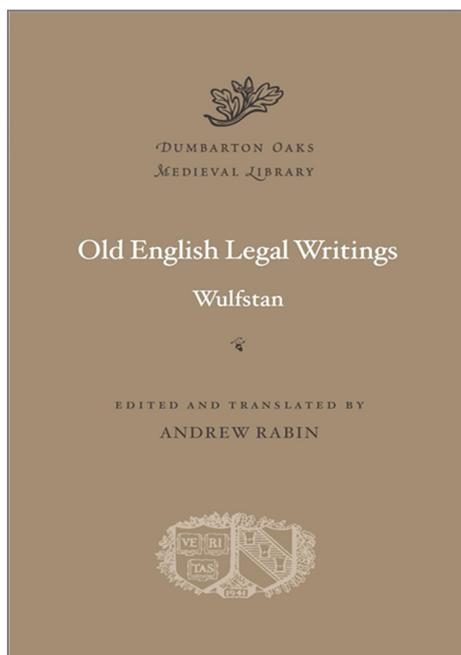


BOOKS

**Wulfstan, *Old English Legal Writings*, ed. and trans. Andrew Rabin.
(Dumbarton Oaks Medieval Library 66.) Cambridge, MA:
Harvard University Press, 2020. Pp. xxxix, 439.**

Perhaps the best documented fact about Archbishop Wulfstan of York is that he is not sufficiently documented at all. Second perhaps only to Ælfric of Eynsham in his theological endeavours, Wulfstan (d. 1023) was also the foremost statesman of his age, as advisor to kings Æthelred (978 – 1013) and Cnut (1016–1035). Moreover, during his lifetime, he served in three of England's most influential ecclesiastical offices: the bishoprics of London and Worcester, and the archbishopric of York, holding the latter two in plurality until 1016. Little is known about his life before he was created bishop of London, though we may safely assume that he had deep ties with the Benedictine reform and was a monk or even an abbot before his ascension to the episcopate.

Wulfstan was a prolific author: he wrote legislation, political tracts, homilies and sermons. Andrew Rabin brings



Wulfstan's political tracts and law codes together in a very efficient and handy edition, which places the Old English text and the Modern English translation on facing pages. It thus offers the scholarly and general public a more accessible introduction to Wulfstan than Felix Lierbermann's stately yet somewhat outdated *Die Gesetze der Angelsachsen* (1903). The volume itself is quite comprehensive. It divides Wulfstan's work into three main

categories: political tracts, ecclesiastical law codes, and royal legislation. There are also two useful appendices: Appendix 1 contains works of uncertain provenance which have been questionably attributed to the archbishop, such as "The Northumbrian Priests' Law" and "The Obligations of Individuals and Reeves". Appendix 2 contains various texts revised and reworked by the archbishop, most probably for his personal use, though it is possible

he also intended them for wider circulation: I Athelstan, I Edmund, 2 Edgar and 3 Edgar. “Notes to the Text”, as well as “Notes to the Translations” are provided, alongside an index and bibliography. The deliberate lack of extensive commentary on the texts in the Dumbarton Oaks series can be overlooked, because a more in-depth discussion can be found in Rabin’s *The Political Writings of Archbishop Wulfstan of York* (2015).

The translation itself is concise and easy to read. Rabin follows the texts closely but manages to avoid the constraints of Old English syntax. The result is a text that is both easy to read and faithful to the source material. For example, *se mæne aþ* (238), “the wicked oath”, is rightfully and more efficiently translated as *perjury*. 2 *Cnut* uses terms such as *fyrdwite* (260), a “fyrd-fine”, which Rabin aptly translates as a fine for neglecting military duties. Phrases such as *and ne nime nan man nane næme* (262) are adapted into an easier “no one shall execute a legal repossession”. Rabin avoids renaming texts and confusing readers, and uses the consecrated titles of the various texts: Liebermann’s titling for the legislation, Thorpe’s now universally accepted *Institutes of Polity* and so on.

Perhaps the most noteworthy aspect of this work is that it allows the reader to clearly visualize the road map of Wulfstan’s legislative career. For example, Wulfstan mentions payments of tithes and dues that stem from *EGu* 6-6.4. as follows: *V Atr* 11, 11.1, *VI Atr* 16-20, *VIIa Atr* 2.2, 5, *VII Atr* 1.1, 1.2, 1.3, *VIII Atr* 6-14, *1018 Cnut* 13-14, *I Cnut* 8-14. However, it is only in *I* and *II Cnut* that we are presented with a particularly mixed tone of both severity and mercy. *II Cnut* punished counterfeiting with the loss of hands

(8.1), which could be tied to the economic straits in which the country found itself after the collapse of Æthelred’s reign. In such a context, counterfeiting and overall corruption would have been perceived as greater offences. All the while, *II Cnut* 30.1-5 goes to great lengths to avoid killing or violence altogether. If someone was deemed untrustworthy by the hundred, and was *swa ungetrywe þam hundrede and swa tihtbysig* (270), one had to undergo the threefold ordeal. In case of a first proof of guilt, he was to pay twice the fine to the accuser, and his wer-gild to his lord. In case of a second offence, mutilation was prescribed without recourse to payment: either hands or feet would be cut off. Moreover, if this persisted a third time, the eyes would be gouged and the nose, ears and upper lip cut off, or the scalp taken off. The brutality of these punishments notwithstanding, these provisions are made in order to avoid capital punishment. *EGu* 2 presents the wording *be þam þe seo dæd sy* (2), “according to the nature of the crime”, in the case of heathen worship or failure to uphold Christian duties. Punishment matching the severity of the crime is a point Wulfstan brings up many times in his later codes. It can be found in *V Atr* 31, regarding the obstruction of the legal prerogatives of the Church by the king; in *VII Atr* 5, where bishops are given authority to mete out punishment as they see fit in the case of slave trafficking; in *VIII Atr* 4, concerning the violation of church sanctuary; in *VIII Atr* 29, concerning the transgressions of priests (here too punishment must be commensurate with the gravity of the offence); *VIII Atr* 34, where conspiring against the property or life of a cleric or stranger must be punished according to the nature of the crime committed. *1018*

Cnut mentions that punishment has to be *for worlde aberendlic* (212), “acceptable to the community”, and therefore implies considerable flexibility; *1 Cnut* 3 deals with violation of church sanctuary without loss of life, and calls for appropriate punishment depending of the gravity of the transgression, while *2 Cnut* 61.1 states that compensation for lesser crimes is to be decided *be þam þe seo dæd sy*. This indicates Wulfstan’s growing awareness of the need for a more flexible legislative system. Even without extensive discussion, this volume does a wonderful job at showcasing the changes in the archbishop’s and, by extension, the country’s priorities and needs.

In any case, what has been sacrificed is ultimately of importance only to

experts, and it deducts nothing from the achievement of this volume: a wonderfully concise showcase of how Wulfstan’s works evolved during his position as late Anglo-Saxon England’s chief legislator, and how his attempts to reform the Church and save the English people translated into his codes of laws and political tracts. Wulfstan struggled his entire career to re-define the relation between the two spheres, secular and ecclesiastical, especially when it came to matters of procedure and jurisdiction. This endeavour is present in his *Institutes of Polity*, and is showcased through the tripartite organization of the state, as well as the laws of Æthelred and Cnut. A fascinating part of the struggles of late Anglo-Saxon England is now accessible to readers.

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