

Robbing Woodchester: Narrative Strategies in Bishop Wærferth's Dispute Memorandum, Sawyer 1441

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Since Simon Keynes's line-by-line exegesis (1992), the Fonthill Letter (S 1445) has been subject to a range of interdisciplinary approaches, including linguistic, palaeographical, historical, and literary analysis. Other vernacular documents generated by processes of litigation during the Alfredian period would benefit from a Keynes-style interpretative commentary. This article conducts a close reading of the language employed by Worcester charter draftsmen in the dispute memorandum, also known as Sawyer 1441, that records the dispute settled between Bishop Wærferth of Worcester and the priest Æthelwald concerning the woodland at Woodchester. This study establishes the importance of reading early English charters through the lens of narrative strategy by focusing on two phrases: *bereafian*, meaning "to rob" or "to seize" and *geniman*, which can be translated as "to take away" or "to seize." Worcester's charter draftsmen consciously selected vocabulary that would protect their leased properties and positioned Worcester as victim to greedy rival claimants. By exploring the meaning and function of these phrases in contemporary Alfredian literature and earlier Latin diplomas, this study demonstrates that Alfredian charters were not written in abstract and interacted with what would now be considered as literary contexts.

Keywords: Charters; narrative strategy; dispute settlement; King Alfred of Wessex; Bishop Wærferth of Worcester

1. Introduction

Ða cydde Werferð biscop þam weotum, þæt him wære forneh eall þæt wudulond ongereafad þe to Wuduceastre belomp, þæt Æþelbald cyning gesalde to Weogernaceastre "Then Bishop Wærferth informed the council that he had been robbed of nearly all the woodland belonging to Woodchester, which King Æthelbald had given to Worcester." S 1441 (Harmer 1914, 24–25, 56–57)

In 896, Bishop Wærferth of Worcester (c. 869/872–907/915) brought a dispute concerning the land at Woodchester, Gloucestershire to a council meeting convened by Ealdorman Æthelred of Mercia (881–911).¹ According to the surviving vernacular charter that records the proceedings and the dispute's eventual settlement, Sawyer 1441 (hereafter referred to as S 1441), a priest named Æthelwald had stolen the land thereby incensing the community at Worcester. S 1441 continues to report that King Æthelbald

¹ On Ealdorman Æthelred's role in Worcester's dispute proceedings, see Keynes (1998, 27–30).

of Mercia (716–57) had given the title-deeds to the land at Woodchester to Worcester.² Æthelwald did not refute Wærferth's claim, and he ordered his *geneat*, Ecglafr, and another priest belonging to the community at Worcester, Wulfhun, to ride around the boundaries of the estate with King Æthelbald's diploma to hand.³ The dispute ended with an agreement that dictated that Æthelwald would lease the land from Wærferth for the remainder of his and his son's lives. So, Æthelwald and Wærferth had been reconciled. Although, Worcester remained in possession of the royal diploma that confirmed their rights to Woodchester, Bishop Wærferth still deemed it necessary to create an Old English, albeit brief, account of the dispute which portrayed Worcester as a community wronged by Æthelwald who had illegitimately seized their land.

An examination of S 1441's opening statements' language shows that Alfredian dispute records did not shy away from employing emotive rhetoric in the hopes of keeping a settled lawsuit closed. Thanks to Simon Keynes's line-by-line exegesis (1992), the Fonthill Letter has been long appreciated by historians for its powerful narrative strategies as the Ealdorman Ordlafr crafted his whole statement with the aim of discrediting his rival Æthelhelm Higa's claim on the estate at Fonthill, Wiltshire.⁴ Yet other vernacular dispute records have yet to receive the same amount of attention specifically in relation to the question of how early English litigants constructed charters when staking a claim on a contested estate. This article uses S 1441's mention of *bereafian* and *geniman* as a case study to explore the role of Alfredian dispute records as crucial legal instruments that had been tailored for each individual case. It will be argued that the written language used to describe *robbing* of Woodchester had been drawn from what would now be considered as literary contexts and were endowed with powerful story-telling techniques that charter draftsmen would reuse throughout the tenth and early eleventh centuries. This study demonstrates that the narrative of extracting parts of Woodchester did not reflect a physically violent attack on Worcester, but instead formed a powerful narrative strategy designed to discredit any future claimants who may lay claim to Worcester's leased properties.

It is worth mentioning that S 1441 is only some six hundred words in length and its plot does not contain the dramatic twists and turns of Ealdorman Ordlafr's Fonthill Letter. Yet given Bishop Wærferth's close connection to King Alfred (871–99), S 1441 is worth exploring as an example of how the burgeoning vernacular literary culture of the late ninth century informed the crafting of dispute records at this time. Moreover, there is much to be revealed concerning early medieval law and documentary culture from a close reading of S 1441. Historians, such as Alan Kennedy (1995) and Simon Keynes (1992, 1998) have recognised the insights into the daily operation of the law in the localities provided by S 1441. This includes the importance of possessing charters to prove one's rights to contested property and the increasingly common practice of leasing land to disgruntled rivals as an act of compromise at the turn of the tenth century. Robert Gallagher and Francesca Tinti (2017) have also highlighted the rich linguistic dynamics

² This charter produced by Worcester at the council meeting possibly survives as S 103, a diploma that records how King Æthelbald granted three hides of woodland at Woodchester to the church of St Peter, Worcester.

³ Bosworth-Toller (2014) defined *geneat* as “companion,” “associate,” or “vassal.” Bosworth-Toller definitions are taken from the *Anglo-Saxon Dictionary Online*.

⁴ On the debates concerning the authorship of the Fonthill Letter, see Boynton and Reynolds (1996); Gretsch (1994); Keynes (1992, 55).

found within the eighteen surviving charters likely authentic, originating from Worcester during Wærferth's episcopate, notably exemplified by S 1441. Gallagher and Tinti (2017, 306–8) noted that Wærferth's dispute memoranda did not contain formulaic phrases as one would expect to see in Latin royal diplomas or later vernacular writs. More importantly for the study of narrative strategies in Alfredian charters, Gallagher and Tinti (2017, 275) also observed that the function of Worcester's dispute memoranda was to aid in the community's attempt to expand its power through the resolution of longstanding disputes. S 1441 had been written in the third person as if recorded by a distant and impartial observer to the events, but this charter had been produced by Worcester as the victors of such disputes (Gallagher and Tinti 2017, 286). An analysis, therefore, of the language utilised by Worcester's charter draftsmen must consider the highly partisan nature of the dispute memoranda.

2. Methodology

There is scope to build on previous studies of the Worcester archive's charters and their use of language by examining S 1441 through the lens of narrative strategy. Narrative strategy is defined as the use of "certain narrative techniques and practices to achieve a certain goal" (Valerij 2014, under "Definition"). Dispute memoranda are a fruitful corpus for this methodological approach given the corpus's overarching aim to prevent loss or damage to one party's property rights. In practice narrative strategy could look like an early English charter draftsman choosing a particular word over another to describe an act committed by a rival claimant, intending for the word to have a certain effect on the audience that heard or read the written text (Mishler 1995). As previously mentioned, this article will, therefore, examine individual words selected by charter draftsmen, such as verbs that allude to the wrongful seizure of Woodchester that reflect the original spoken testimony provided by Wærferth and what was said at the council meeting in Mercia. However, when examining the language of S 1441, it is necessary to consider that this charter is preserved in a cartulary known as the *Liber Wigorniensis* (London, British Library, Cotton Tiberius MS A. xiii, fols. 1–118), most likely produced by Bishop of Worcester and Archbishop of York Wulfstan (1002–23) during the early eleventh century. Gallagher and Tinti (2017, 273–74) highlighted potential issues associated with the "cartularization" process of earlier charters, such as the modification of the texts of charters and updated spelling of vernacular passages. However, the *Liber Wigorniensis* is the earliest copied collections of charters to survive. Other cartularies were compiled at a much later date, such as the New Minster, Winchester's cartulary, *Liber Abbatiae* assembled in the early fifteenth-century. So, interventions to Worcester's charters are clearer and fewer in number given the smaller time frame between the original text and the cartulary's creation (Tinti 2010, 3–5).

3. Invasion-related verbs

Defining reafian and geniman

Terms that relate to the lands at Woodchester being robbed, seized or plundered appear three times in S 1441's narrative. As previously mentioned, in what would have originally been Wærferth's spoken testimony to the Mercian witan, Worcester's claim is neatly

summarised as “they had been robbed (*ongereafad*) of nearly all (*forneh eall*) the woodland belonging to Woodchester,” and how parts of the land had been abstracted, *genumen*, at Bisley, Avening and Scorrastan. Furthermore, the terms of the lease arranged between Worcester and Æthelwald dictate that Æthelwald will never again deprive, *bereafian*, the bishop of the swine-pasture at Longridge. Upon closer inspection of the various meanings of these verbs, the Worcester charter draftsmen’s choice of language is striking given that S 1441 is intended to be a record of an agreement and the restored friendship between Worcester and Æthelwald. These phrases do not portray a straightforward contending claim to Woodchester but rather a more forceful appropriation of the land and Worcester’s rights. Florence Harmer (1914) translated *ongereafad*, which is the past participle of *gereafian*, and *bereafian* as “rob” and “deprive” respectively. Furthermore, Bosworth-Toller (2014) defines *gereafian* as “to steal,” “to rob” and “to spoil,” and like *bereafian*, as “to seize,” “to spoil,” and “to take away.” Both verbs derive from *reafian* that is likewise defined by Bosworth-Toller as “to plunder,” “to rob,” “to spoil,” “to waste.” *Geniman* can simply mean “to take” or “to receive,” but it can also have more violent undertones and has been translated in certain contexts as “to seize,” “to capture,” “to lay hands on,” “to pluck,” or “to take with hostility.” The draftsmen also reinforced the idea of an aggressive robbery taking place by listing the placenames affected by Æthelwald’s infringement.

Another dispute memorandum from Wærferth’s episcopate, S 1446, uses *bereafian* to describe a rival party robbing lands from Worcester. A certain Eastmund died and his leased land at Sodbury, Gloucestershire should have reverted to the community at Worcester. Instead, his family robbed, *bereafode*, the land (Harmer 1914, 25–27, 57–59). Like S 1441, Wærferth’s predecessors had tried to reclaim the land at Sodbury but to no avail. Ealdorman Æthelred closed the case by judging that in return for a one-off payment of forty mancuses and an annual fee of fifteen shillings, the current occupant, Eadnoth, should be allowed to keep the land in perpetuity and receive the title-deeds. S 1441 and S 1446, therefore, use the same language to describe similar scenarios, perhaps suggesting a common usage of this vernacular narrative strategy developing at Worcester during the Alfredian period.⁵ Like S 1441, it is difficult to see how Worcester reached an agreement with an opponent that seemingly spoiled their lands, let alone how the witan determined that the robbed (and now dispossessed) Worcester should hand over Sodbury’s title-deeds to Eadnoth. Moreover, the draftsmen did not provide any details concerning exactly how or when Æthelwald and Eastmund’s family robbed Woodchester or Sodbury from Worcester aside from the fact that in S 1441’s case Woodchester had been a contested estate for some time as a certain Aldberht and Bishop Alhhun had also been occupied with this dispute.

The charter draftsmen’s use of *bereafian* and *geniman* was more likely intended to delegitimise Æthelwald’s claim should the dispute reopen in the future and S 1441 be used as evidence, as opposed to a faithful description of an act of violence taking place in

⁵ See Gallagher and Tinti (2017, 291). That is not to suggest overall uniformity in the language and form of Wærferth’s corpus of extant charters. Gallagher and Tinti have highlighted marked differences between the dispute memoranda: S 1441, S 1442, and S 1446 in terms of real-life proceedings, form, and language. For example, S 1446 is written in Wærferth’s voice in first person while S 1441 is written in third person despite Wærferth’s presence and testimony. On the lack of uniformity and shared formulaic phrases in early English dispute records, see Rabin (2008).

Woodchester. Christopher Cox's study (1992) of the placenames mentioned in S 1441 and S 103 supports the idea that Æthelwald probably did not attack Woodchester with ferocity and aggression. In his analysis, Cox (1992, 70) noted that the boundary clauses of these charters omit object typically used to define the land's boundaries like walls, ditches, trees, or streams. Building upon this observation, Cox maintains that this absence suggests that S 103 and S 1441 did not define the woodland as a compact and undivided area. Instead, the draftsmen described locations where Æthelwald had been embezzling the profits gained from the right to use the woodland areas in without giving the community at Worcester their fair share of any financial transactions that had taken place (Cox 1992, 68).⁶ With geographical and historical context in mind, it is difficult to imagine Æthelwald spoiling a wooded area that he most likely already had access to or a witan finding him formally guilty of this crime and then later allow him to lease the land in question. Matthew McHaffie (2018) has effectively argued that accusations of violence in eleventh-century French lawsuits would be better translated as "violation," "wrongful use of force," rather than violence, or in S 1441's case "spoiling" or "taking with hostility." I elsewhere argued through an examination of the term *reaflac* (the noun associated with the verb *reaflan*) that accusations of *invading* a property found in early English lawsuits constituted a recognised rhetorical device emphasized a general sense of wrongdoing on the rival group's part to strengthen one's own claims to property regardless of whether actual violence had taken place (Hanlon, 2023). S 1441's use of *bereafian* and *geniman* constitutes another example of early English charter draftsmen's frequent attempts to use *reaflac* or other violent terminology as a means of distracting away from the difficult question of who legitimately owned an estate and its rights.

4. *Bereafian* and *geniman* in Alfredian texts

Raiding, pillaging and plunder, oh my!

To establish *bereafian* and *geniman*'s translation as a generic act of illegality when an opponent dares to lay claim on property rights, it is necessary to explore their uses in contemporary vernacular Alfredian literature. As I also argued in my previous study of *reaflac*, Alfredian authors used *reaflan* in its various forms to describe historical occasions where aggressors violent intruded on the lands of innocent victims. One example worth recounting is *reaflac*'s use in the E recension of the Anglo-Saxon *Chronicle*, written c. 1116 (but based on an earlier manuscript) (Hanlon 2023, 10; Stafford 2020). In 793, the Vikings destroyed God's church at Lindisfarne "through plunder and slaughter" ("þurh reaflac 7 mansleht"). Likewise, the translator of the Old English *Orosius* used the past participle of *bereafian*, *bereafode*, as it appeared in S 1446, to describe how Alexander the Great's father, Philip I of Macedon's army plundered, *bereafode*, many cities in the land of the Chersonese. *Reaflac* or *bereafian* is used to portray raiding on a much greater scale with entire towns and monasteries subjected to these incursions, yet the Worcester draftsmen used the same language to describe, and to over-exaggerate, Æthelwald's theft of the woodlands at Woodchester. There is no doubt that conversations concerning raids had taken place in Worcester during the

⁶ On the importance of woodlands in agriculture, construction, and the local economy in early medieval England, see Hooke (2011) and Kreiner (2017).

Alfredian period; Wærferth had been one of the named recipients of the Alfredian translation of Pope Gregory the Great's *Regula Pastoralis* (590–604).⁷ Famously, in the preface to the *Pastoral Care*, King Alfred alluded to the damage caused by Viking raids and the decline of wisdom and Latin learning; everything had been *forhergod* and *forbærned*, ravaged and burned (Sweet 1871, 6–7). It is possible that Worcester's draftsmen purposefully appealed to this familiar image of pillaging to an Alfredian audience by framing Æthelwald actions as if he had raided Woodchester to assert that that his claim was an illegitimate one.

The past participle of *geniman*, *genumen's* (as it appears in S 1441), meaning often aligns with *bereafian*, portraying seizure and violent robbery in Alfredian literature. In Wærferth's own Old English translation of Pope Gregory's *Dialogues*, *genumen* is used to describe the Lombards' invasion of a town.⁸ The Old English *Orosius* also uses *genumen* multiple times to chronicle the numbers of Roman soldiers and leaders who were slain, *ofslagen*, and captured, *genumen*, by various opposing armies. It seems that *geniman* was often paired with a verb that depicts violence, effectively doubling-up the language of seizure, emphasise the hostile extraction or removal of a moveable object. The author of the Old English *Boethius* paired *reaflac* with the past participle of *genumen* when discussing the act of the strong seizing (using the verb *niman*) wealth from the weak. Additionally, the text explores how individuals consider the plundering of others to advance their own interests during daily interactions such as disputes, assemblies and judgments: "Hwi bið elles ælce dæg swelc seofung 7 swelce geflitu 7 gemot 7 domas, buton þæt ælc bit þæs *reaflaces* þe him on *genumen* bið, oððe eft oðres gitsað?" (my emphasis), "Why else is there such sighing every day, and such conflicts and courts and judgements, except because everyone asks for plunder that has been taken from him or again covets another's" (Godden and Irvine 2012, 152–53). In Wærferth's *Dialogues* to describe a thief stealing a gardener's plants he paired *geniman* with *fortredan*, meaning "to tread upon": "he geseah, þæt þa wyrta sume wæron mid mannes fotum *fortredene* 7 sume wæron mid ealle *genumene*" (my emphasis), "he saw that some of the plants were trodden by man's feet and some were taken away entirely."⁹ In the same way nearly all Woodchester had been robbed, the plants in the *Dialogues* had been entirely removed. Worcester charter draftsmen, under Wærferth's guidance, may have been aware and made use of an established semantic connection between *geniman* and *bereafian*, and other phrases associated with violent action, in the Alfredian period. Given Wærferth's skill as a translator and his connections to the blossoming literary culture of King Alfred's court, it is possible that Alfredian vernacular images of towns ablaze and conquering armies carrying away the spoils of pillaging may have played a part in the choice of language in S 1441.

Additionally, in later vernacular manuscripts, *genumen* is used with particular reference to plundering wealth and moveable possessions. For example, in the Old English poem, *Beowulf*, *genumen* is used to describe the plundering of the rings and bright jewels from the dragon's hoard:

⁷ Bodleian Library MS. Hatton 20, fol. 001r.

⁸ Quoted from *DOE* (*Dictionary of Old English Web Corpus*). According to Asser's *Vita Alfredi regis*, written c. 893, King Alfred requested Wærferth to translate the *Dialogues* from Latin to Old English. See Asser, *Vita Alfredi regis*, ch. 77; Keynes and Lapidge (1983); Irvine (2024).

⁹ Quoted from *DOE* search results for *genumen*.

“Hi on beorg dydon beg ond siglu,
 eall swylce hyrsta, swylce on horde ær
 niðhedige men genumen hæfdon.¹⁰

In light of Cox’s analysis, the Worcester draftsmen may have, therefore, used *geniman* to specifically refer to Æthelwald’s misappropriation of the resources at Woodchester and the profits to be gained from control of the wooded areas, and thereby swindling the community at Worcester. In Alfredian Texts, *bereafian* and *geniman* also often act as a character assassination of the one performing the seizure or taking, suggesting that the group or individual acts with malevolent intent and are motivated by greed. In the *Dialogues*, Wærferth translates the tale of the fox who stole (or plundered), *bereafode*, and ate a young boy’s hens. One day, the fox took, *genam*, one of the hens in front of Boniface who then said a prayer which resulted in the fox releasing the hen and falling dead on the spot. This passage reads as a cautionary tale to the greedy who seek to plunder a weaker, defenceless victim. It is also worth mentioning here that in the Old English *Boethius*, the fox is called a *leasan lytegan*, “false deceiver.” *Bereafian* could, therefore, be used in the context of deception. Considering that a dispute memoranda’s aim is to prevent future claimants from reopening the dispute (such as Æthelwald’s son who had also been allowed to lease Woodchester), to frame litigants as conniving would surely help to accomplish such aims.

Furthermore, if Æthelwald was perhaps framed as a cunning fox in both Wærferth’s spoken and written testimony, then the Church of Worcester was certainly the innocent hen. As previously discussed, in the Old English *Boethius*, it is the stronger ones that take, *niman*, wealth, *welan*, from the weaker ones. Indeed, S 1441 states that the meeting of the Mercian witan had gathered for the express purpose of granting justice to those who had been wronged, *forhaldne*. *Forhealdan* has a range of meanings from “to withhold,” “to abuse a privilege,” “to treat unfairly,” or “to not keep morally pure.” The idea of the Mercian councillors remedying a spiritual and legal offence committed in S 1441 is reaffirmed by *forhealdan*’s later use in, for example, the Vercelli homilies, “hy wurdon godes wyðerwinnan and *forheoldon* teoðunge and ælc oðer þing, þe to godes handa belimpan sceolde; and þa forwurdon hy sona” (my emphasis), “They became the adversaries of God and withheld tithing and all other things that should belong to God’s hands and then they immediately perished.”¹¹ Due to the highly partisan nature of S 1441, there is no information concerning Æthelwald’s perspective or argument beyond the statement that he accepted Wærferth’s argument and would not press his claim any further. Nonetheless, it clear that negotiations had continued between the two parties with the measuring of Woodchester’s boundaries and more discussions thereafter. It does not appear that Æthelwald had admitted guilt to a criminal and violent act, hence the compromise with Worcester leasing the land to him and his son. The verbs *bereafian*, *geniman*, *forhealdan* alluded to raiding but ultimately symbolised Worcester’s indignation and sense of injustice (Hanlon 2023, 14–15). Nevertheless, the violent imagery behind such terminology, as they appear in Alfredian literature, alongside the

¹⁰ *Beowulf*, line 3163 (Liuzza 2012, 245). “In the barrow they placed rings and bright jewels, all the trappings that those reckless men had seized from the hoard before.”

¹¹ Quoted from *DOE* search results for *forhealdan*.

third person air of impartiality served to conceal the finer details of Æthelwald's legal case, with the draftsmen reporting only the information that would establish Worcester as the rightful owners of Woodchester.

5. Latin precedents

Worcester

Worcester charter draftsmen prior to Wærferth's episcopate had used Latin terms similar in meaning to *bereafian* and *geniman* to convey the idea of an unjust claim on an estate, suggesting that this narrative strategy had been in use for some decades. S 1433 records the settlement of a dispute that had taken place in 824 between Bishop Heahberht of Worcester and the ecclesiastical community of Berkeley, Gloucestershire over the minster at Westbury (Harmer 1914, 27–28, 59; Wormald 1986, 152–57). The account of the dispute warns that anyone who “endeavours to take that land from the Church in Worcester” would be acting unlawfully and against the sacred canons. The verb used to describe this potential future claim on Westbury is *evellere*, meaning “to tear,” “to pluck out from the roots,” and “to erase.”¹² S 137 is another example from the Worcester archive that describes a hostile seizure of land. This charter records that in 794, King Offa of Mercia's (757–96) ealdorman, Bynna, took without right (*sustulit sine recto*), five hides at Austcliff, Gloucestershire from the Worcester community (Adams et al. 1876, 316). *Sustulit* is formed from the Latin verb *tollere* that can be translated, like *bereafian*, as “to remove” or “to take away,” but it can also imply a more aggressive had taken place and be translated as “to destroy” or “to abolish.” Also, both S 137 and S 1441 pair the image of confrontational action with a simple phrase that further emphasises the illegitimacy of their claim on the property with the Latin *sine recto* or, as previously discussed, the sense of neglect conveyed by *forhealdan*. The Latin phrases related to robbery mentioned in earlier documents in the Worcester archive do not have a direct linguistic connection to later uses of *reafrican* in its various forms and *geniman*. Nevertheless, early ninth-century draftsmen chose phrases that could convey a more forceful attack on property-rights suggesting some form of semantic relationship with later vernacular vocabulary used to frame a wrongful claim on land during late ninth-century disputing processes.

Christ Church, Canterbury

Earlier dispute memoranda from the Christ Church, Canterbury archive also contains Latin phrases, like *bereafian*, that conjured a specific image of raiding and pillaging on an estate. This suggests that ninth-century draftsmen across time and space recognised the rhetorical appeal accusation of spoilation. S 1439 relates how in 844 an individual named Æthelwulf claimed ownership of estates bequeathed by Oswulf *dux* to the Kentish monasteries of Christ Church, Folkestone, Dover and Lyminge, contesting that the estates had been previously purchased by his father Æthelheah. Archbishop Ceolnoth of Canterbury (d. 870) stated at a council meeting in the presence of King Æthelwulf at

¹² Latin definitions are quoted from the *Dictionary of Medieval Latin from British Sources* (2012).

Rochester that, in staking his own claim, Æthelwulf the rival litigant had attempted to *despoil* the Church and the aforementioned holy monasteries: “et per hoc spoliare ecclesiam Dei et sanctos cœnubias ad quas hereditas illa pertinebat cum pravis sequacibus nisus est” (Harmer 1914, 69–70). S 1436 detailed an earlier dispute that had taken place in 825 between Archbishop Wulfred of Canterbury and King Coenwulf of Mercia (796–821) but the account uses the same language of spoliation as S 1439 and S 1441. This account uses phrases, such as *dispoliatus est* and *priuatus est* to describe how Coenwulf had despoiled and stripped Wulfred of the minsters at Reculver and Minster-in-Thamet in Kent.¹³ However, S 1436 and S 1439 were more explicit than Worcester’s S 1441 and S 1446 when besmirching their rival’s character by portraying them as the immoral villains of the dispute. Æthelwulf, for example, is labelled as a very venomous serpent, *venenatissimus anguis*, and the draftsmen of Wulfred’s testimony repeatedly stresses Coenwulf’s greed. The characterisation of a rival litigant as wicked and in opposition to God, paired with invasive violence, served to reinforce the ecclesiastical institution’s argument that the rival’s claim had been a false and an immoral one. Furthermore, S 1436 emphasises that Coenwulf seized these lands “with violence and rapacity,” *cum uiolentia ac rapacitate*. Like S 1441’s use of *reafian*, this phrasing does not specify what happened when Coenwulf seized the estate; the reference to violence is always vague in ninth- and tenth-century dispute memoranda. The accusation of *uiolentia* is likewise an example of litigants framing their opponent’s claim as a violent act to map their complaints onto societal expectations of actionable wrong (McHaffie 2018, 20, 40; Hanlon 2023, 5). Yet *uiolentia* here is paired with *rapacitas*, which not only expresses Coenwulf’s avarice but also his extortion of the estate with force and threats. Throughout the course of the ninth century, early English charter draftsmen, writing in both Latin and the vernacular, consistently made a deliberate effort to underline a sense of “violent extraction or removal” specifically in relation to the contested property in question. The texts do not clarify how one party could take away or spoil an estate like Woodchester for their own benefit and future use. However, the consistent message conveyed is the ecclesiastical institution’s sense of loss in such scenarios.¹⁴

Overall, two conclusions can be surmised from examining earlier Latin vocabulary and contemporary literary vernacular phrases associated with the invasion or forceful robbery of an estate. Firstly, the nebulous accusation of a litigant plundering an estate was developing as a narrative strategy in ninth-century Latin dispute memoranda and had started to appear with regularity in the vernacular during the Alfredian period. Significantly, the invasion-related terminology of *reafian*, *geniman*, *spoliare*, *evellere*, *tollere*, *privare*, and *rapacitas*, when used in both Latin and Old English had always placed a strategic emphasis on the monastic institution as the weak victim subjected to the actions of immoral outside parties (Hanlon 2023, 14–15). As I argued elsewhere in relation to the term *reafiac*, phrases like *reafian*, alongside their Latin counterparts, likewise became a strength to bolster their own argument in a dispute when there was

¹³ *Priuatus est* is derived from the Latin verb *privare*, meaning to “to deprive” or “to rob.”

¹⁴ See Hanlon (2023). Occasionally charter draftsmen may include other phrases to suggest that the rival litigant removed the moveable goods on an estate. S 877 records how in King Æthelred II’s reign (978–1013, 1014–16) a troublesome thegn, called Wulfbald, committed *reafiac* by removing everything inside and outside the Kentish estates that belonged to his stepmother.

no clear answer as to who legitimately could claim ownership of an estate (see Fiore 2020, 230–35). Secondly, Alfredian dispute records were not written in a vacuum as evidenced by the presence of similar literary strategies found in charters drafted across the late eighth century to the ninth. The Worcester charter draftsmen may have consulted earlier charters within their own archive to determine the most effective vocabulary for safeguarding their landed interests, even after a dispute had been settled. It is challenging to identify the specific charters from within Worcester's own archive that directly influenced the creation of later dispute memoranda. Additionally, Worcester's access to earlier Latin charters from other ecclesiastical archives such as Christ Church, alongside their knowledge of contemporary vernacular translations of philosophical and historical texts produced at the West Saxon court further complicates the issue of pinpointing source materials. Wærferth's learnedness and Worcester's proximity to King Alfred, however, would suggest some knowledge of the texts that mention *bereafian* and *geniman*. Wærferth and Worcester's charter scribes were not invoking radically new rhetoric; the frequency of *bereafian* and *geniman*'s appearance in scenes of violent robbery invasion, and the plundering of wealth proposes that this had been the image that Worcester draftsmen intended to convey in S 1441.

6. The problem with leasing

It is possible that Worcester's charter draftsmen continued the Latin tradition into the vernacular of portraying the Church as threatened by external greed, partly influenced by the ongoing practice of leasing Worcester's property during the ninth and tenth centuries.¹⁵ Gallagher and Tinti (2017, 279–80) have shown how leasing lands in return for rent, or some other form of payment, often benefitted ecclesiastical communities during the ninth and tenth centuries. It could be used as a bargaining chip to encourage an end to dispute and could strengthen social ties in the local community. Nonetheless, leasing posed its own set of challenges during the Alfredian period, which required draftsmen to employ powerful language to tackle them. The risk with leasing an estate for the duration of a one or two lifetimes (like S 1441 which had leased Woodchester for as long as Æthelwald and his son lived) was future generations forcibly maintaining control of the leased estate or landowners forfeiting their lands, including any leased properties, for criminal behaviour. The Fonthill Letter recounts how Ordlaf leased the land at Fonthill to Helmstan after the latter committed the crime of cattle-theft and then categorically states that it could, therefore, not be forfeited to King Edward the Elder (899–924). A royal reeve had already seized Helmstan's property at Tisbury, which had reverted to King Edward. Keynes (1992) raises the possibility that Fonthill had momentarily passed into Edward's hands before Ordlaf had been able to regain control of it. So, the letter is indicative of early English anxieties surrounding a ruler taking ownership of a nobleman's loan land as well as his bookland and thereby disrupting the general principle that a loan land should return to the original owner.

Indeed, another Latin dispute memorandum from Wærferth's time, S 1442, demonstrates how confusion surrounding a lease's terms could result in lands changing

¹⁵ Gallagher and Tinti (2017, 297) note that leasing and the creation of written leases were not introduced during Wærferth's episcopate. Instead, a small number of episcopal leases dating back to the early eighth century have been preserved in Worcester's archive.

hands. S 1442 relates how Worcester and Winchcombe, supported by Ealdorman Æthelwulf (the brother of Ealhswith, King Alfred's wife), competed for land at Upton Bockley, Worcestershire in 897 (Adams et al. 1876, 334–35). Æthelwulf, seemingly a patron of Winchcombe, had been researching the charters of his ancestor, King Coenwulf, when he had realised that Upton should not be leased for more than one lifetime. However, a certain Wullaf had inherited the estate from his father. Ealdorman Æthelred judged that the estate belonged to Æthelwulf but that Wullaf could continue to lease the land, which he would pass onto the Worcester upon his death. In addition, as previously mentioned, S 1446 (Harmer 1914, 25–27, 57–59) recounts that Worcester essentially lost the lands at Sodbury, despite bringing the claim to Ealdorman Æthelred, because the lessee, Eastmund's family stole the land upon his death and were allowed to remain there (seemingly thanks to secular pressure on Worcester to grant the land to Eadnoth in return for a small fee). Worcester's awareness of the potential risks of leasing and royal forfeiture is demonstrated by the simple warning that, "whosoever held this land would hold it under God's displeasure, except it be the lord of the church" (Harmer 1914, 57). Whilst the statement that the leased lands should revert back to the church is brief, its presence in the text points towards S 1441's purpose: to act as a functional document to be used in court proceedings to prevent the loss of leased lands, demonstrating that the text in its entirety should be read with this goal in mind.

7. (Violent?) robbery in tenth-century charters

The Fonthill Letter (S 1445)

Comparing earlier Latin dispute memoranda to S 1441 shows how the draftsmen would double-up on invasion-related verbs within one account of a dispute, suggesting that a strong vocabulary of unlawful and violent robbery or theft was present in both conversations held in Alfredian judicial contexts and in the documents of ecclesiastical scriptoria. This narrative strategy developed further during the tenth century as reflected in later charters, such as the Fonthill Letter. Ordlaaf needed to defend his godson, Helmstan the thegn, to ensure that his deal with the Bishop of Winchester would not be comprised and he would not be deprived of his estates. Yet to describe Helmstan's theft of a belt and unattended cattle at Fonthill (it seems that Ordlaaf could not deny Helmstan's guilt here), he uses the verb *forstelan*, meaning "to rob," "to deprive," "to steal with violence" (Keynes 1992). King Ine of Wessex's (689–726) law code, which only survives as an appendix to King Alfred's *Domboc*, uses *forstelan* to legislate for the theft of stolen moveable property, such as cattle.¹⁶ For example, clause 57 reads that "If a husband steals (*forstild*) a beast and carried it into his house, and it is seized, therein, he shall forfeit his share [of the house-hold property]" (Attenborough 1922, 55–56). To *forstelan*, therefore, could result in serious legal consequences, such as forfeiture of one's estate. Ordlaaf's use of this phrase, therefore, does not place Helmstan's character in the

¹⁶ On the relationship between King Alfred's and Ine's law codes, see Ivarsen (2022). Ivarsen argues that Ine's law code had originally written in Latin before being translated into Old English and appended to Alfred's law code during the ninth century, highlighting the dynamic nature of legal compilation and revision at this time. In this case, *forstellan* would reflect a conscious word choice made by the compiler of King Alfred's law code.

best light (but this was arguably not the letter's primary concern) but the letter perhaps shows how Alfredian litigants and draftsmen alike had been appealing to a developing legalese of violent robbery. Ordlaf was one of the presiding members of the witan that heard Æthelhelm and Helmstan's dispute and had been instructed by King Alfred to help them to negotiate a settlement. It is, therefore, possible that the Ealdorman's choice of language in his written account reflected what he heard in Æthelhelm's spoken testimony at this meeting. Both in written and oral testimonies, litigants could appeal to contemporary legal principles, as well as literary sources of influence as demonstrated by S 1441, to lend moral weight to their attempts to dismantle a rival's credibility.

The Ruishton Letter (S 1242)

The fact that early English charter draftsmen could rely on a range of verbs associated with force to express the same message of wrongdoing, as shown in S 1441, is also reflected in Ruishton Letter, also known as S 1242, written c. 995. Queen Ælfthryth, King Æthelred's mother, addressed Archbishop Ælfric (995–1005) and Ealdorman Æthelweard to relate her part in the dispute concerning the estate at Ruishton, Somerset. The dispute began sometime between 965 and 975, when Bishop Æthelwold petitioned King Edgar to restore some estates at Taunton, Somerset to Winchester (Rabin 2009, 280–84). Ælfthryth, a political ally of Æthelwold, advocated for Winchester's interests, pressing for the return of the lands. Edgar accordingly restored the lands to Winchester and decreed that any royal tenants living on the estate should renegotiate their lease with Winchester or surrender their property (Rabin 2008, 46). The letter implies that Ælfthryth brokered a settlement between Æthelwold and a tenant named Leofric, who was unwilling to accept these terms. Notably, Leofric's wife, Wulfgyth who was Ælfthryth's kin, sought the Queen's assistance in the matter. Leofric could keep the rights to land at Ruishton on the condition that upon his death they reverted to the bishop. The debate, however, had been reignited some years later as Leofric had claimed that, "Bishop Æthelwold and I [Ælfthryth] must have obtained that title-deed from Leofric by force (*ofneadian*)" (Harmer 1952, 396–97). Ælfthryth vehemently denied any use of *ofneadian*, "force," on her part. The doubling-up of invasion-related verbs, like that seen in S 1441, can also be found in S 1242 as Ælfthryth stated that the bishop had reassured Leofric that none of his successors could dispossess, *bereafian*, of his land in the future. It is even more curious that a nobleman could accuse a queen and an archbishop and expect to be taken seriously, alluding to potential violence, or at least threats of violence, used to acquire lands for the highest authorities in the land. The use of *ofneadian* here reflects the extreme factionalisation of King Edgar and Æthelred's courts. When levelling this accusation, Leofric likely anticipated significant backing from individuals opposed to the queen's and bishop's exertion of influence over royal authority. By employing *ofneadian*, he arguably aimed to align himself with their adversaries, such as Archbishop Dunstan and Ealdorman Æthelwine of East Anglia, who competed with Ælfthryth and Æthelwold for political influence.¹⁷ The Ruishton Letter, therefore, highlights the

¹⁷ On the political rivalries of the 980 and 990s, see Stafford (1978, 21–30), Roach (2017, 235–44) and Yorke (1988, 81–88). The succession crisis ensuing King Edgar's demise sparked animosity within the tenth-century royal court. Ælfthryth and Æthelwold, for example, advocated

prominence and indeed the efficacy of violence and forceful seizure in early English disputing processes. *Bereafian*'s juxtaposition to *ofneadian* in this narrative proposes that charter draftsmen sought to defend and emphatically deny a particular accusation of invasive dispossession like that conveyed through *geniman*, *spoliare*, and *forstelan*, which probably reflected the terminology Leofric used to level such claims. Worcester's use of *bereafian*, while it may over-exaggerate the forceful nature of Æthelwald's claim on Woodchester, was no empty threat. This discourse assumed the form of a highly charged vocabulary of unjustified and violent seizure, used by litigants on both sides of the dispute, so much so that higher institutions, including royalty were forced to defend themselves against this label of perceived wrongdoing.

8. Conclusion

To conclude, S 1441 suggests that the old charters, which confirmed King Æthelbald's grant of Woodchester to Worcester, won the lawsuit for Wærferth. S 1441 is an informal document in comparison to a royal Latin diploma. This charter lacks formulaic features typically found in contemporary royal land grants such as a witness-list of attendees at the council meeting in Gloucester or an extended spiritual sanction warning of the consequences for violating Worcester's agreement with Æthelwald. Nevertheless, the use of *bereafian* and *geniman* shows that Worcester's vernacular dispute memoranda contained carefully selected rhetoric and they were recognised as functional documentation that could be used in further judicial proceedings should a case reopen (as they often did). Charters like S 1441 provide a window onto the real-life conversations and spoken testimonies held in an early English court environment in the language that all those present could understand (Keynes 2019, 193–210).¹⁸ S 1441 condensed the facts surrounding the dispute in Woodchester to include the information only deemed most necessary, further demonstrating the functional nature of early English dispute narratives. Although the conflict ended in compromise, the draftsmen prioritised a vocabulary of illegitimate robbery to describe Æthelwald's earlier actions. By examining earlier Latin charters, Alfredian literary texts, and tenth-century charters, it is clear that early English charter draftsmen looked to other genres of text to help to strengthen the legitimacy of their claim to land. Across legal and non-legal contexts, *bereafian* and *geniman* evoked an image of raiding and pillaging against unprotected victims and Worcester wanted Æthelwald's appropriation of Woodchester to be remembered as such. In early English disputes, invasion-related verbs like *bereafian* and *geniman* were used to depict counterclaims as violent, illegal morally reprehensible actions, mirroring societal norms and perceptions. This practice resonates with McHaffie's analysis of *violentia* in eleventh-century French lawsuits, shedding light on how the language of violence was employed to shape perceptions of legal and moral culpability. During the Alfredian period, Worcester had close ties to the West Saxon court and its lands had been well established through royal endowments since 680. Whilst Worcester had not actually been the victim of a raid committed by Æthelwald or other competitors for land, they

for Æthelred's claim to the throne, while Dunstan and supporters like Æthelwine pushed for the coronation of Edgar's son, Edward, from his first or second marriage.

¹⁸ For further discussion of vernacular documents related to legal disputes, see Keynes's analysis (2019) of the Cuckhamsley Chirograph.

could use the terminology of invasion to maintain control of their expanding portfolio of leased properties.

Overall, there has been much discussion of King Alfred and his close band of scholars embracing the power of the written word to establish the West Saxon regime in times of political uncertainty (Keynes 2003, 177–83). Yet Worcester’s and earlier Latin dispute memoranda reveal how charter draftsmen had long weaponised select terms to accomplish their own legal aims. Focusing on *bereafian* and *geniman* demonstrates that S 1441, alongside other vernacular charters from the Worcester archive, constitute a vital stage in Old English’s development as a language of administration as the terminology of violence was deemed powerful enough to defend landed interests in the late ninth century.

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