Mary P. Richards

In the centuries since he compiled and possibly preached the legal compendia known as I and II Cnut, Archbishop Wulfstan’s culminating achievement has generally been assessed as a summation of his thought commensurate with his last great opportunity to present his vision for the English nation. Indeed, Simon Keynes has observed recently that in their historical context, I–II Cnut offered a “blueprint for the future.” Wulfstan was, in the words of Patrick Wormald, “a late developer.” His homilies and early penance letters began to appear after his appointment as Bishop of London in 996. Wulfstan’s subsequent appointments as Archbishop of York and Bishop of Worcester in 1002 initiated a productive twelve year period during which he wrote at least fourteen homilies, the first versions of his *Canons of Edgar* and *Institutes of Polity*, several legal tracts, and five assorted codes in Æthelred’s name. Thereafter, until his death in 1023, Wulfstan composed at least ten additional homilies, revised the *Canons of Edgar* and the *Institutes of Polity*, and wrote or expanded law codes for Æthelred and Cnut. The legal compendia I–II Cnut stand at the end of the Archbishop’s productive career.

Divided according to ecclesiastical (I Cnut) and secular (II Cnut) matters, the pair of codes is preserved today in the original Old English in four manuscripts. Two date from the mid-eleventh century: London, British Library, Cotton Nero A. i, fols. 3–41 (Ker no. 163) and

---

1 This essay was first presented at the Conference on Early English Laws at the Institute for Historical Studies, University of London, on 16 July 2008. My thanks to Professor Bruce O’Brien and the conference organizers for their invitation to address the meeting.
Cambridge, Corpus Christi College 201, fols. 126–30 (Ker no. 49). Four post-Conquest copies from the early twelfth century appear in Cambridge, Corpus Christi College 383, pp. 43–72 (Ker no. 65), and London, British Library Harley 55, fols. 5–13 (Ker no. 226). Subsequently, Cnut’s legislation was rendered into Latin during the twelfth century as a means to acquaint the new French authorities with English law, but these versions will not be considered in the present essay.

In describing I–II Cnut, scholars use phrases such as “the culmination of [Wulfstan’s] life’s work,” and comment upon its synthesis of the Archbishop’s legal and homiletic interests.

Given the extent of Wulfstan’s pursuits and writings, the idea of his composing a summa in the form of two legal codes could invite scepticism but, as I hope to show in this essay, I Cnut does appear to be a codification of Wulfstan’s ecclesiastical pronouncements over the course of his career. II Cnut, on the other hand, is not so easily characterized. This code comprises a patchwork of secular and ecclesiastical legislation that borrows less from the archbishop’s own writings and more from an interesting range of earlier legal materials including the Kentish laws. It also contains “new” legislation perhaps emanating from the king’s advisors and, at least indirectly, from the Danelaw. M. K. Lawson suggests that, although sources may be lost, some of these laws “could genuinely represent the activities of Cnut’s administration.”

---

4 Full descriptions of the manuscripts appear in N. R. Ker, Catalogue. Additionally, the descriptions provided by Wormald, Making of English Law, provide a thorough overview and analysis, pp. 164–5, 206–10, and 224–236.

5 Stefan Jurasinski, “Reddatur Parentibus: The Vengeance of the Family in Cnut’s Homicide Legislation,” LHRw 20 (2002), 157–180, at 158. In his contribution to the present volume, Richard Sharpe argues that Quadripartitus, one of the Norman compilations, was prepared for circulation c. late 1106, but points out that the date of translation for the Old English laws, included in the first part of the work, is not known. On the afterlife of I–II Cnut, see also Wormald, “Archbishop Wulfstan: Eleventh-Century State Builder,” p. 22.
