

CNUT ASSIGNMENT

The Laws of Cnut and his 1020 and 1027 Charter/Letter offer us valuable insight into 11th century England. Using only the provided excerpt of Cnut's laws and the 1020 and 1027 Charter/Letter as your sources of information, describe society during the reign of Cnut. You should keep in mind that in addition to describing actual conditions, laws can be normative; that is, they describe what is desirable behavior rather than actual conduct.

In a four page, double-space paper, consider how 11th century society was structured and functioned. What did you learn about the values of society? What behaviors were unacceptable? What was revealed about concepts and practices of justice?

What did Cnut think about his role as king? What did he consider his responsibilities? His objectives? What were his concerns/What did he think needed to be dealt with? What did he require of his English subjects?

After reading the sources, step back and try to imagine what life was like in the 11th century. Avoid getting overwhelmed by details that may not be clear to you. I'll provide some definitions of terms to help out.

Laws of Crut

1. That is then the first that I will; that just laws be established, and every unjust law be carefully suppressed, and that every injustice be weeded out and rooted up, with all possible diligence, from this country. And let God's justice be exalted; and henceforth let every man, both poor and rich, be esteemed worthy of folk-right, and let just judgments be given to him.

2. And we instruct, that though anyone sin and deeply destroy himself, let the correction be regulated so that it be becoming before God and tolerable before the world. And let him who has power of judgment very earnestly bear in mind what he himself desires, when he thus says: "And forgive us our sins, as we forgive." And we command that Christian men be not condemned to death, on any account, for altogether too little: but rather let gentle punishments be decreed, for the benefit of the people; and let God's handiwork, and his own purchase which he dearly bought, not be destroyed for little.

3. And we command, that Christian men be not too readily sold out of the land; and especially be not brought into heathendom; but let it be carefully guarded against, that those souls be not made to perish which Christ bought with his own life.

4. And we command, that ye undertake diligently to cleanse the country on every side, and everywhere to desist from evil deeds: and if witches or diviners, workers of secret death or adulteresses, be anywhere found in the land, let them be diligently driven out of this country; or let them totally perish in the country, unless they desist and the more thoroughly amend.

And we command, that adversaries and outlaws of God and men retire from the country, unless they submit and the more earnestly amend: and let thieves and public robbers forthwith perish, unless they desist.

Of Heathenism

5. And we earnestly forbid every heathenism: heathenism is, that men worship idols; that is, that they worship heathen gods, and the sun or the moon, fire or rivers, water-wells or stones, or forest trees of any kind; or love witchcraft, or promote the working of secret death in any way, or make sacrifices to idols ... or perform anything pertaining to such illusions.

6. Let manslaughterers and perjurers, violators of holy orders and adulterers, submit and make amends; or with their sins retire from the country.

7. Let cheats and liars, robbers and reavers, have God's anger, unless they desist, and the more thoroughly amend: and whoever will lawfully cleanse the country, and suppress injustice, and love righteousness, then must he diligently correct such things, and shun the like....

8. Let ... one money pass over all the nation, without any counterfeit, and let no man that refuse; and he who after this shall make false money, let him

forfeit the hands with which he wrought that false money, and not redeem them with any thing, neither with gold nor with silver: and if anyone accuse the reeve, that he wrought that false by his leave, let him clear himself with a threefold purgation, and if the purgation then fail, let him have the same judgment as he who wrought the false.

9. And let weights and measures be carefully rectified, and every species of injustice henceforth abstained from.

10. And let repairing of fortresses and of bridges, and equipping of fleets, be diligently set about; and army service also, whenever it is requisite, for our common need.

11. And be it constantly inquired, in every way, how counsel may most especially be devised for the benefit of the nation; and orthodox Christianity most exalted, and unjust laws most diligently abolished: because through this it shall turn to some good in the country, that injustice be put down, and justice loved, before God and before the world. Amen.

12. These are the fines to which the king is entitled from all men in Wessex: that is, for breach of peace and house-breaking, assault, and harboring fugitives, and failure to serve in the army, unless the king honors someone by conceding these rights to him.

Outlawries

13. And whoever does a deed of outlawry, let the king have power over him. And if he holds land by charter, let that be forfeited into the king's hand, no matter whose man he is. And take notice, whoever may feed or harbor the fugitive shall pay five pounds to the king, except he shall clear himself that he knew not of his being a fugitive.

14. And in Mercia he enjoys all as is here before written, over all men.

15. And by Danish law he enjoys [similar rights.] And if anyone keep or harbor an unpledged man, let him make amends for it, as the law formerly was. And he who shall henceforth set up unjust law, or make unjust judgment, for hatred or bribery, let him be liable to the king for 120 shillings, by English law, unless he dare to prove on oath that he knew nothing more just; and let him ever forfeit his thaneship, unless he repurchase it from the king, and as he will allow him. And by Danish law, let him be guilty of *lah-slit* [that is, a fine in Danish law], unless he clear himself, that he knew no better. And he who denies just law and just judgment, let him be liable unto him who is entitled to it: either to the king for 120 shillings, or to an earl for 60 shillings, or to the hundred for 30 shillings; so with every one of them, if it so happen, by English law: and he who by Danish law shall corrupt just law, let him pay *lah-slit*.

16. And he who shall accuse another wrongfully, so that he be the worse

either in substance or advancement, if then the other can show to be false that which one would charge upon him; let him be liable in his tongue, unless he redeem himself with his wergeld.

17. And let no one apply to the king, unless he may not be entitled to any justice within his hundred; and let the hundred-gemot be applied to, under penalty of the *wite* [that is, a fine under English law], so as it is right to apply to it.

18. And thrice a year let there be a *burh-gemot*, and twice a year a shire-gemot, under penalty of the *wite*, as is right; unless there be need oftener. And let there be present the bishop of the shire and the caldorman; and there let both expound the law of God as well as the secular law....

That Every Man Shall Be in a Tithing

20. And we will, that every freeman be brought into a hundred, and into a tithing, who wishes to be entitled to purgation or to wergeld, in case anyone shall slay him after he is 12 years of age; or let him not afterwards be entitled to any free rights, be he householder or be he follower. And that every one be brought into a hundred and in surety; and let the surety hold and lead him to every plea. Many a powerful man will, if he can and may, defend his man in whatever way it seems to him that he may the more easily defend him; whether as a freeman or a *theow* [that is, unfree person]. But we will not allow that injustice.

Of Thieves

21. And we will, that every man above twelve years make oath that he will neither be a thief nor cognizant of theft.

22. And let every true man who has not been of bad reputation and has failed neither in oath nor ordeal within his hundred, be entitled to a single purgation. And for an untrue man, let a single oath be chosen in three hundreds, and a threefold oath as far as it belongs to the *burh*; or let him go to the ordeal, and let a single purgation be preceded by a single fore-oath, and a threefold purgation by a triple fore-oath. And if a thane have a true man to take the fore-oath for him, be it so. If he have not, let him begin his suit himself; and let no fore-oath ever be remitted.

23. And let no man be entitled to any vouching to warranty, unless he have true witness whence that came to him which is attached with him; and let the witness declare, by the favor of God and his lord, that he is a true witness for him, as he saw with his eyes and heard with his ears that he rightfully obtained it.

24. And let no one buy any thing above the value of four pence, either living or lying, unless he have the true witness of four men, be it within a *burh*, or be it up in the country. For if it then be attached, and he have no such witness, let there be no vouching to warranty; but let his own be rendered to the proprietor; and the *æfter-gild*, and the *wite*, to him who is entitled thereto. And if he have witness, as we have here before ordained, then let it be thrice vouched to warranty: at the fourth time, let him keep possession of it, or render it to him who owns it. And it seems right to us, that no man should hold possession where there is witness, and it can be known that it had been abstracted: and that no man ought to claim possession, at the earliest, before six months after it had been stolen....

Of a False Oath

36. And if anyone swear a false oath on a relic, and he be convicted, let him forfeit his hands, or half his wergeld; and let that be divided between lord and bishop. And let him not be thenceforth oath-worthy, unless he the more thoroughly before God make amends, and find him surety that he will ever after abstain from the like.

Of False Witness

37. And if anyone stand openly in false witness, and he be convicted, let not his witness afterwards stand for aught, but let him pay to the king, or to the lord of the land, according to his *heals-fang* [that is, a portion of his wergeld].

38. At no time is injustice allowed; and yet at festival-tides, and fast-tides, and in festival-places, one ought most earnestly to take care. And always as a man is mightier or of greater degree, so ought he the more thoroughly to avoid injustice, before God and before the world. And let divine amends be earnestly and constantly sought, according as the books prescribe; and let secular amends be sought according to secular law.

39. If anyone kill a servant of the altar, let him be an outlaw to God and to men, unless he the more thoroughly make amends through exile, and also to the kindred, or clear himself by a purgation; and within thirty days let him set about amends, both to God and to men, on peril of all he possesses.

40. And if anyone wrong a man in holy orders, or a foreigner, through any means, as to money or as to life, then shall the king be unto the victim in the place of a kinsman and of a protector, unless he have another lord besides. And let amends be made to the king as it may be fitting; or let him avenge the deed very deeply. It belongs very rightly to a Christian king that he avenge God's anger very deeply, according as the deed may be.

Of Men in Holy Orders

41. If a servant of the altar commit homicide, or else work iniquity very enormously, let him then forfeit both degree and country, and go in exile as far as the pope shall prescribe to him, and earnestly do penance. And if he will clear himself, let him clear himself with a three-fold purgation; and unless he begin the amends within 30 days, to God and to men, let him be an outlaw....

44. If a man who has committed a crime worthy of death desire confession, let it never be denied him: and if anyone deny it him, let him make amends for that to the king with 120 shillings, or clear himself; let him select five [oath-helpers], and be the sixth himself....

Of Adultery

51. If anyone commit adultery, let him make amends for it as the deed may be. It is a wicked adultery when a married man lies with a single woman, and much worse, with another's wife, or with one in holy orders.

Of Incest

52. If anyone commit incest, let him make amends for it, according to the degree of kin, with wergeld as well as with *wite*, and with all his possessions. It is by no means alike whether a man lie with a sister, or if it were a distant relative.

Of Widows and Maids

53. If anyone ravish a widow, let him make amends for it with his wergeld. If anyone ravish a maid, let him make amends for it with his wergeld.

That No Woman Commit Adultery

54. If, during her husband's life, a woman lie with another man, and it become public, let her afterwards be for a worldly shame as regards herself, and let her lawful husband have all that she possessed; and let her then forfeit both nose and ears: and if it be a prosecution, and the purgation fail, let the bishop use his power, and judge severely.

55. If a married man lie with his own maid-servant, let him forfeit her, and make amends for himself to God and to men: and he who has a lawful wife, and also a concubine, let no priest administer to him any of those rites which ought to be administered to a Christian man before he desist, and so deeply make amends as the bishop may teach him; and let him ever desist from the like.

56. If foreigners will not correct their fornications, let them retire from the land, with their possessions and sins.

57. If there be open working of death, so that a man be murdered, let the slayer be delivered up to the kinsmen, and if there be a prosecution, and he fail at the purgation, let the bishop judge.

Of Plotting against a Lord

58. If anyone plot against the king, or his lord, let him be liable in his life, and in all that he owns, unless he go to the threefold ordeal....

Of Him Who Fights in the King's Household

60. If anyone fight in the king's household, let him forfeit his life, unless the king will be merciful to him.

In Case Anyone Disarm Another

61. If anyone unlawfully disarm a man, let him compensate with his *heals-fang*; and if he bind him, let him compensate with half his wergeld....

Of the Heriot

71. And if anyone depart this life intestate, be it through his neglect, or be it through sudden death, then let not the lord draw more from his property than his lawful heriot. And, according to his direction, let the property be distributed very justly to the wife, and children, and relations; to every one, according to the degree that belongs to him.

72. And let the heriots be as it is fitting to the degree. An earl's such as thereto belongs, that is: eight horses, four saddled and four unsaddled, and four helmets, and four coats of mail, and eight spears, and as many shields, and four swords, and two hundred mancuses of gold. And after that, a king's thane's, from those who are nearest to him: four horses, two saddled and two unsaddled, and two swords, and four spears, and as many shields, and a helmet, and a coat of mail, and fifty mancuses of gold. And of the medial thanes: a horse and his trappings, and his arms; or his *heals-fang* in Wessex; and in Mercia, two pounds; and in East Anglia, two pounds. And the heriot of a king's thane among the Danes, who has his privilege from the king, four pounds. And if he have further relation to the king: two horses, one saddled and the other unsaddled, and one sword, and two spears, and two shields, and fifty mancuses of gold: and he who is of less means, two pounds.

73. And where the husband dwelt without claim or contest, let the wife and the children dwell in the same, unassailed by litigation. And if the husband, before he was dead, had been cited, then let the heirs answer, as he himself should have done if he had lived.

Of a Widow: That She Continue Twelve Months Husbandless

74. And let every widow continue husbandless a twelve-month: let her then choose what she herself will; and if she, within the space of a year, choose a husband, then let her forfeit her morning-gift [given by her husband when they married], and all the possessions which she had through the first husband; and let the nearest kinsmen take the land and the possessions that she had before. And let the husband be liable for his *wer* to the king, or to him to whom he may have granted it. And though she be taken forcibly, let her forfeit the possessions, unless she be willing to go home again from the man, and never again be his. And let not a widow take the veil too precipitately. And let every widow pay the heriots, *wite*-less, within twelve months, unless it be convenient to her earlier.

75. And let no one compel either woman or maiden to marry him whom she herself mislikes, nor for money sell her; unless he is willing to give anything voluntarily....

Of Stolen Property

77. And if any man bring a stolen thing home to his cottage, and he be detected [by the owner]; it is just that the owner have what he went after. And unless it has been brought under his wife's key-lockers, let her be clear; for it is her duty to keep the keys of them; namely, her treasury, and her chest, and her boxes. If it be brought under any of these, then she is guilty. And no wife may forbid her husband to put into his house what he will. Before now, the child which lay in the cradle, though it had never tasted meat, was held by the covetous to be equally guilty as if it had discretion. But henceforth I most strenuously forbid it, and also very many things that are very hateful to God.

Of Him Who Flees from His Lord

78. And the man who shall flee from his lord, or from his comrade, by reason of his cowardice, be it in the fleet, or be it in the army, let him forfeit all that he owns, and his own life, and let the lord seize his possessions, and his land, which he previously gave him: and if he holds land by charter, let that go into the king's hands.

Of Him Who Falls before His Lord

79. And if a man fall before his lord in the army, be it within the land, or be it without the land, let the heriots be forgiven; and let the heirs succeed to the land and the property, and divide it very justly....

Of Hunting

81. And I will that every man be entitled to his hunting, in wood and in field, on his own possession. And let every one forego my hunting: take notice where I will have it untrespassed on, under penalty of the full *wite*....

84. And he who violates these laws, which the king has now given to all men, be he Danish or be he English, let him be liable in his wergeld to the king: and if he again violate them, let him pay twice his wergeld: and if he be then so daring that he violate them a third time, let him forfeit all that he possesses....

Cnut Assignment Vocabulary

Triple Ordeal:

Untrustworthy men were to be sent to the triple ordeal, that is, an ordeal of hot iron where the iron is three times heavier than that used in the simple ordeal, unless his lord and two other knights swear that he has not been accused of a crime recently, in which case he would be sent to an ordinary ordeal of hot iron.

Degrees of the Ordeal:

Usually given the title Ordeal, the water had to be close to boiling temperature, and the depth from which the stone had to be retrieved was up to the wrist for a 'one-fold' ordeal and up to the elbow for a 'three-fold' ordeal.[8] The distinction between the one-fold and three-fold ordeal appears to be based on the severity of the crime, with the three-fold ordeal being prescribed for more severe offences such as treachery or for notorious criminals.[9] The ordeal would take place in the church, with several in attendance, purified and praying God to reveal the truth. Afterwards, the hand was bound and examined after three days to see whether it was healing or festering.

Heriot:

From Old English heregeat ("war-gear"), was originally a death-duty in late Anglo-Saxon England, which required that at death, a nobleman provided to his king a given set of military equipment, often including horses, swords, shields, spears and helmets.
(Wikipedia)

Compurgation:

The clearing of the accused by the sacred oaths of others attesting to his good character.

Folk right:

Customary Law

Hundred:

Subdivision of a shire. It had its own court which met monthly.

Wergeld:

The sum of money which expressed the worth of an individual for purposes of compensation or penalty.

Gemot:

The regular assembly of a given community

CHARTER OF CANUTE.

THE Charter affords a most important illustration of the policy of Canute with regard to his English subjects, and of the general spirit of his legislation after his rule was universally admitted. It probably belongs to the year 1020, in which the king returned from Denmark, as the earl Thurcyl, to whom it is addressed, was outlawed the following year. The laws of Edgar had been chosen by the Danes and English at Oxford in 1018. The document is published for the first time. (see also [the Anglo-Saxon Chronicle : Eleventh Century; the years 1020-1022](#). Note added by the Avalon Project)

Canute, the king, greets his archbishops and his suffragan bishops, and Thurcyl the earl, and all his earls and all his people, twelfhynde and twyhynde, clerk and lay, in England, friendly; and I do you to wit that I will be kind lord and unfailing to God's rights and to right secular law. I took to my remembrance the writing and the word that archbishop Lyfing brought me from Rome from the pope, that I should everywhere maintain the glory of God and put down wrong, and work full peace by the might that God would give me. Now I shrank not from my cost whilst hostility was in hand among you; now I with God's help took away at my cost that of which men told me that it threatened us with more harm than well pleased us; and then went I myself into Denmark, with the men that went with me, from whence most harm came to you; and that have I with God's help taken precautions for that never henceforth should enmity come to you from thence whilst ye men rightly hold, and my life lasteth. Now I thank God Almighty for his help and mercy, that I have so allayed the great harms that threatened us, that we need expect from thence no harm, but to full peace and to deliverance if need be. Now I will that we all reverently thank God Almighty for the mercy that he has done for our help. Now I beseech my archbishops and all my suffragan bishops that they all be attentive about God's right, everyone in his district which is committed to him; and also my ealdormen I command that they help the bishops to God's right and to my royal authority and to the behoof of all the people. If any be so bold, clerk or lay, Dane or English, as to go against God's law and against my royal authority, or against secular law, and be unwilling to make amends, and to alter according to my bishops' teaching, then I pray Thurcyl my earl, and also command him, that he bend that unrighteous one to right if he can; if he cannot, then will I with the strength of us both that he destroy him in the land or drive him out of the land, be he better, be he worse; and also I command all my reeves, by my friendship and by all that they own, and by their own life, that they everywhere hold my people rightly and judge right judgments by the shire bishops' witness, and do such mercy therein as the shire bishop thinks right, as a man may attain to; and if any harbour a thief, or neglect the pursuit, be he answerable to me as the thief should, unless he can clear himself towards me with full purgation. And I will that all people, clerk and lay, hold fast Edgar's law, which all men have chosen and sworn to at Oxford, for that all the bishops say that it right deeply offends God, that a man break oaths or pledges; and likewise they further teach us that we should with all might and main, alike seek, love, and worship the eternal merciful God, and eschew all unrighteousness; that is, slaying of kinsmen, and murder, and perjury, and witchcraft and enchantment, and adultery, and incest; and also we charge in the name of God Almighty, and of all his saints, that no man be so bold as to marry a hallowed nun or mynchen; and if any have done so, be he outlaw towards God, and excommunicated from all Christendom, and answerable to the king in all he has, unless he quickly alter and deeply make amends to God; and further still, we admonish that men keep Sunday's festival with all their might, and observe it from Saturday's noon to Monday's dawning; and no man be so bold that he either go to market or seek any court on that holy day; and all men, poor and rich, seek their church, and ask forgiveness for their sins, and keep earnestly every ordained fast, and earnestly honour the saints that the mass priests shall bid us, that we may altogether through the mercy of the everlasting God and the intercession of his saints come to the joy of the kingdom of heaven, and dwell with Him who liveth and reigneth for ever without end. Amen.

Letter of Canute to the English People (1027)

"CANUTE, king of all England, and of Denmark, Norway, and part of Sweden, to Ethelnoth, metropolitan, and Ælfric, archbishop of York, and to the bishops and prelates, and to the whole nation of the English, both the nobles and the commons, greeting: —

"I notify to you that I have lately taken a journey to Rome, to pray for the forgiveness of my sins, and for the welfare of my dominions, and the people under my rule. I had long since vowed this journey to God, but I have been hitherto prevented from accomplishing it by the affairs of my kingdom and other causes of impediment. I now return most humble thanks to my God Almighty for suffering me in my lifetime to visit the sanctuary of his apostles, SS. Peter and Paul, and all others which I could find either within or without the city of Rome, and there in person reverentially worship according to my desire. I have performed this chiefly, because I have learnt from wise men that St. Peter the apostle has received from God great power in binding and loosing, and carries the keys of the kingdom of heaven; and therefore I esteemed it very profitable to seek his special patronage with the Lord.

"Be it known to all of you that, at the celebration of Easter, a great assembly of nobles was present with our lord, the pope John, and Conrad the emperor; that is to say, all the princes of the nations from Mount Garganus to the neighbouring sea. All these received me with honour and presented me with magnificent gifts; but more especially was I honoured by the emperor with various gifts and valuable presents, both in gold and silver vessels, and in palls and very costly robes. I spoke with the emperor himself, and the lord pope, and the princes who were there, in regard to the wants of my people, English as well as Danes; that there should be granted to them more equal justice and greater security in their journeys to Rome, and that they should not be hindered by so many barriers on the road, nor harassed by unjust tolls. The emperor assented to my demands, as well as king Rodolph, in whose dominions these barriers chiefly stand; and all the princes made edicts that my people, the merchants as well as those who go to pay their devotions, shall pass to and fro in their journeys to Rome in peace, and under the security of just laws, free from all molestation by the guards of barriers or the receivers of tolls. I made further complaint to my lord the pope, and expressed my high displeasure, that my archbishops are sorely aggrieved by the demand of immense sums of money when, according to custom, they resort to the apostolical see to obtain the pallium; and it is decreed that it should no longer be done. All things, therefore, which I requested for the good of my people from my lord the pope, and the emperor, and king Rodolph, and the other princes through whose territories our road to Rome lies, they have most freely granted, and even ratified their concessions by oath; to which four archbishops, twenty bishops, and an innumerable multitude of dukes and nobles who were there present, are witnesses. Wherefore I return most hearty thanks to Almighty God for my having successfully accomplished all that I had desired, as I had resolved in my mind, and having satisfied my wishes to the fullest extent.

"Be it known therefore to all of you, that I have humbly vowed to the Almighty God himself henceforward to amend my life in all respects, and to rule the kingdoms and the people subject to me with justice and clemency, giving equitable judgments in all matters; and if, through the intemperance of my youth or negligence, I have hitherto exceeded the bounds of justice in any of my acts, I intend by God's aid to make an entire change for the better. I therefore adjure and command my counsellors to whom I have entrusted the affairs of my kingdom, that henceforth they neither commit themselves, nor suffer to prevail, any sort of injustice throughout my dominions, either from fear of me, or from favour to any powerful person. I also command all sheriffs and magistrates throughout my whole kingdom, as they tender my regard and their own safety, that they use no unjust violence to any man, rich or poor, but that all, high and low, rich or poor, shall enjoy alike impartial law; from which they are never to deviate, either on account of royal favour, respect of person in the great, or for the sake of amassing money wrongfully, for I have no need to accumulate wealth by iniquitous exactions.

"I wish you further to know, that, returning by the way I went, I am now going to Denmark, to conclude a treaty for a solid peace, all the Danes concurring, with those nations and peoples who would have taken my life and crown if it had been possible; but this they were not able to accomplish, God bringing their strength to nought. — May He, of his merciful kindness, uphold me in my sovereignty and honour, and henceforth scatter and bring to nought the power and might of all my adversaries! When, therefore, I shall have made peace with the surrounding nations, and settled and reduced to order all my dominions in the East, so that we shall have nothing to fear from war or hostilities in any quarter, I propose to return to England as early in the summer as I shall be able to fit out my fleet. I have sent this epistle before me in order that my people may be gladdened at my success; because, as you yourselves know, I have never spared, nor will I spare, myself or my exertions, for the needful service of my whole people. I now therefore command and adjure all my bishops and the governors of my kingdom, by the duty they owe to God and myself, to take care that before I come to England all dues belonging to God, according to the old laws, be fully discharged; namely, plough-alms, the tythe of animals born in the current year, and the pence payable to St. Peter at Rome, whether from towns or vills; and in the middle of August the tythes of corn; and at the feast of St. Martin the first-fruits of grain (payable) to every one's parish church, called in English *ciric-sceat*. If these and such-like dues be not paid before I come, those who make default will incur fines to the king, according to law, which will be strictly enforced without mercy. Farewell."