In the second half of the twelfth century, the copying of books holding laws which identified themselves as Anglo-Saxon or conquest-era reached its zenith. The majority of surviving texts of some versions of pre-conquest law were copied in this period. In the early thirteenth century, the popularity of these older laws declined rather swiftly. Before the last decade of the twelfth century, however, these lawbooks were the only written sources of law available to interested readers. The lawbooks have attracted the attention of modern editors because the books hold key witnesses needed to reconstruct almost all Anglo-Norman legal treatises and Latin versions of Anglo-Saxon codes. Few legal historians, however, have assessed the value of these copies as evidence for the law or ideas about the law in the late twelfth century. This neglect arises from the fact that these lawbooks look like an evolutionary dead end. The period which saw their creation was one during which, Paul Brand has shown, ‘…Henry II and his advisers were indeed “reaching out” from their own world and consciously attempting to create something quite new and very significantly different from anything which had existed before’.¹ What the king and his advisers were creating was the Common Law, witnessed by assizes, the treatise known as Glanvill, and later judicial rolls. Those books of older law, in contrast, look tired, repeating as they do the sometimes centuries-old dicta of pre-conquest kings on matters such as witchcraft, prayer, and ordeal. They do not look like promising territory to explore for those in search of the cause and effect of the Angevin legal revolution.

Yet they were produced with care and cost during the same time that Henry II crafted his assizes and Glanvill penned his innovative procedural manual. If these lawbooks are indeed repositories of irrelevant works, it is a puzzle why they were produced in a number sufficient to show their popularity. So if nothing else, these books should tell us a bit about what some thought the law to be, or what it had been, and what its significance was for the scribes’ own day, during the time when the king and

his advisers created what came to be known as the English Common Law. They should tell us about a strand of legal thought which we know only in hindsight did not have much of a future in the age of Glanvill. This study will look at one such book, a small, relatively unadorned collection of legal texts; consider the shape and appearance of its sources, as well as their arrangement; and assess what the whole amounts to as a lawbook created very likely when Henry II was on the throne. It and other contemporary lawbooks played a curious but not unimportant role in the development of legal study and legal thought at the dawn of the Common Law, subjects which Paul Brand’s scholarship and editions have done so much to illuminate.

Law codes and treatises composed or translated between 1066 and 1154 were copied in great number in the second half of the twelfth century and appear in several contexts. There are 27 extant manuscripts holding legal texts (other than ordeal manuals, coronation oaths, and excommunications) written between about 1150 and about 1200, compared to no more than ten from the entire Anglo-Saxon period. A number of these copies appear in historical works. Some scribes and authors began to think of narrative histories as places to insert laws as evidence of the legislative acts of a select group of kings: Cnut, Edward the Confessor, William I, and Henry I. Other copies of laws appeared in pamphlet form, where a single code written on a couple of quires would circulate on its own. Some copies accompany theological tracts and Canon Law collections, lapidaries,

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3 All of the folios which hold legal texts from almost every manuscript produced in England before about 1225 are available online at the Early English Laws website: http://www.earlyengishlaws.ac.uk/laws/manuscripts/ will take you to the manuscript list, where you can click on the manuscript siglum to view the manuscripts. Folio citations in this essay will guide you to the relevant images.

4 The majority of copies of the *Instituta Cnuti* (In Cn), for instance, survive incorporated into the fifth version of Henry of Huntingdon’s *Historia Anglorum* where they are intended to provide evidence for Cnut’s legislative accomplishments: see Bruce O’Brien, ‘The *Instituta Cnuti* and the Translation of English Law’, *Anglo Norman Studies* 25 (2003), 177–197. All abbreviations (e.g., In Cn) used for Anglo-Saxon and Anglo-Norman codes are those used by the Early English Laws project (www.earlyengishlaws.ac.uk); these are for the most part the same as those used by Felix Liebermann, ed., *Die Gesetze der Angelsachsen*, 3 vols, (Halle a. d. S., 1903–16), 1:xi.

5 There are two clear examples of this: British Library [hereafter BL], Harley MS. 55 (MS. A), a copy of Cnut in Old English, and Oxford, Bodleian Library, Digby MS. 13 (MS. Di), a copy of the *Instituta Cnuti* on two quires, which were combined with lapidaries and other texts by the end of the twelfth century.