.

[35] Flight, *The Bishops and Monks of Rochester*, p. 18, and Flight, 'The Making of the "Textus Roffensis"'.

[36] In reaching this total, I have excluded folios or quires added after the main scribe had completed his work.

[37] That the compiler did exclude documents which recorded grants to laymen which did not then signal their transfer to Rochester is not relevant, since such grants were probably determined to be useless as proof of Rochester's claims to property.

part one, but only its order. The laws, then, are probably in a sense subordinate to the charters.[38] What this meant in practice is that the selection of laws was to some degree dependent on a targeted number of folios rather than on either the availability of copies of laws or their legal relevance. I am not saying that the laws were irrelevant, but that the cathedral's charters, and the size of the manuscript needed to hold all of them, might have been uppermost in the mind of the compiler when he turned his attention to part one.

The Papers

The papers published in this volume fall roughly into four categories: the book, laws, charters, and context. The four papers in the first category address issues related to the complete book in its episcopal setting, and its use and misuse as a written source of knowledge. Mary Richards sets *Textus Roffensis* within its home library, where she emphasizes its Janus-like quality in laws, charters, and ancillary texts, as well as its uniqueness among post-Conquest manuscripts in matters of record-keeping and clerical self-perception. The possibility that the work was intended as a practical guide is considered by Nicholas Karn, who studies the public nature of the book in the legal and political activities of the see. Thomas Gobbitt compares *Textus Roffensis* to one of its contemporaries, now CCCC, MS 383, and reminds us that both were complex texts that appealed to a variety of interests, but that both were also local productions to some extent, rather than just encyclopaedic repositories of the Anglo-Saxon past. Last, Stefan Jurasinski reviews scribal emendations made in the twelfth century to CCCC, MS 383's laws referencing slavery and homicide, as well as the interpretations of these provided by later Latin translations of Old English laws, to show how twelfth-century writers and scribes altered earlier laws by bringing them into line with contemporary laws. He is able to show how books containing Anglo-Saxon laws, including *Textus Roffensis*, were studied and misunderstood by subsequent readers in the twelfth century, and he charts the consequences this has had on modern scholarship of early English law.

Seven papers are concerned with the evidence provided by the laws in part one of *Textus Roffensis*. Two studies consider the status and authority of Æthelberht's laws as preserved in *Textus Roffensis*. The late Nicholas Brooks

[38] A point made in a different way by Richards, *Texts and their Traditions*, p. 53: '[...] our compiler seems to have regarded the law book, including its historical materials, as a means to give authority to the cartulary'.

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offers a reconsideration of many of the key issues raised by Æthelberht's code — its origins and inspiration, purpose, and choice of English over Latin as its language of record. Carole Hough weighs the linguistic evidence — phonological, lexical, and grammatical — in order to identify, insofar as it is possible, the dialect of the Kentish codes. A hapax legomenon of Æthelberht's code is dissected by Daniela Fruscione in order to show one aspect of the development of early English society from military migration to settlement in a new land. Andrew Rabin, currently at work on a new edition of what has come to be called Wulfstan's 'Compilation on Status', shows how the version of the text of the 'Compilation' preserved in *Textus Roffensis* is evidence for a stage in the development of this surprisingly integrated collection of legal texts. Tracey-Anne Cooper's study of the solitary 'legal' charm in *Textus Roffensis* adds new nuance to interpretations of a text whose presence in a collection of laws poses the question of what qualified as a legal text. Julie Mumby solves a confusing reference in the treatise known as *Wergeld* to clarify our notion of who in the kindred received a share in compensation. Lastly, Lisi Oliver considers how the knowledge of contemporary penitentials, earlier English laws, and the *Lex Frisionum* was brought to bear on the composition of King Alfred's *domboc*; her findings offer new insights into the *domboc*'s method of composition.

Two papers consider the charters of part two of *Textus Roffensis*. The first, by Ben Snook, raises fundamental issues concerning the introduction of charters in the seventh century and reinforces the argument that we should look to Theodore and Hadrian as the responsible parties. Working with two charters in *Textus Roffensis*, David Pelteret studies the legal acts behind the records of land transfers in order to assess why records of such acts were stable in format and thought to be effective throughout the period.

Last, there are three papers which in different ways use evidence from charters and narratives in *Textus Roffensis* to understand Rochester's place in Kent, its relations with Canterbury and the abbey of Bec, and its dealings with two English kings, Æthelred II and William Rufus. Simon Keynes directs our attention to a dossier of documents, Latin and vernacular coming from the end of the tenth century and early decades of the eleventh, which both reveal the agendas of bishops Ælfstan and Godwine towards regaining the possessions of their see, and bear witness to the depredations suffered by Rochester from both Vikings and Æthelred II. Richard Sharpe uses the Haddenham narrative in part two of *Textus Roffensis* to show not only what circumstances led to Bishop Gundulf's rebuilding of the castle in Rochester, but also to uncover the way kings did business, and how the participants in any negotiations behind a

grant were what witness lists were intended to record. Sally Vaughn reviews the connections of two bishops of Rochester, Gundulf and Ernulf, with the abbey of Bec and argues that *Textus Roffensis* ought to be seen as a product of the Bec tradition of governance expected of its monks when they were transferred to positions of authority in England.

These papers do not offer the last word on *Textus Roffensis*. What they do make clear is the richness of the book that still remains to be explored and understood. It is hoped that these studies will encourage further study of this remarkable record of England's early medieval past.

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