

A TALE OF TWO CHARTERS: DIPLOMA PRODUCTION AND POLITICAL PERFORMANCE IN ÆTHELREDIAN ENGLAND

This paper investigates the role of royal diplomas during the reign of King Æthelred II ('the Unready') of England. Focusing on the two longest authentic documents in his name, it argues that these bear witness to significant political turning points. Their wording is highly charged, suggesting that they were not passive witnesses to developments, but active participants therein; their promulgation was an essential part of how new programmes were presented and enacted. As such, they shed salient light on the nature of political performance in Æthelredian England, revealing how the king communicated with his subjects during one of the longest and most eventful reigns in English history.

King Æthelred II of England (978–1016) – better known to posterity as ‘the Unready’ – has, it would be fair to say, received something of a bad press.¹ As Simon Keynes has shown, the only contemporaneous narrative of his reign, provided by the ‘C’, ‘D’ and ‘E’ versions of the *Anglo-Saxon Chronicle*, was composed after the king’s death, probably in or around London. Its perspective is teleological and its account tendentious: it seeks to present the Danish conquest of 1016 as the inevitable result of national incompetence.² As an historical account it must, therefore, be handled with great care: although it includes much informative detail, it

¹ It is a privilege and an honour to be able to present this article to the scholar who has done more than any other to enrich our understanding of Æthelred’s reign. I offer it in fond memory, in particular, of an electrifying undergraduate supervision offered in Lent Term 2005, in which he laid out the lineaments of his forthcoming work on Wulfstan and the *Sermo Lupi*; I have not looked back since, nor have I ceased to be inspired by his example. Provisional versions of the following were presented at the British Academy Anglo-Saxon Charters Symposium and the Manchester Centre for Anglo-Saxon Studies; I am grateful to both audiences (as well as to the editors of this volume) for comments, questions and occasional good-humoured disagreement.

² S. Keynes, ‘The Declining Reputation of Æthelred the Unready’, *Æthelred the Unready: Papers from the Millenary Conference*, ed. D. H. Hill (London, 1978), pp. 227–53, rev. and repr. in *Anglo-Saxon History: Basic Readings*, ed. D. Pelteret (New York, 2000), pp. 157–90; *idem*, ‘A Tale of Two Kings: Alfred the Great and Æthelred the Unready’, *TRHS* 5th ser. 36 (1986), 195–217, at pp. 201–3. See also now C. Konshuh, ‘Anraed in their Unraed: the Æthelredian Annals (983–1016) and their Presentation of King and Advisors’, *English Studies* 97 (2016), 140–62.

is an unreliable guide to the realities of Æthelredian politics. The only option available to the historian wishing to understand this period, as Keynes notes, is to prioritize the reports of strictly contemporary sources; to study the charters, royal decrees and coinage of these years. Keynes himself has undertaken this endeavour on a number of occasions and the results are most instructive.³ The present paper is conceived of as a contribution to this ongoing project, discussing two of the longest and most important diplomas of Æthelred's reign.

The documents in question are S 876 (*Abing* 124), the Æthelred Orthodoxorum charter, and S 911 (KCD 714), the Eynsham foundation charter. These documents are well known, but their similarities have only been noted in passing and much of what follows seeks to demonstrate that they must be understood as a pair.⁴ Thus conceived, they reveal a great deal about the politics of Æthelred's reign.

The first of these documents, the Æthelred Orthodoxorum charter, has received a great deal of attention. Its context is provided by the king's early experiences of rule. Æthelred first acceded in 978 as a boy of somewhere between nine and twelve, and in his earliest years a *de facto* regency, led by Æthelred's mother Ælfthryth, Bishop Æthelwold of Winchester and Ealdorman Ælfhere of Mercia, seems to have run the affairs of the realm on his behalf. In

³ S. Keynes, *The Diplomas of King Æthelred 'the Unready', 978–1016: a Study in their Use as Historical Evidence* (Cambridge, 1980), pp. 154–231; *idem*, 'Æthelred II ("the Unready")', King of the English (c. 966×8–1016)', *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and B. Harrison, 60 vols. (Oxford, 2004), I, 409–19; *idem*, 'Re-Reading King Æthelred the Unready', *Writing Medieval Biography, 750–1250: Essays in Honour of Professor Frank Barlow*, ed. D. Bates, J. Crick and S. Hamilton (Woodbridge, 2006), pp. 77–97.

⁴ On S 876 (*Abing* 124), see Keynes, *Diplomas*, pp. 98–101 and 176–8; *idem*, 'Re-Reading', pp. 91–3; P. Stafford 'Political Ideas in Late Tenth-Century England: Charters as Evidence', *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, ed. P. Stafford, J. L. Nelson and J. Martindale (Manchester, 2001), pp. 68–82, repr. in and cited from her *Gender, Family and the Legitimation of Power: England from the Ninth to the Early Twelfth Century* (Aldershot, 2006), no. VII; C. Cubitt, 'The Politics of Remorse: Penance and Royal Piety in the Reign of Æthelred the Unready', *Historical Research* 85 (2012), 179–92; and L. Roach, 'Penitential Discourse in the Diplomas of King Æthelred "the Unready"', *JEH* 64 (2013), 258–76. On S 911 (KCD 714), see S. Keynes, 'An Abbot, an Archbishop, and the Viking Raids of 1006–7 and 1009–12', *ASE* 36 (2007), 151–220, at p. 160; *idem*, 'King Æthelred's Charter for Eynsham Abbey (1005)', *Early Medieval Studies in Memory of Patrick Wormald*, ed. S. Baxter *et al.* (Farnham, 2009), pp. 451–73; and S. Wood, *The Proprietary Church in the Medieval West* (Oxford, 2006), pp. 408–12. The only of these to note the similarities between the two (in both cases in passing) are Keynes, 'Æthelred's Charter', pp. 459 and 469; and Roach, 'Penitential Discourse', p. 274.

984, however, this came to an abrupt end. It was in this year that Æthelwold, one of the key figures in the regency and a close associate of Queen Ælfthryth, passed away and his death precipitated a sudden change in political climate. Thereafter Ælfthryth disappears from diploma witness-lists – whether she was banned from court or simply chose to keep her distance is unknown – and new figures rose to prominence.⁵ In the following years the king despoiled a number of religious houses, granting lands and rights belonging to them to his new favourites. Centres associated with Æthelwold suffered particularly heavily, including Abingdon (the prelate's first monastic foundation), the Old Minster in Winchester (his bishopric) and Glastonbury (where he had received his training in monastic life). However, these years also witnessed a number of calamities: in 986 England experienced a bout of murrain, and the later 980s witnessed the return of the vikings, culminating in the defeat of a major English force at Maldon in 991 and further reverses in the following years. This occasioned something of a crisis: no diplomas are known to have been issued for 991 or 992, and when the stream resumes it is in striking fashion.

It is in this context, at Pentecost 993, that the king called together a council at Winchester at which he promised to amend his youthful wrongdoing, starting by restoring liberty to Abingdon. The charter recording this act is the diploma in question, issued some six weeks later at Gillingham (probably in Dorset).⁶ It would seem that the grant itself was enacted at the first event, but for various reasons – not least the length of the resulting charter – it was deemed preferable to hold off the production of the written documentation for a later gathering.⁷ In restoring Abingdon's liberty Æthelred was taking the first steps towards turning his back on his so-called 'youthful indiscretions'; he was re-embracing the legacy of Æthelwold and the monastic reform, and doing so in emphatic fashion. The charter's

⁵ Keynes, *Diplomas*, pp. 163–86. For Ælfthryth's attestations, see S. Keynes, *An Atlas of Attestations in Anglo-Saxon Charters, c. 670–1066*, rev. ed. (Cambridge, 2002), table LIX.

⁶ S 876 (*Abing* 124). Gillingham in Kent is also a possibility, though less likely.

⁷ The distinction here is between what diplomatists sometimes call *actum* and *data*: H. Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, 2 vols., 2nd ed. (Berlin, 1912–31), II, 446–78.

enactment was carefully choreographed to create maximum effect: the original council took place at Pentecost, one of the three great church festivals; it was held at Winchester, Æthelwold's old see; and it witnessed the restitution of liberty to Abingdon, Æthelwold's most important foundation. This was clearly a programmatic act: it marks the return of Æthelwoldian circles to royal favour and the resulting diploma is the first attested by Ælfthryth since the prelate's death. The charter's text is unusually long (it is the second longest authentic document in the king's name), including many revealing details. It opens with a lengthy proem meditating upon the Fall and Redemption of Man, particularly poignant themes in the light of Æthelred's recent actions. This is followed by a narrative section (or *narratio*) explaining how the king and his nation have suffered various afflictions (*angustiae*) ever since Æthelwold's death (i.e. the moment he first struck out on his own!). These, so the document continues, inspired Æthelred to reflect upon his actions, coming to the conclusion that these misfortunes (*infortunia*) had come to pass partly because of his youth and partly because of the detestable love of money (*philargiria*) of others, who ought to have advised him better. Here the king singles out Bishop Wulfgar of Ramsbury and Ealdorman Ælfric as those who had offered him money to infringe upon Abingdon's liberty, selling the post of abbot to Eadwine, the latter's brother. However, wishing now to be freed from the 'terrible anathema' (*exhorrendo anathemate*) he had thus incurred,⁸ the king explains how he called together a council at Winchester, at which he admitted to wrongdoing, promising to reject the money he had previously received and to restore Abingdon's liberty in exchange for masses and psalms freely performed by the monks (and also in the hope of being able to enjoy his own share in eternal liberty). Finally, Æthelred praises the present abbot, Wulfgar, before detailing the history of the centre's liberty, stretching back to the time of the ninth-century

⁸ On the importance of such maledictions, see C. Cubitt, 'Archbishop Dunstan: A Prophet in Politics', *Myth, Rulership, Church and Charters: Essays in Honour of Nicholas Brooks*, ed. J. Barrow and A. Wareham (Aldershot, 2008), pp. 145–66 at 163–4.

Mercian ruler Coenwulf. The main text then comes to a close with a sanction threatening eternal damnation on anyone who, for love of money (*philargiria*), breaches its terms.

The tenor of this document suggests a heightened degree of royal interest: it speaks of the king's innermost thoughts and feelings and singles out individual magnates (including Ealdorman Ælfric, who was still alive and in office) for censure.⁹ The manner in which these thoughts are expressed suggests that the king was motivated by church teachings about sin and repentance: he (or rather his draftsman, acting in his name) presents recent misfortunes as a consequence of youthful error, expressing the hope that by making amends he will be able to restore order to the realm. The language employed confirms the repentant nature of the act. The Fall of Man, with which the proem opens, is a penitential commonplace, frequently alluded to in continental rites for public penance (and mentioned in Wulfstan of York's Ash Wednesday and Maundy Thursday sermons).¹⁰ This was also a favoured metaphor within the circles of reform, whose leaders framed their efforts as an attempt to restore England's monasteries to a pre-lapsarian state.¹¹ The manner in which the king's reflections are described is similarly suggestive: he is said to be 'pricked by conscience through the grace of the Lord' (*Domini conpuctus gratia*), *compunctio* being associated with penitential contrition in these years.¹² The issuing of this document was, therefore, a demonstrative act: it not only restored Abingdon's liberty, but also signalled the king's remorse, laying the foundations for his actions in future years, which saw a series of restitutions to houses which had suffered in the 980s. The core message is hard to miss: the depredations of previous years are over, as is

⁹ Since the diploma stipulates that the ealdorman 'is still alive' (*qui adhuc superest*) there can be little doubt that Ælfric of Hampshire and not Ælfric Cild is intended (the latter had been exiled in 985, after only two years in office): Keynes, *Diplomas*, p. 177, n. 91. Cf. *Charters of Abingdon Abbey*, ed. S. E. Kelly, 2 pts, AS Charters 7–8 (Oxford, 2000–1), pp. cxc–cxci.

¹⁰ S. Hamilton, *The Practice of Penance, 900–1050* (Woodbridge, 2001), pp. 18, 34, 36 and 114; M. Mansfield, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France* (Ithaca, NY, 1995), p. 173; *The Homilies of Archbishop Wulfstan*, ed. D. Bethurum (Oxford, 1957), pp. 233–8.

¹¹ J. Barrow, 'The Ideology of the Tenth-Century English Benedictine "Reform"', *Challenging the Boundaries of Medieval History: The Legacy of Timothy Reuter*, ed. P. Skinner (Turnhout, 2009), pp. 141–54.

¹² H. Foxhall Forbes, 'The Development of the Notions of Penance, Purgatory and the Afterlife in Anglo-Saxon England' (unpubl. PhD dissertation, Cambridge Univ., 2008), pp. 103–7.

the dominance of those who lay behind these. This charter provides a context for the otherwise enigmatic *Chronicle*-report that ‘in this year [i.e. 993] the king ordered Ælfgar, the son of Ealdorman Ælfric, to be blinded’.¹³ As we have seen, Ælfric was one of those who had infringed upon Abingdon’s liberty in 984, and his son had also been involved in usurping monastic lands in previous years; the latter’s blinding is therefore symptomatic of the family’s fall from grace.¹⁴

This message is reinforced by two sets of textual allusions to the *Regularis concordia* within the charter. The first is in the proem, which describes Æthelred’s recollections in the following terms: ‘I recalled to memory this misfortune, in part on account of the ignorance of my youth – which is accustomed to employ various pursuits (*diversis solet uti moribus*) – and in part, moreover, on account of the detestable love of money of certain others, who ought to have counselled for my benefit’. This is a clear calque on the preface to the *Concordia*, which describes Edgar’s youth as follows: ‘from the start of his boyhood, as is customary of that age (*uti ipsa solet aetas*), he engaged in various pursuits (*diversis uteretur moribus*), but was also touched by divine regard; diligently admonished and shown the royal way of orthodox faith by a certain abbot, he began to fear, love and venerate God greatly’.¹⁵ This verbal link creates a subtle but unmistakable contrast: whilst despite the various distractions of youth Edgar heeded the advice of ‘a certain abbot’ (almost certainly Æthelwold himself) and was filled with fear and love of God, Æthelred fell victim to these, indulging in various misdemeanours. In echoing this phrase the draftsman casts Æthelred’s actions in the 980s in the worst possible

¹³ ASC 993 CDE, ed. K. O’Brien O’Keeffe, *The Anglo-Saxon Chronicle: MS C*, *The Anglo-Saxon Chronicle: A Collaborative Edition 5* (Cambridge, 2001), pp. 86–7: ‘On þyssum geare het se cyning ablendan Ælfgar, Ælfices sunu ealdormannes’.

¹⁴ See S 861 (KCD 655), S 891 (KCD 698), S 918 (*Abing* 135); with L. Roach, *Æthelred the Unready* (New Haven, CT, 2016), ch. 4.

¹⁵ S 876 (*Abing* 124): ‘ad memoriam reduxi . partim hec infortunia pro meae iuuentutis ignorantia **que diuersis solet uti moribus** . partim etiam pro quorundam illorum detestand[a] philargiria qui meae utilitati consulere debebant accid[isse]’; *Regularis concordia*, ch.1, ed. T. Symons and S. Spath, *Corpus Consuetudinum Monasticarum* 7.iii (Siegburg, 1984), p. 69: ‘... ab ineunte suae pueritiae aetate, **licet uti ipsa solet aetas diuersis utereetur moribus**, attamen respectu diuino attactus abate quodam assiduo monente ac regiam catholicae fidei uiam demonstrante cepit magnopere deum timere, diligere ac uernarari.’ (Emphasis added.)

light, but presents the restoration of Abingdon's liberty as a return to the pious ways of his forbears. The *Regularis concordia* itself had been drafted by Æthelwold and the king's reconciliation with his erstwhile regents thus even takes on a textual guise; he expresses his renewed support for Æthelwoldian reform in the prelate's own words.¹⁶ That this charter is indeed meant to represent a return to the politics of Edgar, Ælfthryth and Æthelwold is indicated by a second, lengthier set of borrowings from the *Concordia*: the entire first dating clause is modelled on that of this work and the 'synodal council of Winchester' (*synodale concilium Wintoniae*) of 993 is thus presented as the direct equivalent to the original 'synodal council of Winchester' convoked at Edgar's request (indeed, one wonders if the draftsman chose to call the former event a 'synodal council' to underline this parallel).¹⁷ Such allusions would not have fallen on deaf ears: the original Council of Winchester (c. 970) was still within living memory and many of those present at Winchester and Gillingham must have known the *Concordia* well.¹⁸

This charter can thus be read as something of a political manifesto, a statement of the new direction of the 990s. Its physical appearance is commensurate with its political importance: it is one of the grandest Anglo-Saxon charters to survive in single-sheet format. Even at a visual level it embraces the best traditions of Æthelwoldian reform: written throughout in a clear Anglo-Caroline hand – making it the first royal diploma to be entirely produced in what might be considered a fully Caroline script – of what has been identified as Style I, it is in the very style of writing Æthelwold and his students had promoted.¹⁹ One

¹⁶ On Æthelwold's draftsmanship of the *Concordia*, see M. Lapidge, 'Æthelwold as Scholar and Teacher', *Bishop Æthelwold: His Career and Influence*, ed. B. Yorke (Woodbridge, 1988), pp. 89–117, repr. in and cited from his *Anglo-Latin Literature 900–1066* (London, 1993), pp. 183–211, at 192–4.

¹⁷ H. Vollrath, *Die Synoden Englands bis 1066* (Paderborn, 1986), pp. 309–10, esp. 309, n. 70.

¹⁸ It has been suggested that the *Concordia* was issued in the mid-960s, but a later date still seems preferable. See J. Barrow, 'The Chronology of the Benedictine "Reform"', *Edgar, King of the English, 959–975: New Interpretations*, ed. D. Scragg (Woodbridge, 2008), pp. 211–23; and D. Pratt, 'The Voice of the King in "King Edgar's Establishment of Monasteries"', *ASE* 41 (2013), 145–204, at 170–2.

¹⁹ T. A. M. Bishop, *English Caroline Minuscule* (Oxford, 1971), pp. xxi–xxii and 13. Though doubts have been raised about this hand, which shows certain 'advanced symptoms', these are not sufficient to discard it as a later

further anomaly deserves comment: the witness-list. Most of the crosses next to the names of those attesting the charter are different in shape and aspect, making them the only securely identified autographs in a pre-Conquest diploma.²⁰ Close inspection reveals that at least two types of ink were used to produce these: the crosses of the first eight bishops are in a lighter ink similar to that of the main text (as is that of Ealdulf of Worcester, at the very end of the first column of attestations), whilst those of bishops Ordbricht of Selsey and Wulfsgie of Sherborne, in ninth and tenth positions (immediately before Ealdulf), are darker. This darker ink is also found at a few other places in the witness-list: in Wulfsgie's name itself, which has been added into a blank space left for this purpose; in the autograph crosses next to the names of five of the abbots (Ælfsige of the New Minster, Lyfing of Chertsey, Ælfric of Malmesbury, Ælfhun of Milton and Ælfwine of Westminster); and in Ælfwine's own name, which like Wulfsgie's is a later insertion (this time at the start of two blank columns on the far right of the charter, left to facilitate such additions). This darker ink also seems to have been used for the names of the main actors within the body of the charter, which were added after the rest of the text in rustic capitals (spaces had also been left for this purpose). It stands to reason that most if not all of these additions were made at the same time. That crosses are not found beside the names of all the witnesses strengthens the case for treating those present as *bona fide* autographs: evidently not all of those in attendance at the Winchester council were present at Gillingham and in a position to sign it.

This diploma was clearly produced in two or three stages and this rather complicated process of gestation explains the otherwise unusual presence of two dating clauses within it: the first, relating to the council of Winchester, states that the act of restitution took place on

copy. Cf. D. N. Dumville, *English Caroline Script and Monastic History: Studies in Benedictinism, A.D. 950–1030* (Woodbridge, 1993), p. 135, n. 110.

²⁰ London, British Library, Cotton Augustus ii. 38. A facsimile can be found in E. A. Bond *et al.*, ed., *Facsimiles of Ancient Charters in the British Museum*, 4 vols. (London, 1873–8), III, no. 36. What follows builds on the excellent analysis in S. Keynes, 'Church Councils, Royal Assemblies, and Anglo-Saxon Royal Diplomas', *Kingship, Legislation and Power in Anglo-Saxon England*, ed. G. R. Owen-Crocker and B. W. Schneider (Woodbridge, 2013), pp. 17–182, at 112–16.

this occasion; meanwhile the second, relating to the Gillingham gathering, presents this event in terms of confirmation: it notes that the *auctoritas* of the diploma had then been granted and corroborated (*concessa et corroborata*) and that, following a mass in the oratory, the charter had been confirmed (*confirmata*) by those present. It is hard to know what exactly is meant here by ‘granting and corroborating’ and ‘confirmation’, but one possible scenario is that the charter was first presented to the recipients before the mass, some of whom signed it then (in lighter ink), then after the service those who had not already done so confirmed the document by appending their own crosses (in darker ink). It would presumably have been at this second stage that the names of those marked for distinguished treatment in the main text were added in majuscule. This final act was certainly anticipated, since the draftsman left spaces for this purpose. As we have seen, he also left space for additional names to be included at the end of the witness-list. As Simon Keynes notes, all indications are that he was working from a memorandum recording attendance of the original Winchester council, but thought it prudent to allow space for figures not present there but now in attendance at Gillingham.²¹ It is for this reason that Wulfsgie appears both as abbot of Westminster (in lighter ink, without an autograph cross) and bishop of Sherborne (in darker ink, this time with a plausibly autograph cross): he seems to have been appointed bishop between the two gatherings (or perhaps at the start of the latter) and chose to sign in his new, more elevated post. The same is presumably true of Ælfwig, who replaced Wulfsgie as abbot of Westminster and whose name is also added in darker ink. That both of these figures are amongst those who signed the document reinforces the impression that the crosses in question stem from the Gillingham gathering, rather than being added in a series of later stages, as Susan Kelly proposes.²² When the first round of episcopal attestations (in lighter ink) took place is hard to establish, but Ockham’s razor suggests that this happened earlier on during the same event, perhaps soon after the

²¹ Keynes, ‘Church Councils’, pp. 112–13.

²² Kelly, *Charters of Abingdon*, pp. cxiii–cxiv.

production of the original charter (whose main text is written in similar ink). It may be no more than a wishful thought, but one wonders whether these two rounds of subscriptions are not what the draftsman had in mind when he described the document undergoing two distinct stages of confirmation: a first before the mass (in lighter ink) and a second thereafter (in darker ink). If so, he must have written these words in anticipation of the latter act; but this is by no means inconceivable – as we have seen, he had already left spaces for this purpose. In any case, only the lighter crosses besides the names of Wulfric of St Augustine's and Byrhtnoth of Ely seem to stem from the main scribal hand, and here we are probably dealing with a slip (these names stand on their own in a space between the second and third columns of attestations, and the scribe may have absent-mindedly reverted to his usual practice here).²³ Unfortunately, we cannot be certain whether the laymen in attendance signed the charter, since the relevant section of the parchment is heavily damaged. Space would have been tight, but there are traces of what may have been an autograph cross next to the name of Abbot Leofric of St Ablans at the start of this column, so the possibility cannot be entirely dismissed. Nevertheless, no such traces can be found next to the names of ealdormen Ælfric and Ælfhelm or the first two thegns who follow them, where the parchment is somewhat better preserved, which seems to militate against the proposition. Indeed, there is a surprisingly small number of lay witnesses. This might reflect the ecclesiastical nature of the gathering (the Winchester assembly is, after all, described as a church council), but it is equally possible that the scribe of the original memorandum simply ran out of space – he had already included an unusually high number of ecclesiastical attestors and the blank columns left on the far right of the final witness-list (where the thegns would normally attest) suggest that the inclusion of additional laymen was foreseen. In any case, the signing of this document must have been a demonstrative act, much like the signing and sealing of charters

²³ As Keynes, 'Church Councils', p. 114, suggests.

elsewhere in Europe: it publicly enacted the consent of the kingdom's leading churchmen to this most extraordinary of grants.²⁴

This is not the place to go into the complex links between this document and the earlier Orthodoxorum charters in favour of Abingdon; suffice to say that while these other documents are unlikely to be authentic in the full sense of the term, this does not materially affect the arguments presented here: were the Æthelred Orthodoxorum charter to be modelled on genuine diplomas in the names of Eadwig and Edgar, this too would have suited the king's needs – like the reminiscences to the *Regularis concordia*, it would have aligned his actions with those of his father and the earlier reformers. Still if, as seems likely, this is indeed the only authentic charter of this type,²⁵ then it becomes all the more poignant a statement of the king's regret at this point. Before leaving the document, however, it is worth emphasizing once more that it stands at the start of a series: it initiated a number of restitutions and pious donations in the 990s, all of which were intended to court divine favour and many of which were specifically designed to rehabilitate the legacy of Æthelwold and the reform.²⁶

We must now turn to the second document, the Eynsham foundation charter (S 911). This was issued in 1005 at another key moment in Æthelred's reign. Although it only survives in later copies (most notably in the late twelfth-century Eynsham Cartulary), there is no reason to doubt its authenticity: its formulation finds close parallels in authentic documents of the

²⁴ See, e.g., B. Bedos-Rezak, 'Ritual in the Royal Chancery: Text, Image and the Representation of Kingship in Medieval French Diplomas (700–1200)', *European Monarchy: Its Evolution and Practice from Roman Antiquity to Modern Times*, ed. H. Duchhardt, R. Jackson and D. Sturdy (Stuttgart, 1992), pp. 27–40; B.-M. Tock, 'La mise en scène des actes en France au Haut Moyen Âge', *FS* 38 (2004), 287–96; and H. Keller and S. Ast, 'Ostensio cartae. Italienische Gerichtsurkunden des 10. Jahrhunderts zwischen Schriftlichkeit und Performanz', *Archiv für Diplomatik* 53 (2007), 99–121, esp. 120.

²⁵ See L. Roach, 'The Privilege of Liberty in Later Anglo-Saxon England', *Magna Carta: Charters and Liberty in the Middle Ages*, ed. N. Vincent and S. Ambler (Woodbridge, forthcoming), arguing that the Orthodoxorum charters in favour of Abingdon and Pershore (and possibly also Romsey) are forgeries of the 990s.

²⁶ Cubitt, 'Politics of Remorse'; L. Roach, 'Apocalypse and Atonement in Later Anglo-Saxon England', *English Studies* 95 (2014), 733–57, at 734–43.

period and its lengthy witness-list shows no signs of anachronism.²⁷ The background to the privilege is provided by the politics of the late 990s and early 1000s. As we have seen, the period from 993 on witnessed a concerted effort to propitiate God through pious acts. By the latter years of the decade, however, it must have become increasingly clear that these initial efforts had failed. There are signs of growing concern: the tone of the king's diplomas becomes darker and it was in these years that Wulfstan of London (latterly of York) began to write sermons warning his listeners of the coming apocalypse. The clearest sign of tension is the Massacre of St Brice's Day (1002), which saw the king and his counsellors order the execution of 'all the Danish men' within his realm (apparently recent arrivals, above all mercenaries).²⁸ Thereafter, things went from bad to worse. In 1003–4 the Danish ruler Swein Forkbeard devastated much of the eastern coast of the kingdom, and though he departed in 1005, this brought little respite: the year saw severe famine throughout Western Europe, including the British Isles (it was this which presumably occasioned the withdrawal of the Danish force).²⁹ It must have been painfully clear that a new direction was needed. Æthelred's response is telling: as he had twelve years earlier, he issued a diploma of unusual length and narrative detail – the Eynsham charter. This is a worthy successor to the Abingdon privilege of 993. Although the original does not survive, it must have been on a similar scale, if not larger: whereas S 876 boasts some 1,300 words of text followed by 50 attestations, the Eynsham charter runs to roughly 1,600 words with 86 names entered into the witness-list.³⁰

What the size of this document already suggests is confirmed by its wording: like S 876, the text of S 911 is in a number of respects extraordinary, bearing witness to the charged atmosphere in which it was produced. It opens with a proem meditating on the ills which the

²⁷ S 911 (KCD 714); with Keynes, 'Æthelred's Charter', esp. pp. 462–4.

²⁸ S. Keynes, 'The Massacre of St Brice's Day (13 November 1002)', *Beretning fra seksogtyvende tværfaglige vikingessymposium*, ed. N. Lund (Aarhus, 2007), pp. 32–67.

²⁹ ASC 1005 CDE, ed. O'Brien O'Keeffe, p. 91. See F. Curschmann, *Hungersnöte im Mittelalter. Ein Beitrag zur deutschen Wirtschaftsgeschichte des 8. bis 13. Jahrhunderts* (Leipzig, 1900), pp. 108–10, assembling the continental evidence.

³⁰ Keynes, 'Æthelred's Charter', p. 459.

English are enduring and the decisions taken by Æthelred and his counsellors to avert these. The king explains how he decreed that God's wrath, which has come upon the nation 'more than is usual' (*plus quam solito*), should now be assuaged 'by the continuous display of good works' (*continua bonorum operum exhibitione*). He notes specifically how 'since in our times we suffer the fires of wars and the pillaging of our wealth, and also from the cruellest plundering of the ravaging barbarian host, the manifold tribulation of pagan peoples, and of those reducing us almost to destruction, we discern that we are living in dangerous times'.³¹ It is most unusual for diplomas to refer to contemporary events in this manner and the Eynsham charter goes considerably further than the Abingdon privilege in this respect. While the latter refers vaguely to the *angustiae* and *infortunia* of the later 980s and early 990s, here the problems of the kingdom are spelled out: the ravages and plundering of the 'barbarian host'.³² This section echoes the proem of the so-called 'First Decimation' charters purportedly issued by King Æthelwulf in 844; however, as Keynes has shown, the latter documents were almost certainly modelled on the Eynsham privilege, which not only gives the more grammatically correct version of the relevant passage, but was also issued in a context in which such sentiments make good historical sense (the scattered Scandinavian raids of the 830s and early 840s could scarcely be said to have brought the English 'almost to destruction').³³

The ideas expressed in this opening section chime well with other texts of Æthelred's reign. In particular, the last line of the quoted passage, explaining that recent attacks are signs that the English are living in 'dangerous times' (II Timothy III.1) finds close parallels in the letter sent to Bishop Wulfsig of Sherborne by an unnamed metropolitan (probably Ælfric of Canterbury [995–1005]), which employs the same phrase to describe to the present state of

³¹ S 911 (KCD 714): 'Et quia in nostris temporibus bellorum incendia direptionesque opumstrarum patimur, necnon ex uastantium crudelissima depredatione hostium barbarorum, paganarumque gentium multiplici tribulatione, affligentiumque nos usque ad internecionem tempora cernimus incumbere periculosa'.

³² Cf. F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), pp. 27–8.

³³ Keynes, 'Æthelred's Charter', pp. 464–8. Cf. *Charters of Malmesbury Abbey*, ed. S. E. Kelly, AS Charters 11 (Oxford, 2005), pp. 80–7.

affairs.³⁴ Ælfric of Eynsham also had recourse to this line in a piece about the duties of a preacher which he wrote as an addition to his First Series of Catholic Homilies (perhaps 1002 × 1006),³⁵ whilst Wulfstan quoted it in his sermon on Mark (1002 × 1008).³⁶ Any one or two of these instances might be deemed coincidence (this was a very popular biblical line); cumulatively, they suggest that it was something of a ‘catch phrase’ in these years. It may, moreover, be significant that this had been a favoured line of Alcuin of York, whose letters were the subject of intense scrutiny at this juncture: a number are excerpted in Wulfstanian manuscripts and the letter to Wulfsige itself is largely lifted from one sent by Alcuin to Eanbald of York.³⁷ Of particular interest from our present standpoint is the fact that Ælfric employs the line in a passage which Robert Upchurch argues was intended as a critique of Æthelred and his closest advisors; since the homilist was to become abbot of the new foundation at Eynsham (indeed, he had probably already been appointed to this role), one wonders if there might not be a closer connection here.³⁸ Perhaps Ælfric influenced the draftsman’s choice of words; alternatively (and perhaps more likely), the homilist himself may have been inspired by the charter’s sentiments (which he also quotes elsewhere). In any case, there may be a deeper connection between II Timothy III, whence the phrase is drawn, and the context of the diploma’s production: at this point the apostle speaks not only of the faithlessness which will precede the end of time, but also of how God saved him from persecution – the draftsman may well have wished the same for the English.

³⁴ *Councils and Synods with Other Documents relating to the English Church*, I, A.D. 871–1204, ed. D. Whitelock, M. Brett and C. N. L. Brooke (Oxford, 1981), no. 41, pp. 227–9.

³⁵ *Ælfric’s Catholic Homilies: The First Series Text*, ed. P. Clemoes, EETS s.s. 17 (Oxford, 1997), pp. 535–42, at 536. On the dating, see R. K. Upchurch, ‘A Big Dog Barks: Ælfric of Eynsham’s Indictment of the English Pastorate and Witan’, *Speculum* 85 (2010), 505–33, at 506–8; and cf. *Councils*, ed. Whitelock, pp. 259–60, noting that Fehr’s dating of Ælfric’s homily on the Nativity of the Virgin (on which Upchurch indirectly relies) is not above question; a slightly later date is thus conceivable.

³⁶ *Homilies of Wulfstan*, ed. Bethurum, pp. 134–41, at 134–5. On the dating, see S. Pons-Sanz, *Norse-Derived Vocabulary in Late Old English Texts: Wulfstan’s Works, A Case Study* (Odense, 2007), pp. 19–20 and 25.

³⁷ G. Mann, ‘The Development of Wulfstan’s Alcuin Manuscript’, *Wulfstan, Archbishop of York*, ed. M. Townend (Turnhout, 2004), pp. 235–78, esp. 245–6; *Councils*, ed. Whitelock, pp. 226–7. Cf. M. Garrison, ‘The Bible and Alcuin’s Interpretation of Current Events’, *Peritia* 16 (2002), 68–84, on Alcuin’s eschatology.

³⁸ Upchurch, ‘A Big Dog Barks’.

This eschatological tone is maintained as the proem continues. Æthelred goes on to state that it is most fitting that those ‘on whom the ends of the ages are come’ (*in quos fines saeculorum deuenerunt*) (I Cor. X.11) should examine themselves, thinking about how their souls are destined to live not only in this world but also the next. This line had been used earlier in a diploma issued upon the reform of Sherborne by Bishop Wulfsgie (998); as with the phrase from II Timothy, it was very much ‘in the air’ in these years.³⁹ However, it is not just the proximity of the end which is emphasized here; the second half of the passage goes on to offer the English instruction in how they should respond to earthly transience: since they are come unto the ends of the ages, they must consider the fate of their immortal souls. The draftsman develops these thoughts further, citing the asserting in Hebrews XIII.14 that humans do not have a permanent abode in this world and so must look to the next. He then emphasizes the fleeting nature of earthly riches before quoting Boethius’ *Consolation of Philosophy* to the effect that all human action is dependent on two factors, the will and the power, in the absence of which it is impossible to perform any task.⁴⁰ The *Consolation* was a common source of solace in the Middle Ages and the line in question had been cited in earlier royal diplomas; however, the borrowing here is longer than those previously witnessed and it is tempting to suggest that Æthelred and his advisors had direct recourse to Boethius’ wisdom at this point.⁴¹ The proposition is not so outlandish as it may sound: the *Consolation* was extremely popular in later Anglo-Saxon England and, thanks to the ‘Alfredian’ translation, might even have been available in the vernacular.⁴² In fact, Ealdorman Æthelweard, the father of the man responsible for founding Eynsham at this point (Æthelmær), praises this work in

³⁹ S 895 (*Sherb* 11).

⁴⁰ Boethius, *Philosophiae consolatio* IV. 2. 5–7, ed. L. Bieler, CCSL 94 (Turnhout, 1957), p. 67.

⁴¹ S 429 (*Shaft* 9), S 438 (BCS 714), S 470 (*WinchNM* 12); with Keynes, ‘Æthelred’s Diploma’, p. 460.

⁴² M. Lapidge, *The Anglo-Saxon Library* (Oxford, 2006), pp. 125, 127–8, 139–40, 173, 240, 243, 269 and 293; *The Old English Boethius: An Edition of the Old English Versions of Boethius’s De consolazione philosophiae*, ed. M. R. Godden and S. Irvine, 2 vols. (Oxford, 2009). More generally, see R. Love, ‘Latin Commentaries on Boethius’s *Consolation of Philosophy*’, *The Brill Companion to Alfred the Great*, ed. P. Szarmach and N. G. Discenza (Leiden, 2015), pp. 83–110, esp. 94–8 and 107–10.

his Latin *Chronicon*; it is, one imagines, exactly the sort of text on which he would have raised his son.⁴³ In any case, the proem comes to a close by emphasizing the importance of striving to do good, so that despite worldly concerns (*temporalia ... negotia*) one might secure eternal benefits.

Thereafter follows the dispositive section (or *dispositio*), covering the concrete details of the foundation. This maintains the Boethian theme, stating that, since Æthelred has both the will and the power, he has seen fit to have the transaction recorded for future generations. He explains how, at Æthelmær's request, he conceded the following privilege to Eynsham. The endowment is described as comprising 30 hides which the thegn had received from his son-in-law (*gener*) in exchange for lands elsewhere.⁴⁴ Stipulations are then set for the future of the foundation: the monks are to live in accordance with the Rule, while Æthelmær is to remain amongst them 'in the role of a father' (*patris uice*). Æthelred notes that the latter has appointed an abbot (apparently Ælfric, though he is not named) after whom successors are to be chosen by the monks by free election in consultation with the monarch. Finally, Æthelred charges himself with protecting the centre to the exclusion of (any other) secular authority. Such details are mostly what one might expect from the foundation charter of a reformed monastic house, and the lines in question echo the regulations of the Rule and the *Regularis concordia*. As we shall see, the final phrase about secular interference was also later quoted by Ælfric in his *Letter to the Monks at Eynsham*, further suggesting an association between the centre's future abbot and the privilege.⁴⁵ The rest of the dispositive section then gives a potted history of the abbey's estates, ending with a statement to the effect that Eynsham

⁴³ Æthelweard, *Chronicon* IV. 3, ed. A. Campbell (London, 1962), p. 51. On Æthelweard, see most recently M. Gretsch, 'Historiography and Literary Patronage in Late Anglo-Saxon England: The Evidence of Æthelweard's *Chronicon*', *ASE* 41 (2012), 205–48; and cf. M. R. Godden, 'Did King Alfred Write Anything?', *Medium Ævum* 76 (2007), 1–23, at 5–6.

⁴⁴ Wood, *Proprietary Church*, pp. 408–12; B. Yorke, 'Aethelmaer: The Foundation of the Abbey at Cerne and the Politics of the Tenth Century', *Cerne Abbey Millennium Lectures*, ed. K. Barker (Cerne Abbas, 1988), pp. 15–26, at 19–20.

⁴⁵ *Regula Benedicti*, ch. 64. 1–2, ed. J. Neufville with notes and an introduction by A. de Vogüé, 2 pts, Sources Chrétiennes 181–2 (Paris, 1972), p. 648; *Regularis concordia*, chs. 9–10 (ed. Symons and Spath, pp. 74–6); Ælfric's *Letter to the Monks at Eynsham*, ch. 63, ed. C. A. Jones, CSASE (Cambridge, 1999), p. 140.

should remain free of all burdens save the three expected of all lands (bridgework, fortress-work and military service). Finally, there comes a joint blessing-sanction, after which the bounds of the endowment are given.

It is here, immediately after the boundary clauses, that the most striking feature of the diploma is to be found: a first-person address in the vernacular by Æthelmær to Æthelred and his counsellors (*witon*). The thegn announces that he has given Eynsham to God and St Mary, and also to all of the saints and St Benedict, so that those who observe the Rule there can enjoy it for all time. He notes that he plans to remain leader (*ealdor*) of the community during his lifetime, but thereafter the monks are to choose a successor in accordance with the Rule. There follows a blessing on those who obey these stipulations and a curse on those who breach them, after which Æthelmær states his intention to live at the foundation for the rest of his days. Quite what we are to make of this is a good question. The West Country thegn is clearly trying to reserve a degree of control over his foundation and this section adds further detail to the rather allusive earlier statement to the effect that he will oversee affairs there ‘in the role of a father’.⁴⁶ Such a first-person address to the king and *witan* is unique within the corpus of Anglo-Saxon royal diplomas and finds its closest parallels in contemporary wills, which sometimes include statements to the effect that they are to be read before the king and his counsellors (generally in cases in which royal consent could not be obtained before the document had to be drawn up); it also echoes the language of vernacular letters and royal writs, all of which emerged out of the same epistolary tradition (in the latter case, perhaps in these years).⁴⁷ This section’s wording suggests that it is a record of an oral declaration, presumably made by Æthelmær before the assembly which witnessed the abbey’s foundation. Indeed, comparable texts, such as wills, writs and boundary clauses, were in the vernacular

⁴⁶ Wood, *Proprietary Church*, pp. 408–12 (cf. *ibid.*, pp. 312–412, for the bigger picture).

⁴⁷ L. Tollerton, *Wills and Will-Making in Anglo-Saxon England* (Woodbridge, 2011), pp. 67–70; *Anglo-Saxon Writs*, ed. F. E. Harmer (Manchester, 1952), pp. 1–38; Keynes, *Diplomas*, pp. 140–5.

because they were meant to be read aloud and the same is presumably true here.⁴⁸ There are also similarities with the oath sworn by the king at his consecration; it is unclear whether this was made in Latin or Old English (versions survive in both languages), but either way the text was apparently placed on the altar as a part of the proceedings. It would seem that such statements were written on schedules of parchment to facilitate public declamation, and this may provide the context for the integration of these details into the charter; presumably the draftsman had the text to hand and thought it worth including.⁴⁹ Whether Æthelmær did anything with this (hypothetical) schedule on the occasion of the foundation is, of course, impossible to say, but it is a pleasant thought that he might have placed it on an altar, gospel book or even the provisional text of the diploma itself in order to solemnize the transaction.⁵⁰ In any case, there is every reason to believe that it, like the autograph crosses appended to the Abingdon privilege, takes us right into the ritualized world of the assembly. That this is the only declaration of this nature to survive may not be entirely coincidental; the charter in question was associated with important political developments, in which Æthelmær himself was deeply implicated.

To appreciate the significance of this document we must return to its context. As noted, it was issued at a moment of crisis: after years spent seeking a solution to the viking problem, in the early 1000s those in power seem to have started losing faith in previous policies. If the Massacre of St Brice's Day is a first sign of desperation, the 'Palace

⁴⁸ P. J. Geary, 'Land, Language and Memory in Europe 700–1100', *TRHS* 6th ser. 9 (1999), 169–84. Cf. B. Danet and B. Bogoch, "'Whoever Alters This, May God Turn His Face from Him on the Day of Judgement': Curses in Anglo-Saxon Legal Documents', *Journal of American Folklore* 105 (1992), 132–65.

⁴⁹ M. Clayton, 'The Old English *Promissio regis*', *ASE* 37 (2008), 90–150, at 107–8 and 112–13. See also P. J. Geary, 'Oathtaking and Conflict Management in the Ninth Century', in *Rechtsverständnis und Konfliktbewältigung. Gerichtliche und außergerichtliche Strategien im Mittelalter*, ed. S. Esders (Cologne, 2007), pp. 239–54, for continental comparanda.

⁵⁰ One thinks of the tradition of copying property transactions into Gospel books and other precious volumes (often of a liturgical nature): *Charters of the Northern Houses*, ed. D. A. Woodman, *AS Charters* 16 (Oxford, 2012), pp. 316–23; *Charters of Christ Church Canterbury*, ed. N. P. Brooks and S. E. Kelly, 2 pts, *AS Charters* 17–18 (Oxford, 2013), pp. 143–7. Cf. M. Rangow, 'Ritual before the Altar: Legal Satisfaction and Spiritual Reconciliation in Eleventh-Century Anjou', *Medieval and Early Modern Ritual: Formalized Behavior in Europe, China and Japan*, ed. J. Rollo-Koster (Leiden, 2002), pp. 57–79.

Revolution’ of 1005–6, in which almost all of Æthelred’s senior courtiers fell from grace, provides clearer evidence of this. Just as the Eynsham charter bears similarities to the Abingdon privilege of 993, so too this act, which shortly followed the issuing of the charter, bears comparison to the events of the early 990s: in 1005 as in 993 the king decided that a change of course was required, and this decision was announced by issuing an unusually impressive diploma; moreover, as at the Council of Winchester, this change went hand in hand with a change in court factions – one group fell from favour, and another rose to take its place.⁵¹ However, there are important differences: while the years following 993 witnessed a gentle change of course (Ælfgar was blinded, but he was alone in this fate), the ‘palace revolution’ saw a spate of violent reprisals: Ealdorman Ælfhelm was slain, his sons Wulfheah and Ufegeat were blinded, and Wulfgeat was deprived of his property. Only shortly before this Ordulf and Æthelmær, the two most senior thegns at court, had left the scene: the former’s attestations stop in 1005 and, since he receives bequests in the will of Bishop Ælfwold of Crediton (1008 × 1012), it is presumed that he retired to his foundation at Tavistock; the latter, on the other hand, departed at the moment of Eynsham’s foundation. The importance of the Eynsham diploma lies in the fact that it was an essential part of this process: it is the document which paved the way for Æthelmær’s (and possibly also Ordulf’s) retirement from political life, preparing the ground for the more dramatic events of the following year. Like the Abingdon privilege, it casts recent events as divine punishment, suggesting that the king and his counsellors continued to see the Scandinavian threat primarily in moral terms. However, unlike the Abingdon diploma it witnessed a move against many leading patrons of reform, including individuals who had risen to prominence since 993.

⁵¹ The best account remains Keynes, *Diplomas*, pp. 209–14. See also *idem*, ‘Tale of Two Kings’, pp. 211–14; C. Insley, ‘Politics, Conflict and Kinship in Early Eleventh-Century Mercia’, *Midland History* 25 (2000), 28–43; A. Williams, *Æthelred: The Ill-Counselled King* (London, 2003), pp. 69–80; and E. Boyle, ‘A Welsh Record of an Anglo-Saxon Political Mutilation’, *ASE* 35 (2006), 245–9.

Given these similarities, we must ask why it is that Æthelred turned his back on so many erstwhile associates at this point. We can only speculate, but the answer would seem to lie in the very ideals of repentance and reform embraced since the 990s.⁵² At the heart of these lay the belief that present ills were the wages of sin; only the eradication of this could lead to lasting peace. Initial efforts may have focused on the king and his ‘bad’ counsellors, but it would not be long before others were implicated: the aim was to cleanse society at large and the language of purity and pollution abounds in the sources of these years. Even the Massacre of St Brice’s Day seems to have been conceived of in such terms: the St Frideswide’s charter of 1004, our earliest account of this event, presents the Danish settlers as polluting elements, as the cockles amongst the English wheat (cf. Matt. XIII.24–30).⁵³ As the situation got progressively worse, Æthelred and his advisors seem to have scaled up this programme. The events of 1005–6 were thus in a sense a natural continuation of the politics of the 990s; it was the same policy, writ large. This is not to say that the mercurial magnate Eadric Steona, who suddenly rose to prominence at this point, was not the architect behind this, as Simon Keynes has argued; it is merely to note that the rationale Eadric used to persuade the king is likely to have drawn on existing political discourse. That these events should indeed be understood in terms of moral purification is suggested by the actions of Ordulf and Æthelmær at this point: monastic retirement was a well-established practice elsewhere in Europe, where it frequently carried penitential undertones.⁵⁴ The punishment of blinding, meted out on Ælfhelm’s sons, could also be understood in such terms: bodily mutilation was considered an act of kindness, since it allowed the criminal the opportunity to

⁵² See Roach, *Æthelred*, ch. 5.

⁵³ S 909 (ed. S. R. Wigram, *The Cartulary of the Monastery of St Frideswide at Oxford*, I [Oxford, 1895], pp. 2–7); with Keynes, ‘Massacre’, pp. 33–6; and J. Wilcox, ‘The St. Brice’s Day Massacre and Archbishop Wulfstan’, *Peace and Negotiation: Strategies for Co-Existence in the Middle Ages and the Renaissance*, ed. D. Wolfthal (Turnhout, 2000), pp. 79–91, at 84.

⁵⁴ M. de Jong, ‘What was Public about Public Penance? *Paenitentia publica* and Justice in the Carolingian World’, *SettSpol* 44 (1997), 863–904, esp. 877–87.

atone for his wrongdoing before death.⁵⁵ These thus represent further attempts to cleanse society ('good works', in the language of the Eynsham charter); desperate times called for desperate measures and Æthelred clearly felt that earlier undertakings had stopped too short. That such ideas about sin and society should now be used against those who had first promoted them in the 990s is ironic, but by no means surprising. As Mayke de Jong and Courtney Booker have shown, penitential ideas were a double-edged sword in medieval politics; they might inspire reforming zeal when the going was good, but risked encouraging infighting and back-stabbing when things took a turn for the worse. The situation faced by Æthelred in his final decades is in certain respects comparable to that of Louis the Pious in the later 820s and early 830s, as described by de Jong and Booker: having bought into a penitential understanding of contemporary events, the only option available to him when the situation failed to improve was to up the ante, leading to ever more drastic culls of his leading magnates.⁵⁶ The punishments of 1006 are signs that Æthelred's regime had reached this critical tipping point: what had once been productive efforts to improve society through repentance, reform and moral purification were spiralling out into a cycle of mutual recrimination. That such sinister undertones lurk behind the Eynsham charter, which on the surface is a ringing endorsement of Æthelmær's reforming efforts, is suggested by the distinctive clause regarding secular interference. This reserves the king's right to involvement in the centre, but in doing so emphasizes that this prerogative is to be used 'not for the exercise of tyranny, but for the protection and benefit of the place' (*non ad tyrannidem sed ad munimen loci et augmentum*), sentiments which find no precedent in the equivalent sections of the Rule and *Regularis concordia*; evidently a strained relationship between monarch and

⁵⁵ K. O'Brien O'Keeffe, 'Body and Law in Late Anglo-Saxon England', *ASE* 27 (1998), 209–32; N. Marafioti, 'Punishing Bodies and Saving Souls: Capital and Corporal Punishment in Late Anglo-Saxon England', *Haskins Society Journal* 20 (2008), 39–57.

⁵⁶ M. de Jong, *The Penitential State: Authority and Atonement in the Age of Louis the Pious, 814–40* (Cambridge, 2009); C. Booker, *Past Convictions: The Penance of Louis the Pious and the Decline of the Carolingians* (Philadelphia, PA, 2009).

monastery was foreseen, and it is surely no coincidence that Ælfric was later to take up this line in his *Letter to the Monks at Eynsham*.⁵⁷

Reading the Abingdon and Eynsham charters in the manner proposed offers a number of new insights into the politics of the 990s and 1000s. That the two most decisive turning points in Æthelred's reign should have witnessed the production of his two longest diplomas is surely no coincidence. Though similar documents may have been produced and not survived, there cannot have been many: these charters stand out from the other diplomas of the era and were clearly intended to do something different, something out of the ordinary. They find few if any precedents in this regard. The diplomas of Æthelred's predecessors are for the most part streamlined affairs, and even the bombastic charters produced by the extraordinary draftsman-scribe known as 'Æthelstan A' in the later 920s and early 930s do not approach them in size, length and narrative detail.⁵⁸ In fact, the only earlier document which is even vaguely comparable in scale and ambition is the New Minster refoundation charter: produced by the monks at the New Minster and presented as a codex, rather than a single sheet of parchment, it was the first document to reveal the potential for longer, more politically charged privileges.⁵⁹ Still, as a recipient product, drawn up some time after the event and quite possibly never seen beyond cloister walls, this is a rather different kettle of fish; it was an important further step to producing and presenting single-sheet diplomas on this scale at royal assemblies. Why this should happen in Æthelred's reign takes us back to the political shifts discussed above: these documents were clearly part and parcel of how the king announced and enacted new programmes. As such, they are 'performative acts' in the sense

⁵⁷ S 911 (KCD 714). For discussion, see *Ælfric's Letter*, ed. Jones, pp. 44–6 and 213.

⁵⁸ D. A. Woodman, "'Æthelstan A' and the Rhetoric of Rule', *ASE* 42 (2013), 217–48; B. Snook, *The Anglo-Saxon Chancery: The History, Language and Production of Anglo-Saxon Charters from Alfred to Edgar* (Woodbridge, 2015), pp. 86–124.

⁵⁹ S 745 (*WinchNM* 25).

outlined by Geoffrey Koziol, documents which not only record a change in political climate but were actively involved in creating this change.⁶⁰

Æthelred and his advisors were thus doing something new. Although Anglo-Saxon diplomas had always possessed a performative aspect, in length, complexity and sheer size these charters far exceed anything which had hitherto been produced in single-sheet format.⁶¹ The inspiration seems to have come at least in part from within the circles of monastic reform: as noted, the first diploma produced on this sort of scale was the New Minster charter, a document drawn up by the local brothers and probably drafted by Æthelwold himself; the second, the Æthelred Orthodoxorum charter, was issued in favour of Abingdon and makes allusions to the *Regularis concordia* (another Æthelwoldian text); and the third witnessed the foundation of Eynsham by Æthelmær, whose father may have been educated at Winchester and who entrusted control over the abbey to Æthelwold's most renowned student, Ælfric the homilist. Indeed, it would seem that Æthelwold in some sense set the tone for all these documents: he was not only the first to experiment with longer, more politically-charged diplomas, but it was his death and Æthelred's subsequent indiscretions which made this approach to charter drafting both appealing and expedient to a court trying to reaffirm its support for the prelate's legacy. And where Æthelwold was to be found, Ælfthryth was rarely far from sight; though she did not live to see the Eynsham charter, the queen mother appears prominently amongst the witnesses to the Abingdon privilege and it was her brother, Ordulf, who retired alongside Æthelmær in 1005, making his last attestation in this document.

How the finer details of such documents were communicated to those present is a good question. In part, one imagines that the act of granting served this purpose: the simple fact that Abingdon and Eynsham received grand privileges of liberty at these points must

⁶⁰ G. Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840–987)* (Turnhout, 2012), esp. pp. 40–62.

⁶¹ For earlier comparanda, see J. L. Nelson, 'England and the Continent in the Ninth Century: III, Rights and Rituals', *TRHS* 6th ser. 14 (2004), 1–24, at 14–24; and L. Roach, *Kingship and Consent in Anglo-Saxon England, 871–978: Assemblies and the State in the Early Middle Ages* (Cambridge, 2013), pp. 91–3.

have spoken volumes. The surviving single sheet of the Abingdon diploma reveals the care that went into such texts: the writing is generously spaced and the use of different ink and script to highlight the most important operative details makes it as much a piece of visual artistry as legal reality. The complex Latinity of these grants may have made them harder for some to comprehend, but presumes an audience of its own: one scarcely imagines that such care would have been expended in drafting documents which were meant to gather dust in a dry muniments chest.⁶² While such flourishes may have been primarily intended for the ecclesiastics in attendance, some laymen were probably also in a position to appreciate them. Indeed, Æthelweard's *Chronicon* is a testament to the ability of noblemen to command the complex 'hermeneutic' Latin preferred by the reformers and one imagines that his son would also have been capable of doing so. Byrhtferth of Ramsey's somewhat fanciful description of the production of a diploma in favour of Evesham in the eighth century may give us a sense for what these events were like: he reports that a papal privilege was first read out before those assembled, then the diploma itself was approved, drawn up and presented, before finally the document was taken back to the locality where it was solemnly placed upon the altar.⁶³ It would seem to follow that these documents were subject to a solemn public ritual of presentation. It may be that a vernacular *précis* accompanied such acts: a charter of Æthelred's later German counterpart, Conrad III, alludes to the text being translated into the vernacular and read out to those present, and it is possible that similar practices were prevalent in England – in fact, Æthelmær's vernacular address in the Eynsham charter may represent elements of such a convention.⁶⁴ That such practices were known in England is

⁶² Woodman, 'Rhetoric of Rule'; Snook, *Anglo-Saxon Chancery*.

⁶³ Byrhtferth of Ramsey, *Vita S. Ecgwini* III. 4–6, ed. M. Lapidge, *Byrhtferth of Ramsey: The Lives of St Oswald and St Ecgwine* (Oxford, 2010), pp. 260–4. On which, see C. Cubitt, 'The Tenth-Century Benedictine Reform in England', *EME* 6 (1997), 77–94, at 91–2.

⁶⁴ D K III 251, ed. F. Hausmann, *Die Urkunden Konrads III. und seines Sohnes Heinrich*, MGH: *Diplomata regum et imperatorum Germaniae* 9 (Vienna, 1969), pp. 435–8. See H. Fichtenau, 'Bemerkungen zur rezitativischen Prosa des Hochmittelalters', *Festschrift Karl Pivec. Zum 60. Geburtstag gewidmet von Kollegen, Freunden und Schülern*, ed. A. Haidacher and H. E. Mayer (Innsbruck, 1966), pp. 21–31, repr. in and cited from his *Beiträge zur Mediävistik. Ausgewählte Aufsätze*, 3 vols. (Stuttgart, 1975–86), I, 145–62, at 145–6.

suggested by an anecdote in the later eleventh-century *Vita S. Kenelmi*, in which a group of Anglo-Saxon pilgrims in Rome translate an Old English document miraculously dropped on the altar of St Peter's during the mass; evidently such linguistic difficulties were well-known and more educated figures were accustomed to bridging the gap for their less fortunate counterparts.⁶⁵ Finally, one imagines that the discussions and negotiations which lay behind these transactions also served to make their contents known. One might draw an analogy here with the negotiations which preceded the promulgation of Magna Carta in June 1215: though not all the rebel barons assembled at Runnymede could read the resulting charter, they were certainly well-informed as to its contents.⁶⁶ The cases discussed here are somewhat simpler, but the same principle applies. Indeed, Æthelmær and Ordulf are both mentioned as having played a role in the issuing of the Abingdon privilege and one imagines that they were similarly involved behind the scenes at Eynsham; whether or not they could read the resulting charters themselves, they must have understood their gist.

Diplomas were thus an essential part of political communication in these years. Though the most important and exalted examples of this, the documents under discussion stand alongside many other diplomas which contributed to these programmes; they are but the most prominent tip of a large iceberg, giving us a sense for what lurks beneath the calm surface of developments as presented in the *Chronicle*. This is not to say that Æthelredian politics were expressed exclusively through diplomas, but it is to suggest that these documents were more intimately associated with Æthelred's regime than anyone save perhaps Keynes has realized. They need to be mined not only for what they tell us about the court factions, but also what they say about prevailing attitudes and ideas.⁶⁷ When from 1008 onwards royal decrees start to become longer and more self-reflective ('loquacious', 'vague'

⁶⁵ *Vita et miracula S. Kenelmi*, chs. 10–11, ed. R. C. Love, *Three Eleventh-Century Anglo-Latin Saints' Lives* (Oxford, 1996), pp. 64–6.

⁶⁶ D. Carpenter, *Magna Carta* (London, 2015), pp. 339–72.

⁶⁷ For a pioneering effort, see Stafford 'Political Ideas'.

and ‘futile’, in the infamous judgement of Richardson and Sayles⁶⁸), we can perhaps discern a subtle shift of tone, one away from communicating with diplomas and towards doing so with royal ordinances – a shift in which Archbishop Wulfstan must have been intimately involved. Still, charters continue to furnish precious insights throughout Æthelred’s later years and decrees themselves were subject to solemn public pronouncement, as Patrick Wormald has emphasized.⁶⁹ Moreover, if the medium changed, the message remained the same: to repent and reform before it is too late. Thus, while Æthelredian politics were certainly a politics of family and faction, as Pauline Stafford argues, they were also a politics of performance in which diplomas took on more than supporting roles; these were the message as well as the medium. As Simon Keynes first demonstrated almost four decades ago, to understand Æthelred’s charters is therefore to understand his regime.

⁶⁸ H. G. Richardson and G. O. Sayles, *Law and Legislation from Æthelberht to Magna Carta* (Edinburgh, 1966), p. 27.

⁶⁹ P. Wormald, ‘*Lex scripta* and *verbum regis*: Legislation and Germanic Kingship from Euric to Cnut’, *Early Medieval Kingship*, ed. P. H. Sawyer and I. N. Wood (Leeds, 1977), pp. 105–38, repr. in and cited from his *Legal Culture in the Early Medieval West: Law as Text, Image and Experience* (London, 1999), pp. 1–43.