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The Execution and Burial of Criminals in Early Medieval England, c. 850-1150

An examination of changes in judicial
punishment across the Norman Conquest

by
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ABSTRACT

In later Anglo-Saxon England, executed offenders and, probably also, other social deviants were separated from the rest of the community in death. They were buried in cemeteries far from settlements but in raised landscapes which would have been visible from frequented areas – so-called ‘execution cemeteries’. However, from the second half of the eleventh century, these deviant cemeteries appear to have fallen out of use. This thesis seeks to discover where criminals were buried after the Norman Conquest and examines the influences behind the changes in funerary treatment of judicial offenders. Numerous published excavation reports and databases were analysed for evidence of funerary deviance – i.e. any trait unusual for normative Christian burial – but with particular focus on evidence for decapitation or for individuals remaining bound at the wrists at the time of interment, both of which are the most direct indicators of potential execution. While 343 individuals were buried in Anglo-Saxon execution cemeteries – sixty-two of these decapitated and seventy-three potentially bound – only three such deviants could be identified from the Anglo-Norman period. To inform on this transformation in burial tradition, historical evidence, particularly legislation and historical chronicles, were used to aid in an examination of capital punishment from c.850 to c.1150 to better understand the treatment of judicial offenders from conviction to execution. Using both the written and funerary evidence, it is argued that that capital punishment was modified but did not cease to be used after the Conquest and that offenders executed under Norman rule were buried among and in the same manner as other members of the Christian community. The influences behind these changes in the treatment of criminals around the event of the Norman Conquest were not simply a result of the transition to Norman rule but were also a reaction to theological developments occurring in European Christianity.

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INTRODUCTION

On the morning of 30 April, 1076, Waltheof, an Anglo-Saxon earl who had been sentenced to death by William the Conqueror, was led from his prison cell in Winchester, where he had spent the past year, to his death. He was taken to a hill outside of the town walls in the early hours of the morning so that the Anglo-Saxon townspeople were not aware of the execution and could not come to his aid. There he was allowed to pray before his death; but as he lay face down on the earth reciting the Lord's Prayer, the executioner became too worried about the potential for a villager revolt, and he brought his sword down upon Waltheof's neck, severing his head mid-prayer. The corpse was then thrown in a ditch and hastily covered over.

Waltheof, Earl of Northumbria, was an Anglo-Saxon who initially rebelled against the invaders in the North but then, supposedly, ingratiated himself with the incoming Frenchmen after the Conquest, to the extent that he married the daughter of a Norman count. However, he soon became involved in a plot to overthrow the king, William I, which was primarily led by other Normans. His exact involvement with the plot differs according to the source consulted – the *Anglo-Saxon Chronicle D* and *E* straightforwardly stated that he was an accomplice, while the twelfth-century historian Orderic Vitalis claimed that he was caught with the traitors while actually trying to dissuade them from their treachery – but regardless of the specific scenario, he was convicted of treason and sentenced to death. Many of the dramatic elements in the depiction cited above of Waltheof's death come from Orderic Vitalis' record of the execution. Orderic is the only historian to write in detail about the actual execution and his ultimate goal was to present Waltheof as innocent, humble and pious, to justify the saint cult which later developed around him. This is why it is important that he was said to have been killed in the middle of prayer, humbly prostrated on the ground. Orderic even includes the slightly unbelievable detail that Waltheof's severed head finished reciting the Lord's Prayer before expiring (Chibnall 1990, 321-23; Appendix B no. 24). As fantastical as some elements of Orderic's account are, all accounts concur that Waltheof was executed by beheading.

The execution of Waltheof, just ten years after the conquest of England, is particularly relevant to the topic of judicial punishment. Waltheof was the only Anglo-Saxon involved in the plot and he was the only member of the traitorous party to have been executed. The *Anglo-Saxon Chronicles D* and *E* wrote of the traitors involved in this event that 'Some of them were blinded, some of them were banished, [Some were brought to

2 Introduction

shame]¹. So all traitors to William were laid low' (Garmonsway 1972, 212; Appendix B no. 23). However, the death of Waltheof was recorded separately in the following year's entry: 'Earl Waltheof was beheaded at Winchester [on St Petronella's day], and his body conveyed to Crowland, [where he is buried]²' (Garmonsway 1972, 213). It is intriguing that Waltheof was the only accomplice executed, while Earl Roger of Hereford, the leader of the coup, served out the remainder of his life in imprisonment. In fact, Waltheof is the only lord known to have been executed during the entire reign of William I.

According to Orderic, this contrast in punishment meted out to Roger and Waltheof is a matter of cultural traditions of justice. He records Waltheof himself as having said that, 'the law of England punishes the traitor by beheading' (Chibnall 1990, 315). Orderic implies that in each case William prescribed a punishment that accorded with the legal traditions of each party. As will be seen in Chapter 2, Anglo-Saxon law did punish traitors with death, and it is very possible that exile and imprisonment were far more common punishments in eleventh-century Normandy. However, is this situation as straightforward as presented by Orderic Vitalis? Probably not. Orderic was writing with the hindsight of roughly a century. However, his explanation for the difference in treatment of the two traitors of different backgrounds raises important questions: would both the Anglo-Saxons and the newly settled Normans have understood this statement of justice?

The late medieval historian Esther Cohen (1989, 410) wrote that:

Modes of execution could not be changed without impairing their very usefulness as tools of communication between rulers and ruled. The ritual was worthless unless people knew and understood its symbolism. It had therefore to remain grounded in popular tradition, and this tradition had nothing to do with learned jurisprudence.

Would the Anglo-Saxons have viewed Waltheof's execution as a just punishment which was 'grounded in tradition' or as a terrible act used to further symbolise William's conquest over them? Would the Normans have known about the Anglo-Saxon tradition or would William have seemed more lenient toward his own people, perhaps encouraging further opposition from traitorous Normans? There is often not enough detail in the historical sources to provide full answers to these sorts of questions, yet the questions themselves highlight the fact that there was a period between an Anglo-Saxon legal system with clearly developed penal traditions and the gruesome executions of the later medieval period where two separate cultures and legal systems were trying to co-exist under the same king. This thesis aims to look at that period and how the merging of Anglo-Saxon and Norman cultures affected the treatment of criminals. It also intends to use the modifications in the

¹ The portion in brackets was recorded in the D version only.

² The portion in brackets was recorded in the D version only.

punishment of criminals as a case study for examining larger themes around the impact of the Norman Conquest.

It is imperative at this point to note that this study will not delve too deeply into French Norman culture. The first reason is that research on Normandy pre-1066 is still somewhat limited. Scholars have more often focussed on eleventh- and twelfth-century Normandy and its relationships with the conquered territories of England and Italy (Bates 1982, xi-xix; Bates 1994, 19; Nelson 2011, 3-15). This is not to suggest that there is no current scholarship on early Normandy, but what exists, and particularly what exists in English, has been largely socio-politically focussed on the development and progression of Norman society. The second reason that I have not searched extensively for as many of those limited studies on early Norman justice, punishment and funerary tradition as I could find is that the role of the ruling Normans in England was completely different to their role in Normandy. William left Normandy as ruler of a duchy which had only existed since 911 and arrived in England to claim kingship over a territory with a royal seat and authority which had been developed over centuries. There is, thus, a huge distance in the scale of power from one position to another, which means that the administration of justice is not necessarily directly comparable between the two. Since this PhD is focussed on the comparison of Anglo-Saxon and Anglo-Norman judicial punishment, I have concentrated largely on changes identified in contemporary English sources and by Anglo-Saxon and Anglo-Norman scholarship.

Punishment is a useful focus for analysing legal changes, as it is the physical manifestation of justice on the bodies of criminals (Richards 2003; O'Keefe 1998). Punishment is also generally reserved for the worst offences, and thus its study provides insight into both the cultural perspective on crime and judicial control over society. However, in a society in which religion is deeply entwined in state affairs, the concepts of malefactor and sinner are fairly indistinguishable. Therefore, there was also a heavy Christian element to punishment working alongside political force. During the entire early medieval period examined in this thesis - from c. 850, after the conversion to Christianity and the development of kings in the Anglo-Saxon kingdoms, to c. 1150, around the reign of Stephen I but before the major legislative and administrative changes of Henry II - both judicial control and ecclesiastical influence on the customs and structure of daily life in England were constantly progressing and changing. Although impossible to fully disentangle, this thesis will attempt to separate the motives behind the political and religious influences on changes in the punishment of criminals in order to fully understand the impact of the Norman Conquest on justice.

In order to achieve these overarching aims, there are a number of other themes which must be considered. The place of punishment in the extant legislation and the practical role of legislation in early medieval society must be examined. It is important to

4 Introduction

understand how royal justice functioned in practice and how much control early medieval kings actually had over society to fully explore the use of punishment. It will be seen that there is a clear progression of increasingly centralised justice throughout the Anglo-Saxon period and continued by the Normans. Associated with the extent of royal authority is the involvement of the Church in legislation and judicial administration. Throughout the Middle Ages members of the clergy held influential positions in the royal court, which certainly impacted the decisions of reigning kings differently.

Different methods of execution will also be examined individually to understand their role in changing perspectives on capital punishment. While it is easy to group all methods of execution, and even corporal punishment, together as ‘gruesome medieval tortures’, reliance on certain punishments over others reveals not only judicial trends but also cultural traditions. For instance, the choice to decapitate or hang a person would likely not have been a spur of the moment decision but would have been embedded in a deeper custom or ideology surrounding both punishments. Equally important to understanding the subtle differences between punishments, is exploring how they might have been perceived by the greater community. Assuming that symbols of justice such as execution were aimed at an audience, it is crucial to consider not just the decisions of the judge but the reception of the audience. This thesis explores not just what punishments were used in early medieval England but why they used as well. Since this study examines individuals punished by royal administration for judicially mandated offences, there is an overt judicial focus; for certain topics and questions presented in the following pages there may be other less pragmatic interpretations, such as the influences of or beliefs regarding the supernatural, magic and other folklore. My intention is not to suggest that these factors were nonexistent or not important, but rather to emphasise the judicial motivation for the events around the Norman Conquest.

A variety of factors determine the form of judicial discipline – the crime itself, the status of the criminal, the personal temperament of the dispenser of justice, public opinion, beliefs about sin and the afterlife – and it is important to recognise not only that these forces simultaneously influenced punishment but were also interwoven with and affected each other. One of the main issues faced when studying early medieval³ execution is, as so often is the case, the available evidence. There are two main types of evidence: the written record, which mostly falls into the three categories of legislative, historical and ecclesiastical, and the bioarchaeological evidence, the primary focus of which is osteological information and funerary rituals. These two types of evidence also relate to either side of the actual execution.

³ There is debate about where exactly the period immediately after the Norman Conquest falls on the medieval time spectrum, but for the purposes of this thesis it will be classed as early medieval.

Most of the written evidence discusses what acts are viewed as judicial offences or sins and how many of these offences were meant to have been punished, both in this life and the afterlife; however, there can be a fairly big difference between how a crime is intended to be punished according to legal ideals and how it is effectively punished in reality. Unfortunately, accounts which discuss both the offence committed and the ensuing judicial punishment are limited in this period (Appendix B provides a compilation of historical records of crime and punishment in the Anglo-Saxon and Anglo-Norman period; it is not exhaustive, but it is representative of the amount and quality of accounts available). The bioarchaeological evidence, on the other hand, provides evidence of the aftermath of execution, though it cannot always reveal the exact circumstance of death. Knowing where and how the offender was buried provides evidence about how sin and criminality fit into popular social customs and religious beliefs. Chapters 2 and 3 will examine the scholarship on these two forms of evidence. Chapter 2 (Crime and Punishment) examines primarily the legal history of early medieval England, the crimes which may have been punishable, and the practical role of the law in society. Chapter 3 (Death and Burial) examines early medieval burial customs and the identification of deviant burials, focusing particularly on the burials of individuals who had been executed.

Both the historical and archaeological evidence provide information about the actual execution – the historical evidence gives an idea of the type of punishments which might have been faced but cannot confirm whether those punishments were practiced in reality, whereas the osteological evidence can sometimes illuminate the method of a person's death, but is limited by the need for this to have resulted in wounds which impact the bone as well as by the vagaries of preservation. In combining these two forms of evidence it is possible to approach a fuller understanding of what methods of execution were actually practiced, for which crimes and criminals they were used, and their wider place within cultural traditions. Chapter 4 (Decapitation) examines the osteological evidence for decapitation before and after the Conquest, and relies on examples in historical documents to help provide a cultural context for the practice. Chapter 5 (Captivity as an Indication of Execution) examines the position of crossed arms in deviant burials and uses the references to capital punishment in the historical sources to hypothesise what sort of execution methods might be represented in the grave by the binding of the offender's wrists prior to burial. Chapter 6 (Alternative Deviance: Prone, Multiple, and Isolated Burial and Non-normative Orientation) considers whether other forms of unusual, or deviant, burial, such as prone burial and burial in locations isolated from the rest of the community, might also reflect the burial of criminals or rather represent social or religious punishment of deviants. It will become clear that both judicial and social crimes often had different levels of severity in the eyes of medieval communities than they do today. For instance, theft was punished much more severely than

murder in Anglo-Saxon society and suicide does not seem to have had such extraordinarily sinful connotations as it did by the post-medieval period.

Chapter 7 (The Execution Ritual), endeavours to recreate what might have occurred during the moment surrounding the actual execution, that is to say, the execution ritual. Later medieval and early modern scholars such as Esther Cohen (1989), Danielle Westerhof (2007; 2013), Henry Summerson (2001), and Katherine Royer (2003; 2007) have examined in detail the execution ritual and the political and social significance of the corporal signifiers involved in capital punishment. Until very recently, however, there was a dearth of similar studies of such practices in the Anglo-Saxon and Anglo-Norman periods. This was primarily because of the type and detail of the historical sources available for the earlier as opposed to the later medieval and early modern periods. Trials and subsequent punishments were recorded in much greater detail from the thirteenth century, allowing for a much more substantial analysis of later medieval execution by modern scholars.

Recent studies of execution during the Anglo-Saxon and Anglo-Norman periods have tended to focus largely on one particular body of evidence. Legal scholars, such as Paul Hyams (2001; 2003), Tom Lambert (2012a), Barbara O'Keefe (1998) and Lisi Oliver (2001; 2008), have attempted to contextualise Anglo-Saxon legislation and systems of punishment within Anglo-Saxon society. For instance, Lambert (2012a) proposed that there is a distinction between the 'prohibitive justice' for crimes penalised by death or mutilation, such as theft, and 'protective justice' for crimes such as homicide, which usually only requires compensation. The study is enlightening of the Anglo-Saxon mind-set regarding the severity of crime, but its scope does not account for the actual execution of the punishments prescribed in the laws.

A recent volume edited by Jay Paul Gates and Nicole Marafioti (2014) collected interdisciplinary papers by a number of scholars in the field of crime and punishment in early medieval England. The volume was a tremendous effort toward advancing our understanding of crime and punishment in Anglo-Saxon England; however due to the nature of edited volumes, the papers still felt isolated within their own fields (Mattison 2014). For example, Jo Buckberry (2014) provided extensive detail on how to osteologically recognise corporal and capital punishment; however, as the article was written for a non-osteological audience, it clearly demonstrates the need for collaboration between archaeology and history but does not have room to add anything new to the discussion on Anglo-Saxon punishment. Gates' contribution to this volume (2014, 165-80) and also his previous research (2012) examined the motivation and tradition behind decapitation and discussed how execution becomes a powerful political symbol; however, his message was that the meaning behind this symbol of justice was widely enough understood that it would have added to a literary account of the death of a criminal, regardless of the actual mechanism of death. While this concept is

essential to understanding historical references to execution, the paper also steers away from making any commitments about execution in practice.

Marafioti's (2014, 113-30) contribution possibly comes closest to thinking about the actual ritual of execution, by considering in greater depth some of the players. The paper considers the theological consequences for the souls of judges for condemning someone to death. Marafioti's work (2009; 2014) has dug a bit more deeply into cultural perceptions of execution and what was actually going on, or believed to be going on, in the moments surrounding the event of actual execution. Chapter 7 considers the above-mentioned research and valuable contributions from other scholars of early medieval punishment to help combine legal, theological, historical and archaeological evidence in an attempt to come as close as possible to recreating the execution event in order to better understand the political signs of capital punishment and the community reception of those signs.

Chapter 8 (Corporal Punishment) takes a brief respite from execution to look at corporal punishment. Like capital punishment, but unlike other penalties such as fines and exile, corporal punishment is permanent. During the tenth and eleventh centuries, corporal punishment developed from a separate punishment for entirely different crimes, to a less severe alternative to execution, to the punishment preferred over execution. The relationship between the corporal and capital punishment exemplifies many of the political and religious changes occurring around the Norman Conquest.

Chapter 9 (Earthly and Heavenly Judgement) examines the relationship of legal judgement with the perceived consequences of execution on the immortal soul. The chapter brings together a number of themes from previous chapters to show how both developing royal justice and Christian beliefs, although not always in harmony, brought about change in eleventh-century England that is reflected in the treatment of criminals. There was a general trend toward increased use of corporal punishment from the eleventh century which seems to have been supported by both the inclusion of Norman punishments to the Anglo-Saxon legal practices and the encouragement by clergy of the application of the concept of penance to royal justice. A change in burial location which resulted in increased inclusion in the community of the dead for criminals was also a consequence of both socio-political and religious factors: namely, the restructuring of communities following the Norman Conquest and growing ecclesiastical concern for providing second chances for salvation, which ultimately developed and led to the creation of Purgatory. While the developments in Christian ideology seem to have begun even before Norman invasion and settlement, the manifest changes in the treatment of criminals, c. 850-1150, were certainly aided by transformations in royal justice which occurred because of the Norman Conquest.

CRIME AND PUNISHMENT

There are two main, and often disparate, bodies of evidence for early medieval judicial punishment: historical records, including legal documents and historical accounts of punishment, and archaeological evidence. Legal documents reveal select information about which sort of crimes were punished and more limited information as to what those punishments might have been. The intention of the early medieval laws and the extent of their use as a practical code of justice are not fully understood. One of the main questions that must be addressed is whether punishments which are mandated in laws were effectively put into practice. Charters and writs record trials, disputes, and newly introduced laws, but are largely focused on transactions involving money and land, so provide only limited information about judicial punishment. Ecclesiastical histories and archaeological excavations provide a glimpse of the aftermath of execution, specifically concerning the final resting places of criminals who had been executed. However, clerical writings present what may be an idealised version of religious behaviour, while archaeological evidence is unfortunately compromised by limitations on the scale and completeness of excavation and the vagaries of preservation. Before attempting to integrate these bodies of evidence, which bookend the actual execution itself, the scholarship relating to each area of investigation must be considered independently. This chapter examines what legal and historical writings reveal about crime and punishment in early medieval England, while Chapter 3 will look at the other side of judicial execution: the burial.

Punishment in Early Medieval Law

The prevailing view in legal scholarship, for most of the twentieth century, was that state punishment was not fully implemented until after the Norman Conquest. Due to this absence of judicial punishment, many scholars saw Anglo-Saxon law as unsophisticated and more similar to its Germanic predecessors than to any legislation that followed it in England (Rabin 2014, 181; Wormald 1999a, 45-69). This belief was expounded in particular in the work of Fredrick William Maitland and Frederick Pollock. Pollock, who wrote the chapter on the Anglo-Saxon period in the comprehensive text on English law jointly published with Maitland in 1895, states that 'The staple matter of judicial proceedings was of a rude and simple kind. In so far as we can trust the written law, the only topics of general importance were manslaughter, wounding, and cattle-stealing' (Pollock and Maitland 1968, 38). One garners the impression that it was not the legal structure so much as Anglo-Saxon society

and culture in general which Pollock seemed to find 'rudimentary' and 'simple'. He repeatedly used the term 'archaic', and perhaps when looked at by late nineteenth-century lawyers in comparison to modern British law it appears as such; however, in the context of the Anglo-Saxon period, the written laws and legal structure can be seen to develop and grow in complexity as early medieval England developed more centralised authority.

The overarching opinion of legal scholars on English law is that it was not until the reign of Henry II that significant steps toward the foundation of modern law become visible. It cannot be denied that the laws of Henry II look vastly different from the first English laws of Æthelberht, six centuries earlier, or even from those of Alfred, only three centuries earlier. Unlike Anglo-Saxon law, *Tractatus de legibus et consuetudinibus regni Angliae*, more commonly known as *Glanvill* after the advisor to Henry II to whom the work is attributed, was divided into easily discernible chapters, enumerated the judicial process, allowed for a range of punishments which were dependent on the situational details of the crime, and made, for the first time, a defined distinction between civil and criminal pleas.

It can be argued that *Glanvill* does not demonstrate a more sophisticated legal structure in itself but, rather, is the result of development in the organisation and purpose of legislation from an Anglo-Saxon legal foundation. Patrick Wormald does just this in his attempt to demonstrate the lasting influence of Anglo-Saxon legislation on English Common Law, arguing that,

England's law is distinctive because it is as old as the English kingdom. What above all distinguished the history of England from that of its neighbours and counterparts is that the power of government has been longer and more consistently felt throughout the area it has claimed to rule. English law has been the instrument and expression of that power ever since it was exercised by King Alfred (871-99) and his heirs. Henry II made law like no other twelfth-century king, because he inherited a system of royal justice that was already uniquely old and active (Wormald 1999b, xi).

Wormald was part of the beginning of a modern scholarship which has been questioning both the assumption that the Anglo-Saxons did not enforce their laws with punishment, and the conclusion that this meant they did not have a strong central government (Hudson 2012, 181; Gates and Marafioti 2014; Rabins 2014). Recent discoveries and reanalyses of multiple execution cemeteries (discussed in full in the next chapter) have also provided new insight on the issue. The following sections will discuss early medieval English legislation and royal justice, with a particular emphasis on the role of punishment. It will be seen that the use of punishment, capital and corporal, in the laws reveals much about crime and the position of the criminal in Anglo-Saxon and Anglo-Norman society.

ANGLO-SAXON LEGISLATION

The laws of twelve Anglo-Saxon kings survive: the laws of the Kentish kings Æthelberht (written in the late sixth century), Hlothere and Eadric (written together c. 673 x 685), and Wihtred (c. 695); the first laws of Wessex by King Ine, which were drawn up c. 688 x 694, shortly before those of Wihtred; the late ninth-century laws of Alfred the Great (892 x 893), as well as his treaty with the Danes (880 x 890); the laws of Edward the Elder (900 x 925), Æthelstan (925 x 939), Edmund (942 x 946), Edgar (962 x 963); the many sets of law-codes under Æthelred (the unready), which span from c. 991 to 1000; and the early eleventh-century laws of Cnut.

Much of this legislation survives in later law-codes or manuscripts, particularly in the twelfth-century *Quadripartitus*, written during the reign of Henry I (Attenborough 1922; Robertson 1925; Pollock and Maitland 1968, 84-99). It is highly probable that laws that have since been lost were produced by other Anglo-Saxon kings, especially considering the long hiatus in the production of legislation between the issuing of Ine's laws and those of Alfred. Indeed, the laws of Ine would not have survived at all if not added as an appendix to Alfred's *domboc* (or lawbook) (Attenborough 1922, 34). Wormald suggested that there is a strong possibility that Offa, King of Mercia in the second half of the eighth century, would have recorded his own set of laws (Wormald 1999a, 201-23). Alfred acknowledges his judicial predecessors in the prologue to his own laws, stating that he compiled the most just laws from the times of Æthelberht, Ine and Offa, which hints at now lost Mercian legislation (Attenborough 1922, 63). Wormald also mentions a number of possible references to Offa's laws in the letters of Alcuin, a Northumbrian scholar at the end of the eighth century (Wormald 1999a, 204-17). Scholars will never know the true extent of Anglo-Saxon law-codes, charters and writs which have not survived. Enough legislation does survive from the late eighth through mid-eleventh centuries, however, to glean some sense of late Anglo-Saxon judicial practice.

The beginning of Anglo-Saxon law

The earliest Anglo-Saxon laws were largely based on the Germanic legal system, and this is apparent in the structure and content of Æthelberht's code. The system of monetary compensation, the reliance on feud and personal vengeance as a part of penal system, and the clauses for sick-maintenance embedded in the injury tariffs, all have foundations in Germanic law (Oliver 2001; Oliver 2008, 305; Wormald 1999a, 1-43). The penalties in the very first law-code of Æthelberht, issued around the turn of the seventh century, were entirely comprised of monetary fees, mainly intended as compensation to the victim of the crime. This system of compensation was largely developed to provide peaceful mediation between

feuding parties and redress to those who were wronged during the dispute (Fruscione 2014; Lehman 1985; Oakley 1932, 515). A legal system built on monetary compensation was the standard for early medieval feud-based societies on the Continent as well; the substance of Æthelberht's law-code was, thus, not overly innovative, and much of its content may have already been established as an oral legal system in Kent. His main contribution to the development of English law was not the formulation of laws, but the writing of them down, giving them permanence (Oliver 2002, 16-18; Wormald 1999a, 18; 1999b, 93-101). Lisi Oliver (2002, 10-18) suggested that Æthelberht — as a powerful Kentish ruler having just won a major victory against Ceawlin, King of the West Saxons — was attempting to establish himself as an important king in the annals of history by creating a permanent record of his authority. The Anglo-Saxon laws may arguably have initially been more of a general statement of kingliness than for use in judicial cases; however the written legislative documents are a list of rules compiled mostly by necessity and example, and the manner in which they were continuously redrafted by later kings and supplemented with newly formed laws demonstrates that they were intended as guidelines of conduct for Anglo-Saxon society.

The formation of law

The law-codes are each attributed to a certain Anglo-Saxon king, but while kings had a very active role in creating the legislation, none of them would have formulated the laws singlehandedly. Asser, biographer and advisor to Alfred the Great, emphasised the role of the king as a supreme judge and administrator, but not, as John Hudson (2012, 17) points out, as a legislator. Each king had a council of advisors, both to create legislation and to aid him in ruling. References to judiciary councils can be found in the laws as early as Ine. The introduction to his code states:

I, Ine, by the grace of God king of Wessex, with the advice and instruction of Cenred, my father, Hedde, my bishop, and of Erconwald, my bishop, and with all my *ealdorman* and the chief councillors of my people, and with a great concourse of the servants of God as well, have been taking counsel for the salvation of our souls and the security of our realm, in order that just law and just decrees may be established and ensured throughout our nation, so that no *ealdorman* nor subject of ours may from henceforth pervert our decrees (Attenborough 1922, 37).¹

Similar introductions can be found throughout the law-codes of all of the Anglo-Saxon kings. Æthelstan specifically mentions in his codes that his councillors had come together at

¹ 'Ic Ine, mid Godes gife, Wesseaxna kyning, mid geðeahte 7 mid lare Cenredes mines fæder 7 Heddes mines biscepes 7 Eorcenwoldes mines biscepes, [7] mid eallum minum ealdormonnum 8 þæm ieldstan witum minre ðeode 7 éac micelre gesomnunge Godes ðeowa, wæs smeagende be ðære hælo urra sawla 7 be ðam staþole ures rices, þætte ryht æw 7 ryhte cynedomas ðurh ure folc gefæstnode 7 getrymede wæron, þætte nænig ealdormonna ne us undergeðeodedra cæfter þam wære awendende ðas ure dómas' (Attenborough 1922, 82).

Grately, Exeter, and Faversham during church festivals specifically for the formulation of new law-codes.

The kings' councils were comprised of notable ealdormen and bishops. From the very beginning, the clergy played a large role in the formation of English law, in part because there were few outside of the Church community who were literate. It was no coincidence that the first written laws of England were not created until after the arrival of the Benedictine monk Augustine in Kent at the end of the sixth century and the conversion of Æthelberht, King of Kent, to Christianity (Oliver 2002, 16). T.P. Oakley (1932, 516) suggested that the Church was able to support royal justice when the king could not convincingly maintain order by invoking fears of punishment from a higher power. Judiciary support from the Church provided early on enabled royal law to develop into an effective penal system, while at the same time permanently partnering the king and the Church in the fight against immoral behaviour. Yet Carole Hough (2000, 137-39) more recently argued that, at least towards the later period, without the penalties prescribed by secular law, the Church would not have been able to enforce the fulfilment of penance.

It is certainly notable that after the reign of Alfred penance appears more frequently alongside penal fines in the secular laws. However, the argument about whether the Church enabled judicial punishment, or whether the system of royal justice reinforced religious penance, is somewhat futile; secular and ecclesiastical punishment were so intertwined that both arguments will prove true at different times during the Anglo-Saxon period and for different types of people. The law-codes of Æthelred and Cnut and the document commonly known as 'the Laws of Edward and Guthrum' have been attributed to Archbishop Wulfstan of York, based on phraseology and similarity of content consistent between these documents and with Wulfstan's own homilies (Whitelock 1941; Whitelock 1948; Whitelock 1976, 23-28). Although this suggestion, primarily forwarded by Dorothy Whitelock, was a significant matter of debate in the mid-twentieth century, it has subsequently been fully accepted and developed upon in late twentieth- and twenty-first-century scholarship (Whitelock 1955b; Lawson 1992; Wormald 1999a, 225-51; Foxhall Forbes 2013, 172-93). That Wulfstan was so demonstrably instrumental in the phrasing, and probably content, of legislation reveals the extent to which the written laws could be a cooperative effort between the king and his councillors, particularly his bishops.

Christian ideals and state justice were delicately interwoven in early medieval England. The Church and king shared a mutual goal of the betterment and order of society. However, these two penal bodies could differ drastically in their approaches and beliefs regarding that goal. The king was focused on deterrence and eradication of crime from society in general, while the Church looked more toward atonement for the individual's crime (Thompson 2004, 174). Both of these authoritative bodies relied on fear of the negative

consequences of misbehaviour: for the king it was the social humiliation of judicial penalty and the physical pain of punishment, and for the Church it was ultimately eternal pain and suffering in the fires of hell. In both schemes of punishment, execution would have been the punishment most feared.

Execution combines the physical pain of punishment with the notion that a sudden and violent death leaves no opportunity for lengthy repentance and, thus, immortal salvation. Execution condemns the body and soul simultaneously. Due to the seriousness of such a fate, some of the clergy were less in favour of execution than others. Wulfstan, for instance, believed that execution was a last resort, only for unforgivable deeds, something which is apparent in the law-codes he wrote. The laws of Æthelred (V Æthelred 3), for example, state:

And it is the decree of our lord and his councillors, that Christian men shall not be condemned to death for too trivial offences, but, on the contrary, merciful punishments shall be determined upon for the public good, that the handiwork of God, and what he purchased for himself at a great price, be not destroyed for trivial offences (Robertson 1925, 81).²

Nicole Marafioti (2009, 51) argues that the reference not just to the 'handiwork of God', which is the body, but 'what he purchased', meaning the soul, implies that execution was believed to directly lead to the destruction of the immortal soul. While the Church might have used the fear of hell as an incentive for good behaviour, many clerics would not have wished to condemn anyone to such a fate. Yet, despite the influence of Wulfstan on secular law, execution remained in the law-codes and a punishment into the eleventh century and well after the Norman Conquest.

Christian beliefs were also embedded in the judicial process as well as the legislation. Cases were generally settled by witness testimony and oaths. A great deal of importance was placed on oath-taking, and oaths were usually sworn over relics or some object of religious importance (Foxhall Forbes 2013, 152-53). Trustworthiness and honesty were highly valued in a society in which the majority of people would have been illiterate, but invoking God in the oath-taking process put the man's mortal and immortal reputation at risk if he committed perjury (Bartlett 1986, 30-31). In certain situations where, for example, no trustworthy witness could be found or the evidence was unclear, the accused might be sent to the ordeal. In England, ordeals were only used in what could be considered criminal cases, not civil cases, such as land disputes.

² 'Ures hlafordes gerædnes his witena is, þæt man Cristene men for ealles to litlum to deaðe ne fordeme; ac ells geræde man fridlice steora folce to þearfe, ne forspille for litlum Godes handgeweorc his agene ceap þe he deore gebohte' (Robertson 1925, 80).

The two types of ordeal mainly used in Anglo-Saxon England were ordeal by fire and ordeal by water. In the ordeal by fire, the offender would have to carry a heated iron rod in his hand for three paces, which was then bound for three days. When the bandages on the hand were unwrapped, if the hand was healed and unblemished the person was innocent, if the wound was infected the person was guilty. In the ordeal by water, the offender would either submerge their hand in boiling water, which would then be examined later for healing as in the trial by fire, or the entire body would be immersed in cold water and the offender would be found guilty if his body did not sink (Bartlett 1986, 1-2, 25-29; Foxhall Forbes 2013, 159-60).

Ordeals had to be administered by a priest, and were performed with the belief that if the judicial court did not have adequate information to judge the guilt of the offender then the decision would be left to the judgement of omniscient God. However, the ordeal was part of a multi-layered judicial system, and even if God's judgment was that the accused was innocent, his reputation was still tarnished for having had to undergo the ordeal process and he may still have been penalised for the offence (Bartlett 1986, 25-29). While ecclesiastical beliefs were firmly embedded in the judicial system, these beliefs ultimately surrendered precedence to more practical judicial ideals when faced with the management of society and the eradication of crime.

The lexicon of penalty

As stated above, the Anglo-Saxon system of penalty primarily utilised a combination of monetary compensation, to go to the victim, and fines, to go to the authorities. These two forms of payment are represented by the Old English words *bot* and *wite*. *Bot* seems to have generally meant compensation, including both redress and penal fines. Sometimes the laws stated that a man must pay a specific amount of money, but more often it was stated that the man owed so much *bot*. *Wite*, on the other hand, denotes a fine, usually to the king. This was specifically a penal payment, while *bot* was often intended as amends to the injured party. Many of the greater misdeeds were assigned the payment of the miscreant's *wergild* — which is the literal monetary value of the person based on his status — or outlawry, rather than the death penalty. The amount of a man's *wergild* was dependent on his social status. If a man was not able to pay the full amount of compensation (be it *bot*, *wite*, or *wergild*), it would be taken from his movable wealth and property or he would enter penal enslavement until the debt was paid (Hudson 2012, 178, 194-8).

Forfeiture of goods and land and exile or outlawry were also punishments for some of the more serious offences. It should be noted that being outlawed was a fairly severe punishment, which would have imposed social damnation (Thompson 2004, 51-53). An outlaw would have to forfeit his movables and land, and could not return except on pain of

death (IV Æthelstan 3; V Æthelstan o.1). The important distinction, then, is that exile, monetary compensation, and penal slavery were all remittable, whereas corporal and capital punishment were not. A man cannot be given back his limbs or his life.

Patrick Wormald (1999a, 61) suggests that from early in the tenth century *bot* takes on a slightly altered meaning, moving closer to the concept of *wite*: ‘*bót*, once the redress of wrong to an injured kin, was now a fine for damaging society as a whole’. It was at this point that *bot* began to cover all fines – *wite*, the king’s *mund* (or protection), *wergild* – on top of personal amends. This change emphasises the growing role of the king in judicial penalty, in that the purpose of compensation was no longer solely to appease the wronged individual, but a fine for a wrong performed against society, with the king at the top of that society.

Botleas — literally *bot*-less or unamendable — probably signifies the death penalty (Hudson 2012, 181). In the time of Henry I corporal punishment was viewed as a form of compensation:

Leges Henrici Primi 59, 21. Every theft, whether of livestock or other chattels whether of one thing or of several, may be amended by making compensation or may not; of the ones which may be compensated for, some are satisfied by the loss of a limb, others by the payment of money (Downer 1972, 189).³

While most Anglo-Saxon clauses on corporal punishment phrase the punishment as the loss or forfeiture of the body part in question, Alfred 25.1 hints that at least some corporal punishment may have similarly been categorised as compensation, or *bot*, rather than as a category in its own right. The law states that ‘if a slave rapes a slave, castration shall be required as compensation’ (Attenborough 1922, 75). The Old English phrasing was ‘*bete mid his eowende*’ (Attenborough 1922, 74), literally meaning ‘compensation with his genitals’. If corporal punishment was generally considered as compensation paid with a body part, then a *botleas* offence would have had no alternative but to be punished by death.

Capital and corporal punishments were reserved for the worst crimes, such as theft, treason, and the forging of counterfeit coin, which suggests that the death penalty was not a reckless judgement by a violent authority but a carefully considered judicial statement. The late seventh-century code of Wihtred inserts the first capital punishment clause, for a man caught in the act of theft (Wihtred 26). From this point, further punishments are included in the law-codes of each successive king. The increase in the number of crimes which were punishable between the codes of Æthelberht and Alfred was arguably correlated with a growing central authority and thus a change in the function of law (Fruscione 2014). Table 2.1 provides a complete list of crimes meriting judicial punishment and the corresponding

³ ‘*Omne autem furtum mobile uel immobile, simplex aut multiplex, redimendum [uel] non est, redimendorum alia menbris alia peccunia*’ (Downer 1972, 188).

clauses. Unfortunately, the codes are fairly vague regarding the official designated punishments for these crimes. The ambiguity of commonly used phrases such as ‘he shall forfeit his life’ or ‘he shall never be able to save his life’ suggest that perhaps the method of death would have been chosen by the authority delivering either the judgement or the punishment.

Theft

There are certain crimes which were continually assigned the death penalty from the seventh to eleventh centuries. One of these is theft. The first instance of capital punishment included in the Anglo-Saxon laws was a punishment for theft (Whitred 26). In the extant codes of nearly every king following Whitred, the consequence for stealing was likely to have been death. There was, however, some flexibility in Anglo-Saxon punishment. Very few clauses mandate a single punishment with no allowances for circumstance or opportunities for forgiveness. For instance, Whitred 26 states that ‘If anyone catches a freeman in the act of stealing, the king shall decide which of the following three courses shall be adopted - whether he shall be put to death, or sold beyond the sea, or held to ransom for his wergeld’ (Attenborough 1922, 29).⁴ Many clauses give the option of death or payment of the full wergild, while others are more set on execution unless the king, specifically, wishes to pardon the criminal. II Æthelstan 20.3 and 20.6, IV Æthelstan 6, VI Æthelstan 1.1, VI Æthelstan 12.2, III Edmund 4 and II Cnut 26, however, leave no option but death. II Cnut 26 states that ‘the proved thief and he who has been discovered in treason against his lord, whatever sanctuary he seeks, shall never be able to save his life’ (Robertson 1925, 189).⁵

Laws were added and amended on a case basis (Hudson 2012, 79; Wormald 1999b, 282). A consequence of this manner in which the laws were collected and recorded is that not all codes address every previously mentioned issue and there are occasionally multiple clauses on the same issue within the same code which contradict each other. This is the case for theft in the laws of Ine, the first code by the kings of Wessex. Theft under Ine could lead to a variety of punishments: compensation (Ine 7, 10, 14), payment of *wergild* (Ine 12, 15), being placed into slavery (Ine 7.1), the loss of a hand or foot (Ine 18, 37), or the death penalty (Ine 12). The difference between corporal punishment and compensation appears to be in part the confidence of the conviction. If the thief was caught in the act or proved guilty by ordeal, rather than just being accused, punishment was prescribed.

⁴ ‘Gif man frigne man æt hæbbendre handa gefo, þanne wealde se cyning ðreora anes; oððe hine man cwele oþþe ofer sæ selle oþþe hine his wergelde alese’ (Attenborough 1922, 28).

⁵ ‘gesece se ebæra ðeof þæt he sece, oððe se ðe on hlafordsearwe gemet sy, þæt hi næfre feorh ne geseccan’ (Robertson 1925, 188).

Table 2.1. A list of punishable offences during the Anglo-Saxon period and where they can be found in the Anglo-Saxon law-codes.

Crime	Capital Punishment	Corporal Punishment	Botleas
Theft and Robbery	Whitred 26; Ine 12; II Æthelstan 20.3; II Æthelstan 20.6; IV Æthelstan 6; IV Æthelstan 6.4; VI Æthelstan 1.1; VI Æthelstan 1.4; VI Æthelstan 8.3; VI Æthelstan 12.2; III Edgar 7.3; IV Edgar 11; II Cnut 26; II Cnut 26.1	Ine 18; Ine 37; Alfred 6;	II Cnut 64
Treason	Alfred 4; Alfred 4.2; II Æthelstan 4; III Edgar 7.3; V Æthelred 30; VI Æthelred 37; II Cnut 26; II Cnut 57		II Cnut 64
Harbouring outlaws, fugitives, criminals, or excommunicated persons	Alfred 4; IV Æthelstan 6.3; V Æthelstan 0.3; VI Æthelstan 1.2; III Æthelred 13.1; VIII Æthelred 42; II Cnut 66		
Fighting in the king's court or house	Ine 6; Alfred 7, II Cnut 59		
Violation of the King's or Church's <i>mund</i> or <i>grið</i> (<i>mundbryce</i> or <i>griðbryce</i>)	II Edmund 6; I Cnut 2.2		III Æthelred 1; I Cnut 2.2-2.5
Deserting the king's army, one's lord or comrades on expedition	V Æthelred 28; II Cnut 77		
Standing by, avenging a thief, or aiding the escape of a thief	II Æthelstan 6.2; IV Æthelstan 6.3; VI Æthelstan 1.3; VI Æthelstan 1.4; VI Æthelstan 1.5; VI Æthelstan 8.3; Cnut <i>Proclamation of 1020</i> , 12		
Having no surety upon accusation, and interposing on behalf of such a person	I Æthelred 4; I Æthelred 4.2; II Cnut 33.1; II Cnut 33.1a		
Outlaw returned to native district	IV Æthelstan 3; V Æthelstan 0.2		
Failing the ordeal	I Æthelred 1; III Æthelred 4.1	II Cnut 30.4-30.5	
Arson	II Æthelstan 6.2		II Cnut 64
Assault on a man's house	II Edmund 6		II Cnut 64
<i>Morð</i>	II Æthelstan 6		II Cnut 64
Killing someone by witchcraft or sorcery	II Æthelstan 6		
Capital deed of violence while in the army (<i>griðbryce</i>)	II Cnut 61		
Excommunicated man or homicide remaining near the king before making amends towards the church and state	V Æthelred 29		
Public slander and false accusation		Alfred 32; III Edgar 4; II Cnut 16	
Making or issuing counterfeit coins		II Æthelstan 14.1; II Cnut 8.1; II Cnut 8.2	
Perjury on the relics		II Cnut 36	
Wounding a man while resisting the payment of ecclesiastical dues		II Cnut 48.1	
Adultery by the woman		II Cnut 53	
Homicide in a church			VIII Æthelred 1.1; I Cnut 2.3

Theft in which the offender was proved guilty in the ordeal or by being caught in the act was known as open theft (*openre ðeof*). There does not seem to have necessarily been a distinction between theft and robbery in the eyes of the law (Hudson 2012, 166), but open theft was almost always punished severely. However, even the accused thief might have been killed or mutilated according to many of the legal clauses. It can be difficult to determine whether these inconsistencies are deliberate and result from slight differences in the crime itself, whether they reveal changes in punishment over time, or whether they demonstrate that a number of penalties were generally used to counter theft. It appears that theft could very often lead to the death of the thief, however the judgment probably depended on the circumstances of the theft, the identity of the criminal and the authorities who orchestrated the justice. Those who harboured or avenged a thief in any way may also have been subject to capital punishment, especially under the rule of Æthelstan (Alfred 4; IV Æthelstan 6.3; V Æthelstan 0.3; VI Æthelstan 1.2; III Æthelred 13.1; VIII Æthelred 42; II Cnut 66).

Treason

Treason (i.e. plotting against one's lord or king) was also condemned in many of the law-codes. The relationship between a man and his lord was one of the most important bonds in Anglo-Saxon society. The oath a man would have taken to his lord required that he swore to be loyal and true, to love his lord like himself, and to love what he loves and hate what he hates. A lord had the power to call on his men to avenge him in feud or fight beside him in war (Baxter 2007, 207; Baxter 2009, 399). Disobeying or, worse, betraying, one's lord was one of the most serious crimes. The king was a superlative form of lord, and betraying him was utterly unforgivable.

The concept of treason was first legislated for by Alfred (Alfred 4):

If anyone plots against the life of the king, either on his own account, or by harbouring outlaws, or men belonging to [the king] himself, he shall forfeit his life and all he possesses.

§1. If he wishes to clear himself [from such a charge], he shall do it by an oath equal to the king's wergeld.

§2. And likewise with regard to all classes, both commoners and nobles, we ordain: he who plots against the life of his lord shall forfeit his life to him, and all he possesses, or he shall clear himself by [and oath equal to] his lord's wergeld (Attenborough 1922, 65-67).⁶

⁶[*Be cynincges swicdome.*] *Gif hwa ymb cyninges feorh sierwe, ðurh hine oððe ðurh wreccena feormunge oððe his manna, sie he his feores scyldig ealles þæs ðe he age. § 1. Gif he hine selfne triowan wille, do þæt be cyninges wergelde. § 2. Swa we éac settað be eallum hadum, ge ceorle ge eorle: se ðe ymb his hlafordes fiorh sierwe, sie he wið ðone his feores scyldig ealles ðæs ðe he age, oððe be his hlafordes were hine getriowe* (Attenborough 1922, 64-66).

The addition of treason is an attempt by Alfred, and successive kings, to legally secure a hierarchy of lordship. Alfred 4 takes into account both plotting against one's king (what would become regarded as high treason) and the betrayal of one's lord (what would later become known as petty treason). The consequence for treason against the king was generally death, with no alternative unless one gained the forgiveness of the king (Alfred 4; Alfred 4.2; II Æthelstan 4; III Edgar 7.3; V Æthelred 30; VI Æthelred 37; II Cnut 26; II Cnut 57).

Bellamy (1970, 1-10) notes an important distinction between this early version of treason and the later post-Conquest *lese-majesty* (or high treason). Anglo-Saxons owed fealty to their lords and kings, rather than obedience. Fealty was reciprocal and required the loyalty of the subject for the protection and support of the king. Anglo-Saxon lords were equally responsible for their men (Baxter 2007, 207; Baxter 2009, 399-403); they were expected to provide surety for their household and all those on their land, to provide protection for their men in the face of the law and seek compensation for injuries done to them (for instance see Ine 70; Ine 76; VI Æthelstan 1.4; VIII Æthelred 3; I Cnut 2.5; II Cnut 42; II 48.1). Only later in the Middle Ages, once the central authoritative position of the king was more firmly established and it was fully understood that the king symbolically represented, rather than merely judicially controlled, society as a whole, was it assumed that the subject would obey the king's wishes simply because he was the king. The Anglo-Saxon laws worked within a system of reciprocity, with regards to both vengeance and protection (Baxter 2007; Bellamy 1970, 10).

The king provided two types of protection, or peace, to the people in his realm. The first was known as *frið*. It was a very general peace, which was usually associated with a specific source, such as the king or the Church. It was equally offensive to violate the *frið* of the Church as it was that of the king. The king could also bestow his *mund* (or *grið* in the north), his personal protection, upon a person or place (Hudson 2012, 58-59; Lambert 2012a 14-16, 24-32; Wormald 1999a, 61). Anyone who violated the king's *mund* was subject to the loss of all he possessed, and it was for the king to decide whether he could keep his life (II Edmund 6; I Cnut 2.2; II Cnut 61). Æthelred declared that breach of king's *grið*, which he personally bestows with his own hand, was *botleas* (III Æthelred 1).

Other capital crimes

It will have been noticed in Table 2.1 that, although theft and treason were the crimes which were most persistently prescribed capital punishment throughout the Anglo-Saxon law-codes, they were not the only crimes which were punishable by death. Harboursing a fugitive or criminal also merited the death penalty (Alfred 4; IV Æthelstan 6.3; V Æthelstan 0.3; VI Æthelstan 1.2; III Æthelred 13.1; VIII Æthelred 42; II Cnut 66), and was generally considered a form of treason, because the offender was seen to have been siding with the criminal against

the king. Fighting in the king's house falls into a similar category (Ine 6; Alfred 7, II Cnut 59) – it would have been seen as a breach of the protection he offered to those under his roof. Deserting the king's army or one's lord or comrades in battle was a capital offence (V Æthelred 28; II Cnut 77). Arson (II Æthelstan 6.2; II Cnut 64) and assault on a man's house (II Edmund 6) were also punished severely.

Many of the other crimes punishable by death may have been the specific focus of individual kings. For instance, theft and any association with thieves (harbouring them, aiding their escape, avenging them) seem to have been a particular worry for Æthelstan. Only in V Æthelred 29 is an excommunicated man or one who has committed homicide subjected to death for remaining near the king before beginning to make amends for his crime (meaning compensation and penance). Only in II Cnut 61 is the death penalty mandated for a capital deed of violence while in the army. On the other hand, crimes that appear in later codes may have been punished regularly before their first appearance in writing. For instance, when a man was accused of a crime, he would bring forth a surety, essentially a person, often his lord, who would vouch for his good character. Under the laws of Æthelred and Cnut, a man under suspicion who failed to produce a surety could be killed (I Æthelred 4; I Æthelred 4.2; II Cnut 33.1; II Cnut 33.1a). Most likely such a man would have then faced the ordeal; yet the ordeal had been used since at least the reign of Ine (37), which suggests that the issue of failure to produce a surety would have been dealt with prior to the reign of Æthelred but was not detailed in the legislation. Under Æthelred (I Æthelred 1; III Æthelred 4.1), a person found guilty at the triple ordeal, was subject to execution, and under Cnut (II Cnut 30.4-30.5), brutal mutilation.

Corporal Punishment

Corporal punishment was not used in Anglo-Saxon England as a lesser punishment to execution, but, rather, was for the most part assigned to very specific crimes. Slander and false accusation merited the loss of the tongue (Alfred 32; III Edgar 4; II Cnut 16); making counterfeit coins earned the offender the loss of the hand that made the coin (II Æthelstan 14.1; II Cnut 8.1; II Cnut 8.2); perjury on the relics and wounding a man while forcibly resisting paying dues to the Church were first introduced into a lawcode by Cnut and both required the loss of a hand (II Cnut 36; II Cnut 48.1); adultery by a woman also required the loss of her ears and nose under Cnut (II Cnut 53). Aside from this last crime, the specific corporal punishment was very much related to the crime and prevented its repetition. It could be argued that the punishment for adultery might be prohibitive to re-committing the crime as well, however there are certainly other, more sexually stimulating, body parts which have a closer association to adultery. This begs consideration of a separate or additional connotation to disfigurement of the female face. Since the penal legislation pertaining

specifically to women is extremely limited, it is difficult to explore specific connotations to female punishment; however facial disfigurement is also prescribed for men in II Cnut 30 on thoroughly untrustworthy men.

A passage in the *Vita S Dunstani* of English cleric and historian Eadmer, written c. 1105 x 1109, explicitly states the severity of creating counterfeit coins:

For these minters who have been purposely making false silver pennies are thieves, and I know of no theft more harmful than theirs. By the false coinage which they make they ruin, corrupt, and cause turmoil throughout the whole country. These men injure the very rich, those with moderate wealth, and the destitute equally, and out of concern for their own interest they lead everyone to shame or poverty or utter devastation (Turner and Muir 2006, 121, Appendix B no. 6).⁷

Forging counterfeit coins was no less offensive a crime than theft or treason, however it was a type of crime which may have been further prevented by a punishment less severe than death. Without his right hand a forger might not commit further crime, or without his tongue a slanderer can no more utter false accusations; however, a thief without his right hand might steal with his left or commit other acts of bad character, and a traitor will forever be untrustworthy. Thus corporal punishment was not necessarily a lesser form of punishment than execution but a means of eradicating different crimes that those which required death.

There are, however, examples, especially from the mid-tenth century, of theft having been punished by mutilation rather than death. One of St Swithun's miracles, recorded in the versions of his life by Lantfred of Winchester (c. 972 x 975), Wulfstan Cantor (c. 994 x 996), and Ælfric of Eynsham (c. 998), was to heal the mutilation performed on a man falsely accused of theft. Miraculously the man's eyeballs, which had been torn out, grow back and he can see, and where his ears had been amputated and healed shut, holes open up and he can hear again (Lapidge 2003, 310-315, 508-15, 600-01; Skeat 1881a, 459; Appendix B no. 10). The use of corporal punishment increased toward the end of the Anglo-Saxon period, something which is especially visible during the reign of Cnut, and this trend continued into the Anglo-Norman period. This trend will be discussed in more detail in Chapter 8.

Slaves

Penalties for slaves comprise a large portion of punishment legislation (see Table 2.2). It must be remembered that, because the Anglo-Saxons used slavery as a penalty when an offender could not pay the full amount of compensation, the laws applying to slaves were potentially

⁷ *'Monetarii nempe qui falsos ex industria denarios faciunt fures sunt, et eorum furto nullum nocentius esse cognosco. Nam in falsa moneta quam faciunt totam terram spoliunt, seducunt, perrurbant. Ipsi diuites, ipsi mediocres, ipsi pauperes in commune laedunt, et omnes, quantum sua interest, aut in opprobrium aut in egestatem aut in nichilum redigunt'* (Turner and Muir 2006, 120).

Table 2.2. A list of the offences committed by slaves that might lead to punishment found in the Anglo-Saxon law-codes.

Crime	Capital Punishment	Corporal Punishment
Theft by a slave	Whitred 27; IV Æthelstan 6.5; IV Æthelstan 6.7; III Edmund 4;	Ine 48; II Æthelstan 19; III Edmund 4
A slave failing the ordeal	I Æthelred 2.1; II Cnut 32.1	II Æthelstan 19; I Æthelred 2; II Cnut 32
Working on Sunday		Ine 3.1; Edward and Guthrum 7.1; II Cnut 45.2
Slave breaking a legally ordained fast		Edward and Guthrum 8; II Cnut 46.2
Rape of a slave by a slave		Alfred 25
Homicide by a slave		Ine 54.2
Servant of a king or bishop or a bond servant accused of criminal activity		Wihtred 22; Wihtred 23
Servant journeying alone		Wihtred 10
Slave making offerings to the devil		Wihtred 13
Slave eating of his own free will		Wihtred 15
Slave not paying church dues		VII Æthelred 2.2

of interest to the free. Like freemen, slaves who committed theft or failed the ordeal might be punished with death. IV Æthelstan 6 provides more detail than any other clause on punishment for theft, even specifying punishments for slaves:

§5. In the case of a male slave, sixty and twenty slaves shall go and stone him. And if any of them fails three times to hit him, he shall himself be scourged three times...

§7. In the case of a female slave who commits an act of theft anywhere except against her master or mistress, sixty and twenty female slaves shall go and bring three logs each and burn that one slave; and they shall pay as many pennies as male slaves would have to pay or suffer scourging as has been stated above with reference to male slaves (Attenborough, 1922, 151).⁸

A slave who attempted to escape would also have been put to death, possibly by hanging or stoning (Ine 24; VI Æthelstan 6.3).

Many other crimes were punished with corporal punishment. The clause concerning the rape of a slave by a slave presents the only historical reference to castration in the Anglo-Saxon corpus (Alfred 25.1). Certain physical punishments – whippings and branding – were primarily reserved as penalties for slaves. A slave who failed the ordeal for the first time would have been branded; if he failed it again he would lose his head (II Æthelred 2, II Cnut 32). If a slave was guilty of a lesser offence, such as working on a Sunday, breaking a legally

⁸ ‘§5. *Si servus sit, eant sexaginta et viginti servi et lapident eum. Et si colpus alicui fallat ter, verberetur et ipse ter...* §7. *Si serva ancilla sit et ipsa furetur alicubi præterquam domino suo et dominæ suæ, adeant sexaginta et viginti ancillæ et afferent singulæ tria ligna at comburant eam unam ancillam, et conferant totidem denarios, quot servi deberent aut verberentur, sicut de servis dictum est*’ (Attenborough 1922, 150).

ordained fast, journeying home alone, making offerings to the devil, or failing to pay Church dues or was generally accused of criminal activity if he was the servant or slave of the king or a bishop, he could have been subjected to a scourging (a severe whipping) (Wihtréd 10; Wihtréd 13; Wihtréd 22; Wihtréd 23; Ine 3.1; Edward and Guthrum 7.1; Edward and Guthrum 8; VI Æthelred 2.2; II Cnut 45.2; II Cnut 46.2). A whipping was probably a fairly generic punishment for slave misdemeanours. After his death, St Swithun reportedly freed a slave girl, who was imprisoned while awaiting a lashing for a ‘small transgression’, saving her from punishment (Lapidge 2003, 288-91, 468-69, 596-97; Appendix B no. 8). Roman society (along with most other slaving communities) was similarly judicially structured in that, while slaves were executed for major crimes, most crimes were punished with whipping. This will have been partly due to their social function as workers and labourers and partly due to their status as property, which meant that on most occasions punishment would have been exacted by the slave owner (Buckland 1969, 91-97; Harper 2011, 225-38, 256-59).

Justice in practice

An examination of the laws provides an impression of the justice intended by the king and his advisors, however it should not be taken for granted that these laws were followed in practice. There are no historical examples of the laws having been actually used for reference or to aid in decisions of judgement in Anglo-Saxon courts (Hudson 2012, 26; Wormald 1999b, 118-21). Patrick Wormald refers to the laws as ‘an index of governing mentalities’, suggesting that they were more the ideals to which the government strove, rather than the regulations actually employed (Wormald 1999b, 481-2). Yet Anglo-Saxon kings did disseminate law and order somehow, if not with the surviving law-codes then orally or, perhaps, in the form of writs, which were royally sealed letters issuing commands. Writs would have been a quick and efficient method of announcing new legislation, but they also would have been much more easily lost or destroyed. Post-Conquest kings relied heavily on writs and charters, thus it would not be implausible to propose that Anglo-Saxon kings may have as well (Hudson 2012, 26-29). The surviving law-codes should be expected to mirror the disseminated royal legislation, if perhaps with a more idealistic bent. They should be seen as an example of how each king thought England should be governed and illuminate those aspects of social behaviour that specific kings thought were particularly problematic.

What the extant laws can provide for scholars is an insight into the types of crimes that were more regularly being committed, or at least the crimes which the authorities felt needed regulation and stemming the most. For instance, the laws of Æthelstan, written in the mid-tenth century, were particularly focused on theft, suggesting that it may have been a greater issue during his reign than previously. Æthelstan’s treatment of theft in the codes grows increasingly specific, implying a continuing concern with the crime. His initial codes

treat theft fairly generally: ‘First, no thief shall be spared, who is seized in the act, if he is over twelve years old and [if the value of the stolen goods is] more than 8 pence’ (II Æthelstan 1; Attenborough 1922, 127).⁹ The clause goes on to imply that the most likely consequences of theft would have been the payment of the thief’s *wergild* or imprisonment. However, by the end of the same code (II), he states that men should ‘refrain from theft on pain of death and the loss of all they possess’ (II Æthelstan 20.3).¹⁰ In his fourth code Æthelstan specifies the form of death penalty for free females (thrown off a cliff or drowned), male slaves (stoning) and female slaves (burning) who have committed theft, which is unusual detail for any of the Anglo-Saxon law-codes. By the last code he is very specific about the punishment for theft: ‘No thief shall be spared [who has stolen goods worth] more than twelve pence, and who is over twelve years old. If we find him guilty according to the public law, and he cannot in any wise deny it, we shall put him to death and take all he possesses’ (VI Æthelstan 1).¹¹ Æthelstan’s sixth code is almost entirely devoted to theft and its consequences. Not only the continuing concern regarding severity of the crime, but Æthelstan’s frustration at general unruliness, is clearly perceptible. His fifth code, which is thought to have been written before the third, fourth and sixth, begins ‘I, King Æthelstan, declare that I have learned that the public peace has not been kept to the extent, either of my wishes, or of the provisions laid down at Grately. And my councillors say that I have suffered this too long’.¹² While there is minimal evidence to allow assessment as to whether these legislative declarations were effective in minimising theft, the death penalty for theft was maintained in the law codes beyond the reign of Æthelstan.

A number of historical examples and charters of lawsuits do correspond with the punishments provided in the laws. Treason was nearly always punished by death. For instance Asser, in his *Life of Alfred the Great*, tells the story of two clergymen who plot the murder of their abbot, and were executed by ‘various tortures’ (Keynes and Lapidge 1983, 105; Appendix B no. 1). It is clear that they are not punished for the attempted murder, but because it was a betrayal of their lord, the abbot. One of the more well-known examples of treason is the case of Eadric *Streona*, who betrayed King Edmund to help Cnut conquer England. As the newly crowned king of England, Cnut had Eadric and his compatriots executed for treason (Appendix B no. 19). The story of Eadric’s betrayal and execution was

⁹ ‘Ærest þæt mon ne sparige nanne þeof þe æt hæbbendre honda gefongen sy, ofer XII winter 7 ofer eahta peningas’ (Attenborough 1922, 126).

¹⁰ ‘... forǵa þyfd̥e be his feore be eallum þan þe he age’ (Attenborough 1922, 136).

¹¹ ‘Þæt man ne sparige þe[ofe] ofer XII pæningas 7 ofer XII winter mánn þone þe wé on folcriht geáxian, þæt [he] ful sý 7 to nánán andsæce ne mæge; þæt wé hine ofslean 7 niman eall þæt he áge’ (Attenborough 1922, 156).

¹² ‘Æðelstan cyng cyþ, þæt ic hæbbe geahsod, þæt ure frið is wyrð gehealden ðonne me lyste, oþþe hit æt Greatanlea gecweden wære; 7 mina witan secgað, þæt ic hit to lange forboren hæbbe’ (Attenborough 1922, 152).

recorded in the *Anglo-Saxon Chronicle* and the *Encomium Emmae Reginae*, as well as nearly every twelfth-century history of England.

Theft also seems to have been often punished by death, as was mandated in the laws. The *Life of St Edmund* (in both of the versions by Abbo of Fleury and Ælfric of Eynsham) records the hanging of thieves, on the order of Bishop Theodred, who attempted to steal from St Edmund's church (Skeat 1881b, 328-31; Winterbottom 1972, 83-84; Appendix B no. 3). Lantfred of Winchester's *Translation and Miracles of St Swithun* records the tale of a man who was given wheat from the king's reapers without permission of the royal steward and was sentenced to death, but saved by the intervention of St Swithun (Lapidge 2003, 314-17; Appendix B no. 11). The Domesday Book (Essex ii. f.2-2v) records the forfeiture and execution of a smith for theft (Williams and Martin 1992, 970; Appendix B no. 21). Unfortunately, no further detail is provided about the crime or the execution.

There are also examples in which theft was treated more leniently. A charter from the beginning of the tenth century (S1445) told of a man called Helmstan who stole a belt, but was for the most part absolved of the crime by oath, but then years later was caught in open theft of cattle so was made to forfeit his land and pronounced an outlaw (Harmer 1914, 60-62; Wormald 1988, 261). This first instance of theft took place under the reign of Alfred, because the case was brought directly before him; the second theft may have also been during his reign or perhaps the reign of his son, Edward. It is perhaps Alfred and Edward's leniency toward theft which inspires Edward's successor, Æthelstan, to take the crime so seriously. Yet it also raises the question of how far the supposed laws of the king actually extended into the daily lives of Anglo-Saxons.

Courts for hearing judicial pleas existed on a variety of levels. The king held his own courts for hearing cases, usually regarding matters directly concerning him, such as treason, certain land disputes (especially of his own land), or petitions about regional court judgements. There is some evidence that the king may have been directly involved with the occasional trial, or at least aware of its proceedings. The main purpose of the aforementioned charter, dated to 900 x 924, of the theft by Helmstan was to record a dispute over his land at Fonthill (S1445). Helmstan, who owned the disputed five hides at Fonthill, was liable to lose his land after committing the theft of a belt. Since the arbitrators of the case were not in agreement amongst themselves, the case was taken to King Alfred who made his judgement on it, which was to agree with the decision of the majority (Harmer 1914, 60-62; Wormald 1988, 261). King Alfred did not take part in seeing the oaths spoken or the land given to its rightful owner, but he was available as official arbitrator, whose judgement could not be questioned. Another charter from the late tenth century (S877) records the forfeiture of a certain Wulfbold, who stole his stepmother's property and refused a summons from the king four times. A meeting attended by all of the king's councillors was held, and the judgement

was that Wulfbold's property would be forfeited to the king and he was at the mercy of the king as to whether he was allowed to live or was put to death (Robertson 1956, 130; Wormald 1988, 262). The charter implies that the latter was the eventual decision, although it does not say whether the judgment came from the king directly, or was delegated to those councillors who held the original meeting.

Most justice, however, was dispensed in local and regional courts primarily run by ealdormen or reeves appointed by the king (Hudson 2012, 41-46). The reeves enforced and accepted the payment of various dues, carried out royal decrees, witnessed purchases, maintained the peace in assemblies and held judicial courts at various local levels, namely the hundred (or wapentake in the Danelaw), the *burh*, and the shire. Those more serious pleas, which may have led to the ordeal or capital punishment, were most likely heard at the shire level, although the hundred court had the right of *infangentheof*, which was the right to try and punish (generally by execution) thieves caught in or just after the act (Hudson 2012, 37-60). Whether the courts were truly an extension of the king's authority or whether they represented the king's law in idea only is debatable, and indeed frequently debated. James Campbell, for instance, saw the Anglo-Saxon government as a complex system of regional and local authorities, but one in which the king ultimately retained a large element of control in even the most local courts. Campbell suggested that while the hundredal and hidage systems (both systems of national division into smaller entities for more efficient economic and legal procedure) were outside influences adopted from Roman predecessors or Carolingian contact, the strength and success of the Anglo-Saxon government stems from substantial interaction between the state and the individual. Campbell (1995, 47, 39-65) stated that 'Late Anglo-Saxon England was a nation state. It was an entity with an effective central authority, uniformly organised institutions, a national language, a national church, defined frontiers (admittedly with considerable fluidity in the North), and, above all, a strong sense of national identity'.

Other scholars doubt Campbell's certainty regarding the centralisation of the Anglo-Saxon state. Paul Hyams (2001, 3) has stated that the scholars arguing for fully centralised governments 'do not ... take sufficient care to juxtapose undoubted royal aspirations and robust attempts to actualize them with the resistance of individuals keen to defend and perhaps further their own opposed interests'. A major factor in his argument is the allowance of feud and the amount of control the Anglo-Saxon individual had in settling his own disagreements. It may have been noticeable that murder was not discussed in the above section on capital punishment; this is because homicide and murder were, for the most part, not crimes which received Anglo-Saxon royal punishment.

There were certain, very specific, instances in which slaying someone might have been punished. Slaying one's lord or the king qualified as treason, which called for the death

penalty. Homicide within the walls of the church was *botleas* in the laws of Æthelred and Cnut. *Morð* was also punishable. There have been scholarly discussions about the exact connotation of *morð*; the assumption had long been that it signified a secret slaying, but more recently Bruce O'Brien has put forth the suggestion that it actually designates a slaying which was unamendable, or *botleas* (O'Brien 1996, 336-49; Hudson 2012, 166). Regardless of its exact meaning, it is clear that it is a far worse crime than 'slaying' (*ofslea*). Most of the references to *morð* refer to the crime in a more general context, such as VI Æthelred 7:

And if wizards or sorcerers, magicians or prostitutes, those who secretly compass death (*morðwyrhtan*) or perjurers be met with anywhere in the land, they shall be zealously driven from this land and the nation shall be purified; otherwise they shall be utterly destroyed in the land, unless they cease from their wickedness and make amends to the utmost of their ability (Robertson 1925, 93).¹³

Edward and Guthrum II, VI Æthelred 28.2, II Cnut 4a and II Cnut 5 make similar declarations. However, II Æthelstan 6 declares it a crime worthy of death, along with witchcraft and sorcery. In II Cnut 5 it is stated that if *morð* is discovered, the murderer will be delivered up to the kinsman of the slain man (which would assuredly lead to the offender's death), and II Cnut 64 declares it to be a *botleas* crime. For the most part, however, homicide was usually handled by the payment of a compensatory fee to the family (and in certain circumstances, a fine toward the king) or the offender risked the vengeance of the slain man's kin. This type of vengeance often led to what is known as feud, or sometimes bloodfeud.

Feud provided the wronged with a means of personally obtaining justice, but the vendetta often extended from the individual to entire family groups and could last decades. Maitland, like scholars before him, was fixated on the Anglo-Saxon application of compensation for homicide and royal cooperation with the feud system, assuming a lack of 'true punishment' to be a sign of a weak legal system. Patrick Wormald (1999a, 61), in his critique of Maitland's oversight regarding the Anglo-Saxon use of criminal punishment, repeatedly quotes Maitland as having written 'on the eve of the Conquest many bad crimes could still be paid for with money'. By 'bad crimes', Maitland was particularly referring to homicide. Tom Lambert (2012a) argues that law is focused on maintaining order within a society, and makes the case that homicide was not thought to be an aggressive act against Anglo-Saxon society. He distinguishes between crimes against people and crimes against property. Theft, for instance, was thought to have been a crime which worried the entire community, because it is a sign of bad character rather than merely a disagreement between

¹³ 'gif wican oððe wigeleras, scincraeftcan oððe horcwenan, morðwyrhtan oððe mánsworan ahwar on earde wurðan agytene, fyse hy man georne ut of þysan earde 7 clæ[n]sige þas þeode, oþþe on earde forfare hy mid ealle, butan hy geswican 7 þe deoppor gebetan' (Robertson 1925, 92).

individuals. Very few crimes against people, unless it was a breach of trust between a lord and his subject, were actively punished under Anglo-Saxon jurisdiction; crimes against individual persons, such as homicide and rape, were mended by compensating the victim or the victim's family in an attempt to avoid reciprocal personal vengeance. While legal scholars such as Pollock and Maitland viewed this continuation of personal violence as a neglect of judicial control, it could also be argued that adaptation of vengeance within the legislation can be used to observe the development of royal justice.

Paul Hyams (2001) and Richard Fletcher (2004) both agree that the cultural phenomenon of feud was actually built into the judicial system. Anglo-Saxon England had for too long been a society built on the idea that individuals and their kin were expected to avenge any wrongs done to them themselves, such that it was unlikely that its inhabitants would suddenly place their justice into the hands of a single man. In Anglo-Saxon culture 'it was a fact of life that violence and conflict were as much a part of the social order as was peace' and that even kings approached crime with a feud mentality, by enforcing violent punishments to establish peace (Fletcher 2004, 10-29). Indeed, there are implications in the law-codes of kings encouraging justice into the hands of the common people. Men were encouraged to pursue thieves themselves, and if the thief is slain in the attempt to secure him, it was made clear that there would be no repercussions for the slayer, who would, in fact, occasionally have been rewarded (Wiltred 25, Ine 16, Ine 35, VI Æthelstan 7, VI Æthelstan 12.3, III Edmund 2, I Edgar 2, IV Edgar 14).

On the other hand, the law also accounts for the anger of the family of the slain thief. If they believed their kinsman was not a thief, and they could prove it with oaths in court, the slayer would be handed over to them for vengeance (III Æthelred 7). Feud was even judged a legal means of recourse. For instance, VI Æthelstan 7 states that 'We have declared, whoever it be whose hands avenge wrongs done to us all, we shall all stand together, both in friendship and in feud – whichever may be the result' (Attenborough 1922, 163).¹⁴ II Æthelred 6, which discusses misconduct involving the truce Æthelred made between the Scandinavians and Anglo-Saxons, adds that 'if the breach of the truce takes place inside a town, the burghers themselves shall go and take the slayers alive or dead - the nearest relatives [of the slain man] shall take head for head. If they fail to do so, the ealdorman shall act; if he fails to do so, the king shall act...' (Robertson 1925, 59).¹⁵ Personal violence as a means of justice thus continued throughout the tenth and eleventh centuries, but under the

¹⁴ 'Þæt we cwædon; dyde dæda se þe dyde þæt úre ealra téonan wræce, þæt we wæron ealle swa ánum freondscype swa on ánum feondscype, swa heæðer hit þonne wære' (Attenborough 1922, 162).

¹⁵ 'Gyf hit binnan byrig gedon friðbræc, fare seo buruhwaru sylf to 7 begyte ða banan, cuce oððe deade, heora nyh[s]tan magas heafod wið heafde. Gyf hy nellan, fare se ealdorman to; gif he nelle, fare se cyning to' (Robertson 1925, 58).

authority of the king (Hudson 2012, 12-13). By absorbing notions of feud into the legal system, the king, intentionally or otherwise, set himself up as the wronged victim in any crime, and, thus, Anglo-Saxon society became his kin.

It is notable, however, that vengeance did seem to become increasingly less acceptable after the laws of Alfred. The laws of Ine (20) and Wihtred (28) both state that a stranger who wanders from the road and does not announce himself if he comes upon anyone else could be assumed to be a thief and either slain or ransomed for his wergild. This practice may have continued after the seventh century, but it was not found in any official legislation. In II Edmund 7 it is emphasised that the law is, in fact, intended to replace vengeance and personal recourse for justice: 'The authorities must put a stop to vendettas. First according to public law, the slayer shall give security to his advocate, and the advocate to the kinsmen [of the slain man], that he (the slayer) will make reparation to the kindred' (Robertson 1925, 11).¹⁶ In initially allowing the individual a role in administering justice, by maintaining feud and rewarding the catching of thieves and bringing forth criminals, the Anglo-Saxon kings were exhibiting more control of society than might be immediately assumed. However, as kings gained more central authority, it is clear that they did attempt to rein in the amount of personal justice in favour of royally administered justice. This would have been particularly important with execution and punishment. In the overall scope of judicial matters, the employment of capital and corporal punishment was very rare. It was this rarity which made punishment such a powerful sign of authority and deterrent for crime by reminding the community that the king had power over life and death.

By the reign of Cnut, and more frequently during the time of Edward the Confessor, the right of *sake* and *soke* was being bestowed upon local jurisdictions and monasteries. It has been debated what is actually meant by the terms *sake* and *soke*, and exactly how much judicial authority they allowed. *Soke* was a judicial right bestowed by the king to select ealdormen, *burhs* or monasteries, which allowed the receiver the right to the administration of local justice, within a certain amount of reason. Maitland (1897, 81-94, 307-40) assumed that *soke* provided the right to hold private courts and collect dues and chattels beyond the authority of royal officials, specifically sheriffs. This would have meant that, although the king himself was bestowing the right of private justice, criminal punishment was in the hands of local authorities rather than the king. Many scholars, namely Henry Adams, Julius Goebel, Naomi Hurnard, Florence Harmer, Helen Cam, and Patrick Wormald, have disagreed with this suggestion to a variety of levels. Most, however, agreed with the notion that, while a certain amount of authority was allowed to local and hundredal courts, it was

¹⁶ 'Witan scylon fæhðe sectan: ærest æfter folcrichte slaga sceal his forspecan on hand syllan 7 se forspecan magum, þæt se slaga wille betan wið mægðe' (Robertson 1925, 10).

limited to minor pleas, which would not have required any judgement more severe than monetary compensation (Baxter 2007, 210-11; Baxter 2009, 384; Wormald 1999a, 313-18).

Wormald argues that much of the evidence for Anglo-Saxon *sake* and *soke* comes from the Domesday Book or later forgeries of charters, supposedly by Edward the Confessor, which provides an anachronistic perspective of Anglo-Saxon jurisdiction. Post-Conquest officials misunderstood or mistranslated Anglo-Saxon 'commendatory lordship' for *soke*. Criminal pleas were not usually covered under *soke* (Hudson 2012, 32). Wormald argued that Anglo-Saxon lords did have the responsibility of maintaining good behaviour and could profit from the dues required from misbehaviour, but this should not be mistaken for permission to prescribe their own judgements outside of the royal remit (Wormald 1999a, 327-28). It seems probable that the aim may have been largely for royal judicial control with judiciary rights given to hundredal and manorial courts for petty crimes, but in reality including a large range of exercised authorities. Criminal trials of the sort that would call for execution or mutilation would most likely have fallen under the remit of royal officials.

The extent of Anglo-Saxon central authority is crucial for interpreting the effect of the written legislation. Stephen Baxter (2007, 11-12) divided social power structures into two schemes: formal (meaning royal authority) and informal (meaning social ties, such as kinship, community and religion). He stresses that these two schemes are firmly connected in Anglo-Saxon society, and often worked together. There will always be scholars on either side of the debate about how centralised Anglo-Saxon royal power truly was; however, the more important issue may be recognising the many social groups and communities that Anglo-Saxon individuals were part of and how they all interacted and affected one another.

Anglo-Saxon law was built on a structure of compensation and reparation to help maintain social order between individuals, families, and communities. Only crimes so terrible that no payment could ever amend the wrong would have been punished with corporal or capital punishment; such crimes were usually an affront to the king or God, such as plotting against one's king or lord, theft of Church goods, or creating and distributing counterfeit coin, which had to be visibly punished to deter further such acts. According to surviving written documents, the Anglo-Saxon kings certainly used the death penalty and various forms of mutilation, but they did so logically and rarely, so as to make a bold statement.

ANGLO-NORMAN LEGISLATION

Anglo-Norman law holds an ambiguous position in legal history between the 'archaic' Anglo-Saxon law, on the one side, and, on the other, the reign of Henry II, which is thought to have

set the foundations for English Common Law. It is believed that the Normans did not bring any form of written legislation with them to England, with the earliest extant purely Norman laws being the *Le très ancien Coutumier*, which may have focused on ancient customs but were actually recorded in the thirteenth century, well after England's *Glanvill* (Pollock and Maitland 1968, 65). Another brief Norman code was compiled by Robert, Duke of Normandy, and William Rufus in 1091, known as the *Consuetudines et Iusticie*, as an attempt to record the laws of Normandy while William I had ruled the duchy (Tabuteau 2003, 134; see Haskins 1960, 277-78 for the Latin text). This document is useful for a contemporary comparison of Norman and Anglo-Norman law in the eleventh century, but still does not present an unadulterated version of Norman law before 1066. Maitland summarised the situation as follows: 'Indeed if we read our history year by year onwards from 1066, it will for a long time seem doubtful whether in the sphere of law the Conquest is going to produce any large changes. The Normans in England are not numerous. King William shows no desire to impose upon his new subjects any foreign code. There is no Norman code. Norman law does not exist in a portable, transplantable shape' (Pollock and Maitland 1968, 9). Still, there were certain obviously Norman customs added to the Anglo-Saxon laws by William and Henry, such as ordeal by battle, more complicated land property rules, and a separation of ecclesiastical and royal jurisprudence.

The structure of legislation

Most of what is now known about Anglo-Norman legislation comes not from law-codes, but from writs. Writs were used in the Anglo-Saxon period for strictly administrative purposes, but after the Conquest they were the primary form of communication between the law maker, usually the king, and the public (Golding 2013, 86-101; Wormald 1999b, 398-9; Hudson 2012, 869-76). These writs provide the best insight into changes made in practice to the Anglo-Saxon laws, as they are informative of actual legal decisions. The limited legislation of William I survives in the form of one writ about the ecclesiastical court, an ordinance on criminal accusations between Frenchmen and Englishmen, a collection of ten laws compiled probably after his death, and the *Leis Williame* which demonstrate William's desire to maintain for the most part the existing Anglo-Saxon laws, specifically those of Edward the Confessor (Robertson 1925, 223-29; Pollock and Maitland 1968, 97-102).

There are a few compilations of laws from the twelfth century, the *Quadripartitus* and *Leges Henrici Primi* being the primary collections used for modern study. The *Quadripartitus* is mainly a collection of the Anglo-Saxon dooms, or laws, translated into Latin from Old English for the post-Conquest audience which includes a number of contemporary legal documents in the second book. There was intended to have been two subsequent books discussing legal proceedings and theft, but these were either never written

or have not survived (Pollock and Maitland 1968, 98-101; Wormald 1999a, 81-114). More useful for examining specifically Anglo-Norman legislation is the *Leges Henrici Primi*, which accounts for much of the *Quadripartitus*, but also endeavours to reformulate the laws of Edward the Confessor with the changes made by William and Henry into a more logical structure (Hudson 2012, 869-70; Pollock and Maitland 1968, 99-101; Wormald 1999b, 413). The main distinguishing characteristic of the *Leges Henrici Primi* is that it enumerates what is evident but unspoken in the Anglo-Saxon laws – that there are degrees of punishment available depending on the offence, circumstances of the criminal act, and status of the criminal. *Leges Henrici Primi* 68, 2, on punishment for homicide, is a prime example of such variability.

Circumstances produce different consequences in everything: depending on the place, for example whether the offence occurs in a church or the king's dwelling or during military service or in the king's household or in a town or in any permanent abode of this kind enjoying the protection of peace; or depending on the time, for example whether the day is a festival day, or whether the king is with his personal troop or in the county itself; or depending on the person concerned, for example whether he is a servant of the king, or a reeve or official of some other lord, or in whatever capacity he secures the untroubled calm of peace, whether by writ or some other method (Downer 1972, 215).¹⁷

The clause from the *Leges Henrici Primi* 59, 21, on theft, previously mentioned in this chapter's discussion of *botleas* crimes, provides a similar understanding that the severity and conditions of theft could lead to monetary compensation, compensation by loss of limb, or death; this judgement was at the discretion of the temporal court trying the case. This is often viewed as a newly formed tripartite system which offers three degrees of punishment: movable goods and wealth, land, or body and life (Haskins 1960, 279-280). However, it is arguable that there was a great distinction between loss of life and loss of limb as penalties, and that, in fact, loss of limb was considered closer to monetary compensation in its repercussions (although certainly a more severe form of compensation).

The lexicon of penalty

Much of Anglo-Norman law had its foundations in Anglo-Saxon law. William I specifically states that everyone under his rule should follow the established laws of Edward the Confessor, although the surviving legislation from his reign certainly suggests he made his own additions to Edward's laws. Most offences were settled by compensation, as in the Anglo-Saxon period. The *Consuetudines et Iusticie* do not incorporate a system of

¹⁷ 'Alternantur enim omnia: loco, ut si in ecclesia uel domo regis uel in expeditione uel familia uel ciuitate uel huiusmodi perpetua pacis habitatione proueniat; tempore, si dies festus sit, si rex in hostico uel in ipso sit comitatu; persona, si seruiens regis sit uel alterius domini prepositus aut minister uel quo[quo]modo securam pacis tranquillitatem preferat siue per breue siue per aliud' (Downer 1972, 214).

compensation, as was found in the Anglo-Saxon laws, but rather simply state that the offender shall forfeit his money, which either suggests that the amount was at the discretion of the duke, or that the duke received all of the offender's monetary wealth (Tabuteau 2003, 147; Haskins 1960 277-84). No other Norman source refers to anything similar to a *wergild* or compensation for the victim's family (Tabuteau 2003, 139). The lack of a more complex system of compensation in the late eleventh-century Norman laws may suggest that the use of compensation in Anglo-Norman laws was a feature adopted from the Anglo-Saxons and was not native to Normandy.

The Anglo-Norman legislators gradually moved away from the subtle distinctions between *bot*, *wite*, *wergild*, *manbot*, among other forms of compensation. In Anglo-Saxon law *bot* payments generally went to the victim or his family to atone for their injury, although fines which were claimed by the king were often added to this payment; yet, by the end of the Anglo-Norman period all compensation payments were, in actuality, judicial fines, meaning the payment went to the government, leaving the victim empty handed (Hudson 2012, 411; Thomas 2013, 86). This shift in payment is evidence of a theme that began in the tenth century, but emerged in greater force in the development of post-Conquest laws – that crimes are not committed merely against individuals, but against the state as a whole and against the king personally (Hudson 2012, 385-6).

Misericordia regis, 'the mercy of the king', was a new term in English law after the Conquest. Previously there were certain crimes, namely fighting in the king's house, for which it was specified that it was the king's decision whether the offender lived or died (Ine 6; Alfred 7; II Cnut 59), however *misericordia regis* seems to leave even the type of punishment to the king. Domesday Book records two instances of a man being placed in the king's mercy, but neither provide any indication of the actual fate of the offender. Domesday Book ii, 7 notes that a certain clerk who invaded and illegally held land was in the king's mercy as to his possessions and body (Caenegem 1990, 73, no. 88), and Domesday Book ii, 449, regarding a certain Berengar who also illegally invaded royal land, merely states that the offender was in the king's mercy (Caenegem 1990, 87, no. 128).

Leges Henrici Primi 13, 1 lists the punishments that place a man in the king's mercy:

... breach of his peace which he gives to anyone by his own hand; contempt of his writs and anything which slanders injuriously his own person or his commands; causing the death of his servants in a town or fortress or anywhere else; breach of fealty and treason; contempt of him; construction of fortifications without permission; the incurring of outlawry (anyone who suffers this shall fall into the king's hand, and if he has any

bocland it shall pass into the king's possession); manifest theft punishable by death (Downer 1972, 117).¹⁸

Most of the crimes that place an offender in the king's mercy have also been stated elsewhere in Anglo-Norman law as deserving of corporal or capital punishment. Violation of the peace of the Church or the king was *botleas* (*Leges Henrici Primi* 12, 1a) or might subject him to the loss of his limbs (*Leges Henrici Primi* 79, 3). False accusations in general could lead to the loss of the slanderer's tongue (*Leges Henrici Primi* 34, 7; 59, 13). Treason has already been discussed as having led to execution (*Leges Henrici Primi* 75, 1; 75, 2). Theft could lead to either death or loss of limb (*Leges Henrici Primi* 49, 22; 59, 22; 59, 26), but it was certainly unamendable (*Leges Henrici Primi* 12, 1a; 59, 22).

The structure of justice

The Anglo-Saxon system of royal justice was very developed by the mid-eleventh century, and the Anglo-Normans did not fail to perceive this and adopt the court structure. The main change that the Norman kings made was to delegate their power even further among their councillors, reeves and noblemen (Hudson 2012, 296). Just as before, the king had his own court to hear matters relating to himself, important men or important churches. The shire court, which became the county court, was the main court for more serious pleas, and was presided over by the sheriff. The sheriff, or shire reeve, had already become the most important and powerful of the reeves before the Conquest, and he remained the main agent of enforcing law on the regional level. He presided over the county court, accepted and enforced the payment of various tithes, and oversaw the seizing and processing of offenders (Hudson 2012, 256, 274-79). Henry of Huntingdon, writing in the twelfth century, seemed to think that the sheriffs in William's time had grown almost too powerful: 'Those who were called justices were the source of all injustice. Sheriffs and reeves, whose office was justice and judgement, were more frightful than thieves and robbers, and more savage than the most savage' (Greenway 1996, 405). By the thirteenth century, sheriffs were more persecutors of justice than enforcers, and were making a significant profit from the fees of offenders and the chattels of felons (Miller 1951, 201-45).

Hundred and wapentake courts continued to be held with regularity, as they were held in the Anglo-Saxon period. As previously, they oversaw amendable pleas, the witnessing of purchases and a certain amount of local policing. Lords' courts, however, were much more significant than before the Conquest. In part, this may have been connected to the Norman

¹⁸ '... *infractio pacis quam per manum suam dabit alicui: contemptus breuium suorum et quicquid ad propriam eius personam uel mandatorum suorum contumeliatur iniuriam; de famulis suis in ciuitate uel castello uel ubicumque occisis; infidelitas et proditio; despectus de eo; castellatio sine licentia; utlagaria (et qui eam faciet in iure regio sit, et si bocland habeat in manum regis ueniat); furtum probatum et morte dignum*' (Downer 1972, 116).

relationship between landholding and lordship. The ownership of land was a much more important factor in determining status than it had been in the Anglo-Saxon period, and, thus, debates over land became even more frequent. Honorial courts developed to handle primarily minor debates over land. The manorial court, which mainly oversaw agricultural issues, developed more slowly, but was certainly in place by the reign of Henry II (Carroll 2004, 26; Hudson 2012, 280-6).

The granting of sake and soke, toll and team, and *infangentheof* was much more extensive (see above on the debate regarding their use in the Anglo-Saxon period), allowing the delegation of justice to certain private courts as well. Sake and soke provided the right to trial of pleas while toll and team allowed the receiver to accept taxes and fines, and *infangentheof* granted permission to try and execute a thief caught in or just after the act. *Infangentheof* was not always granted with sake and soke, and it is difficult to know to what extent this right was carried out and how much it would have been a gesture of private authority in this period. Sake and soke did not generally cover criminal pleas, such as homicide, robbery, rape, and breach of the peace, so *infangentheof* would have made theft the exception at the local level (Hudson 2012, 296; Miller 1951, 241-45).

Another other large change in the post-Conquest court system was the formation of the ecclesiastical court. Although members of the clergy were often prescribed a different severity of punishment than laymen, sometimes for the same crime (see Appendix B no. 20), there was no clear distinction of ecclesiastical and secular courts (Pollock and Maitland 1968, 40). The second of William I's Episcopal Laws was very clear that no ecclesiastical matters should be tried in temporal courts.

I therefore command and enjoin, by my royal authority, that no bishop or archdeacon shall henceforth hold pleas affecting episcopal jurisdiction in the hundred court, nor shall they bring forward any case which concerns spiritual jurisdiction for the judgement of laymen; but whoever has been summoned for some suit or offence which falls within the province of episcopal jurisdiction shall appear at the place appointed and named by the bishop for the purpose, and shall there make answer concerning his suit of offence, and he shall make amends to God and his bishop, not according to the [decree of the] hundred court, but in accordance with the Canon Law and the laws established by the authority of the bishops (Robertson 1925, 235).¹⁹

¹⁹ *'Propterea mando et regia auctoritate praecipio, ut nullus episcopus vel archidiaconus de legibus episcopalibus amplius in hundred placita teneant, nec causam quae ad regimen animarum pertinent ad iudicium saecularium hominum adducant, sed quicumque secundum episcopales leges de quacumque causa vel culpa interpellatus fuerit, ad locum, quem ad hoc episcopus elegerit et nominaverit, veniat ibique de causa vel culpa sua respondeat, et non secundum hundred sed secundum canones et episcopales leges rectum Deo et episcopo suo faciat'* (Robertson 1925, 234).

Golding (2013, 152-3) suggests that the development of the ecclesiastical court was partly a response to demands for ecclesiastical autonomy. Hudson (2012, 297-8) argues that this was perhaps not to separate Church and state legal activity, but a political move to prevent private cases being adjudicated in hundred courts belonging specifically to bishops. Regardless of the reason for its origin, after the Conquest religious matters requiring judicial proceedings were generally handled by these ecclesiastical courts.

The ecclesiastical court was allowed a range of punishments, from penitential and monetary, to imprisonment and excommunication. As churchmen were not supposed to shed blood or condemn others to death, they could not prescribe most physical punishments (although they occasionally found cause for whipping, and, under Thomas Becket, branding) (Pollock and Maitland 1968, 444-50; Caenegam 1991, 405, no. 410). This meant that, although *Leges Henrici Primi* 57, 9a stated that, 'With respect to those who belong to the clerical orders and those who are promoted to those orders, actions relating to all charges great or small must be conducted before their spiritual superiors' (Downer 1972, 179), clergy involved in criminal pleas often faced the temporal court.²⁰ For instance, the previously mentioned entry in Domesday Book ii. 7 records a clergyman who was placed in the king's mercy as to his life and body for invading and illegally holding land (Pollock and Maitland 1968, 450; Caenegam no. 88). The decision to, in theory, move all religious cases to this ecclesiastical court included trial by ordeal, something specifically stated by William in the decree (Hudson 2012, 325). Trial by battle became the state's main method of proving innocence, once witnesses and oaths had failed. By moving trial by ordeal to these ecclesiastical courts, William had begun to separate, although probably unintentionally, the Church's impact on the fate of the criminal's soul, and the possibility of God's intervention, from most legal judgements.

The king, nonetheless, maintained a great deal of ecclesiastical counsel in his administration of the country. Inherent in the ruling of both England and Normandy, was the frequent need to leave England for long periods of time. The king, thus, required trustworthy justiciars to rule in his stead and maintain the peace in the kingdom. All of the Anglo-Norman kings had a number of justiciars, both bishops and noblemen, with a variety of roles. Kin would often stand as the official regent while the king was away. Odo of Bayeux was regent for William I and Queen Matilda and their son William served as such for Henry I. Both William and Henry also had close ecclesiastical advisors. William relied heavily on Lanfranc, Archbishop of Canterbury, in both legislating for, and general administration of, the country. Archbishop Lanfranc was closely involved in crushing the 1075 rebellion and,

²⁰ 'De illis qui ad sacros ordines pertinent et eis qui sacris ordinibus promote sunt, coram prelatibus suis est agendum de omnibus inculpationibus maximus uel minoribus' (Downer 1972, 178).

probably, in devising the punishment of the offenders, who included Earl Waltheof. Roger, Bishop of Salisbury, played a similar role during the reign of Henry II. For instance, while in Normandy in 1124, Henry discovered that his royal moneyers were making counterfeit coin, and it was Bishop Roger who gathered the offenders together and carried out the order to have the right hand and testicles removed from each of them (Appendix B no. 39).

Punishment

William made few major changes to the existing penal laws, however one particular mandate may have had a huge effect on the practice of judicial punishment: in two separate articles he

Table 2.3. List of punishable offences in the Anglo-Norman law-codes

Crime	Capital Punishment	Corporal Punishment	Botleas	'in the king's mercy'
Theft and Robbery	LHP 49, 7; LHP 59, 22;	LHP 59, 22; LHP 59, 26	LHP 12, 1a; LHP 59, 22	LHP 13, 1 (for his life)
Theft by a slave	LHP 59, 23a	LHP 59, 23;		
Treason	LHP 75, 1; LHP 75, 2		LHP 12, 1a	LHP 13, 1
Harbouring outlaws, fugitives, criminals, or excommunicated person	LHP 11, 14			LHP 13, 10
Fighting in the King's Dwelling	LHP 13, 7			LHP 80, 1 (for his limbs)
Violation of the peace of the King or the Church		LHP 79, 3	LHP 12, 1a	LHP 13, 1
Deserting one's lord or comrades in engagement	LHP 13, 12			
Breaking the peace in the king's troops	LHP 13, 8			LHP 80, 1 (as to his limbs)
Murder, <i>murdrum</i> and homicide	LHP 71, 1; LHP 89, 1	LHP 80, 8; LHP 80, 9a	LHP 12, 1a ; LHP 71, 1	LHP 13, 11; LHP 79, 2; LHP 92, 7
False Accusation		LHP 34, 7; LHP 59, 13		LHP 13, 1
Making or issuing counterfeit coin		Decree Concerning Coinage 2.1; Decree Concerning Coinage 3.1; LHP 13, 3		
Perjury on the relics		LHP 11, 6		
Wounding a man while resisting payment of ecclesiastical dues		LHP 11, 11a		
Adultery by the woman		LHP 82, 9		
Homicide in a church			LHP 79, 5	Homicide in a church
Poisoning a man	Laws of William 36			
Assaulting a woman		Laws of William 18		LHP 13, 6
Construction of fortifications without permission				LHP 13, 1
Outlaw status			LHP 13, 1	

forbade the execution of criminals, instead ordaining that criminals should be mutilated. (Hudson 2012, 255-487, Pollock and Maitland 1968, 88; Robertson 1925, 223-75). The seventeenth article from a charter now known as the *Willelmi Articuli Retracti* stated:

We likewise forbid that anyone be slain or hanged for any offence, but his eyes shall be put out and his feet or his hands cut off, or he shall suffer castration, so that the trunk remains alive as a sign of treachery and wickedness; for the penalty inflicted on malefactors should be in proportion to the crime committed (Robertson 1925, 251).²¹

While not common in either period, mutilation may have played a greater role as a punishment for crimes of a more severe nature after the Conquest.

Despite this ordinance, most of the punishments for severe offences remained the same, or at least maintained the calibre of severity as before (see Table 2.3). Theft remained an offence punishable by death, as did treason, harbouring fugitives, fighting in the king's dwelling, deserting one's lord in combat, breaking the peace in the king's troops, and murder by witchcraft or sorcery. False accusation, forging counterfeit coin, perjury on the relics, wounding a man while resisting the payment of Church dues, and adultery by a woman still earned offenders corporal punishment.

The main issue created by the Norman adoption of early English law is whether the apparent continuity was reflected in practice, or whether it was actually intended as a symbolic gesture of maintenance of Anglo-Saxon tradition by the incomers. Emily Tabuteau (2003, 147-48) has argued, on the basis of the few extant sources of early medieval legal procedure in Normandy, that, in practice, the Normans favoured punishments which were able to be remitted, such as imprisonment, forfeiture and exile. Even the late eleventh-century *Consuetudines et Iusticie* do not prescribe the death penalty (Appendix E). Attacking a person in the Duke's court, or on the way to or from the Duke's court, (article 2), building fortifications (article 4), harming foreigners (article 12), and creating counterfeit money (article 13), all placed the offender's body in the king's mercy (*de corpore suo fuit in misericordia domini Normannie*), but whether this might mean death or merely loss of limb at the whim of the king is not expressly stated. This Norman tradition of non-lethal punishments is evidenced in William's sentencing all of the French leaders of the 1075 rebellion to prison or exile, and only the Anglo-Saxon Earl Waltheof to execution.

Corporal Punishment

The Anglo-Saxon laws specified the loss of a hand for the production of counterfeit coinage (II Cnut 8, II Æthelstan 14). Henry I maintained mutilation as the penalty for this offence, but

²¹ *'Interdicimus eciam ne quis occidatur vel suspendatur pro aliqua culpa, sed eruantur oculi et abscidantur pedes vel testiculi vel manus, ita quof truncus vivas remaneat in signum prodicionis et nequiciaw suae, secundum enim quantitatem delicti debet pena maleficis infligi'* (Robertson 1925, 250).

mandated blinding and castration rather than, or possibly in addition to, the loss of a hand. The *Historia Novorum in Anglia* mentions the new punishment of loss of 'his ears and the lower part of his body', and the Anglo-Saxon Chronicle states that in 1124 Henry 'gave instructions that all the moneyers who were in England should be deprived of their members, namely the right hand of each and their testicles below' (Hudson 2012, 389; Garmonsway 1972, 255).²² There is precedent for corporal punishment in early eleventh-century Normandy, which is recorded in the *Gesta Normannorum Ducum*, written by the French monk William of Jumièges in the mid-eleventh century and added to by English chroniclers Orderic Vitalis and Robert of Torigni in the twelfth century. Richard II, Duke of Normandy, who ruled in the late tenth to early eleventh centuries, blinded the wife of a ploughman for theft; this same Richard II cut off the hands and feet of the leaders of an illegal assembly of peasants, and sent them back to those they represented as a warning; and William I, as Duke of Normandy, cut off the hands and feet of thirty-two peasants from Alençon when they defended the town against him and insulted him (Greenway 1995 et. al., 9, 123-25, 287-89). However, it is difficult to determine how much the severing of hands and feet of rebelling peasants was common law rather than a battle tactic of an irate duke.

William's ordinance on mutilation as a replacement for the death penalty raises the question of whether the declaration was for show or was actually put into practice. William was renowned for his life-preserving punishments. William of Poitier stated that, 'he preferred to punish with exile, imprisonment, or some other penalty which did not cost life, those whom other princes, in accordance with custom or established law, put to the sword' (Tabuteau 2003, 148; Davis and Chibnall 1998, 39).²³ In fact, despite numerous treasonous plots against William, Waltheof was the only lord recorded to have been put to death during his rule. Yet, as William of Poitier indicates, this may have been an ideal particular to William, rather than the Normans on the whole. William I was renowned for his reliance on mutilation. His laws included the castration of a man who rapes a female, an idea only previously applied to slaves (Alfred 25.1) and seemingly not adopted into the laws of Henry I. The *Anglo-Saxon Chronicle* corroborates the practice of this punishment, castration, for rape (Garmonsway 1972, 220; Appendix B no. 27). The *Anglo-Saxon Chronicle* and Henry of Huntingdon in his *Historia Anglorum* also state that poachers in the royal forest were regularly blinded (Garmonsway 1972, 221; Greenway 1996, 405).

²² 'Millesimo.cxxv. On þis gær sende se king Henri toforen Cristesmesse of Normandi to Englalande 7 behead þet man scolde beniman ealla þa minetere þe wæron on Englelande heora liman, þet wæs here elces riht hand 7 heora stanen beneðan' (Irvine 2004, 126).

²³ 'Exilio, carcare, item alia animaduersione, quae uitam non adimeret, ulcisci malebat; quos iuxta ritum siue legume instituta, caeteri principes gladio' (Davis and Chibnall 1998, 38).

Yet, later laws, even those of William himself (see *Leis Willelmi* 36), continue to refer to and prescribe death as punishment with roughly the same frequency as the Anglo-Saxon law-codes (see Table 2.1). Historical chronicles record events of corporal punishment with more frequency, but this does not necessarily seem to signify fewer executions. For instance, the *Anglo-Saxon Chronicle* reports that in 1124 Henry I ‘hanged more thieves than ever before’; however, it continues to note that while forty-four were put to death, ‘six had their eyes put out and were castrated’ (Garmonsway 1972, 254). Henry of Huntingdon even adds of William I that ‘If anyone had killed any person whatsoever, for whatever reason, he subjected him to the death sentence’ (Greenway 1996, 407).

Capital Punishment

The death penalty remains present in both the Anglo-Norman law and historical accounts. Unfortunately, it is difficult to say much about how it was specifically used. The *Leges Henrici Primi* is an undefined mixture of traditional English law, ancient Continental law (primarily of Frankish origin) and new Anglo-Norman law, and the contemporary historical chronicles focus primarily on the clergy and the nobility, leaving out the major portion of society at whom legal punishment would have been aimed. Similar to historical evidence from the Anglo-Saxon period, the literary examples of post-Conquest judicial punishment are thus comprised mostly of treason against the king and theft, usually from a church.

Treason and theft were both still very serious crimes. William I required that every man provide an oath of fealty, not just to his lord, but directly to the king as well (Pollock and Maitland 1968, 88, 299; Hudson 2012, 385, 431), William was setting himself up as the ultimate temporal lord, God, of course, being Lord of all, to whom every man and lord owed allegiance and obedience. The Laws of Henry I (75, 1) place killing one’s lord equivalent to blasphemy against the Holy Ghost, ‘which, according to the word of the Lord, shall not be forgiven to anyone, either in this world or the world to come’. Anyone who committed such a crime was to be scalped or disembowelled or subjected to other punishment, ‘which in the end is so harsh that while enduring the dreadful agonies of his tortures and the miseries of his vile manner of death he may appear to have yielded up his wretched life before in fact he has won an end to his sufferings, and so that he may declare, if it were possible, that he had found more mercy in hell than had been shown to him on earth’ (Downer 1972, 233)²⁴.

²⁴ ‘75, 1 *Si quis dominum suum occidat, si capiatur, nullo modo se redimat, set decomatione uel e[uiscer]atione uel ita postremo seuera gentium animadversione dampnetur, ut diris tormentorum cruciatibus et male mortis infortuniis infelicem prius animam exalasse quam finem doloribus excepisse uideatur et, si posset fieri, remissionis amplius apud inferos inuenisse quam in terra reliquisse protetetur. 75, 1a In omnibus enim humane prauitatis excessibus medicine salutaris fomenta prolata sunt preter traditionem domini et blasphemiam Spiritus Sancti, id est habere cor impenitens quod iuxta uerbum Domini no remittitur alicui uel in hoc seculo uel in futuro’ (Downer 1972, 232).*

Both treason and theft could lead to the death penalty, but might also merit mutilation. This was the case for some of the rebels who participated in the 1075 rebellion against William I, as well as for William of Eu who was blinded and castrated for treason against William Rufus (Appendix B nos. 23, 33). For the same crime, however, William Rufus sentenced William Aldery to death (Appendix B no. 33). There is no mention, in any of the sources, as to what may have determined the difference in punishment, aside from the whim of the king. In some instances, it is emphasised that a criminal should have been executed, but was sentenced to a more merciful punishment. In the early eleventh century a certain Ralph fitz Walter confessed to theft, and the Abingdon Chronicle specifies that he should have forfeited all of his possessions and been executed, but he implored to King Henry I and his Queen for mercy, and was spared his life (Caenegem 1990, 160, no. 192; Appendix B no. 37).

The degree that ideas of mercy may, or may not, have played in the use of corporal punishment over capital punishment will be discussed in further detail in Chapter 8, but for now it may be necessary to note that, although execution was, indeed, used in the Anglo-Saxon and Anglo-Norman periods, rulers of both periods understood the severity of the act. The Laws of William I state (*Leis Willelmi* 40):

We forbid the practice of condemning a man to death for a trivial offence, but, for the correction of the public, another penalty [shall be devised] according to the nature and magnitude of the crime; for that which God made in his own image and redeemed at the cost of his own blood should not be destroyed for a trivial matter (Robertson 1925, 271).²⁵

This is not a novel sentiment, but was first found in the late tenth-century laws of Æthelred (V Æthelred 3; see above).

Changes in Punishable Crimes

There are certain differences between offences punishable in the Anglo-Saxon period and those punishable after the Conquest. The one crime to have been punished by the Anglo-Saxons but not mentioned by the Normans was arson. Interestingly, it returns as a punishable offence in *Glanvill*. Assaulting a woman was a crime in Anglo-Saxon England, but one which only led to the payment of monetary compensation (Æthelberht 75; Æthelberht 82-84; Alfred 8; Alfred 9; Alfred 11; Alfred 18; Alfred 29; VI Æthelred 39; II Cnut 52). In the post-Conquest laws of William, assault of a woman was punishable by castration (*Leis Willelmi* 18). Perhaps the rising of this crime to punishable status is due to a difference in the Norman perception of manliness and civil behaviour. Twelfth-century historians display a

²⁵ *Prohibemus ne pro parvo forisfacto adiudicetur aliquis homo morti; sed ad plebis castigacionem all[i]a pena secundum qualitatem et quantitatem delicti plectatur. Non enim debet pro re parva deleri facture, quam ad maginam suam Deus condidit et sanguinis sui precio redemit* (Robertson 1925, 270).

great deal of contempt for obvious displays of brutality and violence, what they consider 'barbaric' acts. Assaults on women may very well have fallen into this category.

Homicide was primarily handled with compensation, as it was before the Conquest. It is not known how homicide would have been handled in tenth- and eleventh-century Normandy. Tabuteau (2003, 139, 148) has hypothesized that feud was an accepted solution for the Normans, however there are no written documents which support or disprove this assertion. It may not be unlikely, however, that the Normans would have been accustomed to feud before coming to England, considering their Germanic and Scandinavian ancestry. Regardless of their native traditions, the Norman kings seem to have embraced the pre-established system of compensation for homicide and slayings.

There were still some forms of killing for which monetary compensation and penance would not have been suitable penalties. In both periods, injuring a man while resisting payment of ecclesiastical dues mandates the loss of the offender's hand (II Cnut 48.1; *Leges Henrici Primi* 11, 11a). In the laws of Cnut, if the offender slays a man he would be outlawed (II Cnut 48.2); in the laws of Henry, if the offender kills someone he would be placed in the king's mercy (*Leges Henrici Primi* 13, 11). Anyone who slew an innocent man on a mission for the king would also find himself in the king's mercy (*Leges Henrici Primi* 79, 2). *Leges Henrici Primi* 89, 1 is somewhat abstruse, but seems to suggest that if a relative had cause to place a man into serfdom and, out of fear that this might happen, the man kills that relative, then he would be sentenced to death and his children and blood relatives would enter serfdom instead. It is stated that this law is 'according to the Lex Salica' so this may be preserved in the *Leges Henrici Primi* as a traditional law rather than contemporary practice. It is very specific in its circumstances, and, as previously discussed, this was a characteristic of early Germanic law, but by the twelfth century English law was moving away from legislating in such specific scenarios.

The term *murdrum* in this period, comparable to the Old English *morð*, most certainly signified a slaying which happened in secret, as did the French *murdre*. William I introduced what is now known as the murder fine: 'If a Frenchman is slain and the men of the hundred do not seize the slayer and bring him to court within 8 days, in order to prove who has done it, they shall pay the murder-fine, namely 46 marks' (*Leis Willelmi* 22; Robertson 1925, 265).²⁶ This was a measure to protect the Frenchmen who had come across the channel with William. If the slain man could not be proved to have been English, it was assumed he had been French and the town in which the murder took place was responsible for the fine. Most of the clauses on the murder fine focus on the organisation of the payment,

²⁶ 'Ki Franceis ocist, e les humes del hundred nel prengent e eminent a la justice dedenz les VIII jurs pur mustrer ki l'ait fet, si renderunt le murdre: XLVI mars' (Robertson 1925, 264).

but other clauses hint at the fate of the murderer once he is found and given up. *Leges Henrici Primi* 12, 1a includes ‘palpable murder’ (*morb*) as an unamendable crime, and 92, 7 states that ‘Even though the offender asks of the king that he be granted his life and limbs, the fine for murdrum shall nevertheless be paid, in the way we have stated’ (Downer 1972, 289).²⁷ It seems that homicide was still primarily an amendable offence, and murder was still more severely punished.²⁸

There are a few new crimes added to Anglo-Norman laws, which do not appear at all prior to the Conquest. The first is poisoning: *Leis Willelmi* 36 condemns a person to death for poisoning a man (Robertson 1925, 269). There do not seem to be any historical examples to explain the sudden appearance of poisoning in the laws or of specific instances of the crime, yet one might postulate that the law might have been inspired by the number of plots against William I’s life. Poisoning as a specific crime was not continued into the laws of Henry I or Henry II. Poisoning makes no appearance in the pre-Conquest laws, although William of Malmesbury, in his *Vita Dunstani*, does state that women who poisoned a person were burned under the laws of King Edgar (Winterbottom and Thomson 2002, 257; Appendix B no.5). This reference must be approached with caution, however, as William of Malmesbury was writing in the twelfth century about the tenth century, and there are no contemporary examples of Edgar having burned to death any criminals.

Another punishable crime, of wholly Norman influence, is the construction of fortifications without permission. Unlawfully constructing fortifications places a man *in misericordia regis*. Punishment for unlawful building of fortifications was also included in the *Consuetudines et Iusticie* (article 3), suggesting that this may have been an offence particular to Norman culture. Without getting into too much irrelevant detail, because the study of Anglo-Norman castles is in itself a huge and separate branch of scholarship, suffice it to say that the Normans had a somewhat different relationship with their fortifications than the Anglo-Saxons, a relationship which seems to have been reflected in the laws. Anglo-Saxons certainly built fortified residences. A network of fortified strongholds, known as *burhs*, became increasingly necessary in the late ninth century, when England was being invaded by the Vikings. These original *burhs* were intended as defensive refuges for the Anglo-Saxon people and were built on top of many pre-existing forts as well as being newly erected earthworks. However, as these strongholds became inhabited they began to develop into economic communities or permanent residences for lords (Hall 2011). Yet contemporaries distinguished between the *burh* and the new Norman fortifications; when discussing the

²⁷ ‘*Et licet malefactor regem requirat ut uitam et membra reipiat, nichilominus murdrum soluatur, sicut diximus*’ (Downer 1972, 288).

²⁸ See O’Brien 1996 for an alternate view that the murder fine had an Anglo-Saxon origin.

fortifications erected by the incoming French, the *Anglo-Saxon Chronicle* uses the foreign word *castel* instead of a synonymous Old English word – perhaps because there was none (Garmonsway 1972, 173-7; Williams 1992, 221). Castles were a focal point in the landscape for military defence, judicial administration, agricultural management and, most importantly, centres of lordship (Creighton 2002, 1-7). Whereas Anglo-Saxon ealdormen gained most of their power from wealth and the favour of their families with the king, Anglo-Norman lordship was tied into land and permanent centres of authority, such as castles (Baxter 2007, 139-144; Carol 2004, 26).

For the most part, Anglo-Norman judicial administration would have been much the same as it was in the later Anglo-Saxon period. Additions which were more culturally Norman, such as the punishment of illegal fortifications, were added to the codes and small changes were made to the amount of control the king had over regional administrators, but this seems to have been more for keeping peace after conquering a foreign nation rather than enthusiasm for the legal system.

CONCLUSION

It can be seen that there is a great deal of continuity between the Anglo-Saxon and Anglo-Norman legislation, yet this continuity cannot be approached as straightforwardly as the legislation might suggest. Early medieval legislation cannot be relied on for a direct indication of practiced law. Historical accounts suggest that there may have been a greater variety in punishment than the laws would lead one to believe. Most significantly, the Anglo-Saxon laws allow little room for consideration of the details of the crime in the punishment, but that is not the case with the surviving accounts of lawsuits and judgements. Crimes such as theft and harbouring outlaws were, in practice, sometimes punished more leniently than by execution.

Justice was also carried out on a number of different authoritative levels. It can be extrapolated from historical evidence that Anglo-Saxon courts took into account a number of factors when making a judgement on punishment. The king was certainly involved in the formation and adjudication of law, however, it is unknown how far down the ladder of judicial administration his laws would have actually permeated. Anglo-Norman kings seem to have maintained stronger control over their appointed representatives at the lower level, yet even they did not have a system for maintaining the fairness of reeves, judges, and judicial administrators. Anglo-Saxon kings also encouraged community participation in the capturing and punishing of offenders, which often blurs the line between justice and revenge. Even when the king is personally involved, the motive for punishment can sometimes fall

more toward the personal vengeance side of the spectrum. It seems fairly certain, however, that royal justice used corporal and capital punishment for only the most serious crimes and the most destructive criminals.

Anglo-Norman law maintained much of the established Anglo-Saxon legislation and court procedure. A few new crimes were added to the list of punishable offences: assault on women, poisoning, and construction of fortifications without permission. The most important adaptation of the legislation for the development of law, however, was the insertion of a range of punishments for serious offences, explicitly based on the severity of that specific act rather than the general crime (i.e. the value of the stolen goods rather than merely the fact that something was stolen), into the written documents. Historical accounts and chronicles, however, reveal that corporal punishment was much more widely used than before the Conquest. The death penalty was still used, especially for offences such as theft and treason, but thieves and traitors might equally have had their eyes cut out and their testicles cut off as a more merciful punishment.

Just as the Norman Conquest did not mark a moment of sudden judicial reform, English Common Law was not instantly developed at the coronation of Henry II. The reigns of Henry and John mark a gradual progression of law through increased legislation and a greater emphasis on written law and its use in legal decisions. Details of legal proceedings, such as the names of judges and the collection of chattels, were beginning to be more thoroughly recorded (Hudson 2012, 509-26; Caenegem 1991). For instance, plea rolls were frequently used to preserve accounts of judicial decisions, especially after Hubert Walter's appointment as chief justiciar in 1193. Writs also began to be sealed, safeguarding the integrity of the king's order (Hudson 2012, 526).

As for crime and punishment, the crimes that merited judicial punishment were much the same as in the Anglo-Saxon and Norman periods: high treason (*lese-majeste*), breach of the king's peace, homicide and murder, arson, robbery, rape, and falsifying – which consisted not just of money but of charters and measures. Fraudulent concealment of the treasure trove was also punishable. It is notable that, while homicide and murder were still distinguishable by the amount of secrecy involved in the act, homicide was, for the first time in English law, officially considered a punishable crime.

The main change in the legislation of punishment by the Angevin period is that at no point is a specific punishment mandated, but is at the discretion of the judge, usually the king or king's representative for criminal cases. The work of Glanvill was also the first legislation to make the distinction between criminal and civil pleas, separating crimes that placed a man in the king's mercy as to his life and limbs in a single chapter entitled '*De placitis criminalibus*' (Hall 1965, 171). It is in the Angevin period that the concept of 'crime', or *crimen*, is realised, not just by severity of punishment but in official definition. While many

of these changes are significant and mark the end of Anglo-Norman law, they were built on a progressive development of law begun in the seventh century.

Historians of early medieval England are faced with the usual complications of historical context and bias; however, if the written sources are approached with an understanding of their origins and a knowledge of their limitations, there is no reason not to utilise the information they can provide. Bearing such caveats in mind, these legal documents and ecclesiastical histories can shed light on the views held by various sectors of society, though still largely the elite, regarding judicial punishment. This, combined with archaeological evidence, helps realise the distinction between how punishment was ideologically perceived and how it was realistically executed.

DEATH AND BURIAL

When examining the treatment of executed criminals in early medieval society, the crime and the type of death are not the only relevant aspects of capital punishment. The manner of burial was an equally important statement on societal perceptions of crime and those individuals who committed such offences. Burial rituals are determined by the living, rather than the dead, and so reveal information about society's perception of the deceased. In later Anglo-Saxon England, burying the dead was, in theory, the domain of the Church and, as such, burial rites should reflect ecclesiastical views on different members of society; however the archaeology of early medieval cemeteries has shown a great deal of variability in Christian burial (Morris 1983, 62; Thompson 2004, 31). There seems to have been considerable community involvement in the funerary ritual, and ecclesiastical ordinance and popular beliefs cannot be viewed as two separate traditions (Thompson 2004, 53, Blair 2005). The location of the burial, the position of the body, and the appearance of the grave are all important factors in discerning society's view on criminals and, potentially, the level of cooperation between the community, Church, and royal authorities in the treatment of execution victims. This chapter aims to provide an introduction to the study of deviant funerary ritual in early medieval England and reveals some of the issues facing the archaeological analysis of criminal burial.

ANGLO-SAXON CRIMINAL BURIAL

Christian burial in the ninth through eleventh centuries

The transition from 'pagan' burial to Christian burial occurred between the eighth and tenth centuries in many parts of England. Funerary practice during this period was characterised by the gradual abandonment of the inclusion of material goods in the grave and a move toward burial in churchyards (Gilchrist 2015, 382; Hadley 2010, 103). Initially churchyard burial was reserved for Christian elites and members of religious communities, but by the tenth century most individuals would have had been interred in consecrated land belonging to churches (Blair 2005, 58-73, 228-45, 462-71; Hadley and Buckberry 2005, 126-27; Foxhall Forbes 2013, 275). In a typical Christian burial, the body was positioned supine with the arms and legs extended along the body (Buckberry 2010, 2; Cherryson 2008, 117; Geake 1992, 85; Hadley 2010, 103). Although little organic material typically survives from medieval burials,

archaeological evidence of shroud pins and historical records of burial rites reveal that most corpses would have been wrapped in a shroud, which may have been fastened with a metal pin or sometimes sewn or tied closed (Daniell 1997, 43; Thompson 2004, 35, 107-08). The Bayeux Tapestry depicts the body of Edward the Confessor wrapped in some form of cloth shroud as his corpse is carried to St Peter's church, suggesting that at least nobility were likely shrouded by the eleventh century. The white cloth was a symbol of purity and the shrouding an indication that the deceased had completed the steps of a good death: confession, communion, and the sacrament of extreme unction (Daniell 1997, 43; Gilchrist 2015, 385). Few or no other accessories or material goods would have generally been placed in the grave along with body. Church cemeteries were fairly organised. They seem to have often been laid out in rows orientated north to south, with the individual graves aligned roughly west to east (Buckberry 2008, 148; Buckberry 2010, 2-11; Cherryson 2008, 117; Cherryson 2010, 61; Geake 1992, 85; Guy 2010, 75; Hadley 2010, 103).

West-east orientated unfurnished burial in consecrated churchyards has long been viewed as the Christian funerary formula (Thompson 2002, 229). Recent archaeological research, however, has revealed that there were exceptions to the standard Christian burial and that there was a great deal more funerary variability in ninth- through eleventh-century burials than had been initially realised by Anglo-Saxon scholars (Boddington 1990; Buckberry 2010; Cherryson 2008; Geake 1992; Hadley 2010; Hadley and Buckberry 2005; Kjølbye-Biddle 1992, 222-33; Lucy and Reynolds 2002, 3, 13-16; Thompson 2004, 29-33). Grave goods, while rare, persisted in Christian burial. Jewellery, coins, knives, and even dress accessories suggesting that the corpse may have been buried clothed have been occasionally discovered in late Anglo-Saxon churchyard graves (Gilchrist 2015, 382; Hadley 2010, 103-04; Hadley and Buckberry 2005, 140). Amuletic objects, such as ancient (usually Roman) coins, the teeth of wild animals, and waist or neck bags which may have contained herbal charms or occasionally crosses, may have actually increased in frequency during the conversion period, although they were predominantly placed in the graves of women (Gilchrist 2015, 382, 391-93; Blair 2005, 173-75).

The impetus behind the gradual transition to unfurnished burial provision is uncertain. It was initially thought by scholars that the Church was the primary influence for this shift in funerary procedure (for instance Meaney and Hawkes 1970, 50-55); yet the Church mandated very little about burial. There is little evidence of the Church having disapproved of furnished burial or having prescribed any specific rules about burial form (Boddington 1990, 188; Bullough 1983, 185-7; Hadley and Buckberry 2005, 124; Thompson 2002, 229). The poem *The Seafarer*, found in the tenth-century *Exeter Book*, hints that, while not actively forbidden, Christian teachings were clear that grave goods were not necessary for the Christian afterlife, and were, in fact, somewhat wasteful: 'Though a brother will strew

with gold his brother's grave, and bury him among the dead with various treasures, it will not go with him. To the soul that is full of sins gold cannot be an aid before the terror of God when he has hoarded it during his lifetime here' (Mackie 1934, 9; Thompson 2004, 111).¹ A man cannot buy his way into heaven and his material possessions have no value there; heaven itself is the greatest wealth of all. It is possible that the Church was one of the factors that influenced the emergence of unfurnished burial (see Boddington 1990 for a discussion of other potential factors), but in the eyes of the Church this seems to have been a trend born of practicality and devotion rather than a rule. Gilchrist (2015, 380, 393-94) stresses that, just because the institution of the Church did not mandate new regulations for burial during the conversion, this does not mean that the changes which occurred were not still influenced by Christian ideology. Christian teaching is entirely focussed on the afterlife and the ultimate goal of achieving salvation in heaven; thus it seems reasonable to assume that most changes to the corpse or the grave to some extent reflected religious beliefs about death and entering the afterlife.

There were a number of variations in Christian Anglo-Saxon burial form which focussed less on materiality and more directly on the corpse or the grave itself. Lining the bottom of graves with charcoal, including stones in the burial in a variety of ways and interring the body in some form of wooden coffin were some of the more frequent burial enhancements (Gilchrist 2015, 383-85; Hadley and Buckberry 2005, 132-43; Thompson 2002, 231). Such rites can be problematic for scholars to interpret because there are few references to them in contemporary sources. While there are a number of sources detailing the funerary ritual leading up to burial, there is very little information about the grave or the act of burying the deceased. Charcoal burials, for instance, have generated a number of differing interpretations, ranging from the theoretical representation of penitential ash for continued penance after death to the more practical function of the absorption of bodily fluids (Thompson 2002, 238-40; Thompson 2004, 118-20; Holloway 2008, 142-44).

There were a number of ways in which stones were included in Anglo-Saxon graves. They were often placed around the head to prop it up. These are referred to as 'pillow stones' if they surround the head or 'ear-muffs' if there are only two stones, one on each side of the head. Nearly a third of the burials at Worcester Cathedral contained either pillow stones or ear-muffs (Guy 2010, 78-79; Gilchrist 2015, 383; Hadley and Buckberry 2005, 136). Stones or tiles were also often used to line graves. Occasionally a single large slab was placed over the body. Both of these uses of stone are thought to have represented a makeshift coffin (Hadley and Buckberry 2005, 135; Thompson 2004, 231). Most tenth-century coffins were primarily

¹ 'þeah þe græf wille golde stregan broþor his geborennum, byrgan be deadum maþmum mislicum, þæt hi[m] ne mid wille, ne mæg þære sawle þe biþ synna ful gold to geoce for Godes egsan, þonne he hit ær hydeð þenden he her leofað' (The Seafarer ll. 97-102; Mackie 1934, 8).

made out of wood, so do not often survive for archaeologists to uncover. However, the large numbers of graves with coffin nails and of surviving coffins found at sites with water-logged conditions, which enhances the preservation of organic material, hint at the potential frequency of coffins in the later Anglo-Saxon period (Gilchrist 2015, 385; Hadley and Buckberry 2005, 132-34).

It is possible that there are a number of different explanations according to region or time period for variations in grave form. The inclusion of charcoal in burials occurred in only a minority of graves, and seems to have been concentrated in specific cemeteries. For instance, while over three hundred examples of charcoal burials have been excavated in England, these occur in only thirty cemeteries, and ninety-six examples were found at the Old and New Minsters in Winchester (Holloway 2008, 136; Kjølbye-Biddle 1992, 230). Anglo-Saxon cemeteries in Winchester also contain various types of confined burials: wooden coffins with wooden pegs, wooden coffins with iron nails, wooden coffins bound with strips of iron, stone slab coffins and stone slab grave covers were used in different frequencies at various periods between the seventh through eleventh centuries (Kjølbye-Biddle 1992, 222-33).

What seems to have been occurring in this period is that different regions and communities were developing ways of marking out individuals in death which worked within the normative Christian burial form. There is some overlap between these variations, for instance charcoal layers are often found lining the grave of confined burials, but for the most part the dominance of one or two particular alternative burial forms seems to mark out distinct community funerary customs (Cherryson 2008; Hadley and Buckberry 2005; Thompson 2004, 29-32). It is assumed that the individuals in these exceptional graves were being marked out in some way, but whether positively or negatively and whether because of status or behaviour or some other characteristic entirely remains unknown. It is important, however, that the deceased individuals associated with most charcoal and stone burials in the later Anglo-Saxon period were interred with care and usually laid out supine and extended. The graves themselves were primarily placed in Christian cemeteries (Holloway 2008, 136-37; Thompson 2004, 118-24), which suggests that these individuals were certainly accepted members of the Christian community.

Victoria Thompson (2002, 232-33) and Roberta Gilchrist (2015, 383-88) both suggest that the variations in Christian burial which developed in the later Anglo-Saxon period, such as lining the grave with charcoal or stones or enclosing the corpse in a coffin, are focused on demarcating the boundaries of the grave or containing the corpse. Thompson (2002) argues that this containment aims to isolate the corpse and separate it from the soil of the grave. She notes that a mistrust of the body begins to develop around this same time, a feeling which is displayed in the ninth- or tenth-century *Soul and Body* poems, found in both the

Exeter and Vercelli Books, though in slightly differing versions. In the poem the soul and body are separated after death, awaiting the Last Judgement, and the damned soul berates the body for its weaknesses and lusts which have negatively impacted the fate of the both soul and body (Bradley 1982, 358-62; Thompson 2002, 234-35).

The Vercelli version, *Soul and Body I*, continues beyond the miserable fate of the sinful body and soul to discuss the fate of the good body and soul. The good soul achieves salvation, but the fate of the body remains the same – to rot in the earth. Thompson (2002, 233-34) suggests that this confusion between decay of the body as a result of sin and as a natural process highlights how disturbing and strange the dead corpse was perceived to have been by Anglo-Saxon Christians. Although death was viewed as a natural process, the deceased body itself was unnatural because it did not fit into the dichotomous behavioural reward system proposed by Christianity. The theme of worms devouring the body is raised again and again in association with this discomfort and fear surrounding the decaying corpse (Thompson 2002, 234-38; Thompson 2004, 132-69). It is possible that containment of the deceased body was intended to separate the body from the earth and worms in an attempt to control the disconcerting phenomenon of decomposition.

Roberta Gilchrist (2015, 389) has suggested that the desire to preserve the corpse from decay was further influenced by the belief in bodily resurrection. The Anglo-Saxons, like the Roman Christians, believed that on the Day of Judgement the soul would be reunited with its body and the body made whole again to rise from the grave and enter the kingdom of Heaven (Gilchrist 2015, 392; Thompson 2002, 237; Bynum 1991). Despite the number of theological debates sparked by the questions of precisely how this was meant to happen and exactly how much of a person would be gathered back together (for instance, would every hair shed or fingernail cut be added back onto the resurrected body?), the idea of resuming one's earthly form at the time of resurrection persisted. However, although it was generally accepted that the pieces of flesh that had fallen off the body and become part of the earth during the decomposition process would be returned to the body on Judgement Day, it may have been a difficult concept for the average lay person to fully accept, especially if they had ever encountered a partially decayed corpse. Separating the body from the earth with a physical barrier may have eased fears of decomposition and worries about resurrection.

Victoria Thompson (2002, 232) also notes that the containment of individual bodies within the grave mimics the growing trend of containing the overall cemeteries with boundary walls, which seems to have been associated with the development of consecration rites (Gittos 2002, 196, 202-04; Foxhall Forbes 2013, 276). By the tenth century, burial in consecrated ground was a well-established practice. The first written reference to consecrated burial in England was in the laws of Æthelstan (II Æthelstan 26):

And if anyone swears a false oath and it becomes manifest he has done so, he shall never again have the right to swear an oath; and he shall not be buried in any consecrated burial ground when he dies, unless he has the testimony of the bishop, in whose diocese he is, that he has made such amends as his confessor has prescribed to him (Attenborough 1922, 140-43).²

This was written in the first half of the tenth century, but, although it is the earliest surviving reference, it is very likely that exclusion from consecrated ground had been a growing concept for some time before the legislation of Æthelstan's law-codes (Gittos 2002, 202). It is highly possible that, at least initially, rules on consecrated burial were a clerical ideal, and not always followed by local minsters and churches (Foxhall Forbes 2013, 276-77). However, burial in consecrated ground seems to have become not only more common but also more strictly enforced by the later tenth century, at which point the ritual of consecrating churches was firmly established as regular practice in pontificals (Gittos 2002, 196, 201).

Consecration of churchyards gave parish churches a certain means of control and ownership over burial. There are limited references to a payment known as *soul-scot* in charters as early as the late ninth century. *Soul-scot* was a fee paid to the local minster church for the right to burial. It was a form of revenue expected by churches, and even if a person was buried beyond the bounds of his own parish, *soul-scot* was still paid to the proper minster. By consecrating ground, the church was demarcating the burial land it owned and thus claiming its right to receive *soul-scot* (Gittos 2002, 201; Hadley and Buckberry 2005, 122-23). At the same time, Gittos (2002, 201) also suggests that it was a way to provide burial *ad sanctos* (essentially burial in close proximity to a holy relic in order to benefit from regular prayers) to the Christian community on the whole by making the ground itself holy. This would have strengthened the social bonds within communities; the community a person lived in in life was the community they were buried amongst after death. Being excluded from this interment within this community would have been as much a social stigma as it was a religious statement.

There are a number of reasons why a person may have been denied burial in consecrated ground, for instance being the victim of a murder or a suicide, and certain crimes did, according to the law-codes, merit non-Christian burial. There is only one crime which specifically mentions both execution and the denial of the right to burial in consecrated ground (I Æthelred 4; and again in II Cnut 33):

² '[Be mansworum.] Ond se ðe manað swerige, 7 hit him on open wurpe, ðæt he næfre eft aðwyrpe ne sy, ne binnon nanum gehalgodum lictune ne licge, þeah he forðfore, buton hæbbe ðæs biscopes gewitnesse, ðe he on his scriftscire sy, þæt he hit swa gebet hæbbe, swa him his scrift scrife' (Attenborough 1922, 140-43).

And if there is anyone who is regarded with suspicion by the general public, the king's reeve shall go and place him under surety so that he may be brought to do justice to those who have made charges against him.

§1. If he has no surety, he shall be slain and buried in unconsecrated ground.

§2. And if anyone interposes in his defence, they shall both incur the same punishment (Robertson 1925, 55).³

Since criminals were also perceived as sinners, it is highly likely that many executed criminals, being themselves the worst of the criminals and sinners, would have been buried beyond the limits of consecrated churchyard cemeteries. In the scope of early medieval Christian burial, burial outside of consecrated ground is generally considered a 'deviant' characteristic.

Deviant Burial

Deviant burials are those burials with abnormal traits outside of the normative range of funerary rituals. In early medieval England these normative traits are those discussed previously: burial in consecrated land, or at least within churchyards, orientated west-east and laid supine with the limbs extended. Some of the early thoughts on deviant burials were quite imaginative, suggesting irregularities were due to the undertaker being lazy or even drunk (Aspöck 2008, 23-24 citing Leeds and Harden 1936, 39 and Rolleston 1869, 477 respectively). Most recent scholarship has suggested a more deliberate lack of respect or even purposeful unusual positioning (see for instance Cherryson 2008; Reynolds 2009).

The first use of the term 'deviant' burial to refer to non-normative early medieval English burials was by Helen Geake (1992) in her paper on identifying conversion period burials, c. 600-800. Geake (1992, 87) defined these middle Saxon deviant burials as being 'characterised by a scarcity or complete lack of grave-goods, and by an unusual way of positioning both the grave and the body within the grave'. The unusual body positions she discussed included instances of decapitation or a broken neck, burial face downward (prone), or with the limbs having been bound or in any position generally suggesting mutilation around the time of death. Geake also specifies that the bodies were sometimes buried in one mass grave or possibly interred around a barrow. This definition focuses less on any additions to the grave, but modifications to the typical design of the grave and placement of the body. Geake separates deviant burials from typical pagan traditions, suggesting that they were a new funerary ritual at the time of the transition to Christian burial, though probably stemming from political factors rather than religious beliefs. Much of Geake's

³ '[Be ðæm men ðe eallum folo ungetrywe sy.] 7 gyf hwylp man sy ðe eallon folce ungetrywe sy, fare ðæs cynges gerefa to 7 gebringe hine under borge þæt hine man to rihte gelæde ðam ðe him onspæcon. §1. Gyf he ðonne borh næbbe, slea man hine 7 hine on ful lecge. §2. 7 gyf hwá hine forne forstande, beon hi begen anes rihtes wyrðe' (Robertson 1925, 54).

characterisation of deviant burials holds true in the later Anglo-Saxon period as well. There are a variety of reasons a person might have been buried in a deviant manner in tenth- and eleventh-century England, but one of these was definitely of a political nature as well – judicial execution.

Before proceeding with an analysis of Anglo-Saxon and Anglo-Norman judicial punishment practices, the concept of execution itself must be considered. What is execution and how can it be archaeologically defined and identified? Definitions of execution tend to convey an impression of legality; to suggest, however, that execution implies an official death sentence ordered by an authority is an oversimplification of the nature of early medieval government, since, as discussed in the last chapter, early medieval authorities made certain allowances for individual justice. Translating this concept then into archaeological terms in order to identify execution victims within the burial record is problematic. Excavation reveals only the deceased victims, not the identities of anyone else involved in the death or burial. Yet corpses do not bury themselves. When examining the burials of potential executed criminals we must consider not only what the burial reveals about the manner of death of the individual, but also what it might disclose about the person who buried that individual and the relationship between them. There are three funerary areas where it might be possible to identify signs of execution: the skeleton, the grave and the location of the burial.

The skeleton can provide details on age, sex and general health. These are all factors which might reveal whether an individual falls into a general demographic (Boylston et. al. 2000; Buckberry 2008, 163; Charlier 2008; Coughlin and Holst 2000; Gowland 2006, 143-54; Sofaer 2006, 155-67); however, as the contemporary written record is primarily focused on the secular and ecclesiastical elite of medieval society, it is difficult to ascertain the average medieval criminal demographic. Studies of later medieval crime demonstrate that the demographic can be quite widespread across society, but that the more severe or violent crimes are more often committed by young and middle-aged adult males (Bellamy 1964; Musson and Powell 2009, 67-104; Stones 1957; Summerson 1996). It must, however, be remembered that the funerary record does not represent the overall criminal demographic, but only that of executed criminals or those marked out in death.

The skeleton can also reveal evidence of trauma, but as will be discussed in detail in the following two chapters (4 and 5), trauma deriving from medieval execution is fairly limited. Decapitation often reveals evidence of a cut through the vertebrae, being burned to death should be visible in charring on the bones, and any trauma that involved significant stabbing or the breaking of bones should also be apparent, provided the skeletal preservation is fair (Aufderheide and Rodriguez-Martin 1998, 20; Buckberry 2008; Cessford 2007; Correia 2006, 276-7; Novak 2000, 93; Pollard et. al. 2012). Methods of execution such as hanging or drowning provide no osteological evidence (Aufderheide and Rodriguez-Martin 1998, 29;

James and Nasmyth-Jones 1992, 82-9; Poulton 1989, 81; Szpilman et al. 2010, 2102-3; Ubelaker 1992; Waldron 1996, 115-17).

The presence of osteological trauma on its own, however, does not necessarily signify execution. If an individual displays evidence of decapitation or significant charring, for instance, it is possible, but by no means certain, that this individual may have been the victim of judicial execution. Such a person might likewise have been the victim of murder or died in battle or even a domestic accident, in the case of burning (Reynolds 2009, 35-52). Other evidence might help to contextualise the death, such as the position of the body and the location of the grave, but also, for instance, cut marks elsewhere on the body signifying death in a fight rather than formal execution. Of course some laws (such as II *Æthelstan* 20) encourage the whole village to hunt down thieves, and while it is preferred that they are taken alive, if they struggle the pursuers are given the right to slay the thief (Attenborough 1922, 136-39). In the early medieval world this was as much justice as was formal execution, but it is a kind of justice which is not visible in the archaeological record. Neither are the consequences of feud osteologically distinguishable from murder or a death in battle.

The position of the skeleton in the grave is important. The significance of variation on the supine extended burial position was discussed above. While it is important not to jump to rash conclusions of deviance, a body intentionally placed improperly in the grave, or even a body placed improperly out of lack of concern, reveals something irregular or uncommon about the burial. This thesis will look at these deviant burial positions, such as prone burial and interment with arms crossed behind the back, in more detail in Chapters 5 and 6. It is possible that there were criminals who may not have been differentiated in their burials; if the crime was minor and the offender had performed the proper penalties and penances, there is little reason that Christian burial would have been denied. However, execution victims were not average criminals. It must always be kept in mind that execution, even in the Middle Ages, was rare. It was the worst form of punishment for the worst criminals.

For those criminals who were not buried in Christian fashion, one might expect a hasty and careless burial, probably outside of a Christian cemetery. While prone burial is often a very intentional form of deviant burial, there are other corpses which appear to have been merely tossed into the grave. For instance Skeleton 11 from Walkington Wold had the legs flexed and spread wide apart, possibly as if dragged into the grave (Buckberry 2008, 158-59). This sort of careless burial is also mentioned in Orderic Vitalis' early twelfth-century account of the fate of Earl Waltheof: 'his body being flung unceremoniously into a ditch and hastily covered with freshly cut turf' (Chibnall 1990, 323). In a way, the complete lack of attention by the grave-diggers to the placement of Waltheof's body seems even more disrespectful than purposefully laying the body in a position other than supine and extended.



Figure 3.1. S429 from Staines was buried in a grave too short and so was buried hunched at the shoulders and neck (Hayman and Reynolds 2005, 228). Reproduced by permission of the Royal Archaeological Institute.

Lack of care and disrespect can also be seen in the cutting of the grave. Shallowness can be a sign of haste or unwillingness to put too much effort into the interment. Some graves of potential criminals were also cut too short, forcing the corpse to be buried in a hunched or flexed manner. This was the case with Skeleton S429 at Staines (Hayman and Reynolds 2005, 228; Figure 3.1), Skeleton No. 14 at Stockbridge Down (Hill 1937, 254) and Burial 17 at Sutton Hoo (Carver 2005, 316). This could equally result from a lack of concern, or because the grave was dug in preparation for an execution victim without knowing the individual's height.

One of the aforementioned qualities of standard Christian burial is the alignment of the grave in a west to east direction. It is often assumed that graves which are not on the west-east alignment contain the body of an individual undeserving of a proper Christian burial, presumably a sinner or criminal. Chapter 6 discusses this subject in detail, however it is important to mention that when graves are misaligned conclusions of criminality should not necessarily be immediately drawn; yet if the body or grave shows multiple signs of deviance the possibility of criminality or at least purposeful exclusion from the Christian community of the dead becomes much more likely. Returning to Waltheof's original grave, before he was reinterred at Crowland, it is notable that he was 'flung' into a ditch, not even a purpose-cut grave, and covered over, with no ceremony, reverence, or even grave marker to

reveal the burial location (Chibnall 1990, 323). This is what one might look for in the grave of a criminal: a makeshift or hastily dug grave, a body which appears to have been placed without too much care and probably without a shroud to help keep the limbs in place, and possibly signs of execution on the skeleton if the manner of death allowed for it and it is likely to be osteologically visible.

Finally, location of burial is incredibly important in observing the potential graves of criminals. As was discussed above, burial in consecrated ground was an important feature of Anglo-Saxon Christian burial by the tenth century, thus any burial outside of the Christian funerary community was unusual in some way. However, it is also important to consider whether the individual is buried on his or her own, or whether they are among others. Victims of murder would have often been buried alone in somewhat hidden locations (Reynolds 2009, 47-49). On the other hand, a location with multiple interments, and particularly intercutting graves, suggests frequent need, and a regular location, for burial in unconsecrated land. The landscape and proximity of local monuments, settlements or landmarks are all important factors in burial, factors which the contemporary community would have taken into consideration.

The term deviant can also be misleading. As has been shown, there was great variation in Anglo-Saxon Christian burial. Some of these variations, such as charcoal burial, are viewed as Christians maintaining individuality in the funerary process, while others are perceived as the exclusion of malefactors from the Christian community of the dead; however, since none of these practices are recorded or explained in the surviving written sources, the criteria for identifying the two categories of Christian and deviant is largely a modern construction. Scholars have done their best to understand the variety of funerary rites uncovered by archaeological excavation using what is known about Anglo-Saxon life, religion, and politics, but it must be emphasised that we do not, and probably will never, fully understand some of these rituals.

Deviant graves are not like others, so there is something notable about the individual who was buried in this location, but it is not always clear what that is. Deviance is not always a sign of criminality, let alone of executed judicial offenders. Victims of murder may be discarded in secret with little care. Victims of feud may show similar signs to those executed or murdered - although since feud was honourable and, to a certain extent, acceptable, those killed in the event may very likely have been given a proper burial. Fleeing thieves cut down by pursuers may not appear much different in burial from murder victims, although in the eyes of the law the former was official justice. Likewise, in the law-codes it is clear that the fate of unconsecrated burial could be met by clerics failing to remain celibate (I Edmund 1), adulterers (I Edmund 4), homicides (I Edmund 4), those who had intercourse with nuns (I Edmund 4), and those refusing to learn the Pater Noster (I Cnut 22), all misdeeds which did

not merit judicial punishment (Robertson 1925, 6-7, 170-71). Such individuals would not, however, show signs of execution, but may still have been marked out by unusual burial.

Suicides were another group of individuals who may have been marked out in burial. Suicide was not a judicial crime in Anglo-Saxon England and is absent from extant legislation. It made its first legal appearance in the twelfth century in the *Leges Henrici Primi* (5, 28c): 'No one shall bring about his own death or inflict injury on himself' (Downer 1972; Clayton 2009, 347). From this point through the Middle Ages suicide remained a judicial offence, with the king as the beneficiary of the chattels of victims. However the early medieval Church had firmer rules regarding suicide than early English royal authorities. Since Antiquity suicides had been marked by disrespectful burial (Murray 2000). Although Anglo-Saxon sources appear to be more uncertain about the severity of the sin of suicide than other contemporary European ecclesiastical sources (Foxhall Forbes 2013, 300-08), there is some evidence the suicide was a sin worthy of unconsecrated burial. The tenth-century Old English Peniential declares that suicides should not receive mass or funerary psalms (Frantzen 2003-2015, Y42.05.01) and the eleventh-century Old English Handbook adds that the body should not be buried in consecrated ground (Frantzen 2003-2015, D54.13.01). In order to distinguish between potential judicially punished criminals, spiritually punished sinners, and normative members of the population who were unlucky in death, all aspects of the burial must be considered to make a logical argument about the identity of the deceased individual.

The execution cemetery

Andrew Reynolds' recent work has reviewed deviant burial as a sign of judicial punishment in Anglo-Saxon England. Reynolds (2009) has identified and catalogued the phenomenon of the Anglo-Saxon execution cemetery, or *cwealmstow*, literally meaning death place or killing place. The basic concept of the execution cemetery is not an entirely novel one; it had previously been introduced on occasion as an explanation for sites with unusual forms of burial. Many of the burial types discussed by Reynolds are those same 'deviant' types detailed by Helen Geake: decapitation, prone burial, bound limbs and mutilation. Reynolds' most significant contributions, in building on this earlier work, have been to compile a gazetteer of a number of exemplar sites and to create a site typology for execution cemeteries. In his book *Anglo-Saxon Deviant Burial Customs*, Reynolds (2009, 178) argues that there is a 'distinct class of execution cemeteries [that] can be identified on the basis of geographical location and burial types'. Reynolds considers any non-supine burial to be deviant and adds to the initial examples of deviance provided by Geake examples of individuals buried with stones on top of the body and graves with more than one individual (but not mass graves). The geographical location of an execution cemetery is also highlighted by Reynolds, which he has

noted to be usually positioned away from settlements, often associated with prehistoric monuments and in highly visible, if liminal, locations (Reynolds 2009, 34-60, 180-234; Reynolds 1997, 33-7).

This typology of the Anglo-Saxon execution cemetery developed by Reynolds on the basis of the archaeological evidence is supported by poems, such as *The Wife's Lament*, and illuminated manuscripts such as the *Harley Psalter*. *The Wife's Lament*, of possible tenth-century date, depicted a woman mourning her isolation. Her exiled state ('woeful plight' and 'friendless exile' are phrases used to describe her situation) combined with the depiction of her prison as an ancient 'earthen abode' or 'under an oak-tree in this earthen dug-out' (Bradley 1982, 384-5) has spurred Sarah Semple (1998) to suggest that this poem may actually depict the ghost of a criminal forever imprisoned in her barrow grave.

There are, of course, other, and contradictory, interpretations of this same poem. Vicky Crewe (2012), building on the work of Alaric Hall (2009), has acknowledged that the implications of the woman's abode as a sanctuary in which she is averse to living, rather than a prison, cannot be ignored. The phrases, 'the man's kindred plotted with secret purpose to sunder us two so that we should live most abhorrently, utterly apart, in the kingdom of the world', might indicate that she and her husband were involved in a feud or some other danger, and 'My lord commanded me to take up my dwelling in this sanctuary,' that he bid her stay in this place for safety (Crewe 2012, 31-2; translation from Bradley 1982, 384).⁴ The Anglo-Saxon *her heard*, translated by Mackie (1934, 153; see footnote below) with *heard* 'stern' modifying *hlaford* 'lord' and *her* alone referring to 'this place', is more commonly translated as a compound *herh-eard*, a variation of *hearg-eard* (Hall 2002, 7). However, *hearg*, which is being translated in the above passage as sanctuary, can also be translated as grove or dwelling in the woods, and while *hlāford* can suggest a husband, it can also indicate a lord in the sense of a person in a position of authority. Thus, if the implication of sanctuary is removed, this could represent an official command, possibly hinting at a death resulting either from feud or perhaps capital punishment.

A number of the manuscript images from the *Harley Psalter* are insightful about deviant burial practice. The psalter dates to the early eleventh century and it is the earliest of three Anglo-Saxon copies of the early ninth-century Carolingian manuscript the *Utrecht Psalter* produced at Christ Church in Canterbury. Certain images from the *Harley Psalter* support the argument that individuals who had been executed were buried in and around prehistoric barrows. Folio 67r is particularly illuminating (Figure 3.2). The drawing depicts four individuals lying in unconventional poses within a mound. Two are prone, one is crouched

⁴ *'ongunnon þæt þæs monnes magas hyegan þurh dyrne geþoht þæt hy todæden unc þæt wit gewidost in woruldruce lifdon laðlicost ... het mec hlaford min her heard niman'* (ll. 11-13, 15; Mackie 1934, 152).



Figure 3.2. BL MS Harley 603 f. 67, c. 1000 x 1050, showing deviant burials inside a mound and a torture scene to the left of the mound. ©British Library, London

forward and the last is kneeling and arched backward; all have clearly been decapitated as their heads are lying disconnected from their bodies, still streaming blood. If this were not sufficiently consistent with the archaeological evidence from execution cemeteries, to the left of the mound one man, who appears to have been a torturer of sorts, has had his head pulled back at the beard by an angel, exposing his neck for the downfall of the angel's raised sword. The scripture that accompanies the image declares, 'The Lord who is just will cut the necks of sinners: let them be confounded and turned back that hate Sion' (Semple 2003b, 237).

In her study of the Harley Psalter, Semple (2003b) proposes that prehistoric barrows represented the hellish underworld to Christian Anglo-Saxons. When comparing the Harley Psalter images to the same images from the earlier Utrecht Psalter, it is clear that the Carolingian depiction of the mouth of hell as large open pits and massive passages into the earth have been substituted for a more Anglo-Saxon version of a hellmouth, which emerges from the natural landscape. Semple convincingly argues that the rocky fissure and smoking vents growing from the tops of the barrows represent the mouth of, or various openings to, hell: 'These ... illustrations in the Harley 603 Psalter, it can be argued, exemplify a distinctly Anglo-Saxon version of hell and damnation, different from that portrayed in the Utrecht Psalter. It comprises a living-dead existence, trapped within the earth, often within a hollow beneath a hill or mound, tormented by demons' (Semple 2003b, 24). Although folio 67r is an additional image to the copy of the Utrecht Psalter, the barrow within which the deviants have been enclosed morphs into a bulbous opening at the top very similar to other depictions of the entrance to hell. This scene clearly depicts the association between the execution of criminals, or in this case sinners (often one and the same in the early medieval world), and burial within mounds, but it also hints at the ultimate fate of those criminals (Semple 2003b).

These two examples, from the Wife's Lament and the images from the MS Harley Psalter, both propose a feeling of isolation and exile even in death. Reynolds has interpreted the physical liminality of the burial location as a metaphor for both social exclusion and spiritual exile. In this combined corporeal and divine message can be seen the dual forces of the secular and ecclesiastical authorities. Thus, Reynolds also suggests that the development of execution cemeteries corresponded with a growing central government and the need for increased judicial punishment. He attaches great significance to the location of execution sites. That they are usually found on boundaries, especially those of the local administrative unit known as the 'hundred', and major highways appears to indicate the growing significance of judicial divisions during this period: 'Early elites experience continual challenges to their authority, not least from close associates, and once clear territorial boundaries became established it can be argued that the nature of kingship changed, from a situation where everything was to be gained through heroic conquest to a position where the management of internal stresses and conflicts became a principal concern' (Reynolds 2009, 237).

Post-holes, which were potentially for a gallows or gibbets, have been found at the execution sites of Stockbridge Down and Sutton Hoo. Reynolds posits that, with the combined evidence for gibbets and the visibility of the locations, criminals were not only buried, but also executed there. The visibility of these acts of justice in the form of the *cwealmstow* may indicate an authority exhibiting control in these demarcated regions. With the addition of contemporary innovations such as coinage and towns, as well as a 'highly organized judicial system', Reynolds argues that there emerged a place for capital punishment in late Anglo-Saxon England (Reynolds 2009, 219-27, 235-47; Reynolds 1997, 37-8).

Reynolds' dataset

Reynolds' typology and his explanations for later Anglo-Saxon execution cemeteries are alluring and initially persuasive, but upon close scrutiny it becomes apparent that there are problems with the archaeological dataset on which his conclusions are based. Reynolds compiled a list of twenty-seven burial sites which he proposes are later Anglo-Saxon execution cemeteries (Figure 3.3): Dunstable Five Knolls (Beds), Galley Hill (Beds), Abingdon (Berks), Castle Hill (Berks), Bran Ditch (Cambs), Chesterton Lane (Cambs), Wandlebury (Cambs), Wor Barrow (Dorset), Meon Hill (Hants), Old Dairy Cottage (Hants), Stockbridge Down (Hants), Staines (Middx), South Acre (Norfolk), Crosshill (Notts), Wallingford/Crowmarsh (Oxon), Sutton Hoo (Suffolk), Ashtead (Surrey), Eashing (Surrey), Gally Hills (Surrey), Guildown (Surrey), Hog's Back (Surrey), Burpham (Sussex), Malling Hill



Figure 3.3. Map of execution cemeteries identified by Andrew Reynolds. Author's Image.

(Sussex), Bokerley Dyke (Wilts), Old Sarum (Wilts), Roche Court Down (Wilts), and Walkington Wold (Yorks).

Many of these do, indeed, clearly display characteristics of an execution cemetery, but on close reading and consultation of the original excavation reports, some of these examples have only one or two qualities that might lend support to the identification. The issue, as Tom Lambert (2012) astutely identifies in his review of Reynolds' work, is that the interpretation presented by Reynolds is, on the whole, circular in nature. Reynolds uses the

Table 3. 1. Table examining the sites included in the dataset for this thesis using Reynolds' characteristics of an execution cemetery.

Site	Bran Ditch, Cambs	Chesterton Lane, Cambs	Meon Hill, Hants	Old Dairy Cottage, Hants	Stockbridge Down, Hants
Dating Evidence	Anglo-Saxon pottery and other artefacts found in some of the graves	radiocarbon dated 7th to 9th century	coin of Edward Confessor possible dating evidence, finds of AS date	Radiocarbon dated between c. 8th and 9th	dated by the presence of a coin during the reign of Edward the first and some pottery and buckles - dated to 9th c., possible extending into Norman period
Excavation Date	1923	2000	1932	1989-94	1935-36
Landscape Features	The burials were dug into a linear earthwork which was part of a series of military defence structures	near a 4th century earthen bank and a Roman road; on a middle Anglo-Saxon cemetery	Iron Age hillfort; road running from Stockbridge to Salisbury runs across hill on which cemetery placed; summit of a hill above the river Test	near the Roman road from Winchester to Mildenhall; on the summit of a series of hills	on a hill near the river Test; near the Roman road from Winchester to Old Sarum and Salisbury; postholes of a possible gibbet
Burials	The body count was not specific, but around 50 interments were estimated	8 secondary and further disarticulated material	10 skeletons	16 skeletons and further disarticulated material	41 skeletons and further disarticulated material
Deviant Burials	16 decapitations, 2 in unusual positions	5 decapitations, 1 potentially bound and prone	6 decapitations, 4 potentially bound, 2 prone; graves orientated N-S	9 decapitations, 3 potentially bound, 3 prone	3 decapitations, 16 with crossed arms, 6 prone, 2 in unusual positions
Osteologica Analysis	Mentioned as having been analysed by Dr WLH Duckworth, but this was never published. I have done a provisional examination of the skeletons for this thesis (see Appendix C)	fully analysed	full analysis performed by Miss Tildesley from the Royal College of Surgeons	full analysis performed by Cherryson and Buckberry	analysed for trauma and pathology; but the individual demo-graphic data was not published
Source	Lethbridge and Palmer 1929	Cessford et. al. 2007	Liddell 1933	Buckberry and Cherryson <i>forthcoming</i>	Hill 1937

Site	Staines, Middx	Sutton Hoo, Suffolk	Guildown, Surrey	Walkington Wold, Yorks
Dating Evidence	radiocarbon dated to c. 8th-12th	Radiocarbon dates c. 7th-13th	coin of Edward the Confessor found in burial	radiocarbon dated c. 7th-10
Excavation Date	1999		1929	1967-69
Landscape Features	along Roman road from London to Stichester; just beyond town of Staines	On an earlier 7th century elite mound cemetery lie along the old road to Woodbridge; on a scarp along the river Deben; postholes for a possible gallows	On an earlier 6th c. cemetery; lies along ancient road running through Guildford to Harroway; on the summit of Hog's back ridge which overlooked the town of Guildford	two bronze age barrows; earlier Roman burials
Burials	30 skeletons and further disarticulated material	39 skeletons belong to the secondary burials	222 burials over the whole use cemetery	12 skeletons
Deviant Burials	4 decapitations, 7 potentially bound, 4 prone, 3 in unusual positions	9 decapitations, 7 possibly tied, 11 prone, 11 in unusual positions	3 decapitations, 35 potentially bound, 5 prone, 4 in unusual positions	7 decapitations, 3 in unusual positions
Osteologica I Analysis	analysed for demography, but the individual pathological data was not published	osteological analysis was limited because of the condition of the organic material, performed by Frances Lee	osteological analysis performed by Sir Arthur Keith from the Royal College of Surgeons; the individual analyses were never published but are accessible from the RCS archives	full osteological reanalysis performed by Buckberry
Source	Hayman and Reynolds 2005	Carver 2005	Lowther 1931	Bartlett and Mackey 1972; Buckberry and Hadley 2007; Buckberry 2008

profile of those sites that fit his model most closely, such as Sutton Hoo and Stockbridge Down, to justify the inclusion of other less convincing sites, but then uses the dataset as a whole to prove the legitimacy of these same criteria with which the dataset itself was compiled (Lambert 2012b, 679). Reynolds, thus, includes in his list of execution sites examples with little to commend them, and may unintentionally be creating an inflated dataset, which does not actually reflect the profile of later Anglo-Saxon execution cemeteries.

There should be little doubt that the Anglo-Saxon execution cemetery, as Reynolds has defined it, does exist; there are enough burial sites that have been identified as highly unusual from the initial excavation and are remarkably similar in form and function to

support the concept that there were separate burial grounds for individuals who had been executed. However, Reynolds shows a preoccupation with landscape setting which often leads him to overlook other requisite evidence to support his argument, such as exact dating and information on the actual individuals interred in these locations. Moreover, many of the burial positions he labels as deviant seem to have been interpreted in a number of ways by Anglo-Saxon scholars and may possibly have had multiple meanings to those Anglo-Saxons performing the burial. Reynolds himself considers both prone burial and decapitation as having differing meanings in two different contexts. For example, in the pagan period (fifth to seventh centuries) he views the two deviant types as indicative of fears of the supernatural and the walking dead, but then in the Christian period he has decided that they were definitely, and only, the result of judicial punishment (Lambert 2012b, 678; Reynolds 2009). In fact, during the late Anglo-Saxon period it can be found in consecrated burial grounds, such as in the eighth-century Beckery chapel cemetery at the monastery of Glastonbury (Somerset) and a number of ninth-century burials near the minster church in Shipton-under-Wychwood (Oxon) (Hadley 2010, 107-08; Rahtz and Hirst 1974, 27-34; Blair 1992, 8). Prone burial in Christian cemeteries occurs throughout the Anglo-Saxon period and continues into the later Middle Ages. A full study of each individual 'deviant' type is necessary before ascribing any definitive meaning to them, especially practices that resulted more ambiguously from execution such as prone burial, multiple burial and bodies interred with stones placed on them.

It is often also the case that the excavations of the proposed execution cemeteries took place quite a while ago, and the antiquarian excavation reports simply do not provide detailed information of the individual burials or present the excavation results in a form that can be compared with modern reports. While antiquarians and early archaeologists cannot be faulted for not having access to radiocarbon dating and modern osteological examination techniques, the contemporary standards to which the excavation was conducted must be taken into consideration when including them in a dataset for which a justifiable date and detailed evidence of the burial and skeleton are both necessary. Much of Reynolds' dataset will be utilised in the following study on judicial punishment in early medieval England, but this will be restricted to those sites with good modern standards of excavation and recording, where secure dating is evident and where osteological reports are available, specifically Bran Ditch, Chesterton Lane, Meon Hill, Old Dairy Cottage, Stockbridge Down, Staines, Sutton Hoo, Guildown, and Walkington Wold. Appendix A provides an overview of these nine sites, but see Table 3.1 for a summary of the sites' characteristics and Table 3.2 for a summary of the remaining sites included in Reynolds' analysis. Certainly, many of those excavations which have been discarded could indeed be sites of execution burial, but it cannot be solidly argued

with the current information, and for the most accurate analysis possible only the definite data should be included.

Reynolds' most critical problem is his over-inclusiveness and flexibility with his original criteria. In his methodology chapter he states (correctly, in this author's opinion) that crouched burials, burials which include purposefully placed stones, and multiple burials are not obvious characteristics of execution and should be given less weight unless associated with decapitation or prone burial (Reynolds 2009, 64), yet he then later includes sites such as Abingdon which boasts merely a multiple grave with three skeletons, one of which was found with a limestone slab on his chest and another with a slab on his arm. There is also no evidence for dating at Abingdon, except that it must be later than the mid-fourth-century Roman features into which the graves were cut (Wilson 1979).

Many sites Reynolds decided to include in his gazetteer because of their geographical location. In particular, their proximity to ancient roadways and hundred boundaries has convinced him of their legitimacy as Anglo-Saxon *cwealmstowa* (Reynolds 2009, 97-151). For instance, excavations at the Iron Age hillfort at Castle Hill, Little Wittenham uncovered one prone female amongst three other interments. There is no dating evidence, yet this woman is also included in the array of execution victims (Chambers 1986). Similarly, at Wallingford/Crowmarsh, also known as Grim's ditch, four individuals were buried in the ditch of an Iron Age bank. Burials 2 and 3 were orientated north-south, but other than this there were no signs of deviance in the position of the bodies. The bank and ditch were dated based on the excavated pottery, but there was no dating evidence for the later burials (Hinchcliffe 1975). Reynolds' investigation of boundaries and major road systems in the Anglo-Saxon period is a great contribution to understanding many of the sites in his dataset. Looking through the above-mentioned examples, though, it is difficult to avoid feeling that he has pushed geography to the forefront of his analysis, and has downplayed the need for accurate dating to the correct period and of actual burials displaying definite judicial punishment.

Other sites included by Reynolds in his dataset are much more convincing as execution cemeteries, yet disappointingly still struggle to be persuasive as being of Anglo-Saxon date. Dating execution sites is difficult because of the almost complete absence of personal goods buried with the individuals. It is generally assumed that the criminals were stripped of their possessions and possibly even clothing prior to burial, so without radiocarbon dating the burials are generally left without a date. Occasionally coins have been found in or near graves, as is the case with Stockbridge Down, Meon Hill and Guildown, but the rest of the cemeteries that will be included in this study's dataset, with the exception of Bran Ditch, have been radiocarbon dated.

The ambiguous date of the sites discounted from Reynolds' dataset in this study is often coupled with limited osteological analysis, which adds an extra level of uncertainty to the interpretation of the sites as Anglo-Saxon execution cemeteries. The Five Knolls site at Dunstable presents the appropriate landscape profile of an execution cemetery developed by

Table 3. 2. Table examining the sites identified by Reynolds as execution cemetery sites which were excluded from the dataset used in this thesis based on limited secure evidence for date and deviance.

Site	Abingdon, Oxon	Ashtead, Surrey
Excavation Date	Presumably around the date of publication in 1979 (the actual date of excavation is unclear)	1985 and 1989
Dating Evidence	The only evidence for dating is that they must be later than the 4th century features into which the graves were dug	The execution burials are later than the pagan cemetery, but no other dating evidence is available. The excavators postulate that they may belong to the late Saxon or early Norman period solely based on comparison with similar execution sites.
Landscape Features	The burials were cut into Roman features	The burials were on an earlier Anglo-Saxon cemetery, on an 'elevated position on the North Down'; postholes were found which could have belonged to a possible gallows
Burials	7 burials, only 3 were fully excavated	16 possible execution burials were found
Deviant Burials	Three skeletons were in a single grave. One of these had a limestone slab laid on its body and another had a limestone slab on its arm. All of the graves were aligned N-S.	All of the burials were 'inconsistent' in orientation, 1 possible decapitation, 4 possibly bound and 2 prone
Osteological Analysis	Performed by Mary Harman	Performed by Tony Waldron
Source	Wilson 1979	Poulton 1989; Hayman 1991-2
Comments	Reynolds states that 'Although the Abingdon burials do not exhibit direct association with a major boundary, their post-Roman dating, proximity to a major highway, and the presence of a distinctive type of triple burial best paralleled at execution sites elsewhere suggest that they belong to this class of site. The proximity to an Anglo-Saxon urban centre is also of significance and the group may be viewed alongside other cemeteries with similar relationships to emerging towns' (Reynolds 2009, 103). The use of comparison as a reason for inclusion seems an uncertain method.	This site was not included primarily because of the complete lack of dating evidence. Like the excavators, Reynolds gives this site and Anglo-Saxon date because of 'cross-comparison with the well-dated sites' (Reynolds 2009, 135).

Site	Bokerly Dyke, Wilts	Burpham, Sussex	Castle Hill, Oxon	Crosshill, Notts	Dunstable, Five Knolls, Beds
Excavation Date	late 19th century	1893	1984	1964-68	1926
Dating Evidence	coins, pottery and dress accessories provide a general Romano-British date	The site was dated to the Anglo-Saxon period based on craniometrics	No datable artefacts were found	all of the graves contain grave goods. Dated as Anglo-Saxon or Danish, thought unlikely to be later than 5th or 6th century	The excavators suggest a possible date of 5th or 6th century based on material evidence. Craniometrics provided a variety of dates from Romano-British to late medieval
Landscape Features	linear earthwork; on the boundary between Wiltshire and Dorset	The burials were dug into a mound which does not seem to have a primary interment	Iron Age hillfort	buried on top of a mound	5 BA bell barrows near the Icknield Way
Burials	At least 26 skeletons and 1 cremation	13 skeletons	4 skeletons	5 burials	over 100 burials
Deviant Burials	2 skeletons may have had hands crossed behind back, 1 skull between legs	The only sign of deviance is that the graves were orientated S-N. The graves were described as trenches, which may imply multiple burial.	1 prone female	1 prone, possibly some with crossed arms	30 skeletons had arms crossed at the wrists, mostly behind backs, 1 skull between knees
Osteological Analysis	Limited or no osteological analysis was performed; a few skeletons have been analysed for sex.	Individual bones amounting to at least 5 separate (but not complete) individuals were examined by Prof FG Parsons (of the Croydon Scientific Society)	No analysis seems to have been performed	none	analysed by Doris Dingwall, although a full report with the analysis for each individual was not published.
Source	Pitt Rivers 1892	Curwen and Curwen 1922; Welch 1983	Chambers 1986	Kinsley 1993	Dunning and Wheeler 1931; Dingwall and Young 1933; Tattersall 1986
Comments	There is no date for the site, so it has not been included in the dataset. Reynolds includes the site on the basis of the burials' locations near and earthwork and a county boundary.	As there is no evidence for a secure date and the deviance is limited and not necessarily demonstrative of criminals, this site was not included in the dataset. Reynolds included the cemetery 'on the basis of comparison with the well-dated sites' (Reynolds 2009, 144).	Reynolds states that 'The site is suggested as belonging to the class of execution sites on the basis of comparison' (Reynolds 2009, 105).	There is no evidence to securely date this site to the later Anglo-Saxon period.	Reynolds does not include a proviso explaining his inclusion of the site; however the dating is far too ambiguous for the site to have been included in the dataset in this thesis.

Site	Eashing, Surrey	Galley Hill, Beds	Gally Hills, Surrey
Excavation Date	1931	The main excavation took place in 1961	1972
Dating Evidence	none: thought to have been Romano-British based on stature and physical type	18 were dated to the Roman period based on material evidence found in and around the graves, although the osteologists thought that the skeletons appeared to be later in date, even post-Norman. There was no evidence to date the 6 later burials.	No dating evidence for the secondary burials. As the barrow was thought to have been Anglo-Saxon in date, the excavators postulated a post-Saxon date for the secondary interments, but there is little to support this.
Landscape Features	on a boundary near the Eashing burh	Roman barrow; along the Icknield Way	One of four barrows in the area, thought to be Anglo-Saxon in date
Burials	7 skeletons	25 skeletons were found. 1 was a primary burial in the barrow, 18 were thought to be Roman in date, 6 skeletons were thought to be later in date.	five skeletons found
Deviant Burials	1 prone, 1 with crossed legs, 1 with rotated skull, some of the burials orientated N-S	Of the 18 Roman burials, 2 were prone and it was postulated that 2 may have been mutilated, although there was not trauma evidence for this. The later 6 skeletons were buried at a 45° angle to barrow on a slope and appeared weathered, but were otherwise supine and extended with no obvious signs of deviance.	all skeletons orientated N-S, 2 with hands crossed behind their backs and possibly dislocated necks
Osteological Analysis	performed by Sir Arthur Keith - limited to age and sex	fully analysed by R. Powers and DR. Brothwell	The primary burial was examined by Abraham Lutton and David James, but the secondary deviant burials do not appear to have been examined at all
Source	Winbolt 1932	Dyer 1974	Barfoot and Price-Williams 1976
Comments	This site lacks any form of certain date. Reynolds counters this by noting that a copper-alloy pin found in one of the burials and thought to be Roman is 'just as likely to be of Middle Anglo-Saxon date, although its worn condition might suggest deposition in the later Anglo-Saxon period' (Reynolds 2009, 136). Basing the entire date of one site on the ambiguity of the date of one <i>artifact seems still very uncertain</i>	It seems reasonable to be inclined toward the Roman date provided by the material evidence rather than a later date because the skeletons were "'poor" lightly built skeletons' (---- 30) which suggested a post-Norman date to the osteologists. If this is the case, than only the 6 which seemed to have been interred later might fall into the Anglo-Saxon period, and they displayed limited deviant characteristics. Reynolds argues that the dates for both groups are uncertain, so that there is no good reason why all of the secondary interments should be viewed as anything but broadly contemporary and of Anglo-Saxon date' (Reynolds 2009, 102). He also places importance on the place name, although the first record of this name is from the 16th century and may easily have been assigned after the Anglo-Saxon period.	There is not secure evidence for a date for the secondary interments, so this site has not been included in the dataset. Reynolds includes this site in his set on the 'basis of comparison with the securely dated sites' (Reynolds 2009, 138).

Site	Hog's Back	Malling Hill, Sussex	Old Sarum, Wilts	Roche Court Down, Wilts
Excavation Date	1935	The source Reynolds used for this sites was Allen and McKinley. Forthcoming. An Anglo-Saxon Execution site at Malling Hill, near Lewes. <i>Sussex Archaeological Collections</i> .	1894	1930
Dating Evidence	There was no dating evidence for the skeletons. The hypothesised dates range from the Neolithic to the 17th century.	Romano-British bronze buckles and fastenings found on two bodies	No material evidence was directly associated with any of the burials, and a Saxon date was postulated by the excavators by working backwards from the deposition of 17th c. gun flints on the rate of soil deposition. The other dating evidence for an Anglo-Saxon date was based on craniometrics.	
Landscape Features	along an 'ancient road'	near a hillfort; buried on a mound	near three barrows and a pagan cemetery	
Burials	4-5 skeletons	14 skeletons	18 skeletons	
Deviant Burials	all in one grave, bottom skeleton prone	14 skeletons with hands crossed behind backs	2 prone, 7 with wrists crossed, and 8 possible decapitations	
Osteological Analysis	No osteological seems to have been performed.	No osteological seems to have been performed.	Analysed by ML Tildesley	
Source	English and Dyer 1999	Blackmore 1894	Stone 1932	
Comments	There is no evidence for a date for the burials. Nonetheless, Reynolds includes the site because 'The location and character of the site are strongly suggestive of an Anglo-Saxon execution cemetery' (Reynolds 2009, 143)	This site was not included because of the poor recording of the initial excavation, the lack of osteological analysis, and the suggested Romano-British date. Reynolds included this site based on comparison with other well-dated sites.	Although there are obvious deviant burials at this site, there is no evidence for a date, so it could not be included in the dataset. Reynolds dates it to the Anglo-Saxon period based on 'cross-comparison with the well-dated sites' (Reynolds 2009, 149).	

Site	South Acre, Norfolk	Wallingford/Crowmarsh (at the site of Grim's Ditch), Oxon	Wandlebury, Cambs	Wor Barrow, Dorset
Excavation Date	1987-88	1973-74	1976	late 19th century
Dating Evidence	A few objects dated to the Saxon period, and C14 dating of two skeletons provided one date of 80-550 AD and the other 800-1020 AD. The problem with these two dates is that it is impossible to know which individuals date to which period, or any period in between.	No evidence for a date for the burials was provided.	No dating evidence. The excavators assumed to date to one of the phases of the Iron Age hill-fort.	Coins on skeletons and weapons, dress accessories and other artefacts uncovered date the burials to the Romano-British period
Landscape Features	buried on top of a mound	Iron Age Bank	Iron Age hill-fort	Neolithic long barrow
Burials	more than 100 graves	4 skeletons	5 skeletons	19 secondary burials
Deviant Burials	a possible 8 decapitations (3 with evidence of trauma, 5 with positional evidence)	2 burial orientated N-S	1 prone, 1 with leg twisted underneath body, 1 with sword cut on the chin. All of the individuals were buried in one long grave, thrown in on top of each other.	8 skeletons missing skulls, 2 skeletons with skulls placed by hands
Osteological Analysis	The bodies were fully examined by JJ McKinley.	No osteological seems to have been performed.	The bodies were examined for age, sex and wounds. The report includes a brief summary.	No official analysis was conducted, and the Pitt-Rivers' analysis is limited to sex.
Source	Wymer 1996.	Hinchliffe 1975	Taylor and Denton 1977	Pitt Rivers 1898
Comments	It is very possible that at least some of these individuals were executed. However, decapitation was far more common in the Roman period, and it is impossible to know whether these decapitations date to the Romano-British, early Saxon or later Anglo-Saxon period. Reynolds seems willing to ignore this discrepancy, favouring the later date.	The lack of date and significant deviance here makes the interpretation of this site as and Anglo-Saxon execution cemetery by Reynolds is very questionable. Reynolds includes the site because of the association of the burials with a linear earthwork, proximity to major routes, by road and water, and to a major boundary' (Reynolds 2009, 131).	There is no dating evidence from the burials themselves, and their interpretation depends on cross-comparison with the well-dated sites.' (p. 111) Reynolds also includes the fact that Wandlebury was the seat of two major AS judicial assemblies.	Once again Reynolds interpretation as Anglo-Saxon in date 'relies on cross-comparison with the well-dated sites' (Reynolds 2009, 114). However, with the absence of radiocarbon dating, there seems to be no reason to discount the material evidence, which provides a Romano-British date.

Reynolds, but falls short of convincing due to an absence of dating and limited skeletal analysis. The site contains five barrows with over one hundred secondary interments. Thirty of these had been buried with arms crossed at the wrists, usually behind the back, and, thus, were thought probably to have been bound. Another individual was buried with his skull between his knees, potentially suggesting decapitation. The report does not provide the osteological analysis for individual skeletons, so there is no record of demography or trauma on an individual basis, which would be particularly useful to confirm the inference of decapitation suggested by the position of the head (Dunning and Wheeler 1931). The main issue that disqualifies the site as an Anglo-Saxon execution cemetery, however, is the lack of dating. Based solely on craniometrics, the skeletons were initially thought to be fourth- or fifth-century Saxons (Dunning and Wheeler 1931), then subsequently reinterpreted as Romano-British individuals of the same period (Dingwall and Young 1933), but then thirty years later they were given a medieval date, still based on craniometrics (Tattersall 1968).

Craniometrics is a technique of identifying populations based on cranial morphology (the following discussion of craniometrics is based on Buikstra et. al. 1990, 4-7; Relethford 1994; Relethford 2004; Craig-Atkins pers. comm.). The basic concept that cranial shape changes over time and is impacted by external environmental factors is accurate, and craniometrics for the study of prehistoric population variation is still advocated today. It is thought to be able to enhance the study of evolutionary history, answer questions regarding the migration of prehistoric peoples and to generally support the more recently favoured studies of paleodemography and paleopathology. However, advocates of craniometrics are usually careful to suggest its use for prehistoric populations only. Its use by antiquarians to identify and date burials uncovered in Britain is unreliable because the timespan between populations was too short for significant cranial changes to occur. It is also now known that greater craniometric and genetic variation can be found within populations than between them. Studies by John Relethford (1994; 2004) have placed the actual values of variation at 13% between geographic regions, dropping to 6% between populations living in the same region, but rising to an astounding 81% variation within these populations themselves. Relethford has highlighted the futility of attempting to distinguish between early Saxons and Romano-British co-habiting in the same environment. However, even if craniometrics was a completely reliable analytical technique, three differing results do not inspire confidence in the Dunstable dates.

Wor Barrow and Bokerly Dyke were both excavated by Augustus Henry Lane-Fox Pitt Rivers at the end of the nineteenth century. While the excavations and their recording were conducted to a high standard at the time, they now seem antiquated compared to modern archaeological techniques. Wor Barrow contained eight bodies missing skulls and two with the skulls placed by their hands at burial. While osteological evidence is limited to an

analysis of sex, at least the two burials with purposely placed skulls may indicate decapitation. Pitt-Rivers dated these burials to the Roman period based on Roman coins in direct contact with the skeletons, as well as the presence of other Romano-British weaponry, dress accessories and other artefacts (Pitt Rivers 1898). However, Reynolds considers a coin of Constantine II lying on the forehead of an individual to be one of many 'residual finds', and suggests a later date for the site based on the place name being a form of *wearg beorg* (criminal's' barrow) or *wearg rōd* (criminal's cross/gallows) (Reynolds 2009, 114). This feels highly speculative, and there seems very little to suggest that Pitt Rivers' interpretation of these burials as Roman executions is inappropriate.⁵

A number of skeletons were uncovered in and around Bokerly Dyke during this same series of excavations by Pitt Rivers, most of the individuals having been carelessly interred. Two individuals, buried together, appeared to have had their hands tied behind their backs, and another individual, buried in a completely different location around the Dyke, had the skull replaced by the legs with four cervical vertebrae attached. Again, however, all dating based on relative evidence such as coins, pottery and dress artefacts signify a Romano-British date (Pitt Rivers 1892). Nonetheless, Reynolds ignores the extant dating evidence, stating 'the general character of the burials has no satisfactory context apart from association with execution burials', and includes the site on the grounds of the association of the burials with a linear earthwork on the boundary between Wiltshire and Dorset (Reynolds 2009, 145-6).

It is certainly tempting to accept as Anglo-Saxon execution cemeteries those undated sites with an appropriate deviant profile. The Dunstable, Five Knolls site is very similar to the securely dated Stockbridge Down site in its general layout: the burials at both sites were interred within the side of a raised mound located along a major Anglo-Saxon road, and both contained multiple bodies with the wrists crossed. The case can be made, then, that Dunstable, Five Knolls is so similar to an Anglo-Saxon cemetery that it might be one. However, two-thirds of Reynolds dataset has been similarly included 'on the basis of cross-comparison with the well-dated sites' (see Tables 3.1 and 3.2). Out of twenty-seven sites, I would argue that only nine actually have evidence dating the burials to the eighth through eleventh centuries. To proceed with the assumption that all deviant burials near important landscape features are Anglo-Saxon, is to disregard any possibility of a precedent or continuation of the Anglo-Saxon execution cemetery. While this is not an idea that I am proposing, it nonetheless seems unwise to open the dataset to such accusation of ambiguity.

⁵ Katie Tucker (2015) has recently published a study of Romano-British burials which shows that decapitation is a very common, what she refers to as, 'minority practice'. She has identified 532 decapitated individuals over 229 cemeteries from the period, and argues that, even if not judicial execution, this was a purposeful practice on select live individuals.

There is, however, something to be said for Reynolds' approach. Modern reinvestigation and radiocarbon dating of the burials at Walkington Wold have shown this burial site to be of late Anglo-Saxon date, rather than the fifth-century date it was originally assigned (Buckberry 2008; Buckberry and Hadley 2007; Reynolds 2009, 150-1; Bartlett and Mackey 1972). It is possible that some of the un-dated cemeteries in Reynolds' dataset are, indeed, Anglo-Saxon execution cemeteries. However, without further research and radiocarbon dating, this remains uncertain. It is impossible to conduct further research on all sites in doubt (principally because much of the skeletal material does not survive to be reanalysed), and without more information the ambiguous nature, or complete lack, of dating evidence cannot be ignored. As for the interred, while there is always the possibility that those bodies without signs of deviance are the victims of judicially authorised drowning or other such punishment that would not leave its osteological mark, it is a far reach to consider every Anglo-Saxon burial that lacks grave goods and is near a hundred boundary as part of an execution cemetery. It is a much more persuasive argument with the presence of a decapitation or apparent hanging; although even these indicators of judicial punishment have their limitations, which will be discussed in Chapter 4 and 5.

By comparing only the sites with secure dating and modern osteological examination, it is possible to obtain a fairly secure profile of the Anglo-Saxon execution cemetery as a phenomenon. Using this methodology, the following research may not have positively identified every individual execution cemetery, but with the aid of historical documents it will have provided a more reliable idea of how the phenomenon relates to the administration of royal justice. Only with this fuller understanding gained from more precise data and using the full range of available sources is it possible to proceed across the Conquest, where the funerary archaeological data is much more limited, but the pool of historical sources is much more vast.

ANGLO-NORMAN CRIMINAL BURIAL

Christian burial in the eleventh and twelfth centuries

Research on Anglo-Norman burials is often viewed as futile. As Chris Daniell (2002) has observed, identification of Norman burials is difficult, if not impossible, because both Anglo-Saxon and Norman societies were Christian and their burial practices were broadly uniform. Almost all post-Conquest burials in England are also located in consecrated cemeteries, oriented with the head at the west end of the grave and the feet at the east, and are laid supine and extended (Daniell 1997, 116-52; Daniell 2002, 241-3). As discussed above, recent scholarship has begun to question the assumption of complete uniformity in late Anglo-

Saxon Christian burial, and has identified a certain amount of variability in mortuary practice (Lucy and Reynolds 2002, 3); however, many of these variations – occasional grave goods, charcoal lining and stone pillows, for example – continue in the post-Conquest burial traditions as well. There is often more variation in post-Conquest arm position within cemeteries than previously, the most common positions being with the arms extended down by the sides of the body, the hands crossed over the pelvis, the arms crossed over the chest, or often with one arm crossed over the chest or pelvis while the other is extended by the side. This variation does not, however, have any known significance, and is fairly standard amongst medieval cemeteries. The bodies would have been shrouded and the graves were mostly bereft of grave goods, as in the later Anglo-Saxon period (Daniell 1997, 116-52; Daniell 2002, 241-3).

For archaeologists, this similarity in Christian burial practice on either side of the Conquest results in a number of homogenous graves devoid of any dating material. Herein lies the secondary cause for the invisibility of the Anglo-Norman grave. If west-east, supine burial in churchyards was a specifically eleventh- and twelfth-century practice, Anglo-Norman burials would be highly visible. However, as this traditional form of Christian burial was originally adopted in the eighth century alongside conversion to the religion itself and continued through to the post-medieval period, without stratigraphic evidence, which is not always recognisable in burial grounds, or radiocarbon dating, a modern and still costly procedure, it is nearly impossible to distinguish Anglo-Saxon from Anglo-Norman from later medieval graves.

Some recent scholars have accepted the challenge of searching for novel and valuable information about death after the Norman Conquest. Aleksandra McClain's study of medieval cross-slabs in the North Riding has revealed that a distinct Anglo-Norman identity is discernible in eleventh- and twelfth-century cross slabs in the incorporation of Norman Romanesque motifs with Anglo-Scandinavian interlacing designs (McClain 2007). Her study demonstrates that, at least in the north of England, the growth of a new Anglo-Norman tradition is visible in the funerary setting. These cross-slabs were created specifically for elite members of society, based on emblematic decoration, indicating that the lords from Normandy were, in time, assimilating and encouraging a melding of traditions rather than imposing Norman beliefs on the English population. McClain's results are simultaneously illuminating and disheartening. It is possible that this melding of the two peoples is adding to this difficulty in identifying distinctive burial traditions.

Elizabeth Craig-Atkins has recently begun researching abnormal post-Conquest burials, in the hope that they will shed light on Anglo-Norman burial rites as a whole. While many Anglo-Saxon cemeteries continued in use after the Conquest, a number were wholly abandoned. At a number of these cemeteries infants and young children are buried close to

the church or its walls, a phenomenon known to archaeologists as eaves-drip burial. Craig-Atkins has proposed that such burials might be a Norman burial ritual. Children who die before they are baptised were not permitted burial in consecrated ground; Craig-Atkins has argued that the parents instead buried them close to or within unused cemeteries, hoping it to be a suitable alternative (Craig-Atkins 2014). Through such studies archaeologists are tentatively beginning to see an Anglo-Norman funerary presence. The study of abnormal trends in particular, such as eaves-drip burials, provides insight into what happens when life and death is not as standard as scholars' previous view of medieval burial assumes it is.

The burial of criminals

Chris Daniell (2002, 243) has proposed that when looking for evidence of funerary change after the Norman Conquest, rather than searching for patterns among the normative funerary rights in churchyards, it may be more beneficial to look toward those burials which are unusual or out of place. Certain archaeological studies have used this method of analysing funerary layout and treatment to examine the social acceptance of the physically and mentally disabled in historic societies (see Crawford 2010, Hadley 2010, Hubert 2000). Jane Hubert (2000, 4) wrote on the subject, 'The social (and often physical) exclusion of people who are classified as mentally ill, and/or intellectually or physically disabled, is an extreme example of the way in which human beings act in order to separate themselves from those who are considered "different".' These people who are 'different', do not fit into the normative structure of society, and are thus discomfiting or worrisome for a variety of reasons.

Criminals are another example of these societal 'others'. Criminals lived outside the accepted norms of society and this may have been reflected in their funerary relationship to the community of the dead. What does seem to be apparent, at least based on the available excavation evidence, is that the Anglo-Normans did not continue the practice of having segregated cemeteries for the burials of executed individuals. Yet, if there are no obvious post-Conquest sites with large numbers of deviants conveniently located near prehistoric monuments, where should archaeologists begin to look for Anglo-Norman criminals? Daniell (2002) presents a number of suggestions for the potential location of the burials of post-Conquest criminals: monastic churchyards, castle churchyards and leper hospital cemeteries. However, after searching in archaeological databases such as the Archaeology Data Service and Historic Environment Records, gazetteers of medieval burials such as that created by Gilchrist and Sloane (2005), and any other published reports of excavations of hospitals,

castles, monasteries, and other churchyards of potential Anglo-Norman date for any sign of the interment of criminals, it has become fairly clear that there are very few to be found.⁶

Monastic Cemeteries

A number of monastic cemeteries with eleventh or twelfth century occupation were investigated, but there was no evidence of unusual burial dating to the Norman period.⁷ The suggestion that criminals may have been buried in monastic cemeteries is based on a twelfth-century image of the hanging of eight thieves, who attempted to pillage the church at Bury St Edmunds around the year 925 (Figure 3.4). Daniell interprets this image to imply that post-Conquest monasteries erected gallows for the punishment of ecclesiastical crimes. If this was the case, it is logical that these hanged criminals might have been buried in the churchyard, although perhaps in a segregated area (Daniell 2002, 244-5). From the tenth century monasteries and minsters were provided extensive territorial and administrative rights, but after the Conquest, the right of sake and soke, and sometimes *infangentheof*, was given to monasteries on a regular basis, which, in theory, gave them the right to judicial action (Baxter 2009; Blair 2005, 430-32; Thompson 2004, 185-6; Wormald 1999a, 313-32). While the ecclesiastical court was not supposed to prescribe corporal and capital punishments, it seems as though non-clerical offenders captured on church lands may have faced royal justice at the hands of the clergy. By the thirteenth century royal pipe rolls and cartularies show clear evidence that many bishops and monastic complexes had the privilege of not only imprisoning and trying offenders but overseeing the execution of justice and receiving the profits of this justice (i.e. the resulting fines, property, and chattels) as well. The authority of bishops and monasteries does seem to have extended to the hanging of felons (Miller 1951, 201-03, 236). The crucial question is how early these rights were effectively permitted to the clergy.

⁶ I have included a list of some of the published cemetery reports I examined for Anglo-Norman deviant burials as footnotes. I did not look extensively at grey literature unless there was some indication on the database report that the excavated cemetery included deviant burials, because obtaining all grey literature on every cemetery of Anglo-Norman date would have taken far longer than this study allowed and, based on the analysis of published reports, would more than likely have proved fruitless.

⁷ Excavated monasteries, priories and friaries investigated for Anglo-Norman deviant burials include Stratford Lanthorne Abbey (Stuart-Macadam 1986), Chertsey Abbey (Poulton 1988), Norton Priory (Brown and Howard-Davis 2008), Holy Trinity Priory, Aldgate (Schofield and Lea 2005), Malmesbury Abbey (Hart and Holbrook 2011), the priory and abbey of St Saviour Bermondsey (Dyson et al. 2011), St James Priory, Bristol, (Jackson and Barber 2006), St Gregory's Priory, Canterbury (Hicks and Hicks 2001), Colchester (Crummy et al. 1993), Eynsham Abbey, Oxfordshire (Hardy et al. 2002), Taunton Priory (Rogers 1984), Wenlock Priory (Woods 1987), Priory of Gisborough, Cleveland (Heslop 1995), Priory at St Mary Merton (Miller and Saxby 2007), Battle Abbey (Hare 1985), Priory of the Order of the Hospital of St John of Jerusalem, London (Sloane and Malcolm 2004), Lewes Priory (Lyne 1997), St Oswald's Priory (Heighway 1978; Heighway and Bryant 1999), Greyfriars in Norwich (Emery 2007) and St Mary Langthorne (Barber et al. 2004).



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Figure 3.4. Pierpont Morgan MS M.736 f. 19v from the Miscellany on the life of St Edmund (MS M.736). Bury St Edmunds, England, c. 1130, depicts eight thieves being hanged after attempting to rob Bury St Edmund's church. ©Morgan Library, New York

Sake and soke implied a certain amount of judicial administrative power, but did not necessarily recognise the ability to execute offenders. Granted that extensive legal documentation is not extant before the reign of Henry II, there is limited evidence to suggest that monasteries might have actually put offenders to death. The main historical example of execution mandated by a member of the clergy is the aforementioned early tenth-century tale found in multiple lives and miracles of St Edmund (see Appendix B no. 3). Eight thieves are caught attempting to steal from the church at Bury St Edmund's, and are ordered to be put to death by Bishop Theodred. After the thieves have been hanged, Theodred is reprimanded by St Edmund because '... the holy canons forbid clerics, both bishops and priests, to be concerned about thieves, because it becometh not them that are chosen to serve God, that they should consent to any man's death, if they be the Lord's servants' (Skeat 1881b, 328-31).

While there is limited historical evidence for execution ordered by clergy, there is even less material or historical evidence of gibbets or gallows at monasteries. The tale of the

hanging of eight thieves does not explicitly state that the location of the execution is at the monastery where they were arrested. In both Ælfric and Abbo of Fleury's version of Edmund's miracles, the criminals were hanged by order of the bishop, but no further detail about their execution was provided (see Appendix B no. 3).⁸ Furthermore, although the Pierpont Morgan Library image, MS M.736 fol. 19v, was illuminated c. 1130, the event happened in the early tenth century, so the depiction is not a completely reliable source for the location of hanging in either period. Anglo-Saxon clerics, at least, were encouraged to avoid fatal judgements in criminal cases. Abbot Ælfric of Eynsham, although in favour of judicial punishment for offending criminals, claimed that such matters of judgement should be left to the state in a series of letters commissioned by Archbishop Wulfstan of York between AD 1002 and 1005:

A bishop is not appointed so that he should be a judge of robbers and thieves... Christ, who knew everything, did not wish to judge concerning an inheritance, but you think you are able to judge concerning robbers and thieves without fault... For a lamb is innocent and does not have an evil bit. But whoever is a judge or killer of thieves, he cannot be counted among the innocent lambs (Marafioti 2009, 43).⁹

Wulfstan's sermons and letters indicate that he disapproved of death as a punishment entirely, preferring to give most criminals the opportunity for salvation. It was largely Archbishop Wulfstan of York who was influential in lessening the legal punishment for many crimes to mutilation during the reigns of Æthelred and Cnut (Foxhall Forbes 2013, 172-94; Marafioti 2009; Whitelock 1968).

Anglo-Norman clergy seemed to have similar feelings or rules concerning the death penalty. Even in the later twelfth century there are records of bishops intervening with execution. The *Gesta Henrici Secundi* writes of a certain Gilbert de Plumpton who was accused of acts violence and robbery and sentenced to hang. He was, however, saved by the Bishop Baldwin of Worcester who would not allow a hanging to occur on a day that was both a Sunday and a feast day (Caenegem 1991, 605, no. 553). While the ecclesiastical court distributed penalties, its scope of punishment was limited. It was not allowed to condemn anyone to death or to any punishment which caused a man to bleed; yet at the same time the bishops regularly sat on county courts, which would not

⁸ This tale of the thieves is not mentioned in Herman's version of the *Miracles of St Edmund*, written around the time of Conquest; however this is probably due to the historical choices of the author rather than any social views on clerical execution (Licence 2014).

⁹ *'Non est episcopus constitutus ad hoc ut sit iudex furum aut latronum [...] Christus, qui omnia novit, noluit iudicare de una hereditate et tu estimas te posse sine culpa de furibus aut latronibus iudicare. Cave, ne forte dicatur tibi a Christo: "Quis te constituit iudicem furum aut latronum?" Nam episcopi apostolic sunt his diebus. Et Christus, mittens apostolos ad predicandum, dixit eis: "Ite: ecce ego mitto vos sicut agnos inter lupos." Nam agnus innocens est et non habet morsum malitiae. Qui vero iudex aut occisor latronum est, non potest inter agnos innocents computari'* (Marafioti 2009, 43).

have normally prescribed punishment but had no fixed rules against it (Hudson 2012, 297-98; Pollock and Maitland 1968, 40, 444). Even in the thirteenth century, bishops would not have performed the actual hanging themselves, and it is possible that this may have been the case earlier. However, without any written or material evidence for executions being spatially associated with monasteries in the ninth through twelfth centuries, there is nothing significant that can be determined about the absence of deviant burials in post-Conquest monastic cemeteries.

Castle churchyards

That criminals might be buried in castle churchyards was also raised by Daniell (2002, 245). Again this suggestion is supported by a late twelfth- to early thirteenth-century manuscript image of blindfolded criminals hanged from a cross-beam outside Bedford castle (Corpus Christi College, Cambridge, MA 16 f.64r; Figure 3.5). As castles were symbols of authority and power, it is plausible to consider their use in the judicial process. Written records from the reign of Stephen record hangings occurring from the walls of castles (see Appendix B, nos. 40-43). Unfortunately, many excavations of castles have avoided the churchyards, as they are not the subject of interest, and thus osteological information for castle cemeteries is limited.

Excavations at Trowbridge (Wilts) have demonstrated continuity in burial when a Norman castle was built on the pre-existing Anglo-Saxon manorial site. The previous Anglo-Saxon church and graveyard remained in use, albeit on a smaller scale, for perhaps half a century incorporated within the inner bailey of the castle, until the cemetery was finally sealed in its entirety by a layer of clay no later than AD 1200 (Graham and Susan 1993). Similar continuity of use of a later Anglo-Saxon cemetery incorporated within a Norman castle has been identified at Black Gate, Newcastle-upon-Tyne (Swales 2012). In contrast, there are many examples of existing churchyards destroyed in the wake of the erection of a castle. The *Gesta Stephani* depicts the desecration that occurred during the construction of a siege castle at Hereford Cathedral by Geoffrey Talbot:

...everywhere the townsmen were uttering cries of lamentation, either because the earth of their kinsfolk's graveyard was being heaped up to form a rampart and they could see a cruel sight, the bodies of parents and relations, some half-rotten, some quite lately buried, pitilessly dragged up from the depths...¹⁰ (Potter 1976, 109).

¹⁰ '... ciuibus ubique lachrymose eiulantibus, uel quia suorum cimiterium in castelli sustollebatur uallum, parentumque et cognatorum corpora alia semiputrefacta, alia recentissime humata, crudele spectaculum, ab imo videbant incompassiue retracta' (Potter 1976, 108).

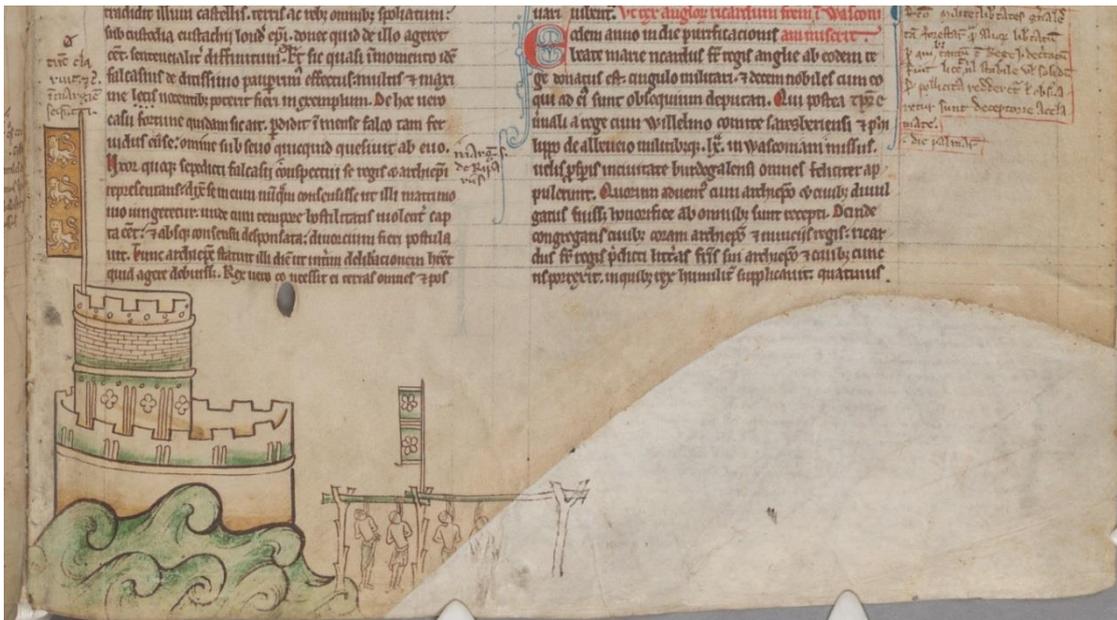


Figure 3. 5. An illustration by Matthew Paris in Corpus Christi College, Cambridge, MS 16 f.64r, c. 1189 x 1253, depicts hangings outside of Bedford Castle during politically tumultuous reign of Stephen in the mid-twelfth century. ©Corpus Christi College, Cambridge

Elizabeth Craig-Atkins (forthcoming) has recently examined the relationship of post-Conquest castles to pre-Conquest churches and graveyards in greater detail, reaching the same conclusion that the treatment of earlier burial grounds was varied in both continuity of use and respect to the corpses. Given this inconsistent and at times turbulent relationship between castles and churchyards, it seems possible but unlikely that they might reveal the regular burial of criminals. Out of those that were investigated by this author, no such deviants were identified; however, many castles have been excavated without due attention to the pre-Conquest occupation.¹¹ Only one site provided an unusually buried individual dating to the period range of this study; however it was an Anglo-Saxon individual who was laid east-west instead of west-east in a cemetery below and sealed by Barnstaple Castle (Miles 1986).

Hospital cemeteries

One of the most frequently attested locations for criminal burial in the later middle ages is the hospital cemetery, particularly those of lepers. Daniell (2002, 246) cites a reference from Lincoln's leper hospital visitation returns from 1290:

¹¹ Other excavated castles investigated for Anglo-Norman deviant burials include Hereford Castle (Shoemith 1980), Norwich Castle (Shepherd Popescu 2009; Ayres 1985) and Pontefract Castle (Robert 2002). Some Norman castles which did not appear to have cemeteries or the excavations of which did not explore the cemeteries were a castle at Gloucester (Darvill 1988), the castle at Middleton Stoney (Rahtz et al. 1984), Castle Rising Castle, Norfolk (Morley and Gurney 1997), Castle Neroche, Somerset (Davison 1972), Castle Ditch, Newcastle-upon-Tyne (Harbottle and Ellison 1981), Colchester Castle (Drury 1982) and Ludgershall Castle, Wiltshire (Ellis 2000).

Mistress Everard, of Burgh-by-Waynflete, was a widow, convicted of “harbouring a thief, namely, Robert her son, and hanged on the gallows without the south gate of Lincoln”. Now the law did not provide interment for its victims, but it seems that the Knights Hospitallers of Maltby paid a yearly sum to the lepers for undertaking this work of mercy at Canwick. On this memorable occasion, however, the body being cut down and already removed near the place of burial – the lepers’ churchyard – the woman “was seen to draw breath and revive...”

It appears that the preceptory at Maltby, Lincolnshire refused to accept for burial any members of its order, the Knights Hospitallers, who had been executed, and arranged to have those hanged at the local Lincoln gallows at Canwick buried at the nearby Maltby leper hospital (Pugh 1981, 576).

Out of those hospital cemeteries that have been fully excavated, only one later cemetery stands out as potentially including the burial of criminals. Excavation at St Margaret Fyebriigate in Combusto in Norwich uncovered a number of individuals displaying skeletal indicators of leprosy, which corresponds with documentary evidence that suggests the churchyard received the burials of at least one of the five neighbouring hospitals. Amongst these burials were groups of multiple graves, carelessly strewn bodies and at least one prone individual with his hands behind his back. It is known that the local gallows was in close proximity to the hospital at St Margaret Fyebriigate, and a record identified by the excavators, but not specified in the report, exists from 1345 stating that a man was removed from the gallows and brought to St Margaret for burial, fortuitously adding ‘as is the custom’ (Stirland 2009, 5). These historical references have led the excavators to the conclusion that this was the burial ground of criminals (Stirland 2009). However, aside from the single prone male with his hands behind him, who is one of ten in a large pit, the only other signs of deviance are a few other multiple burials. It is difficult to identify these burials as those of criminals based on the available archaeological evidence, yet the fact that the church was known as *Sancte Margarete ubi sepeliunter suspensi*, or ‘St Margaret where those who have been hanged are buried’ (Stirland 2009, 5, 36), inspires confidence that this may, indeed, have been the location of the graves of thirteenth- to fifteenth-century felons.

Leper hospitals were placed on regional boundaries, upholding a liminal position in society. Symbolic gestures aside, this was to isolate leprosy from the general public and quarantine the spread of the disease. Although the medieval understanding of leprosy was principally that it was a punishment from God because of one’s sins, the imposed isolation of leper hospitals suggests that there may have also been an elementary awareness of contagion. This separation naturally created a dichotomy between the healthy, functioning population and the sickly, dying lepers on the outskirts of town (Gilchrist 1995, 33-40). Brenner (2013) and Roffey (2012, 204) argue that the modern understanding of medieval society’s revulsion

and contempt for lepers is largely a product of the nineteenth century. Medieval people viewed the illness as a visual manifestation of suffering of the soul because of the sins of the body; through this suffering and, in a sense, living death lepers were viewed as being that much closer to God and salvation. The post-Conquest attitude toward leprosy is crucial to understanding the liminal location of leper hospitals. Rather than the social exile and damnation of the execution cemetery, it is possible that these leper hospitals were on boundaries to emphasise this nebulous area that lepers occupied between the mortal world and God. If this was the case, it seems less promising that we might find criminals buried at such locations.

Despite the definite potential for the burial of hanged criminals in hospital cemeteries from at least the mid-thirteenth century, no unusual burials were found in eleventh- and twelfth-century hospital cemeteries.¹² One isolated burial was found at the Hospital of St Giles which dates somewhere between the late-twelfth to mid-thirteenth century (Cardwell 1995). While there is a slight possibility this may have been an Anglo-Norman burial, it is much more likely to have been Angevin or later.

The search for criminal burials

With the absence of overt funerary deviance in Anglo-Norman hospital, monastic, and castle burial grounds, it seemed logical to investigate excavated churchyards. Five decapitations were identified – three from St Andrew’s Fishergate, York (Stroud and Kemp 1993) which are most likely the result of battle (see Chapter 4), and two others from All Saints’ church, Barton Bendish (Rogerson and Ashley 1987) and a church in Thetford of unknown dedication (Dallas et al. 1993) which have the potential to be executed judicial offenders. Only one possible hanging was identified, from St Helen-on-the-Walls, Aldwark (Dawes and Magilton 1980). These numbers are in stark contrast to the 62 possible decapitations and 73 possible hangings dating to the late Anglo-Saxon period. Chapter 6 will discuss in detail the significance of a range of unusual burial positions, many of which do not necessarily imply deviance; however, at the Anglo-Saxon execution cemeteries 32 individuals were buried prone and 25 others in unusual positions. In comparison, around 20 were found in prone or unusual positions in Anglo-Saxon Christian cemeteries and none in Anglo-Norman churchyards. Hopefully at this point it has become apparent that there is a distinct lack of Anglo-Norman criminals visible in the archaeological record.

¹² Hospitals investigated for Anglo-Norman deviant burials include St James and St Mary Magdalene, Chichester (Magilton et al. 2008; Magilton and Lee 1989; Lee and Magilton 1989), St Nicholas Lewes (Barber and Siburn 2010), St Leonard, Newark (Bishop 1983), St Mary Magdalen, Partney (Atkins and Popescu 2010), St Mary Spital, London (Connell et al. 2012), St Mary Magdalen, Winchester (Roffey and Tucker 2012), South Acre (Wells 1967), St Margaret, High Wycombe (Farley and Manchester 1989), St John’s Hospital, Bath (Cunliffe 1979), St John the Baptist and St Anthony at Old Sarum (Powell 2006), St Mary Ospringe (Smith 1979) and St Mary Magdalen’s Hospital, Colchester (Crossan 2004).

There are four further possibilities that might explain why the burial places of criminals are difficult to find after the Norman Conquest. First, it may be that criminals were buried outside of the known range of cemeteries completely (e.g. in isolated locations), although there are as of yet no archaeological discoveries which might lend credence to such an explanation. Second, it is possible that the bodies of criminals are not found archaeologically because they were left to hang until they rotted away, in which case the remains may have been scattered where they decayed; however, there is no written evidence to suggest this was the case, though there is minimal written evidence from this time period regarding the execution and burial of criminals in general. Third, it may be that execution became highly uncommon after the Conquest, thus making criminal burials rare. That this is a possibility is worth consideration in light of William's law abolishing the death penalty as a judicial punishment (article 10 of William's *Ten Articles* and *Willelmi Articuli Retracti* article 17). However, this idea was discussed in the previous chapter, in which it was concluded that, while mutilation may have become more common, execution was still practiced as a punishment for some of the worst crimes. Therefore, there were still bodies of executed criminals which required some form of burial.

The final, and most probable solution to the search for criminal burials after the Norman Conquest, is that criminals were allowed burial in consecrated churchyards, not because the church owned a gallows but because they were interred with everyone else, in the same manner as everyone else. This may seem odd following the distinct Anglo-Saxon differentiation of criminal burial and exclusion of criminals from burial in consecrated ground; nonetheless, there is some evidence for the burial of criminals in churchyards from later medieval town and church cartularies, eyre rolls and gaol delivery rolls. A Knights Hospitaller charter from 1276 records thieves hanged at Ilchester carried to the local churchyard at St Olave's church, and another from the same year mentions the body of a hanged man brought to St James' church in York for burial. There are similar records from 1299, 1310 and 1365, all concerning hanged men being removed from gallows in Norwich, Hexham and Bedford, respectively, by members of the Knights Hospitallers and buried at local churchyards (Pugh 1981, 566-8). At some point between the eleventh century and the fourteenth century the transition to burying criminals in consecrated churchyards began. In light of the missing Anglo-Norman criminals, this seems most likely to have occurred just after the Norman Conquest.

CONCLUSION

In Anglo-Saxon society, judicial offenders were certainly considered, and treated as, a social 'other'. While this study has somewhat re-evaluated Andrew Reynolds' (2009) study of Anglo-Saxon execution cemeteries, trimming down his dataset to the core sites which are firmly dated and excavated to a modern standard, he has made a very important contribution to Anglo-Saxon funerary studies in highlighting the significance of this phenomenon. Anglo-Saxon judicial offenders, or at least a subsection of them, appear to have been cast out of the normative community in death and exiled to very particular locations. Sarah Semple (2003b) has demonstrated that there may have been even greater consequences to these locations than social exclusion. She has suggested that these burial locations were also associated with Hell and eternal damnation.

After the Conquest, however, it seems as if criminals may have been fully included in normative Christian burial. The search for Anglo-Saxon criminal burials in the archaeological record has unveiled very few results; however the two decapitations from the church at Thetford and All Saints' church and the one individual with possibly bound arms from St Helen-on-the-Walls, have revealed that the location to look for criminals may very well be general community churchyards. Yet while these three individuals can be identified as deviant burials, the low number of identifiable deviants compared to the number of executions that would no doubt have occurred suggests that these three individuals are the very definition of the exception that proves the rule. They were buried in the correct locations, but are remarkable in their identifiability. It seems most likely, in light of these three burials, that most Anglo-Norman criminals were taken to churchyards and buried in the manner of normative Christians. There may have been specific churchyards which would have accepted criminals, as the Knights Hospitallers cartulary reveals was the case for the later thirteenth and fourteenth centuries, but it is impossible to identify these in the archaeological record if the criminals were not marked out in their burials.

In the introduction to her edited volume on disability and social exclusion, Jane Hubert (2000, 3) wrote:

In all social groups there will be a concept of 'otherness'. Whoever is unwanted, for whatever reason, is liable to be labelled by the dominant population as 'other', and when a category is thus formed, it will be vested with a mythology and a set of rules regarding who is to be excluded or not, i.e. who is perceived as the same or different from a culturally define 'we/us'... If a group is socially excluded at one point in time, this does not mean that it will necessarily stay excluded, not that the boundaries are not permeable. In this context it is essential to identify what it is that changes which makes it possible for those who have been excluded to be brought back into the fold.

After the Conquest criminals seem to have been 'brought back into the fold' of Christian burial. This study aims to discover the circumstances of this funerary re-inclusion. There are a variety of forces which may have had an influence on this change: the imposition of a foreign judicial authority, the merging of Anglo-Saxon and Norman cultures, changes occurring in the regional churches and/or European Christianity as an institution.

The following chapters will use all of the archaeological evidence discussed above and the legal documentation discussed in the previous chapter to analyse fully the ideology and practice of corporal punishment across the Conquest. The burial of criminals, shifting from the notable segregation of criminals in and after death to their incorporation into consecrated churchyards shows a drastic change in ceremony, which is significant of a greater change in Christian practices and beliefs. The interaction of this religious development with transitioning judicial practices will explain the impetuses behind this seeming reversal of burial practice which occurs between the ninth to twelfth centuries. Individual punishments and their associated ideology will be examined first, before proceeding to gain a perspective on the overall impact of the state and Christianity on judicial punishment.

DECAPITATION

Chapters 4, 5 and 6 will examine the practice of execution through the available funerary evidence, using written sources to aid in understanding the historical context around the various methods of capital punishment. This analysis will begin with the most easily identifiable method of execution – decapitation.

Identifying Decapitation Victims

Decapitation is the most osteologically apparent form of execution, as it is the only manner of medieval execution that leaves a definite signature on the skeleton. Cutmarks on an individual's cervical vertebrae can demonstrate not only that the neck was sliced through but can also often reveal the approximate relative positions of the executioner and victim when the sword, or other bladed implement, fell (Buckberry 2010; Cessford et. al. 2007). Nonetheless identification of decapitation victims is still limited by archaeological preservation and quality of excavation. At the same time, excavators have a tendency to create their own set of criteria for identifying a decapitation, ranging from strictly relying on the osteological evidence to, much more leniently, considering as decapitation any body which is missing its head and found in a relatively undisturbed grave. By limiting the research dataset to securely dated excavations, many of the more ambiguous and poorly recorded sites have been eliminated, with comparatively more modern and well osteologically analysed sites remaining. However even among these sites there is room for ambiguity.

Often, as was the case particularly with the excavators of Bran Ditch (Lethbridge and Palmer 1929), individuals without heads are assumed to have been decapitations; however individuals found headless are not uncritically accepted as decapitations in this thesis. There are many ways in which the skull may have been unintentionally, or even purposefully, removed from its correct anatomical position after the initial burial. Aside from later erosion, wildlife activity and disturbance by, for example, recent agricultural or road-building activity, many of these sites have a long history of use and disturbance may have arisen due to the intercutting of graves for later burials. A skull can disappear or be discarded through any of these scenarios. Disarticulated bones and loose skulls were found surrounding most of the undisturbed burials at Stockbridge Down (Hill 1937). Bran Ditch was never provided a

specific number of burials because 'It was ... a matter of the greatest difficulty to decide what comprised one body; for while many were wanting their heads, numerous skulls and loose bones occurred also' (Lethbridge and Palmer 1929, 82). This may have been due to some intercutting. The excavators also suggest that many of the burials were partly decomposed at the time of burial. Regardless, both of these phenomena might account for the large number of headless bodies discovered at Bran Ditch.

Walkington Wold also provided many headless burials, but for reasons that are less clear. At the site of Walkington Wold the headless bodies were all buried near each other, with the skulls buried some distance away around the centre of the associated Bronze Age burial mound. The vertebrae and mandibles for a number of skulls were disarticulated or missing, and most of the skulls and disarticulated crania segments were found in badger tunnels (Bartlett and Mackey 1972, 21-25). This indicates that, even though cutmarks on many of these vertebrae reveal evidence of decapitation, the bones were also subject to animal disturbance and not discovered *in situ*.

Direct evidence for trauma is clearly the most accurate method of identifying beheading. Detailed osteological examination has been performed at all of the referenced sites, with two exceptions: Sutton Hoo, for reasons of preservation, and Bran Ditch, because the osteological analysis was never published or, apparently, archived. Some of the skeletons analysed in this study have been stored in museums or university archives and are accessible for further study (note the recent re-examination of the Walkington Wold burials by Buckberry and Hadley (2007) or that done on the Old Dairy Cottage individuals by Buckberry and Cherryson (forthcoming)), but many others have been reinterred or, sadly, lost. Thus, the initial osteological reports and photographs included as part of the excavation report have been heavily relied upon for the following analysis, as well as any updated analyses published subsequently.

I have done a basic analysis of the Bran Ditch decapitations after being granted access to the skeletons stored in the Duckworth Collections in the Leverhulme Centre for Evolutionary Studies at the University of Cambridge. Due to both time constraints and the parameters of this study the skeletons were only analysed for evidence of decapitation and, if the former was found, sex and age. A report of my analysis is attached as Appendix C. I was also granted access to the notes of Sir Arthur Keith on the Guildown skeletons by the Royal College of Surgeons, which revealed more thorough osteological analyses than found in the published excavation report (although only for a selection of the corpus), as well as a third decapitated individual (Grave 207), identifiable osteologically but not by the position of the skull in relation to the post-cranial skeleton (see Appendix D for a transcription).

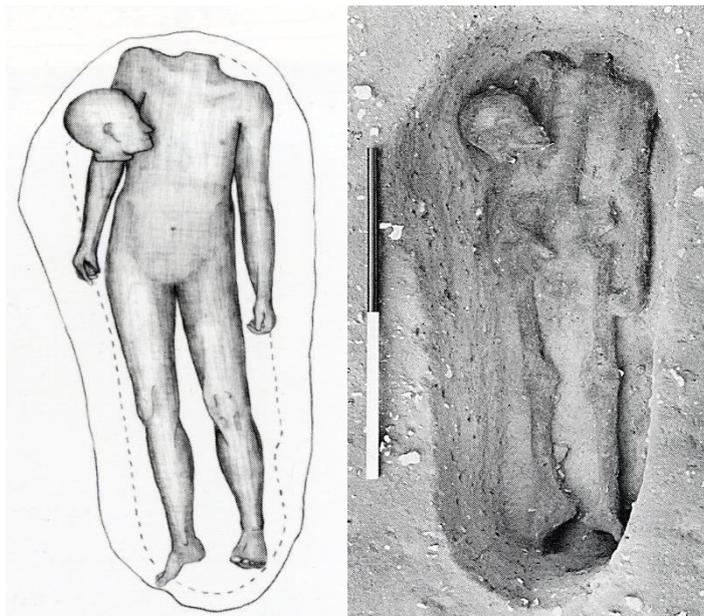


Figure 4.1. Burial 35 from Sutton Hoo is an example of a severed skull placed on top of the corpse in a grave cut for a headless body (Carver 2005, 326, 330). Reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press.

The provision of detailed trauma analysis in the published excavation reports still does not ensure that interpretation of all decapitations from these sites is straightforward. For instance, the excavators of Chesterton Lane were unsure whether the head of Inhumation 1 was fully severed from the body since the cut does not appear to have sliced all the way through the affected vertebrae (Cessford 2007, 206). In general, however, the presence of cutmarks on vertebrae makes the argument for decapitation much more convincing than otherwise. Therefore, while it is possible that a few decapitations will have been disregarded in the present study because the vertebrae have not survived or been recovered for examination, it is better to err on the side of caution, ensuring that the decapitations that are considered in the ensuing analysis are certain examples.

Having made the above claim about relying more heavily on the osteological evidence, there were a few headless bodies which were considered decapitations without traumatic evidence. Skeleton 13 from Bran Ditch (Lethbridge and Palmer 1929, 84) and Burials 21 and 35 for Sutton Hoo (Carver 2005, 318; Figure 4.1) were both buried with their shoulders directly against the end of the grave, suggesting that the grave was dug specifically for a headless body. In the absence of osteological evidence of trauma, those skulls that have clearly been displaced within the grave at the time of burial have also been considered to be decapitations, as this indicates, as with the cases of shortened graves, that the head was not attached to the body when interred. For example, No. 68 from Guildown was buried with his head between his legs, and although there were no apparent cutmarks on the existing vertebrae the grave also appeared undisturbed (Lowther 1931, 34). Skeleton 13 from

Walkington Wold presented the excavators with a similar situation. The individual was buried without a head and, although the grave had been disturbed in the middle, the cervical vertebrae were articulated and undisturbed, suggesting that the head had been removed while the body was still fleshed and prior to the later grave disturbance (Buckberry 2008, 159).

The cemetery at Sutton Hoo is a particularly exceptional case. Due to unusual conditions the osteological material decomposed and was preserved as patches of hard dark-brown sand in the exact form of the body, which are referred to as 'sand bodies'. Minimal bone survived, and that which did was in the centre of the sand mould (Carver 1998, 72-6; Carver 2005, 315). Therefore all instances of decapitation at this site must be determined from the position of the body, as analysis of skeletal trauma was impossible. In Burials 21, 24, 35 and 48 the skulls were clearly displaced within the grave at the moment of burial; however the heads of other individuals (see Burials 18, 40, 42b and 52) are in roughly anatomical position, some being turned 180 degrees or flipped so that the top of the cranium is aligned with the vertebrae. These are clearly markers of deviant burials. The position of the body in Burial 23 was less clear. This individual's neck was at a slightly skewed angle which could be interpreted either as a decapitation or as a broken neck (Carver 2005, 315-50). The implication for the excavators was that these victims may have been hanged instead of decapitated. However, as hanging did not generally break the necks of victims until the introduction of the long-drop in the 1880's (a discussion of the osteological indicators of hanging can be found in Chapter 5), these individuals with skulls in extraordinary positions have been considered decapitations rather than hangings in this thesis.

ANGLO-SAXON DECAPITATIONS

Most studies on Anglo-Saxon decapitations have been conducted as extensions or comparisons to instances of decapitation in Romano-Britain or Irish literature (see for instance Harman et al. 1981; Shirai 1997). The most recent work is that by Katie Tucker (2015), who analysed early medieval decapitation as a comparison to her extensive work on Romano-British decapitated individuals, although her dataset was largely based on Andrew Reynolds' (2009) work. However, she treats the entire Anglo-Saxon period on the whole (beginning as early as the fifth century and ending with the Norman Conquest), analysing decapitations in normative cemeteries, execution cemeteries and isolated burials together. Due to the aims of this study focussing on changes potentially associated with the Norman Conquest, the time period, as previously stated, has been limited to roughly no earlier than the mid-ninth century, at which point Christianity is generally pervasive in the Anglo-Saxon kingdoms, or

at least in Wessex, and marked in burial practice and royal authority is notably centralised and organised on at least a basic level. With these date parameters, and as Tucker (2015, 132) herself notes, there is an apparent divide between those occasional decapitated individuals buried on their own or among the normal community and those individuals buried in a group of deviants at execution cemeteries: all of the former burials date from the fifth to eighth centuries, while the execution cemeteries peak in their use during the ninth through eleventh centuries. This indicates a potential difference in purpose and possibly ideology concerning decapitation between the two periods, and they should, thus, be examined within their period-specific social and judicial contexts.

Tucker suggested that early isolated burials and decapitated individuals in attritional cemeteries may represent early judicial punishment before the development of the execution cemetery. It is very likely that burials such as the decapitated adult male buried within the prehistoric monument of Stonehenge, radiocarbon dated to cal AD 600-690 (Pitts, *et.al.* 2002) or the unfurnished burial of a decapitated adult male found at Portsdown which was broadly dated to the Anglo-Saxon period based on a nearby warrior grave and was rumoured to have been near a prehistoric long barrow with satellite burials of massacre or battle victims (Bradley and Lewis 1968) may have been precursors to the phenomenon of the execution cemetery. However, I hesitate to jump to the conclusion that these also represent the same form of decapitation as that found at execution cemeteries, especially considering that these later locations of apparent execution and burial of criminals appear to have developed alongside Anglo-Saxon judicial punishment and are therefore potentially correlated. The following section thus examines just those decapitations which date to the later Christian period.

The Execution Cemetery

There appear to be nine well-dated later Anglo-Saxon execution sites at which decapitated individuals were buried: Bran Ditch (Cambs), Chesterton Lane (Cambs), Guildown (Surrey), Meon Hill (Hants), Old Dairy Cottage (Hants), Staines (Middx), Stockbridge Down (Hants), Sutton Hoo (Suffolk), and Walkington Wold (Yorks). Decapitated individuals dating to the later Anglo-Saxon period were found at two other sites – Ridgeway Hill (Dorset) and St John's College (Oxon) – which do not fit as smoothly into the execution cemetery typology developed by Reynolds and so will be discussed separately. However the former nine cemeteries display geographical characteristics consistent with Anglo-Saxon execution cemeteries.

Reynolds' typology of the execution cemetery will be reassessed in the context of this thesis in Chapter 7, but one of the more important, and consistent, features identified by Reynolds, is the proximity of the cemeteries to socio-political and physical landscape

boundaries. The exclusion of criminals and outlaws from society is thought to have been exaggerated by their burial as far from society as possible. For instance, in the late tenth-century Old English poem *Juliana*, the martyr Juliana was said to have been ‘conducted close to the border of the country and to the place where the cruel-minded people meant in their violent hostility to kill her’ and indeed was shortly beheaded (Bradley 1982, 317).¹ Most of the above-mentioned cemeteries were located on parish or hundred boundaries, or at the very least along major Roman roads, or even occasionally along rivers.

Among these execution cemeteries there are slightly over fifty decapitated individuals; the maximum number, assuming each skull and headless skeleton are separate individuals is sixty-two, while the minimum number, which accounts for disarticulated skulls with evidence of trauma possibly belonging to postcranial skeletons already identified as decapitations, is fifty-four. The following analysis will attempt to examine who these individuals were, and how and why they were decapitated.

Demography

Not all of the remains were able to be sexed and aged due to either the poor preservation of the skeleton, particularly in the case of Sutton Hoo, or limited osteological examination. The latter largely applies to Bran Ditch, for which W.L.H. Duckworth performed the examination of the human remains, but never published any of the results, including demographic data

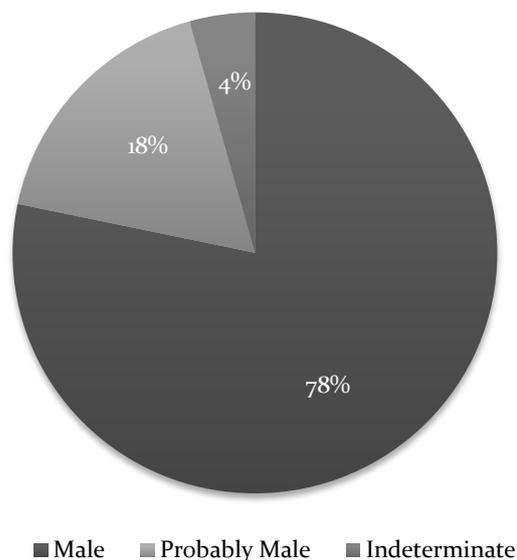


Figure 4.2. Sex Ratio Among Decapitated Anglo-Saxons. Graph showing the distribution of sex among decapitated individuals buried in execution cemeteries.

¹ ‘*Ða wæs gelæded long-mearce neah and to þære stowe þær hi stearc-ferþe þurh cumbolhete cwellan þohtan*’ (Gollancz 1895, 280, ll. 635-7).

for the individual skeletons. My own examination provided demographic data for some of the individuals, but a number of the skeletons were not present or complete and did not contain enough diagnostic information for accurate conclusions. Of those that were analysed for sex, all but two individuals, of indeterminate sex, were male or probably male (Figure 4.2). While it is possible that some of the unsexed individuals could be female, females evidently did not make up a large percentage of the group, if they were present at all. The overall trend appears, thus, for the decapitated Anglo-Saxons to be male.

As with the identification of sex, age identification is based on the osteological analysis performed in preparation for publication. Skeletal ages are grouped into various brackets by different osteologists, but for comparability the age ranges have been merged in the present study into the following categories: Sub-adult (<18), Adult (18+), Young Adult (18-25), Younger Middle Adult (26-35), Older Middle Adult (36-45), and Senior Adult (45+). Of the individuals who could be aged, 27.78% were between 18 and 25 years of age, and 62.96% were probably between 18 and 45 years of age (Figure 4.3). Seven individuals (12.96%) could not be identified more closely than 18+. Seven individuals (12.96%) were 36 or older, falling between the middle adult and senior adult categories. Only two individuals were older than 45 at the time of their deaths. Two individuals (4%) were younger than 18 at the time of their deaths and another two individuals (4%) were somewhere between 12 and 25.

The archaeological data thus reveal that these were primarily young adult and adult males. Most of these men would have been the right age for military service, but it seems unlikely that they would have been beheaded in battle, or even as captured prisoners following battle. Few of these decapitated individuals exhibit any other peri-mortem wounds

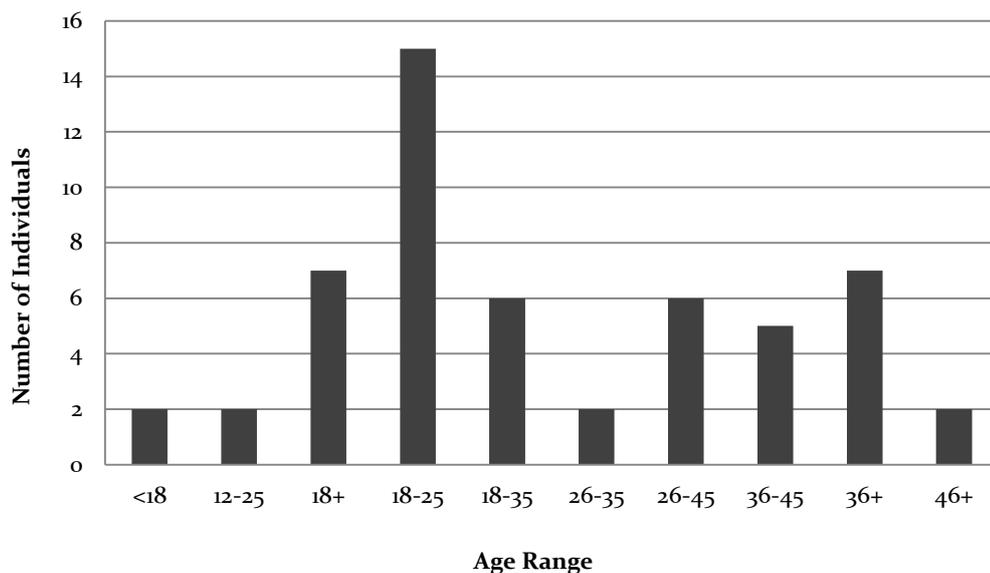


Figure 4.3. Age Range of Decapitated Individuals. Graph showing the distribution of age ranges of bound individuals buried in execution cemeteries.

indicative of death in or shortly after battle. The only potential instance of violent peri-mortem trauma was the cracked skull of Skeleton No. 1 from Meon Hill. Unfortunately no detailed information is provided about the wound, but it is easy to imagine how such an injury might have occurred if the victim was indeed a judicial offender who was trying to escape the death sentence. When this figure – one individual out of sixty-two displaying evidence of peri-mortem trauma not related to decapitation – is compared to the recently discovered mass burials at Ridgeway Hill, Weymouth and St John's College, Oxford, it becomes apparent that the deaths of those interred at the execution cemeteries were not related to battle.

Excavations at St John's College uncovered thirty-five to thirty-seven young men (mostly 16-35 years of age) who were thrown unceremoniously into a mass grave in the ditch of a Neolithic earthwork (Pollard et al. 2012). These men display significant evidence for peri-mortem blade wounds, many exhibit defensive wounds, and charring on their bones reveals that some of them may have been burned to death. Five of the individuals were decapitated, displaying cuts not only to the vertebrae and skull but also to the arms and pelvis (Tucker 2015, 128). They also exhibit a number of healed wounds, which suggests they may have been soldiers, or at least had been in violent situations prior to their death. Stable isotope analysis has revealed that the individuals were probably mostly Scandinavian. The site has been interpreted as the product of a massacre, possibly connected to the St Brice's Day massacre of all Vikings in England, ordered by Æthelred in 1004 (Pollard et al. 2012). This massacre of probable warriors presents itself very differently than the proposed execution cemeteries.

Fifty-two young adult males, most of whom are thought to have been of Scandinavian origin based on stable isotope analysis, were discovered buried in a mass grave on Ridgeway Hill, Dorset (Loe et al. 2014). They had all been decapitated and thrown in the burial pit with their severed heads piled to one side (Figure 4.4). The skeletons did not provide evidence of previous combat injuries, suggesting they were not professional soldiers, and so were similar to the individuals buried in execution cemeteries. Decapitation was also thought to have been the mechanism of death, however many of the men had peri-mortem blade wounds on their arms and hands which are characteristic of defence.

Even more so than the massacre at St John's College, which was a violent event involving men apparently accustomed to a certain amount of physical violence, the burial at Ridgeway Hill resembles an Anglo-Saxon execution cemetery. The burial was near a number of prehistoric monuments, including a Neolithic causeway, two Iron Age hillforts, and a Bronze Age cremation cemetery. The burials were carelessly thrown in the pit, yet a certain amount of effort was made to bury the skulls separately from the bodies. Yet, there are very definite differences. None of the multiple graves in the Anglo-Saxon execution cemeteries contain more than four bodies and none of the individuals buried in execution cemeteries



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Figure 4.4. The piled skulls found buried separately from the headless bodies in the mass grave at Ridgeway Hill. Image from BBC News (2010) from Oxford Archaeology.

present the same sort of peri-mortem defensive wounds. This indicates two things. Firstly, for whatever reason the Scandinavians buried at Ridgeway Hill were killed, and their deaths were staged like an execution. Decapitation was specifically chosen as the mechanism of death and their executors found a location which closely resembled an execution cemetery. Secondly, the comparison between Ridgeway Hill and execution cemeteries emphasises that the individuals buried in the execution cemeteries were not killed en masse and buried together, like the captured victims at Ridgeway Hill, but rather executed and buried individually with the same cemetery being used over a period of time. Out of the sixty-two individuals showing signs of decapitation from the execution cemeteries, only five were buried in a grave with another corpse, and only two of these five were buried together. Therefore, the most reasonable interpretation of the decapitations analysed in this study is that they are, in fact, judicial executions.

The method of decapitation

It appears that decapitations were largely performed with a heavy sword or axe (Buckberry 2008, 164; Cessford 2007, 210). It takes a great deal of force to cut through living tendon, muscle and bone, so it is logical that a sharp weighty instrument would be the necessary tool. While it is difficult to exact great detail from the trauma wounds, it is often possible to determine the general direction from which the blow came. The blows tend to appear consistently from one side on the same individual (i.e. when the first swing of the sword hits

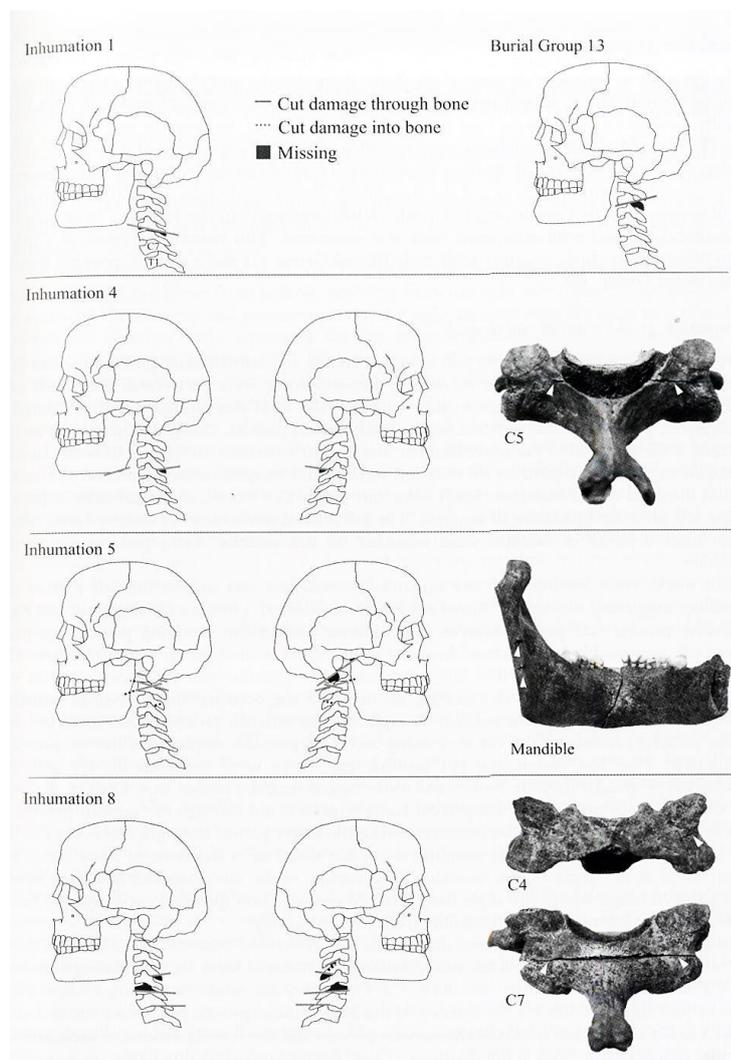


Figure 4.5. Diagram of Chesterton Lane decapitations showing the direction of the cuts on the respective cervical vertebrae and mandibles (Cessford 2007, 207). Reproduced by permission of the Royal Archaeological Institute.

the left side of the neck, all successive swings are also aimed at the left side). This suggests that the executioner remained in the same position throughout the execution, and, thus, it is not likely that these decapitations were performed in the midst of battle.

It is often difficult to determine the exact point of entry of the bladed weapon on the neck, particularly when different osteologists focus on different characteristics of the wound. For instance, the five instances of decapitation from Chesterton Lane all exhibit strong evidence supporting decapitation from behind (Cessford 2007). Figure 4.5 is a diagram from the excavation report illustrating the direction of the beheading blows. Chesterton Lane is the only site where the blows were all exclusively from behind the victim; yet whether all of the cuts were aimed directly at the back of the neck or whether the osteologist did not see any importance in distinguishing from left to right is impossible to say. However, the descriptions of the trauma wounds on each individual are very detailed, and it is possible to surmise a bit more about the possible direction of the cut. For instance, Inhumation 4 was

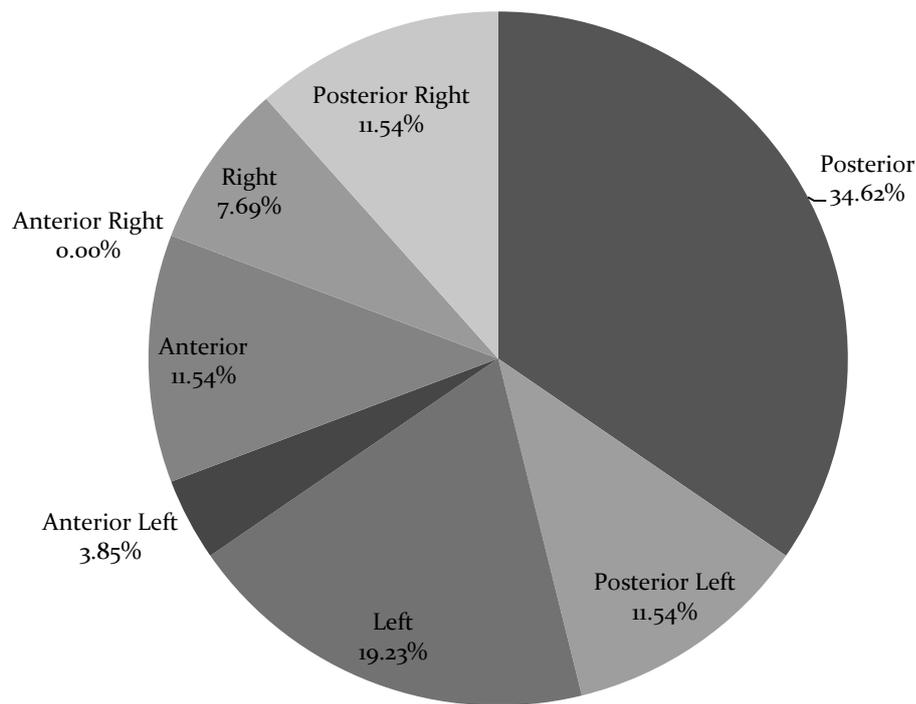


Figure 4.6. Directions of Blows Aimed at the Neck. Graph displaying the frequency of cuts to different locations on the neck.

missing most of the left side of the fourth cervical vertebra, with only the body and right transverse process remaining, and the bottom of the left mandibular angle was shorn off (Cessford 2007, 208), which indicates that the blow may have been directed from the left as well as from behind.

Out of the individuals who were able to be analysed for trauma, the direction of the blow could not be determined for 40.91% of individuals. This was due to either poor preservation of the bones or ambiguity in the description provided in the published excavation reports. It can be seen that among the rest of the sample the blows were aimed at various points around the neck, with a preference toward aiming the blow from behind (57.7% of the known blows were aimed to the posterior of the neck, whereas only 15.39% were aimed at the anterior) (Figure 4.6). There was also a slight preference toward the left side, with 34.62% of the blows aimed toward the left and only 19.23% aimed to the right. None of the blows hit the anterior right of the neck.

There are two extraordinary examples of decapitation from the front found at Walkington Wold (Skeleton 7 and Skull 8), both of which bore two thin cuts on the front of the cervical vertebrae (in the case of Skeleton 7 these cuts were parallel and on the same vertebra). It was postulated that these cuts were made with a sharp, thin sword or even a knife (Figure 4.7). Although the vertebrae affected by these wounds remain whole, the



Figure 4.7. Vertebrae from skeleton no. 7 (left) and skull 8 (right) from Walkington Wold, showing evidence for decapitation at the front (from Buckberry and Hadley 2007, 322). Reproduced by permission of Dawn Hadley and Jo Buckberry.

method is still thought to have probably succeeded in removing the head (Buckberry 2008, 155, 162; Buckberry and Hadley 2007 319).

Analysing the direction of cutmarks is helpful in understanding how the head was removed in decapitation, but it does not easily lend itself to imagining the actual position of the victim in relation to the executioner. Decapitation is not regularly depicted in manuscript imagery, but it is present, though most of the images come from the Harley Psalter. These images depict a number of varying positions for decapitation (Figure 4.8). Some victims are bent forward at the waist exposing the back of the neck. For instance, Abraham pulls his son forward onto the altar in order to sacrifice him in the eleventh- to twelfth-century BL MA Cotton Claudius BIV f. 38. A saint about to be martyred has his hands bound in front and is pulled forward by the hair in the early eleventh-century Harley Psalter (BL MS Harley 603 f. 59). Others victims of decapitation are bent backwards exposing the throat. For instance a torturer of an innocent in BL MS Harley 603 f. 67 has his head pulled back by an avenging angel whose sword is raised for the kill. The Harley Psalter's version of David and Goliath depicts a sprawling Goliath being pulled by the beard, with his head actually twisted, to expose his neck. Another manuscript image of David and Goliath, in the early eleventh-century BL MS Arundel 155 f.93, shows David holding Goliath's head and cutting into the right side of the giant's neck with the sword.

There is one common element to all of these images, and that is the pulling of hair. Whether the victim is bent forward or backward, he is made to do so by the executioner pulling his hair or beard. There was only one image of decapitation from the Harley Psalter in which the victim was not held by the hair (BL MS Harley 603 f. 19), and that is also the only image in which the victim is kneeling (aside from perhaps the sprawling of Goliath). Although familiarity with the guillotine and later Tudor executions probably leads us to imagine the victim of decapitation on his knees with his head on a block of some sort, there is no reason to assume this would have been the case in Anglo-Saxon England. It is completely plausible that decapitations were performed with the victim standing, in which



Figure 4.8. Manuscript images of decapitation: (from left to right, top to bottom) BL MA Cotton Claudius BIV f. 38, c. 1025 x 1150; BL MS Harley 603 f. 59, c. 1000 x 1050; BL MS Harley 603 f. 73v, c. 1000 x 1050; BL MS Harley 603 f. 67, c. 1000 x 1050; BL MS Arundel 155 f.93, c. 1012 x 1023; BL MS Harley 603 f. 19r, c. 1000 x 1050. All images © British Library, London

case grabbing onto the hair may have provided the dual function of holding the victim fast and giving the executioner a point of reference for aiming.

A record of decapitating prisoners from the Jomsviking saga describes sticks being twisted into the hair of the victims to hold them fast for the decapitation (Blake 1962, 39-43). Chris Daniell (1997, 80) has also suggested a standing position for decapitation in early medieval England based on later manuscript images of the martyrdom of Thomas Becket. He suggested that the earliest evidence for the use of an official block for beheading was for the execution of the Duke of Suffolk in 1450, although he also notes there is a late fourteenth-century reference to the impromptu use of a fishmonger's slab for the beheading of four knights during the reign of Richard II. Andrew Reynolds (2009, 169) has argued that the Old English Hexateuch image of Abraham sacrificing his son Isaac (BL MA Cotton Claudius BIV f. 38), presents much earlier evidence for the use of a block; however the block to which Reynolds refers is the altar upon which Isaac is being sacrificed. It seems a bit of a stretch to argue that the depiction of a beheading on the altar of God in a biblical story is evidence for the regular use of a block for decapitation in Anglo-Saxon England, and as Gale Owen-Crocker (2002, 99) has pointed out, Isaac is merely bent over the altar, not touching it or being supported by it.

The holding of the hair in Anglo-Saxon decapitations would not have been just practical, but seems to have also added an extra level of humiliation. Victims of decapitation



Figure 4.9. Manuscript images depicting the holding of severed heads by the hair. Left: MS Cotton Tiberius B.V. f. 34r, c. 1025 x 1175, Right: an excerpt from BL MS Harley 603 f. 7v, c. 1000 x 1050 (Both images © British Library, London).

and their severed heads are rarely treated with respect in Anglo-Saxon literature. In *Beowulf*, the severed head of the monster Grendel is brought back to Heorot as a trophy of Beowulf's victory: 'Then, where men were drinking, they dragged by its hair Grendel's head across the hall-floor, a grisly spectacle for the men and the queen. Everyone stared at that amazing sight' (Luizza 2000, 103).² In the Old English account of *Judith*, the Assyrian soldier Holofernes too was cast in a humiliating light upon his death. While he lays in a drunken stupor, the courageous servant of God, Judith, whom he holds captive, relieves him of his head with his own sword:

She then took the heathen man firmly by his hair, dragged him ignominiously towards her with her hand and carefully laid out the debauched and odious man so as she could most easily manage the wretch efficiently. Then the ringletted woman struck the malignant-minded enemy with the gleaming sword so that she sliced through half his neck, so that he lay unconscious, drunk and mutilated. He was not then yet dead, not quite lifeless. In earnest then the courageous woman struck the heathen dog a second time so that his head flew off on to the floor (Bradley 1982, 499).³

² 'Ða wæs be feaxe on flet boren Grendles heafod, þær guman druncon, egeslic for eorlum ond þære idese mid, wliteseon wrætllic; weras on sawon' (Swanton 1997, 112, ll. 1647-50).

³ 'Genam ða þone hæðenan mannan fæste be feaxe sinum; teah hyne folmum wið hyre weard bysmerlice, ond þone bealofullan listum alede, laðne mannan, swa heo ðæs unlædan eadost mihte wel gewealdan. Sloh ða wundenlocc þone feondsceaðan fagum mece, hetepomcolne, þæt heo healfne forcearf þone sweoran him, þæt he on swiman læg, drunken ond dolhwund. Næs ða dead þa gyt, ealles orsawle. Sloh ða eornoste ides ellenrôf I (oð)re siðe þone hæðenan hund, þæt him þæt heafod wand forð on ða flore' (Griffith 1997, 99-100, ll. 98-111).

Table 4.1. Table of Alfred's injury tariffs in order of monetary value, with the crimes against an individual's hair added (highlighted). From Attenborough 1922, 87-93.

1 shilling	Wound an inch long under the hair	Alfred 45
	Nail of the little finger struck off	Alfred 60
2 shillings	Wound an inch long in front of the hair (on the forehead)	Alfred 45.1
	Nail of the middle finger struck off	Alfred 58
3 shillings	Nail of the first finger struck off	Alfred 57
4 shillings	Back tooth knocked out	Alfred 49.1
	Nail of the third finger struck off	Alfred 59
5 shillings	Thumb nail struck off	Alfred 56.1
	Little toe struck off	Alfred 64.4
6 shillings	Fourth toe struck off	Alfred 64.3
	Small sinew damaged	Alfred 76
8 shillings	Front tooth knocked out	Alfred 49
9 shillings	Little finger struck off	Alfred 60
	Middle toes struck off	Alfred 64.2
10 shillings	Broken rib	Alfred 70
	Cutting a man's hair to insult him	Alfred 35.3
12 shillings	Chin-bone broken in two	Alfred 50.1
	Throat pierced	Alfred 51
	Middle finger struck off	Alfred 58
	Shin pierced below the knee	Alfred 63
	Large sinew damaged and can be medically treated	Alfred 75
15 shillings	Wound on the head which pierces only the outer bone	Alfred 44.1
	Canine tooth knocked out	Alfred 49.2
	Jaw struck so violently that its fractured	Alfred 50
	Arm fractured above the elbow	Alfred 54
	First finger struck off	Alfred 57
	Second toe struck off	Alfred 64.1
	Loin pierced	Alfred 67.1
	Broken rib which breaks through the skin	Alfred 70.1
17 shillings	Third finger struck off	Alfred 59
20 shillings	Big toes struck off	Alfred 64
	Hand maimed	Alfred 69
	Shoulder smashed	Alfred 73
	Cutting a man's beard	Alfred 35.5
30 shillings	Wound on the head which pierces both bones (the outer and the inner)	Alfred 44
	Either ear struck off	Alfred 46
	Wounded in the shoulder so that the synovia flows out	Alfred 53
	Both bones in the arm are broken	Alfred 55
	Thumb struck off	Alfred 56
	Wounded in the belly	Alfred 61
	Thigh pierced	Alfred 62
	Thigh fractured	Alfred 62.1
	Shin fractured below the knee	Alfred 63.1
	Loin pierced right through	Alfred 67.2
	Large sinew damaged and causes lameness which cannot be cured	Alfred 75.1
	Cutting a man's hair 'after the fashion of a priest's'	Alfred 35.4
	35 shillings	Shoulder hacked into and a bone removed (15 shillings on top of the 20 shillings mandated in Alfred 73)
40 shillings	Half of the hand struck off	Alfred 69.1
44 shillings, 4 pence, 2/9 penny (two thirds compensation of Alfred 47)	Blinded in an eye, but it remains in the head	Alfred 47.1
50+ shillings	Pierced through in the belly (30 shillings from Alfred 61 + 20 shillings for each	Alfred 61.1

	orifice)	
60 shillings	Ear struck off and hearing lost	Alfred 46.1
	Nose struck off	Alfred 48
	The loin is maimed	Alfred 67
	Laying bonds on a man and cutting his hair after the fashion of a priest's	Alfred 35.6
66 shillings, 6 pence, 1/3 penny	Eye knocked out	Alfred 47, Alfred 71
	Tongue torn from the mouth (same as for an eye)	Alfred 52
	Hand struck off	Alfred 70
	Foot struck off	Alfred 70
80 shillings	So badly wounded in the testicles that the man cannot beget children	Alfred 65
	Arm, with the hand and all below the elbow, cut off	Alfred 66
	Wounded in the shoulder and continues to live	Alfred 68
	Shin struck off at the knee	Alfred 72
100+ shillings	Tendons in the neck damaged so severely that the man has no control over them, but the man continues to live (100 shillings 'unless the councillors award him a juster and greater sum') ⁴	Alfred 77

This displaying or dragging of the victim by the hair is also found in further manuscript images. An image of Perseus, from the eleventh-century MS Cotton Tiberius B.V. f.34, depicts him brandishing the severed head of the Medusa by her hair. In BL MS Harley 603 f. 7v, two men hold up severed heads by the hair before their king (Figure 4.9).

Hair seems to have been an aspect of personal pride and a reflection of social standing for the Anglo-Saxons. Grabbing one's beard was a signal of honesty and good character, and there are tales where lying men grab their beards and the beard falls off their face. One such account of a man who swore a false oath in a land debate with Evesham Abbey can be found in the thirteenth- to fifteenth-century *Chronicle of Evesham Abbey*, although the events took place during the reign of Æthelred (the 'Unready').

The countryman was an elderly man, who had a very long beard. He stood up, laid his cloak down on the ground, and grasped his beard with his hand, saying, 'I swear by this beard of mine, I will remove the saint, because it is my land, and I will possess it by right of inheritance.' O the wonderful goodness of God! Scarcely had these words been uttered, when, see! he [sic] pulled out his beard so that it fell to the ground as if it belonged there, and had not grown naturally. Everyone was stunned when they saw the aged rustic without his beard: some were moved to anger, others to grief, but all of them finally to laughter. So it was that the man who had wrongfully desired to appropriate the land, justly lost his beard with the land itself (Sayers and Watkiss 2003, 81).⁵

⁴ This clause could very possibly refer to paralysis. Attenborough (1922, 200) noted that *geweald* here translated as tendons has also been translated as spine.

⁵ 'Erat uero isdem rusticus uir grandeus, barba ualde proluxa barbatus. Assurgens itaque, ueste deposita in medio, barbam propriam concludit palmo: 'Per istam', inquit, 'barbam sanctum auferam, quia mea est terra, et ego eam possidebo iure hereditario.' O mira Dei uirtus! Vix emissum euolaureat uerbum, et ecce totam barbam coram cunctis lapsam ita proiecit ad terram ac si apposite esset, non naturaliter nata. Obstupuere omnes; uident annosum rusticum sine barba uniuersi, quosdam ira, alios dolor, omnes demum commouet risus. Sic qui

Grabbing another man's hair or beard was a deep insult. According to the late ninth-century laws of Alfred (Alfred 35) cutting a man's hair 'to insult him, in such a way as spoils his appearance' required ten shillings compensation, the same as laying bonds on an unoffending man. He who cut a man's beard owed twenty shillings, he who cut a man's hair 'after the fashion of a priest's' owes thirty shillings, the same as placing a man in the stocks, and he who cuts a man's hair in this fashion and places bonds on him must pay sixty shillings compensation (Attenborough 1922, 79).⁶ Cutting a man's hair or beard was thus equivalent to unduly placing him in bonds or the stocks, and is grouped with this offence possibly because both were insulting and submissive to the victim. Table 4.1 compares the cutting of a man's hair to offences in Alfred's injury tariff. Out of all of the non-permanent injuries, cutting the hair or the beard required the highest compensation. Cutting a man's hair required a greater amount of compensation than cutting off certain fingers and toes. Cutting off a man's beard required more compensation than piercing a man's throat or loin, breaking a man's jaw, and cutting off any fingers or toes. This was due to the sense of pride and manliness associated with hair, which would have made decapitation that much more shameful when grabbing the beard or pulling the hair was part of the process. The image of the female Judith dragging Holofernes across the floor by his hair, before beheading him with his own sword, becomes that much more emasculating.

Even without the additional shame of hair pulling, decapitation in the early medieval period would have been a degrading death, partly because of the inherently gruesome nature of the act. It seems to have required anywhere from one to five attempts to completely sever the head. The discrepancy in this range could be a reflection of the degree of skeletal preservation or the quality of osteological examination. For instance, some of the Bran Ditch individuals appear to have had their head severed in one blow, partly because of the limited number of vertebrae surviving in storage. For this reason, those individuals who have been suggested as having been decapitated with only one blow have been divided into two categories: those individuals which have all of their vertebrae and can convincingly be argued to have only required one swing of the sword, and those which appear to only have one trauma wound but are missing other vertebral or cranial elements which might have been impacted by the same or further chops of the sword. Out of the osteologically identifiable decapitations, 43% of individuals seem to have been beheaded in one attempt and 36% in

alienam iniuste cupierat inuadere terram, iure cum ipsa terra propriam perdidit barbam' (Sayers and Watkiss 2003, 80).

⁶ '[Be ceorlisces mannes bindelan.]

Gif mon cierliscne mon gebinde unsynnigne, gebete mid x scill. §1. Gif hine mon beswinge, mid XX scill. Gebete §2. Gif he hine on hengenalecgga, mid xxx scill. gebete §3. Gif he hine on bismor to homolan bescire, mid x scill. gebete. §4. Gif he hine to preosts bescire unbundenne, mid xxx scill. gebete. §5. Gif he ðone beard ofascire, mid xx scill. gebete. §6. Gif he hine gebinde 7 þonne to preoste bescire, mid LX scill. Gebete' (Attenborough 1922, 78).

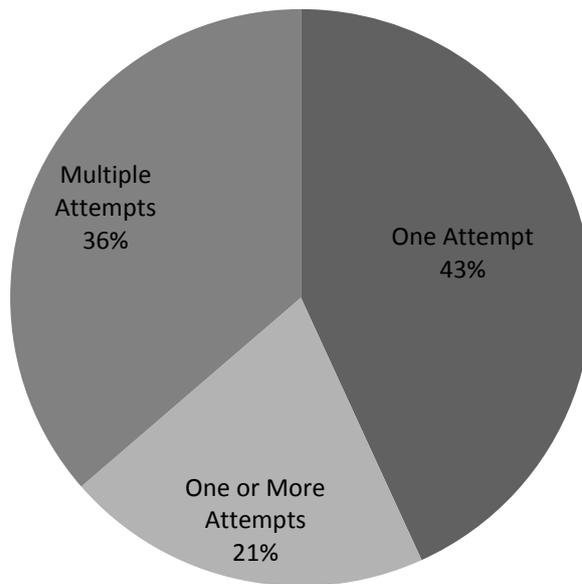


Figure 4.10. Number of Attempts Required to Sever the Head. Graph demonstrating the percentage of individuals whose heads appear to have been severed in one attempt, one or more attempts (when it is uncertain if more attempts might have been made to the preservation or completeness of the skeleton), and multiple attempts.

multiple attempts, while 21% present uncertainty as to the number of attempts required to sever the head (Figure 4.10). Unfortunately, because such a large amount of the corpus presents uncertainty in this matter, the most that can be confirmed is that both a single attempt and multiple attempts seem to have been common. This suggests that the abilities of the executioner and the quality of the sword were also significant factors.

Executioners will be discussed in Chapter 7, but it is important to note that there were not professional executioners at this time. It is likely that decapitation in the Anglo-Saxon period was performed by soldiers, trusted advisors to the king or lord, or, at a pinch, anyone local who owned a sword. When Cnut orders the beheading of the traitor Eadric *Streona* in *Encomium Emmae Reginae*, the execution is performed by Cnut's commander, who, of course, severs his head with a single 'mighty blow' (Campbell 1998, 30-33). In literature, and even the few historical accounts which deal with decapitation, the victim is usually beheaded on the first attempt. In his *Lives of Saints*, Ælfric notes that the Roman St Cecelia was left still partly alive because the Senate had actually forbidden an executioner to take more than three attempts at a beheading (Skeat 1881b, 377). While this was apparently not a rule in England, the goal would have inevitably been to sever the head on the first attempt, and it may have been a mark of pride for the executioner to have been able to do so, or at the very least humiliating for the executioner if he was forced to take multiple attempts.

This is likely why Judith is described as needing two tries to sever the head of Holofernes – she is not an experienced soldier used to wielding a blade, but a woman who did not have the skill and strength to decapitate him with only one blow; however it is not Judith who is humiliated by this, but the drunken Holofernes who was incapable of stopping her.

The variation in the number of blows also raises the issue of whether or not individuals were already dead when decapitation occurred. It is logistically easier to decapitate a lifeless body, than a living and possibly conscious one. Evidence that decapitation had taken at least three attempts was found on Inhumation 5 from Chesterton Lane, Skeleton 565 from Old Dairy Cottage, and Skulls 2 and 5 from Walkington Wold. Inhumation 8 from Chesterton Lane exhibited evidence for five or more attempts at decapitation. It is probable that such botched decapitations indicate that the victim was alive when the execution began. Certain individuals have cutmarks not just on the neck, but on the cranium and mandible as well. It is not uncommon for the gonial angle to get sliced as part of the decapitation blow (as in Chesterton Lane Inhumations 4 and 5, Old Dairy Cottage Skeleton 531, Staines S277, Stockbridge Down No. 17, and Walkington Wold Skeleton 11 and the Skull Associated with Skeleton No. 1), however all of the individuals, with the possible exception of those from Walkington Wold, required multiple attempts to sever the head. Inhumation 5 from Chesterton Lane and Skulls 2 and 5 from Walkington Wold exhibited chopmarks on the cranium, and Skeleton No. 7 from Meon Hill and Skeleton 575 from Old Dairy Cottage both exhibited cuts on the clavicle. Both of these areas, the cranium and clavicle, are not areas that would be expected to be affected by a well-aimed attempt at decapitation, but could very possibly be hit if the victim was struggling.

The difficulty of decapitating a struggling victim would have been exaggerated if the executioner was also holding onto the victim's hair. The aforementioned Icelandic saga provides an example of this. Rather than using the stick, one victim requested that his hair be held back so that it did not become blood-stained:

A hirdman came forward, took hold of the hair and twisted it round in his hands. Þorkell [the executioner] made a blow with a sword. At that very moment he pulled his head away sharply so that the blow fell on the man who was holding the hair and cut off both his arms at the elbows (Blake 1962, 41).⁷

This is likely an extreme scenario, but it illustrates a point. Decapitation with a sword, or axe, was not a swift or easy process, and even if the victim accepted the death with honour, if he did not lose consciousness with the first stroke he would have been in a great deal of pain and more than likely would have struggled during the execution.

⁷ 'Hirðmaðr einn gengr til ok tekr hárit ok vefr um hönd sér. En Þorkell hoggur með sverðinu. Ok í því hnykkir hann höfðinu ok hlýtr sá hoggit er helt ok tók af hendr báðar í ölbogabótum' (Blake 1962, 41).



Figure 4. 11. BL MS Cotton Claudius BIV f. 59r, c. 1025 x 1150, depicts a baker being hanged by the orders of the pharaoh, appearing at the centre of the image with sword and staff. The scene may represent an Anglo-Saxon witan. ©British Library, London.

As least one individual beheaded in a single blow seems to have been found at each execution cemetery. There is a possibility that these could be examples of the decapitation of already deceased victims. It was not unknown in the later medieval period for those indicted for treason to be beheaded upon removal from the gallows and then for their severed heads to be raised up for spectators to view (Gatrell 1994, 281-319). Folio 59 in the eleventh- to twelfth-century MS Cotton Claudius BIV depicts a scene from Genesis of a pharaoh hanging his baker (Figure 4.11). The pharaoh resembles an Anglo-Saxon king at his Witan (Reynolds 2009, 28-29), and it is notable that he observed the hanging with a sword raised in his right hand. While the sword may be a simple sign of authority, it may equally reflect the trend for removal of the head after death. There are literary examples of post-mortem decapitation in later Anglo-Saxon England. In *Beowulf*, for example, the hero returns for the head of the deceased Grendel: ‘on a couch he saw Grendel lying lifeless, battle-weary from the wound he received in the combat at Heorot. His corpse burst open when he was dealt a blow after death, a hard sword-stroke, and his head chopped off’ (Luizza 2000, 101).⁸ In Ælfric’s retelling of Oswald’s death in his *Lives of Saints*, Oswald was slain in battle, but the decapitation was ordered by Penda after his actual death (Skeat 1881b, 135-7).

⁸ ‘... to ðæs þe he on ræste geseah guðweringne Grendel licgan, aldorleasne, swa him ær gescod hild æt Heorote. Hre wide sprong, syþðan he æfter deaðe drepe þrowade, heorosweng heardne, ond hine þa heafde becearf (Swanton 1997, 110, ll. 1585-90).

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Figure 4.12. Pierpont Morgan MS M.736 f. 14v from the Miscellany on the life of St Edmund, Bury St Edmunds, England, c. 1130, shows the decapitation of Edmund by Danes with his hands still bound during the execution. ©Morgan Library, New York

Unfortunately it is very difficult to distinguish forensically between decapitation as the cause of death and the severing of the head after death. The term *peri-mortem* refers to any activity around the time of death, which would include both the manner of death and any activity immediately following. Wounds occurring at this point are distinct from healed wounds, as they will not have had time for new bone growth; yet the bone is still living for a marginal period after death, which means that decapitation directly following death will not leave a different appearance on the bone than in cases where decapitation was the cause of death. If the individual were to be executed, buried, then later exhumed and decapitated the cut would look rather different. It would appear more akin to the damage resulting from excavation (Novak 2000, 90-1; Boylston 2000, 357-60, 376). However, no such *post-mortem* wounds were exhibited on the decapitated individuals in Anglo-Saxon cemeteries.

Six of the decapitated individuals found at execution cemeteries were thought to have been thrown into the grave still bound. MS Harley 603 f. 59, depicting the martyrdom of saints (Figure 4.8: top middle) and the image of St Edmund's decapitation from the twelfth-century, Pierpont Morgan MS M.736 fol. 14v (Figure 4.12) demonstrate that individuals may have been bound during decapitation; however binding is often thought to signify hanging or another means of death (see Chapter 5 for a more in depth analysis). It could be that these six individuals are examples of hanged criminals who were decapitated once they were removed from the gallows. However, only two of these six individuals (Skeleton 560 from Old Dairy Cottage and No. 9 from Meon Hill) appear to have been decapitated with one blow; the rest required multiple blows to sever the head completely, which does not seem to support the notion that decapitation took place after death in these cases.

It is, then, all but impossible to determine exactly at what point around death the head was severed, aside from in the aforementioned instances of multiple cutmarks on the victim when decapitation is deemed to have been the cause of death. The point at which the decapitation actually occurred may have had minimal impact on the symbolic significance of decapitation; the symbolic focus is on the significance behind the act of decapitation and the resulting separation of head from body.

Burial

Related to the issue of when the head is severed, is the question of the head's burial and its placement in relation to its body (see Figure 4.13). Of the skeletons identified as beheaded, thirteen of the skulls were missing (six from Bran Ditch, three from Walkington Wold, one each from Old Dairy Cottage, Stockbridge Down and Sutton Hoo, and one from Meon Hill which was so fragmentary as to not be considered present). Ten were found disarticulated (four from Bran Ditch, four from Walkington Wold, and one each from Chesterton Lane and Old Dairy Cottage). Unfortunately it is impossible to determine if any of the skulls belong to the decapitated corpses. Four skulls were buried on or next to the arm – with the exclusion of Skeleton S277 from Staines, who was buried prone, the skulls were next to the right arm. S277 and S451 from the cemetery at Staines were both cradling their skull in the arm against the hip and ribs (see Figure 4.14).

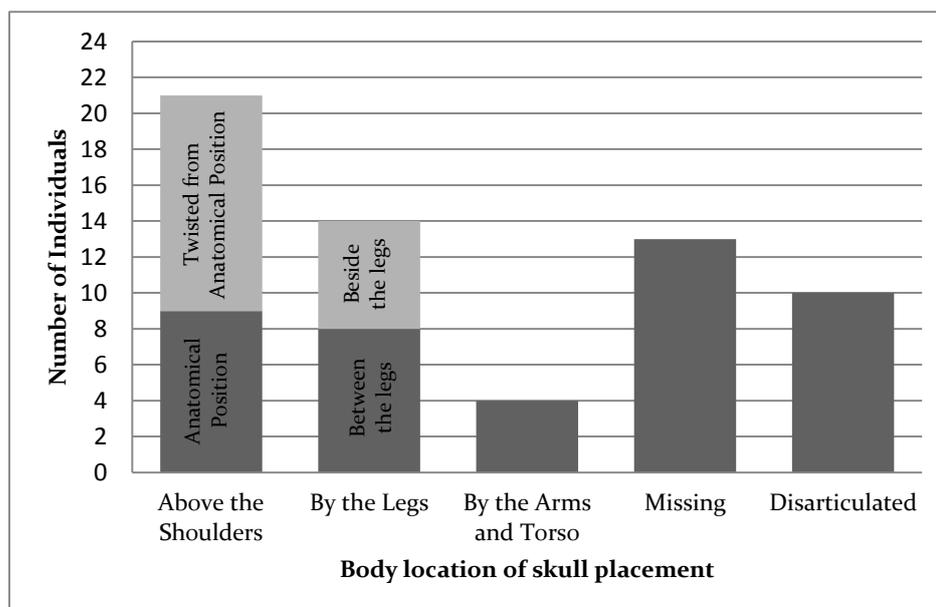


Figure 4.13. Distribution of Severed Skulls within Grave. Graph depicting the relative position of the severed head in relationship to the body within the grave of decapitation individuals buried at execution cemeteries.



Figure 4.15. S277 and S451, buried at the execution cemetery at Staines, were both interred with their skull cradled in their arm against the hip (Hayman and Reynolds 2005, 225, 230). Reproduced by permission of the Royal Archaeological Institute.



Figure 4.14. Skeleton no. 19 from Stockbridge Down was buried with the skull between the legs (Hill 1937, Plate VI). Reproduced by permission of the Hampshire Field Club.

A common position was for the skull to have been buried beside or between the legs (see Figure 4.15). The supposed first occurrence of this practice has been identified at Harlyn Bay, Cornwall in the late Iron Age, and the ritual was adopted into Romano-British culture (O'Brien 1999, 7, 54; Tucker 2015, 52). The practice is often associated with the intention of

laying a ghost to rest (see for instance the work of Blair 2009 and Simpson 2003 on revenants in medieval England, as well as O'Brien 1999; Tucker 2015, 157-58). Occasional references in early medieval literature lend credence to this argument. In the Icelandic *Saga of Grettir the Strong*, Grettir is attacked by the *draugr* (a Scandinavian revenant) Kar while robbing Kar's tomb, and Grettir must cut off Kar's head and lay it between his thighs to kill him (Hight 1972, 44). He later faces a similar situation with the *draugr* Glam. Glam too has his head removed and placed between his legs to stop him repeatedly rising from the dead (Hight 1972, 99). In Denmark, at Kalmergårgen, St Fuglede, two decapitated skeletons, dating to 1015-1040, were excavated with their skulls similarly placed between their knees (Bennike 1985, 106-9). Whether these individuals were thought by Scandinavians to have actually been *draugr* is uncertain, and a topic for a further study. As tempting as it is to apply all of this evidence to Anglo-Saxon England, there is no contemporary Anglo-Saxon historical evidence to suggest that the individuals buried in these execution cemeteries were decapitated because of fears they might rise from the dead. It is very possible that the placement of the severed head between the legs is indeed appropriated from earlier traditions, however if beliefs about corpses rising from the grave as revenants were associated with the Romano-British act, there is no evidence to suggest that these beliefs were likewise appropriated (this idea will be discussed further in Chapter 9). Only nine skulls out the fourteen instances of skulls placed by the legs were actually found between the legs; the remaining six were simply placed beside one of the legs.

The most common position for the severed head was above the shoulders; however

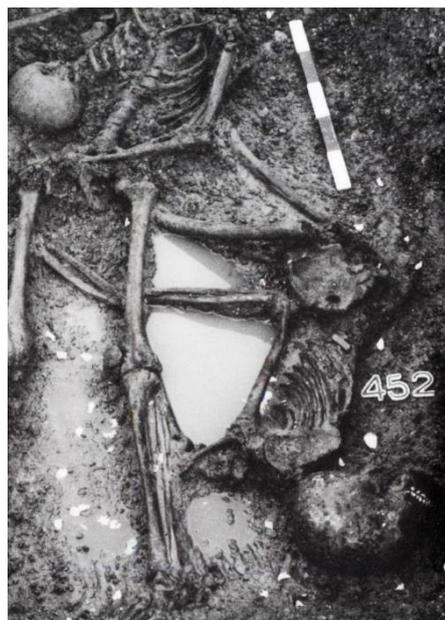


Figure 4.16. Skeleton no. 452 from Staines was buried with the severed head above the shoulders but turned backwards, in a position it never could have taken in life. (Hayman and Reynolds 2005, 230). Reproduced by permission of the Royal Archaeological Institute.

less than half of these were in the correct anatomical position. In twelve out of the twenty-one instances in which the head was placed above the shoulders, it was rotated or twisted in some way as to be in an unnatural position. Skeleton No. 30 from Bran Ditch (Lethbridge and Palmer 1929, 84) and Burial 52 from Sutton Hoo (Carver 2005, 340) were buried with the skull rotated so that the top of the cranium was touching the articulated vertebral column (and No. 30 had the first two cervical vertebrae still articulated to the skull). The skull of Skeleton S452 from Staines was completely turned on the neck to face backwards (see Figure 4.16) and the skull of Sutton Hoo Burial 42b was placed prone while the body was laid supine (Hayman and Reynolds 2005, 229; Carver 2005: 334-41). The pattern of placing the severed head in the place where the skull anatomically belongs but in obviously incorrect position seems more of a statement or symbol of humiliation than anything else. Perhaps this is mere carelessness or unconcern during the process of burying the individual's remains, but it may have also been intended as a continuing reminder of the individual's fate or criminal status.

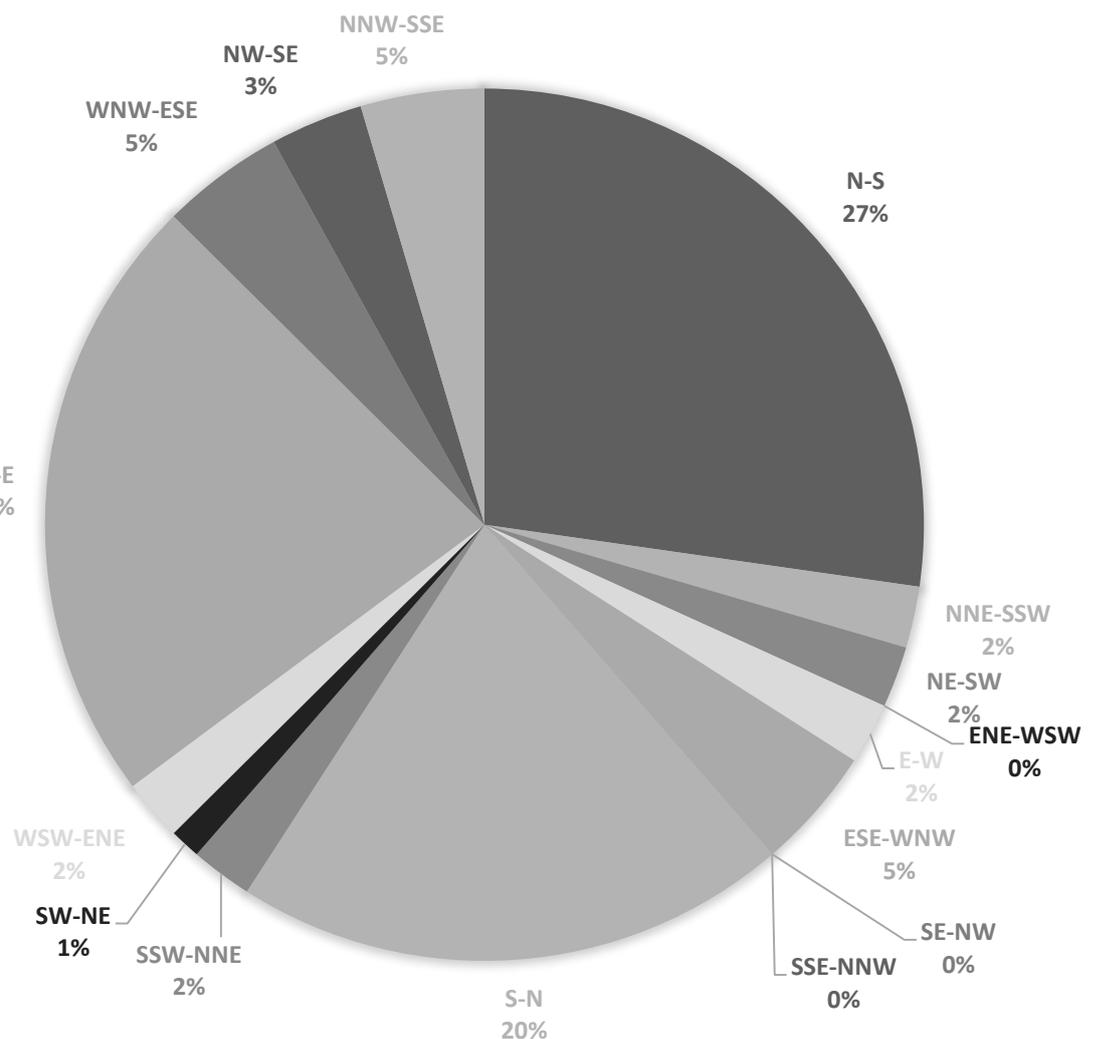


Figure 4.17. Direction of Burial for Decapitated Individuals. Graph demonstrating the range of directions in which decapitated individuals from execution cemeteries were buried.

The execution cemeteries present a range of other idiosyncratic characteristics which support the suggestion that there was a lack of concern or attention paid to the burial of these individuals. Most of the corpses were interred in the shallow grave expected of an execution, or even battle, victim. Sutton Hoo and Bran Ditch contain graves which would have been too short to fit the individual if not decapitated. Skeleton No. 19 at Stockbridge Down was unusually buried with the body of a dog who was also beheaded (Hill 1937, 251, 254). The significance of the decapitated dog is a mystery. No explanation for the presence of the animal remains is provided by the excavators. Reynolds (2009, 172) has suggested that it may have been a hunting dog used for illegal hunting in the king's forest, or a statement against the evils of bestiality. Bestiality was not normally a punishable offence, and while hunting in the king's forest was forbidden after the Norman Conquest, it was generally punished with mutilation or occasionally hanging (Hill 1937, 257-58; Appendix B nos. 28, 32), but not usually decapitation, so an understanding of the burial still remains uncertain. It is visually apparent by the range of limb positions, that the majority of the corpses were not shrouded, and only Burial 18 from Sutton Hoo included a coffin (Carver 2005, 316). Only 23% of the skeletons were buried in the traditional position of head to the west and feet to the east. There was no pattern to the direction in which most of the skeletons were buried, and the enormous range of directions can be seen in Figure 4.17. It is apparent that, overall, little thought and effort was put into burying these individuals, which emphasises their role as social outcasts.

Historical Evidence

Decapitation cannot be discussed without mentioning the epic poem *Beowulf*, and the decapitation of Grendel, Grendel's mother and Earl Æschere, all of which present very different contexts for decapitation than judicial execution. When the unnatural being Grendel attacks the hall in Heorot, Beowulf tears off his arm and hangs it in the mead hall. The next night Grendel's mother goes to the hall to steal back her son's arm, and in doing so captures the king's favourite earl, Æschere. Beowulf and a troop of men follow Grendel's mother back to her lair, but it is too late for Æschere: 'To all the Danes, the men of the Scyldings, many a thane, it was a sore pain at heart to suffer, a grief to every earl, when on the seacliff they came upon the head of Æschere' (Luizza 2000, 97).⁹ Beowulf enters the sea-lair of Grendel's mother, and the ensuing battle ends with her own decapitation at the hands of Beowulf:

⁹ *'Denum eallum wæs winum Scyldinga, weorce on mode to gebolianne, ðegne monegum, oncyð eorla gehwæm, syðþan Æscheres on þam holmcliffe hafelan metton'* (Swanton 1997, 102, ll. 1417-21).

The Scyldings' champion seized the ring-marked sword, fierce and ferocious, drew the ring-marked sword despairing of his life, struck in fury so that it caught her hard in the neck, broke her bone-rings; the blade cut through the doomed flesh – she fell to the floor, the sword was bloody, the soldier rejoiced' (Luizza 2000, 101).¹⁰

Yet this was not enough for Beowulf. He approaches Grendel's lifeless corpse and severs his head as well. Both John Edward Damon (2001) and Gale Owen-Crocker (2002, 94) have emphasised the reciprocity of these decapitations. In essence, this is a supernatural blood-feud. There was no practical need to cut off Grendel's head – he was already dead. The head is proof of Beowulf's conquest over Grendel and his mother, but it is also more than that. It is a trophy, called a *maðmæht* 'precious treasure' along with the hilt of the sword that killed Grendel's mother (Luizza 2000, 102).

In *De Obsessione Dunelmi*, an account of the life of earl Uhtred of Bamburgh, including the ensuing feud caused by his death and the transactions of his lands, Uhtred defeats certain Scots who had besieged the city of Durham. Afterward he 'had the heads of the dead made more presentable with their hair combed, as then was the custom, and transported to Durham; there washed by four women, and fixed on stakes round the walls' (Morris 1992, 2).¹¹ This account presents a similar 'trophification' of severed heads to that of Beowulf. Morris (1992, 5-12) notes that the date is difficult to secure, and the text could have been written anywhere in the eleventh or twelfth centuries, which puts into question the reliability of phrases such as 'as then was the custom'. However, less detailed instances of the trophification of severed heads are dotted throughout Anglo-Saxon written evidence.

Bede (Sherley-Price 1990, 163) and Ælfric both describe how Penda cut off King Oswald's head and arm after his death and put them on a stake 'to set them up as a mark' (*settan hi to myrcelse*) (Skeat 1881, 137). In 1063 Harold Godwinson and his brother Tostig invaded Wales and convinced the Welsh to turn against their king. *Anglo-Saxon Chronicle D* states 'His head was brought to earl Harold, who brought it to the king, together with the figure-head of his ship and the adornments with it' (Garmonsway 1972, 191).¹² Even Judith carries the head of Holofernes back to her people, 'to display the bloody object to the citizens as proof of how she had fared in the struggle' (Bradley 1982, 500).¹³ This sort of display was

¹⁰ 'He gefeng þa fetelhilt, freca Scyldinga, hreoh ond heorogrim, hringmæl gebrægd; aldres orwena, yrringa sloh, þæt hire wið halse heard grapode, banhringas bræc; bile al ðurhwod fægne flæschoman. Heo on flet gecrong; sweord wæs swatig; secg weorce gefeh' (Swanton 1997, 108, ll. 1563-69).

¹¹ 'Interfectum vero capita, elegantiora crinibus, sicut tunc temporis mos erat, perplexis, fecit Dunelmum transportari, eaque a quatuor mulieribus perlota per circuitum murorum in stipitibus præfigi' (Arnold 1882, 216).

¹² '7 man brohte his eafod to Harolde eorle, 7 Harold hit þam kynge brohte, 7 his scipes heafod, 7 þa bone þermid' (Cubbin 1996, 76-77).

¹³ 'hyt to behðe blodig ætywan þam burhleodum, hu hyre æt beaduwe gespeow' (Griffith 1997, 102).

proof of victory because the identity of the defeated enemy would have been recognisable from the face of the severed head, but for this same reason the display of severed heads would also have been disquieting. Owen-Crocker (2002, 95) recognised that even in *Beowulf*, the head of a monstrous foe was still ‘a grisly spectacle for the men and queen. Everyone stared at that amazing sight’ (Luizza 2000, 103).¹⁴

These references to the trophification of heads in Anglo-Saxon literature are reminiscent of earlier British ‘head cultic’ traditions. In earlier Celtic and Classical traditions, the head was revered as the seat of the soul and power, with supernatural qualities (Harman et. al. 1981, 167; Philpott 1991, 86; Shirai 1997, 316; Tucker 2015, 17). The severed head motif pervaded every aspect of Celtic culture, from warfare to economics (Ross 1992, 94). In Celtic literature, decapitation and the severed head also indicate warrior status. For example, the mythical hero Fothad Canainne ‘never sat down at a feast without severed heads in front of him, thus illustrating his prowess as a warrior’ (Ross 1992, 158). A myth surrounding Loch Cend, or the Loch of the Heads, describes a battle in which nine hundred heads of the defeated were thrown into the loch, turning the water blood red. In the Irish *Táin Bó Cuáin*ge, the hero Cú Chulainn decapitated twelve of his enemies and places their heads on individual stones (Ross 1992, 144, 159).

The head in general was also a very popular image in Romano-British society. Head images are frequently incorporated onto vats and buckets, often as handle mounts, on antefixa – decorative tiles found on the eaves of buildings, and on weaponry, usually in the form of anthropomorphic hilts (Ross 1992, 102-34). They were often thought to be apotropaic symbols and are common in funerary contexts and associated with water, specifically wells, pits and, in many literary contexts, lakes. A number of human skulls were uncovered in a Romano-British underground pool in Wookey Hole, Somerset. Many stone Romano-British sculptures of heads have marks that resemble the typical depiction of the severed head and other material objects have also been found with representations of decapitation. For instance, the image of a warrior or deity holding a severed head was engraved upon a coin found in a Romano-Celtic temple at Harlow, Essex (Ross 1992, 141-2).

The continued reverence of the head from Iron Age to Roman Britain, as well as the numerous decapitated individuals discovered by archaeological excavation, suggests a possible continuation of head cultic traditions into the Romano-British period. Katie Tucker’s recent (2015, 30, 46) study of decapitation in England identified 113 Iron Age decapitations from 62 sites and 532 Romano-British decapitations from 229 sites. Scholars have proposed a number of explanations for the tradition of severing the head for both periods. Head hunting by warriors, where the head of a defeated enemy is carried away and

¹⁴ ‘...egeslic for eorlum ond þære idese mid, wliteseon wrætlic; weras on sawon’ (Swanton 1997, 112, ll. 1649-50).

possibly displayed, is one of the primary explanations, largely because of Celtic tales such as the aforementioned *Táin Bó Cuáin*. Although more common in the Iron Age, decapitated skeletons with the head missing have been found from both periods, hinting at the possibility of the continuation of head hunting into the Romano-British period (Tucker 2015, 47-52, 155). However, the idea of the Celtic head cult has become so pervasive within the study of decapitation that it impacts interpretations of medieval beheadings; it is often assumed that the early medieval period will have appropriated earlier head cultic beliefs, whereas, in an effort to distance the later Middle Ages from tribal societies, it is assumed that decapitations in the later medieval period were strictly of a judicial or battle nature (Shirai 1997, 315; Tucker 2015, 21). Literary references to the cult of the head for Iron Age or Roman Britain are non-existent; written evidence used to support the idea of the cult of the head comes primarily from Ireland, Northern Italy or the Mediterranean coast (Tucker 2015, 104). It is obvious from the aforementioned prevalence for the artistic motif of the severed head on material and architectural items that there was a great importance to the head in both Iron Age and Roman Britain, but it is more than likely that there were a variety of beliefs surrounding the head and its removal from the body that cannot be explained by the overarching term 'head cult'.

Scholars have presented alternative explanations to the 'head cult' theory for the numerous beheadings found in Iron Age through Anglo-Saxon England, although the same ones regularly reappear: aiding the passage to the afterlife, preventing the dead from returning or killing witches, post-mortem punishment or further dishonour, human sacrifice, execution, warfare and interpersonal violence (Harman et. al. 1981, 166-7; Philpott 1991, 84-86; Tucker 2015, 155-68). Philpott (1991, 86) argued that decapitation is a version of ritual killing equivalent to the sacrificial breaking of objects, because the link between this world and the next is being broken. Geoffrey Cohen (1993) argued that an element of coming of age by appropriating the power of a decapitated enemy is apparent in medieval Welsh literature. What is clear when decapitation scholarship is viewed on the whole is that there is no homogenous belief about the head.

Naoko Shirai (1997) highlighted that common themes surrounding the head might reflect slightly different beliefs or intentions. For instance Shirai argued that the beheading match between Cú Chulainn and the ogre in the early Irish *Fled Bricend* was set in a courtly atmosphere to highlight the game as a test of courage and honour. The ogre will allow any warrior to cut off his head if they will agree to have their own head cut off in turn. Only Cú Chulainn was brave enough to keep to the terms, and for his courage was allowed to keep his head and his honour as a warrior. However this same environment for the beheading match in the medieval *Sir Gawain and the Green Knight* is not enough to prove Gawain a hero, because in the Christian world of medieval England a hero must also have faith in God.

Gawain finds that, rather than besting the Green Knight in a beheading match, he has made him a martyr and is reproached for not having the faith and courage to trust God with his life.

Subtle differences in tradition and belief are apparent in the archaeological decapitations record as well. Significantly fewer skeletons were found with the head missing in the Romano-British period than in the Iron Age, and a number of skeletons were found with attempted decapitation but the heads not fully severed. Tucker (2015, 46-47) argued that this suggests the Romans were less concerned about the actual severing of the head as a symbolic statement. The Iron Age and Romano-British periods exhibited much higher numbers of decapitated women than in the Anglo-Saxon period (Philpott 1991, 78, 84; Tucker 2015, 53). The Romans also seem to have taken much more care in the burial of decapitation victims than the Anglo-Saxons, even burying some in coffins. This funerary treatment has led Robert Philpott (1991, 84) to argue that Roman decapitations cannot have been the result of punishment.

One of the most common positions for the severed skull in both the Iron Age and Romano-British periods, as well as in the Anglo-Saxon period (as was discussed earlier in this chapter), was placed in the grave between the legs or feet of the individuals (Tucker 2015, 52; Philpott 1991, 77-78). It seems probable that this was an appropriation of tradition from the Iron Age to the Romano-British period and from the Romano-British period to the Anglo-Saxon period; however it cannot be assumed that the exact same meaning or intention was associated with the practice, as Shirai has demonstrated. For many reasons, heads hold extraspecial symbolism, something that is just as true of modern day culture as it was of Antiquity and the Middle Ages. Whether through appropriation or merely cultural similarities with early inhabitants of Britain, the Anglo-Saxons seem to have associated themes of warrior prowess with decapitation and accorded the head a certain amount of power, which is particularly evident in tales featuring trophification of an enemy's head; however there was also a distinctly judicial purpose to the severing of the head and its possible display which is revealed through both the archaeology and further written sources.

The uneven number of skulls and bodies at Walkington Wold, Old Dairy Cottage, and Bran Ditch might indicate that some of the skulls were removed as proof of execution, or more likely displayed at the execution site and never buried (Chapter 7 discusses the display of executed bodies in greater detail). After all, the individuals buried at the execution cemeteries were, in a sense, vanquished foes of the king and community. There are a number of judicial offences that could result in the death penalty (see Table 2.1), however, as previously discussed, the exact manner of death is rarely explicit. The Anglo-Saxon laws do not explicitly mention decapitation, but there are four laws, which mention the head. IV Edgar 11 states that a man who lies about having a witness to his purchase of livestock

(implying that the livestock was thus stolen) ‘shall be regarded as a thief, and shall forfeit his head and all that he possesses’ (Robertson 1925, 37).¹⁵ The other three references to the head in law-codes deal with failing the ordeal. According to I Æthelred 1.6 and 2.1 a man, whether free or a slave, who fails the triple ordeal for any crime on the second occasion ‘shall not be able to make any amends, except by his head’ (Robertson 1925, 53).¹⁶ This ordinance concerning the slave is repeated in II Cnut 32.1.

These laws referring to the forfeiting of one’s head could very possibly be using the head as a metaphor for the whole body, rather than specifying decapitation. In opposition to this idea is an account from Wulfstan Cantor’s late-tenth-century *Narratio Metrica de S. Swithuno*, in which St Swithun saves a slave from death by causing the reeve to perceive the slave’s hand as healed when all others saw a hand injured and burnt from the ordeal by iron (Appendix B no. 11). It is explicitly mentioned that if the slave failed the ordeal he would die by beheading, corroborating the laws referring to the loss of the head as punishment for failing the ordeal: ‘if he were innocent, he might go home unpunished, but if he were guilty, the executioner would strike him with a sword and decapitate him’ (Lapidge 2003, 509).¹⁷

There are not many other records of judicial decapitation in Anglo-Saxon historical texts. There are a few non-judicial accounts of decapitation in historical documents. The *Anglo-Saxon Chronicle* records how king Offa of Mercia ordered king Æthelberht of East Anglia to be beheaded in 794 (Garmonsway 1972, 54). This was an aggressive, not judicial, act between kings of different Anglo-Saxon kingdoms. Many references to decapitation come from hagiography. Aside from the many Roman saints who were beheaded, Æthelberht was later canonised, and King Oswald of Northumbria and King Edmund of East Anglia were both beheaded. Oswald was killed by Penda of Mercia, who dismembered him post-mortem. The account is recorded in Bede’s *Historia ecclesiastica gentis Anglorum* and Ælfric of Eynsham’s *Lives of Saints* (Sherley-Price 1990, 163; Skeat 1881b, 135-37). Oswald’s death was also recorded in the *Anglo-Saxon Chronicle* but without the mention of dismemberment (Garmonsway 1972, 27). Edmund was beheaded during the Danish invasions in 869. His death is not detailed in the *Anglo-Saxon Chronicle*, but the event is extensively described by the French monk Abbo of Fleury and is included in Ælfric’s *Lives of Saints* (Winterbottom 1972; Skeat 1881b, 321-27).

This study uncovered three references to judicial decapitations other than the slave who suffered through the ordeal by hot iron. St Swithun performed another miracle, recorded in Lantfred of Winchester’s *Translatio et Miracula S. Swithuni*, as well as subsequent

¹⁵ ‘... sy he þeof 7 ðolige heafdes 7 ealles ðæs þe he age’ (Robertson 1925, 36).

¹⁶ ‘And æt ðam oðran cyrre ne sy ðær nan oðer bot buton þæt heafod’ (Robertson 1925, 52).

¹⁷ ‘... foret inculpabilis et si,pergeret incolomis, si uero noxius esset,plecteret hunc gladio tortor, ceruice relecto’ (Lapidge 2003, 508).

versions of the life of St Swithun, in which a man was illegally given royal wheat and was arrested for theft when he would not give up the name of the man who gave him the wheat. He was due to be flogged until nearly dead and then beheaded until he freed himself from imprisonment with the help of the saint (Lapidge 2003, 314-17; Appendix B no. 11). The *Encomium Emmae Reginae* records that Eadric *Streona* was executed by decapitation on the orders of Cnut for treason (Campbell 1998, 30-32; Appendix B no 19). A twelfth-century source, William of Malmesbury's *Gesta Regum Anglorum*, states that King Æthelstan ordered his cup-bearer beheaded because he muttered a slight about Æthelstan's murder of his own brother (Mynors et al. 1998, 225-29; Appendix B no. 4), although the reliability of such a late source for a mid-tenth-century event is debatable.

Regarding the execution of Eadric, the *Anglo-Saxon Chronicle* does not specify the mechanism of death.

1017. ... In this year was ealdorman Eadric slain, and Northman, son of ealdorman Leofwine, and Æthelweard, son of Æthelmær the Stout, and Beorhtric, son of Ælgeat [*recte* Ælfheah] of Devon (Garmonsway 1972, 155).¹⁸

The *Encomium Emmae Reginae* describes Eadric's execution in much greater detail.

It was, accordingly, the case that he [Cnut] loved those whom he had heard to have fought previously for Eadmund faithfully without deceit, and that he so hated those whom he knew to have been deceitful, and to have hesitated between the two sides with fraudulent tergiversation, that on a certain day he ordered the execution of many chiefs for deceit of this kind. One of these was Eadric, who had fled from the war, and to whom, when he asked for a reward for this from the king, pretending to have done it to ensure victory, the king said sadly: "Shall you, who had deceived your lord with guile, be capable of being true to me? I will return to you a worthy reward, but I will do so to the end that deception may not subsequently be your pleasure." And summoning Eiríkr, his commander, he said: "Pay this man what we owe him; that is to say, kill him, lest he play us false." He, indeed, raised his axe without delay, and cut off his head with a mighty blow, so that soldiers may learn from this example to be faithful, not faithless, to their kings (Campbell 1998, 30-32).¹⁹

¹⁸ 'Millesimo.xvii. ... 7 on þisum gear eæs Eadric ealdormann ofslagen 7 Norðman Leofwines sunu ealdormannes 7 Æðelword Æðelmæres sunu þæs grætan 7 Brihtric Ælfgetes sunu on Dæfenanscrie' (Irvine 2004, 74).

¹⁹ 'Unde contigit, ut eos quos antea Aedmundo sine dolo fideliter militare audierat diligeret, et eos quos subdolos scierat atque tempore belli in utraque parte fraudulenta tergiuersione pendentes odio haberet, adeo ut multos principum quadam die occidere pro huiusmodi dolo iuberet. Inter quos Edricus, qui a bello fugerat, cum praemia pro hoc ipso a rege postularet, ac si hoc pro eius uictoria fecisset, rex subtristis, "Qui dominum", inquit, "tuum decepisti fraude, mihine poteris fidelis esse? Rependam tibi condigna premia, sed ea ne deinceps tibi placeat fallatia." Et Erico duce suo uocato, "Huic", ait, "quod debemus persoluito, uidelicet, ne nos decipiat, occidito." Ille uero nil moratus bipennem extulit, eique ictu ualido caput amputauit, ut hoc exemplo discant milites regibus suis esse fideles, non ifideles' (Campbell 1998, 30-32).

It has been pointed out by Jay Paul Gates (2012; 2014) that the use of decapitation by the author of the *Encomium Emmae Reginae* was likely as a symbol of kingly power and legitimacy. Throughout the twelfth and fourteenth centuries the execution of Eadric *Streona* becomes more elaborate in historical accounts, including displays of his body parts and not burying his corpse. The *Encomium Emmae Reginae* is overt propaganda for the legitimacy of Cnut as ruler of England, and the execution of Eadric presents him as both fearsome and just. It may very well be the case that the decapitation of Eadric in this text was not factual, but a literary trope. It is difficult to confirm this, because the ambiguity of the *Anglo-Saxon Chronicle* regarding Eadric's death was not uncharacteristic; as noted above, the account of Oswald of Northumbria's death was equally undetailed, and the martyrdom of Edmund of East Anglia was not even in the text, although his subsequent miracles are recorded.

Regardless of the veracity of Eadric's decapitation, the choice of beheading for the execution of a man presented as traitor to England, the king and God should not be disregarded. Decapitation was used to emphasise the severity of Eadric's crimes and the judicial authority of the king; this indicates that decapitation would have served such a purpose in reality and it can be understood that it was a very serious punishment for probably the most heinous offenders. The law-codes and limited historical evidence corroborates this idea, suggesting that traitors and those who failed the triple ordeal twice (which suggests that they were both so untrustworthy that they did not have any witnesses or surety and that their crime was severe enough to merit an extensive ordeal) were the types of offenders who might be subjected to decapitation – the most deplorable and nefarious of Anglo-Saxon society.

One of Edmund's laws (III Edmund 4) juxtaposes the capital punishment of being 'slain' with hanging, suggesting they are perhaps two distinct punishments: 'And we have declared with regard to slaves that, if a number of them commit theft, their leader shall be captured and slain, or hanged ...' (Robertson 1925, 15).²⁰ Here the Latin *occidere* is used, but the Old English equivalent (*slean* or *ofslean*) appears in other law-codes (VI Æthelstan 1.4, I Æthelred 4.1, III Æthelred 8, II Cnut 33.1) Neither *slea* nor *occidere* appear to have specific connotations concerning the method of death, aside from perhaps implying the use of a sword in the case of the Old English. Perhaps III Edmund 4 is actually attempting to highlight hanging from other methods of execution rather than suggesting that slaying is a specific mechanism of death.

In Ælfric of Eynsham's homily on Ahitophel and Absalom, he distinguishes the thief who is to be hanged and the robber who is to be slain (*ofslagen*), but it quickly becomes clear

²⁰ 'Et dictum est de servis: si qui furentur, senior ex eis capiatur et occidatur vel suspendatur' (Robertson 1925, 14).

that the latter refers to decapitation (Skeat 1881a, 427). In the *Exeter Book* version of the martyrdom of Juliana, it is clear that she is to be beheaded: ‘Then, anxious with despair, the judge commanded her, saintly in her purpose, to be killed by slash of the sword and the head to be cut off the elect of Christ’ (Bradley 1982, 316).²¹ However, the actual execution scene states, ‘Then her soul was dispatched from her body into lasting bliss by the stroke of a sword’ (Bradley 1972, 318).²² The word used here is *sweord-slege*. The infinitive of the verb *slege* is *slean*, the same word used in the law-codes. This could potentially indicate that *slean* in the law-codes suggests decapitation, at least a proportion of the time. If this was the case, then the *Anglo-Saxon Chronicle*’s statement that Eadric *Streona* was ‘*ofslagen*’ might not be quite as ambiguous as it seems.

There are a few instances in which Ælfric, in his *Lives of Saints*, similarly mentions that decapitation was the ordered mechanism of death, but using a variation of *slean* to describe the actual execution. Christians were all ordered beheaded (*beheafðian*) in the hagiographical accounts of St Julian, St George, St Edmund, Chrysanthus and Daria, but were said to have been slain (*ofslagene*, *ofsleað*, and even *slogon him of þæt heafod*) (Skeat 1881a, 115, 317; Skeat 1881b, 323, 391). In Ælfric’s homily on St Martin he mentions that the saint ‘stretched forth his neck to the murderous heathen; and therewith the heathen, when he would have slain (*slean*) him, fell backwards, seized with terror’ (Skeat 1881b, 249). However, many others are killed by beheading (*beheafðian*) and *slean* is used in a variety of other contexts. Peter Petré (2014) has recently syntactically examined the use of auxiliary verbs *weoðan* ‘become, get’ and *wæsan* ‘be’ with *ofslægen* in the *Anglo-Saxon Chronicle A*, arguing that in early Old English it can be determined whether the victim died in battle or was passively killed by the choice of auxiliary. This sort of corpus-based analysis of Old English performed by Petré might be applied to use of *slean* to signify beheading; until such a study can be conducted, however, it must be assumed that *slean* can certainly suggest death by beheading, but it can also suggest a number of other deaths, and there is no certain linguistic context in which it is possible to distinguish what manner of death is meant.

ANGLO-NORMAN DECAPITATIONS

Given that beheading has distinctive osteological markers, identifying decapitated individuals should be the most certain method for finding criminal interments in the Anglo-Norman period. Unfortunately examples of decapitated individuals datable to the Anglo-

²¹ ‘þa se dema het aswebban sorg-cearig þurh sweord-bite on hyge halge heafde bineotan criste gecorene’ (Gollancz 1895, 278, ll. 602-605).

²² ‘Da hyre sawl wearð alæded of lice to þam langan gefean þurh sweord-slege’ (Gollancz 1895, 282, ll. 669-71).

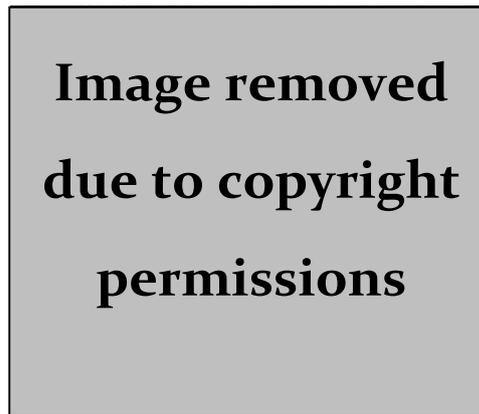


Figure 4.18. C2 from individual F62 from Thetford shows signs of decapitation (from Dallas et. al. 1993, 173).

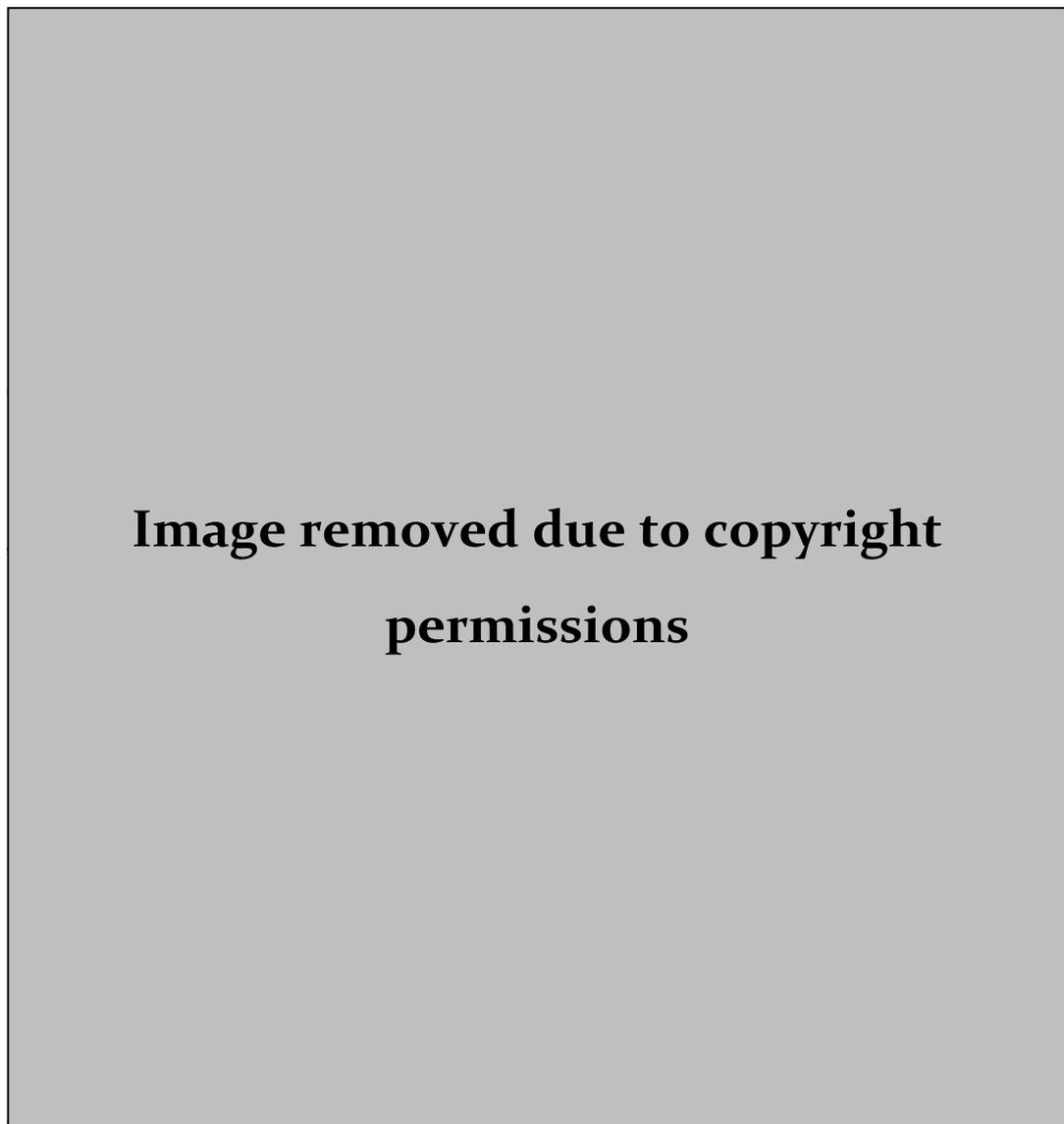


Figure 4.19. Plan of the cemetery at Thetford church with decapitated individual F62 highlighted (from Dallas et. al. 1993, 82).

Norman period are few and tentative. It appears that decapitation as a method of execution may have severely declined in frequency following the Norman Conquest. Only five decapitations were found from cemeteries dating to the mid-eleventh to the end of the twelfth century. Five is a considerably more limited number than the roughly one hundred decapitations uncovered from the two centuries prior to the Norman Conquest. Additionally, three of these post-Conquest individuals appear to have died from interpersonal violence or in battle rather than capital punishment. Unlike most of the Anglo-Saxon sites containing decapitated individuals, each site from this later period only has a single contemporary decapitation buried within a churchyard among Christian graves.

Archaeological Evidence

One of these few decapitated individuals was found buried in a churchyard in Thetford, dating to the eleventh or twelfth century (Dallas et al. 1993). The excavated part of the churchyard comprised ninety-nine graves all aligned roughly west to east, containing individuals of equally mixed sex and varied age; on the whole a fairly normal community demographic. Amidst these graves was one individual (F62) who displayed osteological indication that he had been decapitated. Cutmarks on the first and second cervical vertebrae indicate that the blow came from behind (Figure 4.18). The weapon cut cleanly through most of the C2 vertebra, but a jagged piece of bone on the edge of the dens suggests that either the neck was not fully severed or that the bone snapped towards the end of the blow. This individual alone among the entire cemetery population displayed evidence of trauma. F62 was male and in his senior years (45 or older). He was buried on a west-east orientation with the other individuals in the cemetery and laid supine and extended with his head in anatomical position (Figure 4.19).

Another decapitated individual was found in an eleventh-century cemetery below All Saints church, Barton Bendish (Rogerson and Ashley 1987, 1-66). The twelfth-century Anglo-Norman church was built upon an earlier cemetery, dating to the eleventh-century, which was thought by the excavators to have been associated with an early church, although the location of this early church is unknown. The burials in this earlier cemetery appear to be those of Christians, as they were all laid supine and extended and orientated west-east. (Figure 4.20) However one individual, number 293, a male aged between 35 and 40 years old, stands out because his head had been placed in the grave between his feet. Unfortunately the majority of the body was cut through for the erection of the church nave after 1200, however the excavators believed that the remaining lower legs and cranium were undisturbed. The head was placed inverted by the feet, such that the jaw was nearer the knees and the top of the cranium nearer the feet, and some of the cervical vertebrae were still attached. The survival of the vertebrae with the skull and the apparent lack of disturbance during the

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Figure 4.20. Plan of the cemetery at All Saints' Church, Barton Bendish with decapitated skeleton no. 293 highlighted (from Rogerson and Ashley 1987, 6).

building of the church, suggests that the head was placed between the feet when the flesh was still intact, probably at the time of burial. Osteological analysis was performed on the adult skeletons, but there is no mention of trauma wounds on the vertebrae found with the cranium. However, there is also no full skeletal catalogue, so it is unclear how many vertebrae were found with the skeleton; it is possible that the cutmarks may have been found on a lower cervical vertebra which has been lost or disintegrated over time.

Three further instances of decapitation from the Anglo-Norman period were found at the cemetery at St Andrew's priory, Fishergate in York (Stroud and Kemp 1993). One of the decapitations (Burial 1589) was one of a group of sixteen burials which had been cut into the clay floor of an eleventh-century timber church. The date for this group of burials is troublesome, because there is no evidence to securely date when the graves were dug into the church floor, but the excavators believe them to be from somewhere between the tenth and twelfth centuries (Stroud and Kemp 1993, 133). The decapitated individual was buried supine and extended, the grave orientated west-east. He was male, aged 30 to 40 at the time of death. The head was severed through the second, third and fourth cervical vertebrae, with cutmarks on the mandibular ramus, and it was replaced in anatomical position and surrounded, or 'pillowed', by stones (Figure 4.21). The placement of the stones is not uncommon in contemporary burials, but the purpose is yet unknown. It is possible that the function is as simple as an attempt to maintain the placement of the head, or possibly has a more complicated meaning; either way pillowing 1589's severed head with stones seems respectful and considerate, which is unprecedented in Anglo-Saxon burial of decapitation victims. This individual also stands out because of the number of other trauma wounds on the torso area, both sharp force from a blade and projectile from a weapon such as a crossbow arrow (Stroud and Kemp 1993, 225-41).

Two further individuals from St Andrew's Fishergate, more securely datable to the tenth through twelfth century, were also probably decapitated. Burial 6321 exhibited sharp force wounds to the fifth and sixth cervical vertebrae and mandible, but also in the thoracic vertebrae, ribs, and lower arm. Burial 6448 also exhibited sharp force wounds to the fifth and sixth vertebrae as well as the skull, ribs, and scapula, all of which amount to a very messy decapitation. All three of these individuals present extensive traumatic wounds which are inconsistent with judicial execution. There were a number of other male individuals from both the eleventh-century and twelfth-century periods who also had a number of blade wounds, which suggests that either this was a popular cemetery for battle victims, or multiple victims from two different battles were interred there simultaneously (Stroud and Kemp 1993). Again, while it is difficult to assign 1589 to a specific period, and thus to the other decapitated individuals 6321 and 6448 which possibly date to the Anglo-Norman period or shortly after, it seems likely that all three of these acts of decapitation occurred in or just after battle, rather than as a result of judicial punishment. The careful interment of the bodies and purposeful placement of the head stones around the head of 1589 supports the former conclusion.

There are a few other individuals uncovered from this period which suggest that attempted decapitation in battle or during an act of violence was not unprecedented. A young adult male buried at Stratford Langthorne Abbey displayed blade trauma on and around the head. 'The left side [parietal] of his skull shows a horizontal blade wound. The section adjacent to the wound is missing and there is a second oblique downward blow to the left clavicle and a third blow upward to the left pedicle of a cervical vert, which could have been associated with decapitation. There was no sign of any bone healing' (Stuart-Macadam 1986, 70). The specific skeletal dating is somewhat uncertain, and the excavators postulate that this individual may have died in violent political events led by Henry III in 1267. This postulated death in a political battle or skirmish would agree with the large range of the cuts and the failure to actually sever the head.

Further possible examples of attempted decapitation in the midst of battle were

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Figure 4.21. Individual 1589 from St Andrew's Fishergate was decapitated and buried supine and W-E with the head pillowed by stone (Stroud and Kemp 1993, 154).

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Figure 4.22. Skeleton 232 from the cemetery at St Nicholas, Lewes displays sharp force trauma to the skull which most likely occurred in combat (Barber and Sibun 2010, 33).

found in the hospital cemetery at St Nicholas, Lewes (Barber and Sibun 2010, 32). Skeleton 232 displayed two cut marks at the edge of a left occipital fragment, which suggests that the head would have been close to being severed from the body (Figure 4.22). However it seems that the cranium is incomplete, and there is no mention in the report of vertebral pathology, so without more information it must be assumed that these two blade wounds to the skull were meant to fell the victim, but that the act of full decapitation was not the primary objective. Another individual (143) displayed multiple blade wounds on the mandible, and Skeleton 180 had five cuts also to the parietal and occipital bones. The locations of Skeleton 180's wounds are similar to those of the wounds of Skeleton 232, but the cuts were aimed at the cranium and were not intended to decapitate the individual, which further supports the case that there were similar circumstances for the trauma wounds on the occipital of 232. These individuals were originally thought to have been involved in the Battle of Lewes in 1264. However skeleton 180 was recently sent for radiocarbon dating, and has provided a mid-eleventh-century date. Therefore, at least this individual seems to have been involved in the tumultuous political period which followed the Norman Conquest (Sussex Past 2013). Whether victims of battle or general violence, however, these adult men (143 and 232 were aged 25-35, and 180 35-45) do not appear to be victims of judicial punishment.

The final example of trauma similar to decapitation, but actually resulting from general violence, is found at the eleventh-century cemetery of North Elmham, Norfolk. Individual 171 stood out from the other burials because of the large number of sharp trauma wounds found on his skeleton. The blows were made with a sword or axe, and three fell on his skull, one his arm, and the death blow was likely to be the one blow to the throat. It is debatable whether this last cut to the anterior of the fourth cervical vertebra was a blow from

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Figure 4.23. A scene from the Bayeux tapestry with three of the five decapitations in the tapestry highlighted (from *La Tapisserie de Bayeux* 2008).

a sword or rather a cut created from a blade slicing across the throat (Wade-Martins 1989, 365-7). Either way, this was an extraordinarily violent death, but it was not intended to be a decapitation.

Overall, it is evident that, while cranial wounds are common during battle or acts of violence, planned decapitation does not seem to be nearly as common as it was prior to the Norman Conquest. There are only five examples of decapitation in the period around and immediately after the Norman Conquest – those at St Andrew’s, All Saints, and Thetford. The individuals from St Andrew’s, Fishergate appear likely to have been the victim of battle, based on the other wounds received at the time of death and a number of other individuals buried with them showing trauma wounds indicative of exceptionally violent deaths. The individuals at Thetford and All Saints’, Barton Bendish, however, are possibly victims of judicial execution. They do not display other signs of trauma that might suggest they had died in battle. If these are victims of judicial punishment, they are the only two from the post-Conquest period, and the individual at Thetford is especially likely to have been decapitated very soon after the Conquest, based on the cemetery date.

Historical Evidence

Historical sources corroborate the limited archaeological evidence for Anglo-Norman decapitation. Decapitation is not mentioned in any of the late eleventh- or twelfth-century law-codes. Given the limited detail regarding capital punishment in the Anglo-Saxon law-codes and the knowledge that the initial Anglo-Norman laws are largely based on the Anglo-Saxon system, this absence of decapitation as a legal punishment is unsurprising. Interestingly, slaying (*occidere*) is no longer used to signify capital punishment either. The only use of *occidere* is in the *Leges Henrici Primi* (68, 1), where it refers to manslaughter. However, there are very few other references to what might be considered intentional decapitation, judicial or otherwise, in Anglo-Norman chronicles and literature. Twelfth

century chroniclers do mention decapitations which occurred in the ninth and early-tenth centuries, such as those of saints or enemies of the Anglo-Saxons; yet this perpetuation of decapitation in Anglo-Saxon cultural history makes its removal from Anglo-Norman events even more startling.

Twelfth-century historical chronicles also mention, although rarely, decapitation occasionally occurring in battle, particularly during the Crusades in the east. The Bayeux Tapestry, a retelling of the Norman Conquest in embroidered images, depicts many decapitated warriors among the battle dead of the Battle of Hastings (Figure 4.23). It is, unfortunately, difficult to determine the 'nationality' of these decapitated individuals in the bottom border of the tapestry; Michael Lewis (2007) has argued that characteristics used to signify identity, such as Englishmen being depicted with moustaches and Norman with shaved heads and conical helmets, are only used preceding the battle scenes.

There are only two accounts of what might be considered intentional decapitation, whether judicial or vengeful, from this later period, and they both occur within ten years of the Norman Conquest. The first can be found in the *Gesta Herwardi*, the tale of a northern English lord, Hereward the Wake (Swanton 1984). Hereward returns to England in 1070 from exile imposed by his father for disobedience, to find that his brother had inherited the household and then been killed by Normans pillaging in the name of William I. They had severed Hereward's brother's head and placed it above the gate to the house. In return, Hereward waited until the Normans, who had remained in the house, were drunk in revelry, and then he crept in and slaughtered them all:

Hereward leapt out and struck him [the jester] through with a single blow of his sword, and then turned to attack the guests. Some were incapable of rising because they were drunk, and others unable to go to their help because they were unarmed. So he laid low fourteen of them together with their lord, with the aid of the single attendant whom he set at the entrance of the hall so that whoever escaped the hands of one might fall to the other. And that same night he set their heads over the gate where his brother's head had been, giving thanks to the Bestower of all grace that his brother's blood was now avenged (Swanton 1984, 63).

The decapitation in this story is reminiscent of the reciprocal decapitation in *Beowulf*. The Normans make the initial aggressive move, displaying the severed head of Hereward's brother as a sign of conquest over his family. Hereward's actions are thus in line with traditional Anglo-Saxon bloodfeud.

The other example of decapitation from the years after the Norman Conquest was the beheading of Earl Waltheof in 1076. Unlike the decapitation of Hereward's brother and his Norman enemies, Waltheof's decapitation was definitely judicially motivated. Waltheof was part of a treasonous plot against William I, which was led by Roger Earl of Hereford and

Ralph of Gael, Earl of Norfolk. When the plot was discovered by William all the conspirators were punished. However, while others were blinded, banished or imprisoned, Waltheof alone received a very different punishment – decapitation. As the only full-blood Anglo-Saxon involved in the treachery (Ralph’s father was English), Orderic implies that the punishment was culturally fitting for Waltheof, but would not have been for the French traitors:

No good song is ever sung of a traitor. All peoples brand apostates and traitor as wolves, and consider them worthy of hanging and - if they can - condemn them to the gallows with every king of ignominy and insult. ... The law of England punishes the traitor by beheading, and deprives his whole progeny of their just inheritance. Heaven forbid that I should stain my honour with the guilt of treachery, and that such shame should be voiced abroad about me (Chibnall 1990, 315).²³

While decapitation is here used for penal means by an Anglo-Norman king, it is still accorded a very Anglo-Saxon stigma.

John Hudson (2011) urges caution in using this source, which was written c. 1125, as the basis for our understanding of the distinction between Anglo-Saxon and Norman law. He argues that Orderic’s statement has no precedent in any other record of Waltheof’s death and is not corroborated by historical evidence which seems to show no ‘consistency’ in the punishment of traitors. Hudson is right in urging caution; this source was written nearly a century after the event, and it clearly has an agenda to portray Waltheof in a beatific light, as shown by the way Orderic rewrites the story making Waltheof innocent of the treason of which he is accused. As a northern lord who had led prior revolts against the Normans in England, it is more than likely that Waltheof was indeed involved in the conspiracy. However, the fact of the matter is that William chose to decapitate Waltheof, and only Waltheof. The *Anglo-Saxon Chronicle* also mentions this detail:

1075. The king spent Christmas at Westminster, and there all the Bretons who attended that bridal at Norwich were ruined: Some of them were blinded, some of them were banished. So all traitors to William were laid low.

1076. Earl Waltheof was beheaded at Winchester, and his body conveyed to Crowland (Garmonsway 1972, 212, 213).²⁴

²³ *Nusquam de traditore bona cantata est. Omnes gentes apostatam et proditorem sicut lupum maledicunt, et suspendio dignum iudicant et opprimunt et si fors est patibulo cum dedecore multisque probis affigunt. ... Anglica les capitis obruncatione traditorem multat omnemque progeniem eius naturali hereditate omnino priuat. Absit ut mea nobilitas maculetus proditione nefaria et de me tam turpis per orbem publicetur infamia* (Chibnall 1990, 314).

²⁴ *Millesimo.lxxv. ... 7 se wæs on Westmynstre þone midewinter, 7 man fordyde þær ealle þa Bryttas þe wæron æt þam brydealod æt Norðwic: sume hy wurdon ablænde 7 sume of lande adrifene, swa wurdon Willelmes swican geniðrade.*

Even in the Anglo-Saxon record of the event, Waltheof's decapitation is singled out, and separated from the other punishments. Hudson suggests that 'Waltheof's fate was so memorable because it was so exceptional' (Hudson 2011, 235). Decapitation was not a common punishment; it was used when an 'exceptional' statement was needed. While it was not used consistently for any one offence during the late Anglo-Saxon period, it was used only for the most grievous offences, such as treason, theft, and failing the triple ordeal twice. However, the absence of evidence for the use of decapitation in the Anglo-Norman period, save for shortly after the Conquest, in both the archaeological and historical record certainly indicates that penal beheading was not an Anglo-Norman custom. While Orderic's reference to the 'law of England' might have been a bit of an exaggeration, the decapitation of some traitors does seem to have been an Anglo-Saxon tradition, which was not continued by the Normans.

The only clue as to why decapitation was abandoned for at least the first century after the Norman Conquest can be found in later twelfth-century sources. Historians writing at this time showed a strong repugnance toward the Welsh and Irish, depicting them as savage barbarians. Decapitation seems to have been considered part of this savage behaviour. In his *Journey through Wales*, Gerald of Wales wrote that 'The French ransom soldiers; the Irish and Welsh butcher them and decapitate them' (from Gillingham 2000, 11). In Symeon of Durham's *Historia Regum*, he wrote about Scottish King Malcolm Canmore's 1070 invasion of northern England that

... it was pitiable to see what they did to the English: old men and women were either beheaded by swords or stuck with spears like pigs destined for the table. Torn from their mothers' breasts, babes were tossed high in the air, and caught on the spikes of spears fixed close together in the ground. The Scots, crueller than beasts, delighted in this cruelty as in the sight of games (from Gillingham 2000, 45).²⁵

John Gillingham (2000) has proposed that the portrayal of Irish, Welsh and Scots as barbaric and savage begins half-way through the twelfth century and is related to a transformation of social values particularly regarding the treatment of combatants in warfare. He has argued that the Normans develop a sense of 'chivalry' in that they place great importance in treating high status prisoners humanely and with dignity. At the same time, the Normans also regard slavery as debase, and much of the ill-treatment of conquered peoples by the Irish, Welsh and Scots is a violent repercussion of capturing hostages for slavery.

Millesimo.lxxvi. ... Wal þeof eorl \wes/ beheafod on Winceastre, 7 his lic wearð gelead to Crulande' (Irvine 2004, 90-91).

²⁵ 'Qua licentia accepta, miseria etiam erat videre quæ in Anglos faciebant: sense et vetulæ, alii gladiis obruncantur, alii ut porci ad esum destinati lanceis confodiuntur. Rapti ab uberibus matrum parvuli in altum aera projiciuntur, unde recidentes lancearum acuminibus excipiuntur hastilibus confertim solo infixis; hac crudelitate pro ludorum spectaculo delectabantur bestiis crudeliores Scotti' (Arnold 1882, 191-92).

If Gillingham is right, and the motive behind the barbaric depiction of those groups of peoples surrounding England is based on changing twelfth-century values of slavery and treatment of prisoners of war, then these later texts might not be providing an understanding of decapitation as it applied to the eleventh century. However, it is also possible that the continued use of decapitation by the Irish, Welsh and Scots added to their savage image because of pre-existing brutal connotations. Unfortunately, the absence of decapitation from the mid-eleventh-century to mid-twelfth-century record also means an absence of any information which might suggest the reason for the lack of use of this particular mechanism of death.

The decapitation in the *Gesta Herwardi* is particularly out-of-place if decapitation was indeed viewed by Normans as barbaric. The decapitation of Waltheof may very well have been in line with Anglo-Saxon traditions, but in the *Gesta Herwardi* it was the Normans who performed the initial decapitation of Hereward's brother; Hereward was merely reciprocating. The *Gesta Herwardi* was written in the first half of the twelfth century, and its aim appears to have been to apply the Norman chivalrous characteristics identified by Gillingham to an English hero (Thomas 1999). The author goes to great lengths to present Hereward as better than the Normans in all of the ways they felt they were better than the English; for instance he is a proven warrior, even on horseback, but he is also portrayed as being merciful to his enemies. The use of decapitation by both sides is out of place in this era of chivalrous combat. Yet the *Gesta Herwardi* not only put the descendants of Anglo-Saxons in a favourable light, but also humiliates the Normans in an attempt to 'undermine any claims to superiority' (Thomas 1999, 227). The use of decapitation by the Normans was a way of humiliating them by associating William's men with a practice thought to have been barbaric, savage, and most of all, unchivalrous.

CONCLUSION

The burial of decapitated individuals in late Anglo-Saxon England seems to occur primarily in cemeteries with other deviant burials, now known as execution cemeteries. The decapitated individuals from these cemeteries – Bran Ditch, Chesterton Lane, Guildown, Meon Hill, Old Dairy Cottage, Staines, Stockbridge Down, Sutton Hoo and Walkington Wold – were all male or probably male, and were primarily adults ranging between 18-45 years of age, with a trend toward young adults (18-25). The archaeological evidence suggests that these were victims of judicial execution rather than decapitated in battle or as captured prisoners: only one individual out of 62 exhibited any traumatic evidence unrelated to decapitation, the decapitated individuals were mostly buried individually and the results

from the sites which were able to perform radiocarbon dating (Chesterton Lane, Old Dairy Cottage, Staines, Sutton Hoo and Walkington Wold) indicates that decapitated individuals at the same site were not necessarily killed and buried at the same time as each other. Two recent discoveries of mass graves at St John's College and Ridgeway Hill include the only decapitations from the late Anglo-Saxon period found outside of execution cemeteries. Stable isotope data suggests that these were probably the graves of massacred Scandinavians, but both graves mimic the landscape characteristics of an execution cemetery closely enough to suggest that the Anglo-Saxons who executed the men buried there felt that they merited the social exclusion and potential damnation associated with the execution cemetery.

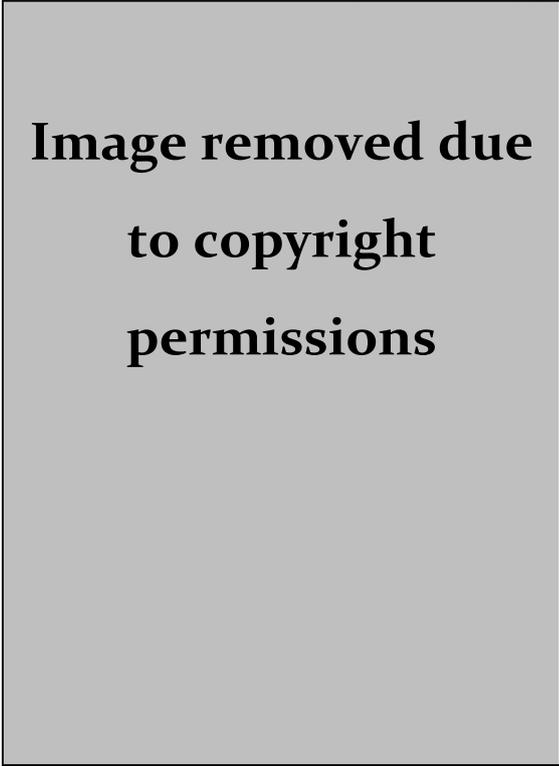
Written sources provide two categories of motive for decapitation in Anglo-Saxon England: the heroic conquest of an enemy found in *Beowulf*, *Judith* and *De Obsessione Dunelmi*, which often involves trophification, or at least display, of the severed head versus decapitation in a judicial setting, such as those averted in the miracles of St Swithun or that of Eadric *Streona* in *Encomium Emmae Reginae*, where the victim is in a submissive position and at the mercy of the reigning judge, be it the reeve or the king. However, particularly in early medieval England where vengeance and conquest overlap with royal justice, these two categories of decapitation are not as distant as they might seem. Whether a foreign political opponent, a deadly supernatural being, or a judicial offender, all of these victims of decapitation were enemies of both the ruler and the community at large, and it could be argued that their offences threatened the normative social course. The few laws which mentioned the head and the limited examples of decapitation as a judicial punishment also corroborate that decapitation was indeed used as a manner of execution in the late Anglo-Saxon period. While it was perhaps not used consistently for a specific crime or a specific person, and since the type of judicial punishment seems to have been left to the discretion of the judge, beheading seems to have been reserved as a punishment for the worst crimes, those crimes which were a slight against the king or his judicial authority, such as treason and theft of the king's wheat. The punishment was used as a statement of judicial control.

The practice of judicial decapitation does not seem to have survived the Norman Conquest. It quickly vanishes from the historical record as a manner of execution, remaining mainly in association with the barbarism of the 'pagan' Welsh, Irish and Scots. Archaeological evidence provides a number of examples of men who died violent deaths, of which near decapitation was an unintentional part, yet there seem to be only two possible decapitations from execution. The individual found at All Saints' Church was dated to the eleventh century, so could have just as easily dated to the late Anglo-Saxon as the early Anglo-Norman period. The decapitation at Thetford church was dated to the eleventh or twelfth century, so could also have been late Anglo-Saxon or early Norman. Most striking, and the main reason that they have been considered potentially post-Conquest in date, is the

manner of burial for both of these decapitations. Unlike any of the examples from the Anglo-Saxon period, the decapitated individuals (perhaps criminals) from All Saints' and Thetford churches were buried in consecrated churchyards in traditional Christian funerary style, laid supine and extended with the grave orientated west-east. Individual 293 from Barton Bendish had his severed head placed between his legs, which was fortunate because his upper half had been disturbed by the foundations of the twelfth-century church. However, without the osteological evidence of cutmarks on the vertebrae of the individual at Thetford indicating his decapitation, there would be nothing to mark him out as an unusual individual. It seems that these two individuals may represent a transformation in the burial of criminals. Whether they date to the late Anglo-Saxon or early Anglo-Norman periods, it seems most probable that the decapitations occurred in the years around the Conquest, when decapitation was still being practised, but the views on burying criminals were changing. Both Barton Bendish and Thetford are in Norfolk, so the sustained use of decapitation may have been a regional anomaly. Regardless, these two individuals are key to understanding changes in the treatment of criminals which occurred through the eleventh century.

CAPTIVITY AS AN INDICATION OF EXECUTION

A common characteristic noted by excavators as being indicative of deviant burial is the binding of limbs. Usually interpreted as a sign of hanging, burial with the wrists tied together is at the very least an indicator of unorthodox burial (Waldron 1996, 117; Reynolds 2009, 163-65). Many criminals would have been bound prior to and during execution in order to prevent escape. The twelfth-century manuscript image, Pierpont Morgan Library, MS M.736 f. 14v, of St Edmund being led to his death depicts him bound, which would probably have been typical for a prisoner, the arms having been tied with one crossing the other at the wrist (Figure 5.1). In the context of an execution cemetery, where it seems that criminals may have been executed and then immediately buried, it is unlikely that the hands would have been consistently untied prior to inhumation.



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Figure 5.1. Pierpont Morgan MS M.736 f. 12v, from *Miscellany on the life of St. Edmund*. Bury St. Edmunds, England, ca. 1130, depicts King Edmund being led by the Danes to his death with his hands bound in front. ©Morgan Library, New York

Identification of Bound Limbs

Identifying bound limbs in medieval graves can be problematic, as organic materials, for example the rope or cord used to secure the individual, will have almost certainly fully degraded. There are two possible exceptions, both found at Sutton Hoo (Burials 38 and 49); however the preservation at Sutton Hoo is unique because of the high acidity of the soil (see Chapter 4 for more detail) and even so the identification of the organic matter discovered as rope is tentative (Carver 2005, 324). In most cases, bound limbs cannot be identified by the presence of material remains. The identification must then come from the skeleton itself.

Tying limbs together with a piece of rope does not leave marks on the bone, thus there are no osteological indicators of such activity. However, if the body is thrown into the grave with the limbs still bound tightly and then the body is surrounded by compact soil, the limb bones should remain in roughly the same position after the rope decomposes (Kjellström 2005, 46). Therefore, the body position of the uncovered skeleton can be indicative of its peri-mortem situation while in captivity. Arms which are crossed or touching at the wrists make a plausible case for having been bound at burial. That the arms may have been bound at the time of burial is even more convincing when the wrists remain crossed but the arms have been thrown off centre as the criminal was flung into the grave. A good example of this comes from Meon Hill Skeleton No. 4, who was buried prone with the arms bound behind the back, but it can be seen in the photograph (Figure 5.2) that the wrists are actually to the right side of the pelvis (Liddell 1933, 135). This suggests that the left arm was pulled all the way across the back because it was bound to the right arm.

In cases where the arms were crossed in front of the body, it is more difficult to associate the positioning of the limbs with deviant burial because the overlapping of hands



Figure 5.2. Skeleton No. 4 buried in the execution cemetery at Meon Hill (Liddell 1933, Plate V). Reproduced by permission of the Hampshire Field Club.

above the pelvis sometimes signified piety in medieval Christian burial. St Odo of Cluny, in his early tenth-century *Life of St Gerald of Aurillac*, remarks that the lifeless corpse of St Gerald repeatedly moved his right arm from his breast to cover his genitals out of modesty:

‘When his body had been stripped for washing, Ragembertus and other servants who were performing the duty put both his hands on his breast, when suddenly his right arm extended itself, and his hand was applied to his private parts so as to cover them. Thinking this had happened by chance they bent the hand back to the breast. But again it was extended in the same way and covered his private parts. They were amazed, but wishing to understand the matter more carefully they bent the arm back a third time and put the hand back with the other on his breast. Immediately with lightning speed it sought the same parts and covered them’ (Sitwell 1958, 170).

St Gerald of Aurillac is eventually shrouded, which preserves his modesty enough that his corpse is in fact buried with both hands on the breast; however the burial position with one or both arms covering the genitals is so common in Western European medieval burials, that it is not unreasonable to conjecture that the position may be related to this notion of modesty, even after the soul has left the body. Such a position became more common from the eleventh century and into the later Middle Ages. Therefore, the interpretation of burial position when the hands or wrists are crossed in front is largely based on context and influenced by the interpretation of the excavator. A supine and extended individual with arms crossed over the pelvis buried west-east in a coffin in a church cemetery amongst other coffined supine extended individuals, such as B399 from St Oswald’s Priory Gloucester (Heighway and Bryant 1999; Figure 5.3), is less likely to be an executed criminal than the same individual buried without the coffin amongst clearer examples of deviant burials, where the individuals may be buried prone and have arms crossed behind their backs as well as across the front. The crossing of the arms behind the back does not commonly occur in the context of normative Christian burial and it does not appear to have any pious intentions. Arms crossed in the front were considered in this study, but only with the funerary context taken into account.

Many excavators regard individuals with crossed or touching ankles as an indication of bound lower limbs. It is possible that some medieval criminals would have been bound at



Figure 5.3. Burial B399 from St Oswald’s Priory, Gloucester demonstrates the arm position with the hands folded over the pelvis (Heighway and Bryant 1999, 210).

both hands and feet – tying the feet together would have inhibited escape even more than the binding of hands would have done, and may have avoided the executioner or audience being kicked by a gallows victim in the throes of death. However it is not unlikely that the feet of a decaying corpse might shift closer together over time, inviting the notion that they were once bound together, and so the significance of the close positioning of the feet is not conclusive proof of binding. In William of Malmesbury's account of Harold and his party landing in Normandy and being taken captive, he states that 'their hands were bound and their feet shackled' (Mynors, et al. 1998, 419). It is, thus, possible that the shackling, rather than the binding, of feet was more common practice. In Lantfred of Winchester's late tenth-century *Translatio et Miracula S. Swithuni*, a slave girl awaiting punishment for a minor offence also had her feet bound in shackles, however she was freed by St Swithun before she could be brought to her place of punishment (Lapidge 2003, 289-91; Appendix B, no. 8). However, shackles, being of higher value than rope, were more likely to have been removed prior to burial, or even prior to the parading of the criminal to the place of execution.

There are rare examples of individuals buried with their feet shackled. Individual 249 from the twelfth- through possibly sixteenth-century hospital cemetery at St Nicholas, Lewes was buried wearing an iron shackle (Barber and Sibun 2010, 22-32). Another individual exhibited ulcers on his legs from wearing chains for a long period of his life, and it is thought by the excavators that chains and manacles were kept by the hospital for 'restraint of the violently insane' (Barber and Sibun 2010, 35-36). No explanation is provided for why the shackles were not removed before burial. However, iron shackles and chains were also often used as a device for penance. The twelfth-century *History of Evesham Abbey* relates a miracle in which St Ecgwine bound his feet in iron shackles, threw the key in the River Avon, and made a pilgrimage to Rome 'emulating Peter who walked on the water, and Paul who gloried in his chains' (Sayers and Watkiss 2003, 13). Ecgwine makes his way to Rome with the fetters around his feet where the key he had discarded was found inside the gut of a fish and he was able to release himself. The same chronicle records the tale of a penitent man who bound himself in nine iron chains around various parts of his body, and went on a pilgrimage to the shrines of many saints, until finally St Ecgwine freed him from his binds (Sayers and Watkiss 2003, 65-67). This suggests that individuals buried in shackles might not necessarily indicate offenders in the eyes of the law, but very possible sinners in the eyes of God or even extraordinarily pious Christians. Therefore, as the identification of bound lower limbs seems more tenuous than that of the upper limbs, and since it is highly unlikely a criminal would have been bound solely by the legs, crossed ankles have been noted but not considered indicative of a bound individual in this study.

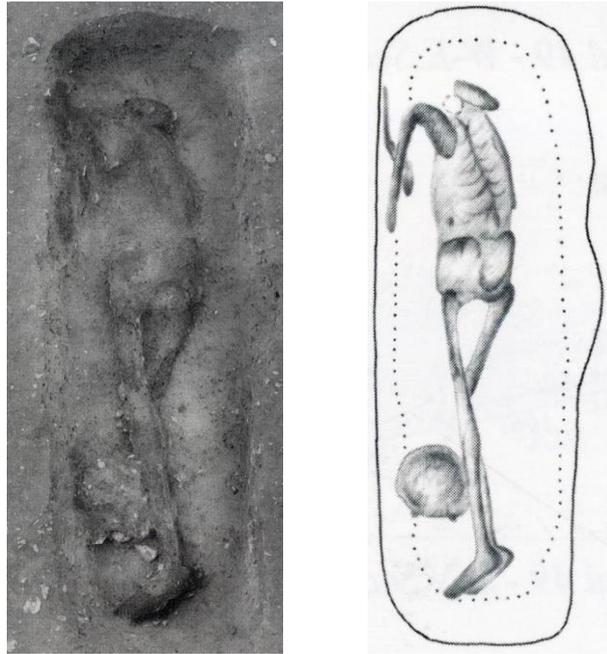


Figure 5.4. Burial 48 from the execution cemetery at Sutton Hoo was probably bound at the wrists at the time of burial and it is suggested by the excavators that the individual may also have been bound at the feet. (Carver 2005, 341). Reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press.

There are only three examples of individuals with crossed legs but not crossed arms from the Anglo-Saxon execution cemeteries: Burials 40 and 48 from Sutton Hoo and Skeleton S277 from Staines, all three of which were adult males. All three individuals displayed evidence of decapitation, so it is clear they were executed criminals. Burial 40 from Sutton Hoo was positioned on the right side with the legs flexed, the right foot tucked under the left. Unfortunately, because of the unusual preservation at Sutton Hoo, the individual's left arm is 'indistinct', so it is impossible to determine whether the arms might have been crossed (Carver 2005, 334). Burial 48 was prone with the legs extended and together, although the right leg was slightly flexed (Figure 5.4). The arms do not appear to be bound, and the legs simply being together appears more coincidental than even the position of Burial 40 (Carver 2005, 339). The individual found at Staines was prone, the ankles crossed right over left, but with the left leg flexed (Hayman and Reynolds 2005, 222; Figure 5.5). Such a position could possibly indicate binding at the time of burial, but, as the excavators themselves suggest, could also be 'coincidence', meaning that the proximity of ankles may have been a result of careless burial rather than suggestive of binding. Like Burial 40 from Sutton Hoo, Skeleton S277 was missing his left arm at the time of discovery, most likely due to post-depositional disturbance, so it is impossible to know if the hands were bound.

A significant issue with relying on original burial position for information is that many of the sites being examined, execution cemetery and Christian churchyard alike, had long periods of heavy use. In such situations later burials often cut through the graves and

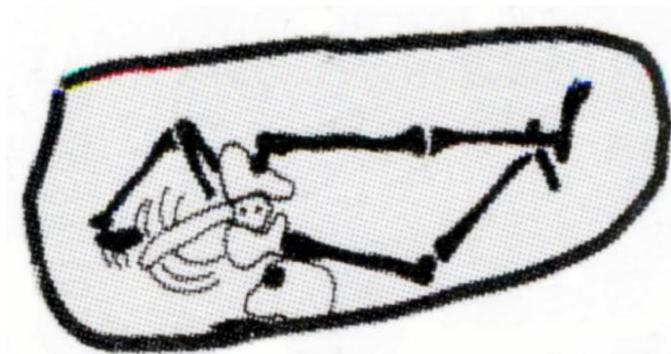


Figure 5.5. Skeleton S277 from the execution cemetery at Staines displays (Hayman and Reynolds 2005, 221). Reproduced by permission of the Royal Archaeological Institute.

skeletons of earlier interments, perhaps accidentally or possibly out of indifference to earlier burial rites. This is less frequent in some churchyards which had ample space or were in existence for a finite period and were not built upon by later structures, yet most medieval Christian cemeteries display some degree of destruction to earlier graves. In the execution cemeteries, a single burial location was being utilised repeatedly for the burial of criminals in shallow unmarked graves, so it is inevitable that some previous burials would be disturbed by later interments. Unfortunately, this means that not all bound individuals are likely to be identified, as they may have been disturbed to the extent that their hand position no longer remains either identifiable or how it appeared at the time of interment.

ANGLO-SAXON BOUND DEVIANTS

There are seven sites from the Anglo-Saxon period at which a total of seventy-three potentially bound individuals appear to have been buried. The seven sites – Chesterton Lane (Cambs), Guildown (Surrey), Meon Hill (Hants), Old Dairy Cottage (Hants), Staines (Middx), Stockbridge Down (Hants), and Sutton Hoo (Suffolk) – can all be securely dated to the late Anglo-Saxon period and all fit the execution cemetery typology. Each cemetery contains other forms of deviance including decapitations and prone burial.

Osteological Evidence

Demographic data was not provided for 52.78% (or thirty-eight) of the individuals, comprising most of the individuals from Guildown and Stockbridge Down, both of which were investigated in the 1930's, and the osteological reports lack specific osteological data for individual skeletons. The published report on the Stockbridge Down excavations provides information for only four individuals (Nos. 18, 32, 33 and 38) and the general analysis for all of the burials is that 'all the bones are believed to be those of men, chiefly in the prime of life' (Hill 1937, 248). The report from Sir Arthur Keith on the skeletons from Guildown contains

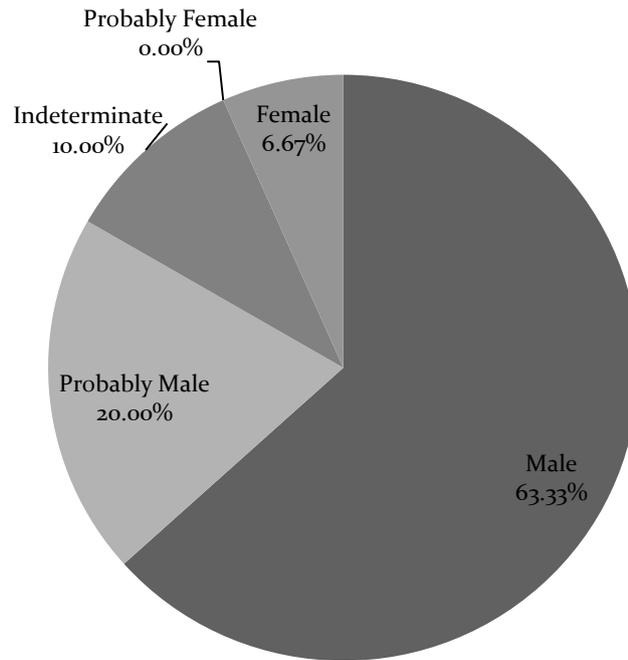


Figure 5.6. Sex Ratio Among Bound Anglo-Saxons. Graph demonstrating the sex ratio among individuals buried with wrists bound at Anglo-Saxon cemeteries.

very little information (Lowther 1931, 46-7). His notes were obtained from the Royal College of Surgeons (see Appendix D), but it has become apparent that he only examined a selection of skeletons; whether by his own choice or because this was all that was provided to him is not clear. Four individuals (5.56% of the entire bound dataset) were of unknown sex, due to the preservation of the bones or completeness of the skeleton.

Of the remaining of individuals (30) with bound arms that were able to be analysed in published reports, three individuals (10.00%) were indeterminate because the skeletal features did not present a clear sex profile (Figure 5.6). Nineteen (63.33%) of the remaining examined individuals were definitively male and six individuals (20.00%) were probably male. There were two females (6.67%) from the sample of examined skeletons from Guildown, Graves 141 and 149. While there are no contemporary historical sources which record the hanging of women, it is possible that hanging did not have the masculine connotations that decapitation seems to have had (see Chapter 4) and was perceived as more suitable for both genders.

The reports on Guildown and Stockbridge Down do not provide much information about the ages of most of the individuals buried there either. In addition, one individual from Sutton Hoo (Burial 49) could not be aged due to preservation. All but two (6.06%) of the rest were firmly in their adult years at the time of death (Figure 5.7). Inhumation 6 from Chesterton Lane was aged between 6 and 11 at the time of death, and Burial 37 from Sutton

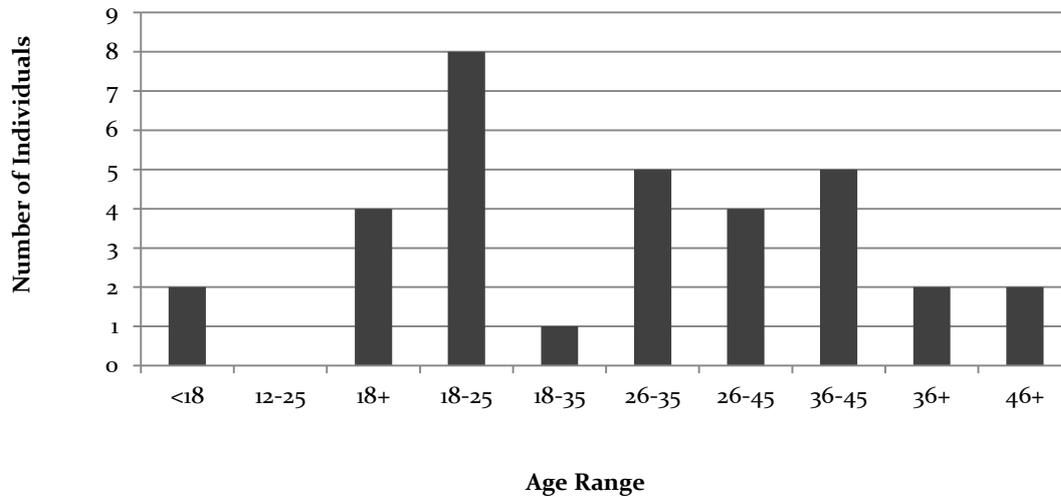


Figure 5.7. Age Range for Bound Individuals. Graph demonstrating the age range among individuals buried with wrists bound at Anglo-Saxon cemeteries.

Hoo was thought to have been anywhere from 15 to 25 years of age. Four individuals (12.12%) could not be aged any more specifically than adult. Only eight individuals (24.24%) were definitely between the ages of 18 and 25, but twenty-three individuals (69.70%) were between 18 and 45. Similar to the demographic profile of decapitation victims, the age range is slightly skewed toward young adults, however after this the demographics are more evenly distributed into old age.

Similarly to the victims of decapitation at these execution cemeteries, there were very few instances of peri-mortem trauma (excluding the six individuals who were decapitated – Meon Hill Skeleton Nos. 1, 7 and 9, Old Dairy Cottage Skeletons 560 and 575, and Sutton Hoo Burial 48). Skeleton No. 1 from Meon Hill, a decapitation victim who was also buried bound, had a cracked skull. The only other evidence for trauma was a set of small holes found on the pelvic bones of No. 168 from Guildown, which were suggested to have been created by a pronged instrument. It is not specified whether these holes were thought to be ante-mortem or peri-mortem (Lowther 1931, 42). The absence of peri-mortem trauma corroborates the suggestion that these too were victims of planned and probably judicial execution, rather than murder or death as some sort of captive.

Funerary Evidence

Two categories of bound arms have been recognised in this study. The more convincing category is arms that have been noted as being crossed at the wrists or having the hands together. The second category is arms which are thought to have been tied because of their

close proximity. This latter category includes those individuals for whom the actual crossing of the wrists was not visible because the arms converged underneath the torso or pelvis at the time of discovery and also those individuals for whom the published report provides a slightly ambiguous description of the arm position. The Guildown report mentions fifteen individuals who were supine with the hands behind the back (Graves 148, 149, 151, 164, 167, 170, 171, 172, 178, 179, 182, 203, 209, 211, 212) which implied that they had been bound; the Staines report records three individuals in similar burial positions (S395, S432, S441); at Stockbridge Down were two supine individuals with the hands to the back (Nos. 2 and 28) and one prone with the arms underneath the front of the pelvis (No. 14); the final two examples of individuals buried with arms beneath the body were found at Sutton Hoo (Burial 49 with the arms behind and Burial 25 prone with the arms to the front), where it was impossible to clarify the position of the wrists underneath the body due to the unusual preservation of the bodies as sand forms and stains. Yet, despite the limited evidence, and the difficulty, in some cases, of being certain about the precise position, burial with the arms underneath the torso or pelvis is only found in otherwise deviant contexts.

Arms that are recorded as having been crossed at the wrists in front of the pelvis are also considered in this study to have been potential victims of binding. As previously stated, this is a troublesome position to interpret, because crossing the hands rather than the wrists over the pelvis or folding the arms across the stomach are not uncommon positions adopted for Christian burial, and they became even more common in the eleventh and twelfth centuries. It is due to this difficulty in interpretation that not only the excavators' descriptions of the burials, but their interpretation, must be relied upon to a large extent. However, images and descriptions can help to distinguish between pious Christian and



Figure 5.8. An illustration of Skeleton No, 7 from Meon Hill shows the hands crossed slightly off-centre of the body (Liddell 1933, 134). Reproduced by permission of the Hampshire Field Club.

deviant positions. The previously discussed Skeleton No. 4 from Meon Hill is a good example of this, but so is No. 7 who is described as having the wrists crossed in front, 'level with [the] crest of [the] ilium – probably bound' (Liddell 1933, 135). The illustration (Figure 5.8) reveals that the crossed wrists are off to the side of the body, rather than covering the genital area or with the arms across the abdomen. Similarly the wrists of Skeleton No. 20 from Stockbridge Down 'were crossed in front and rather to the right side of the pelvis' (Hill 1937, 247). The arm position of both of these individuals, being slightly off to the side of the pelvis, suggests that this was not an intentional position to indicate piety but a consequence of the arms being connected at the wrists at the time of burial, supporting the author's interpretation.

It is notable that the majority of bound individuals were found with their arms bound behind the back (63.89%, whereas only 33.33% had their arms to the front and 2.78% had their arms in another position). This shows that there is a definite bias toward binding the arms behind the individual. Grave 159 from Guildown and Individual 27 from Stockbridge Down provide clear examples of burial with the hands together behind the pelvis (see figures 5.9 and 5.10 respectively). There were two individuals whose hands were found together, but neither behind nor in front of the body. The head of the individual in Grave 169 from Guildown, who may have been mutilated prior to burial, was found separate from the body as were both arms, the hands of which remained together, a position which could only have been maintained if the wrists were bound (Lowther 1931, 42). The suggested mutilation of this individual will be discussed in Chapter 6, however even if this was post-mortem disturbance the position of the hands probably indicates that the hands remained bound at the time of burial. Inhumation 6 from Chesterton Lane was also found in an unusual position – prone with the hands above the head, the skull resting on the right arm (Cessford 2007, 210). The proximity of the hands may indicate that they had been bound at the time of burial, probably in front, or the positioning of the arms could merely be the result of the body being



Figure 5.9. Grave 159 from Guildown containing an individual buried prone with the hands together behind the back (Lowther 1931, Plate XII). Reproduced by permission of the Surrey Archaeological Society.



Figure 5.10. Individual 27 from Stockbridge Down was buried with arms crossed at the wrists behind the back (Hill 1937, Plate IX). Reproduced by permission of the Hampshire Field Club.

thrown into the grave.

Some accounts of Anglo-Saxon punishment mention the binding of criminals, but rarely in detail. Asser's *Life of Alfred* mentions the execution of two clergymen and their servants who attempted to murder their abbot. They were 'captured and bound and underwent a terrible death through various tortures' (Keynes and Lapidge 1983, 105; Appendix B no. 1). This is the only Anglo-Saxon written source to mention torture as a form of execution; in fact, with the exclusion of hagiography, there are few passages referring to torture, as in corporal punishment for the sake of information or excessive brutality, in the Anglo-Saxon corpus. Two criminals saved by St Swithun were also bound after capture, although in their cases the binding was definitely related to imprisonment prior to the administration of punishment. A man who was given sheaves of the king's wheat without the royal steward's permission was fettered to a pillory, which suggests that he would have had to have been released before his decapitation (Lapidge 2003, 314-17, 519-27; Appendix B no. 11). However the record of the slave girl who was to be flogged for a minor offence, mentioned above in regard to her leg shackles, suggests a bit more mobility in the manacling of her hands and the shackling of her ankles (Lapidge 2003, 289-91, 468, 597; Appendix no. 8). As discussed previously in regard to leg shackles, there is little evidence that offenders were regularly buried with their shackles still in place, and there is no evidence for such objects of constraint at any of the execution cemeteries. If shackles, manacles, chains and fetters were often used to bind offenders throughout the execution, it is possible that a fair

number of the individuals buried at execution cemeteries without bound wrists – which is 78.72% of the overall burials and 55.21% of the burials with other deviant characteristics – might have been bound during execution with iron bindings which would have been removed before burial.

There is some manuscript evidence for binding the wrists during captivity. The aforementioned image of martyrs being decapitated BL MS Harley 603 f. 59 depicts the hands tied in the front (Figure 5.11). However the Anglo-Saxon BL MA Cotton Claudius BIV f.59r image of the Pharaoh hanging his baker shows the baker swinging from the gallows with his



Figure 5.11. BL MA Harley 603 f. 59, c. 1000 x 1050, depicts the execution of Christians by decapitation. The individuals being decapitated has his hands bound in front of his body. ©British Library, London



Figure 5.12. BL MS Cotton Claudius BIV f. 59r, c. 1025 x 1150, depicts a baker being hanged in the running noose style. ©British Library, London

hands tied behind his back and his legs free (Figure 5.12). It is possible there is a correlation between the method of execution and how the hands are tied, but there are insufficient data to make such a suggestion. It was also shown in the previous chapter that only 9.68% of decapitated individuals were still bound when placed in the grave. Many more may have been bound at the time of execution, but had the bindings cut off prior to burial; however it is impossible to know if this is indeed the case.

There is one individual from Sutton Hoo (Burial 38), which does not provide evidence of hanging, but does potentially display a very unusual use of binding.⁶⁹ The body was positioned on its back with the knees brought up to rest on each shoulder, the legs falling outwards. The left arm was across the chest and the right arm beneath the folded right leg (Figure 5.13). The excavators propose that this individual was likely to have been bound in some way, as the position would have been nearly impossible to maintain through decomposition. At the very least the victim was somehow forced into this position prior to rigor mortis setting in (Carver 2005, 324). An organic stain was also found in the burial which could have been made by a degraded stick, but equally could have been a fragment of the cord used for binding. This use of binding in this case may hint that the practice was more

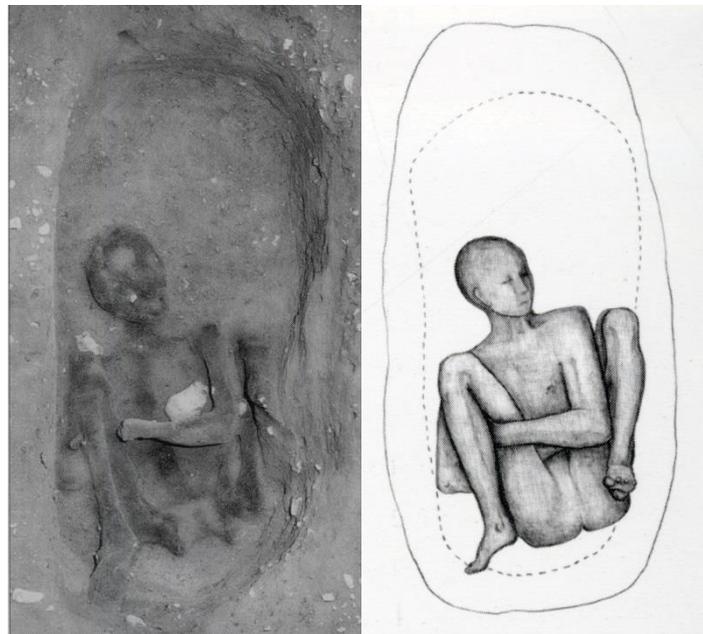


Figure 5.13. Burial 38 from Sutton Hoo would probably have had to have been bound in some fashion at the time of burial for the corpse to have maintained such a contorted position through decomposition (Carver 2005, 321, 326). Reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press.

⁶⁹ This individual has been excluded from the above demographic comparison, as this sort of binding is exceptional.

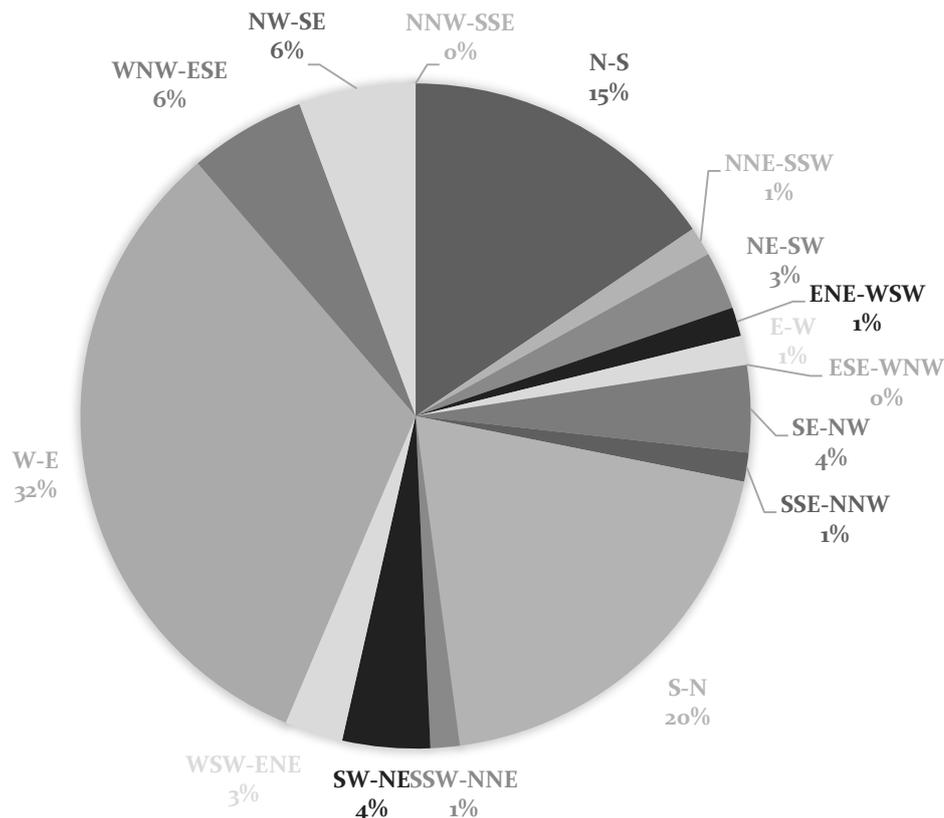


Figure 5.14. Direction of Bound Burials. Graph showing the distribution of grave orientation for bound individuals in Anglo-Saxon execution cemeteries.

than just for convenience and the sake of captivity, but may have had further implications with respect to the humiliation of the deceased or it may even suggest the use of torture. There are, however, no other obvious examples of this treatment in the execution cemeteries.

Overall there is fairly extensive archaeological evidence for certain individuals having been buried with their hands tied together in the Anglo-Saxon period. These individuals were primarily men between 18 and 35 years of age at death, who (aside from the few examples of decapitation) died by means that left no distinctive osteological markers. They were buried in shallow graves, many with unorthodox orientation, in unconsecrated ground. Typically for an Anglo-Saxon execution cemetery, the burials were generally shallow and narrow and many were unusually orientated (see Figure 5.14). The most common grave orientation among the bound individuals is actually the normative orientation of W-E; however only 32% were buried in this direction. The rest of the burials were orientated in a variety of directions, the next two most common orientations being S-N (20% of individuals) and N-S (15% of individuals). Therefore the evidence points to these individuals having been executed criminals.

ANGLO-SAXON PUNISHMENTS

A man could lose his life in Anglo-Saxon England for many reasons, including theft, treason, harbouring an outlaw, and creating counterfeit coins (see Chapter 2 for a full discussion of the exact punishments and crimes). As previously stated, the punishments prescribed in law-codes usually refer to death generically, but specific punishments are occasionally referenced.

Drowning, Stoning, Burning and Being Thrown from a Cliff

The majority of unusually specific punishments occur in the same one clause, IV Æthelstan 6 on theft. If a free woman commits theft she was to be thrown off a cliff or drowned, a male slave was to be stoned by eighty other slaves, and a female slave was to be burned similarly by the logs brought by eighty other slaves:

And if there is a thief who has committed theft since the Council was held at Thundersfield, and is still engaged in thieving, he shall in no way be judged worthy of life, neither by claiming the right of protection nor by making monetary payment, if the charge is truly substantiated against him – whether it is a freeman or a slave, a noble or commoner, or, if it is a woman, whether she is a mistress or a maid – whosoever it may be whether taken in the act or not taken in the act, if it is known for a certainty – this is, if he shall not make a statement of denial – of if he charge is proved in the ordeal, or if his guilt becomes known in any other way.

§ 4. In the case of a free woman, she shall be thrown from a cliff or drowned.

§ 5. In the case of a male slave, sixty and twenty slaves shall go and stone him. And if any of them fails three times to hit him, he shall be scourged three times.

§ 7. In the case of a female slave who commits an act of theft anywhere except against her master or mistress, sixty and twenty female slaves shall go and bring three logs each and burn that one slave (Attenborough 1922, 149-51).⁷⁰

Being thrown from a cliff is a manner of death for which it is likely there could be osteological indicators if the cliff was high enough. Whether a cliff with land below or a sea cliff, a number of bones would have broken upon impact. The wounds gained from falling from a great height would be blunt force wounds, mostly compression fractures. Rather than the thin and deep wounds that sword cuts leave, blunt force causes bone to dent and

⁷⁰ [De fure capto, qui personam vel locum pacis adierit.]

Et sit fur qui furatus est postquam concilium fuit apud Dunresfeld vel feretur, nullo modo vita dignus habeatur; non per socnam, non per pecuniam, si per verum reveletur in eo; sit liber, sit servus, sic comitum, sic villanorum, sit domina sit pedissequa, sit quicumque sit, sic handhabbenda, sic non handhabbenda; si pro certo sciatur – id est si verbum non dixerit ut andasca si – vel in ordalio reus sit, vel per aliud aliquid [culpabilis] innotescat. ... §4. Si libera mulier sit, præcipitur de clivo vel submergatur. §5. Si servus homo sit, eant sexaginta et viginti servi et lapident eum. Et si colpus alicui fallat ter, verberetur et ipse ter. §7. Si serva ancilla sit et ipsa furetur alicubi præterquam domino suo et dominæ suæ, adeant sexaginta et viginti ancillæ et afferent singulæ tria ligna et comburant eam unam ancillam' (Attenborough 1922, 148-50).

splinter, often creating radiating fractures around the wound (Boylston 2000, 361; Aufderheide and Rodriguez-Martin 1998, 20; Novak 2000, 93). It is osteologically recognisable if such an injury caused death because if a bone breaks at the time of death it appears different from either a healed break or a post-mortem break. However, none of the bound individuals from the late Anglo-Saxon period had peri-mortem trauma which would suggest such a fall.

There are no osteological indicators for drowning. Drowning is essentially caused by asphyxiation as the victim's airway is blocked by a constant influx of water at the same time as the body is attempting to regurgitate the water which has already entered the body (Szpilman et al. 2010, 2102-3). The only contemporary account of drowning as capital punishment was indeed of a woman, executed in the second half of the tenth century for murder by witchcraft (Appendix B no. 7). The account is found in a charter covering land negotiations, because her land was forfeited as a consequence of her crime:

The estate at Ailsworth had been forfeited by a widow and her son, because they drove an iron pin into Ælfsige, Wulfstan's father, and it was discovered, and the deadly image was dragged out of her room. Then the woman was taken and drowned at London bridge, but her son escaped and became an outlaw (Robertson 1956, 69, no. 37).⁷¹

In medieval literature, drowning is viewed as a form of death appropriate for non-Christians and sinners. Daniell (1997, 73) emphasises this belief, stating 'Death by drowning was not considered a symbolic baptism. Those who drowned died in a terrified state and "lost" their souls.' On one hand this seems an incredibly appropriate death for sinners, especially those suspected of heresy or being heathens. In the tenth-/early eleventh-century Old English version of Exodus, the drowning of the Egyptians by the Red Sea is described as a violent and gory attack by God on 'the horde of the sinful': 'completely surrounded, they lost their souls, that army white with terror at the deluge, when they bowed to the pent-up mass of dark water, a most enormous and violent wave,' and 'the terrible tumbling of the waves brought darkness upon them, and none of the army came home' (Bradley 1982, 62-3).⁷² This passage illustrates the fate of heathens, not the salvation achieved by the death of a Christian martyr.

The twelfth-century historian Henry of Huntingdon, in his *Historia Anglorum*, wrote of the deaths of Henry I's sons at sea, who 'deserved it' because they 'were said to be tainted with sodomy':

⁷¹ '... land æt Ægeleswyrðe headed an wyduwe 7 hire sune ær forwyrft forþanþe hi drifon serne stacan on Ælsie Wulfstanes feder 7 werð æreafe 7 man the morð forð of hire inclifan . þa nam man wif 7 adrencte hi æt Lundene brigce 7 hire sune ætberst 7 werð utlah' (Robertson 1956, 68).

⁷² 'synfullra sweet' (l. 497); 'Sawlum lunnon fæste befarene, flodblac here, siððan hie onbugon brimyppinge, modwæga mæst' (ll. 495-500); 'Him ongen genap atoll yða gewealc, ne ðær ænig becwom herges to hame' (ll. 455-57) (Lucas 1977, 132, 135-36)

In the year of grace 1120, when all were subdued and pacified in Gaul, Henry joyfully returned to England. But in the same sea-crossing, two of the king's sons, William and Richard, and the king's daughter and his niece, as well as many of the king's nobles, stewards, chamberlains, and butlers, and Earl Richard of Chester, were shipwrecked. All of them, or nearly all, were said to be tainted with sodomy and they were snared and caught. Behold the glittering vengeance of God! They perished and almost all of them had no burial. And so death suddenly devoured those who had deserved it, although the sea was very calm and there was no wind (Greenway 1996, 467).⁷³

In many of these portrayals of drowning, part of the condemnation of the deceased individual is the loss of the body at sea. The fact that the body could not be provided with a proper Christian burial reinforced the notion that the drowned individual was a sinner (Daniell 1997, 71-5). Therefore, while it is possible that the bound individuals found in Anglo-Saxon execution cemeteries were victims of drowning, it is equally possible that the bodies of those women drowned for theft were not intended to be recovered for burial.

It is likely that a stoning by twenty-six slaves was intended as a death penalty, especially given the fatal punishments for the others who committed the same crime of theft. Another clause, VI Æthelstan 6.3, also mentions stoning for a slave who attempts to run away (Attenborough 1922, 161). It is possible that heavy stones with a great deal of force behind them might cause broken bones. These would again be blunt force fractures. However, the cause of death in most stoning situations will be the result of bleeding, both internal and external (Boylston 2000, 364). Such injuries would not be apparent on the skeleton. There seems to be little reference to stoning in historical literature. The twelfth-century historian William of Malmesbury, in *Gesta Regum Anglorum*, and Eadmer's similarly dated *Historia Novorum* both refer to an incident in which the Archbishop of Canterbury is stoned and axed by the Danes (Mynors et al. 1998, 272-3; Bosanquet 1964, 5); however, this situation is part of a Danish raid rather than an example of legal justice, and, in any case, it seems as if death was actually achieved by the axe blow rather than the stoning.

There is a mention of burning to death in the Anglo-Saxon poem *The Fortunes of Men*, found in the eleventh-century *Exeter Book*: 'One fire shall do to death on the pyre; greedy flame shall consume the doomed man, red fierce incandescence, where severance from life come quickly, and the woman weeps who sees the flames engulf her child' (Bradley

⁷³ 'Anno Mcxx gratie, omnibus domitis et pacificatis in Gallia, cum gaudio rediit Henricus in Angliam. Sed in ipso maris transit, duo filii regis – Willelmus et Ricardus – et filia regia, et neptis, necnon multi proceres, dapiferi, camerarii, pincerne regis, et Ricardus consul Cestrie, naufragati sunt. Qui omnes, uel fere omnes, sodomitica labe dicebantur, et erant irretiti, Ecce coruscabilis Dei uindicta! Deperierunt etenim et omnes fere sepultura caruerunt. Inprouise igitur mors absorbit emeritos, cum mare tranquillissimum uentis careret' (Greenway 1996, 467).

1982, 342).⁷⁴ This passage comes directly after that about a hanged man, so it is possible that this pyre is for judicial execution. It is certainly not a funeral pyre, as the fire seems to be actively taking the life of the victim. William of Malmesbury wrote in his *Vita Dunstani* that ‘Female poisoners, and women who forgot marriage ties so far as to murder their husbands, were burned’ (Winterbottom and Thompson 2002, 257).⁷⁵ This is a later source, so cannot be entirely relied upon for accuracy in Anglo-Saxon prescribed punishment; however, it is notable that, just like Æthelstan’s law, William refers to the punishment as appropriate for women. While decapitation seems to have been a traditionally masculine, or de-masculinising, punishment (see Chapter 4), it is possible that burning was reserved for women. This was certainly the case in the later Middle Ages for women convicted of treason, because hanging, drawing and quartering was thought to be too immodest in the amount of bodily exposure necessitated by the punishment (Gatrell 1994, 316).

Being burnt to death, however, should leave marks on the bone. Whether burned just until death or burned to cremation, the resultant burial should contain a number of recognisably charred bones, which exhibit a range of colour changes from brown to chalk-white as well as a certain amount of shrinkage from the intensity of the heat (Correia 2006, 276-7). Individuals from the Viking massacre at St John’s College provide excellent examples of individuals presumed to have been killed in a fire. The corpses found were preserved bone and not ash. A number of the skeletons had charring on the bones, but no such burning was found in the soil surrounding the bodies, suggesting the individuals encountered fire prior to burial, not as part of the actual interment (Pollard et. al. 2012, 84). That the fire was not hot enough and did not burn long enough to cremate the bones of these men, indicates that the fire was a peri-mortem event and part of their deaths. No such charring was found on any of the individuals that display evidence of binding, or in fact any of the other individuals, at execution cemeteries. Either criminals burned to death were not buried in execution cemeteries with other criminals or it was not a very common punishment. The absence of burning from the law-codes, aside from this single clause, is possibly very telling, and perhaps suggests that it was not a common capital punishment.

Slaying

Usually, in the Anglo-Saxon law-codes, the mechanism of death is not specified: for instance ‘he shall forfeit his life’ (*sie he his feores scyldig; beo his feores scyldig*); ‘it shall be for the king to decide whether he shall be put to death, or permitted to live’ (*sie ðæt on cyninges dome,*

⁷⁴ ‘Sum[ne] on bæle sceal brond aswencan fretan frecne lig fægne monnan þær him lifgedal lungre weorðeð read reþe gled reoteð meowle seo hyre bearn gesihð brondas þeccan’ (Mackie 1934, 28, ll. 43-47).

⁷⁵ ‘Veneficæ, et quæ caritatem conubii oblita uiros necassent, incendio datae’ (Winterbottom and Thompson 2002, 256).

swa deað swa lif); ‘he shall in no way be judged worthy of life’ (*nullo modo vita dignus habeatur*) (Attenborough 1922). Occasionally, however, the mechanism of death is stated as being slain (usually a variation of *slea* or, in the few codes written in Latin, *occidere*). In I Æthelred 4 and II Cnut 33.1a a suspicious person who has no surety will be ‘slain and buried in unconsecrated ground’, as will anyone defending such a person (Robertson 1925, 55, 193). III Æthelred 8 states that a coiner producing false coin will also be slain. While the Latin *occidere* has a judicial connotation, neither *occidere* nor the Old English *slea* signifies a specific manner of death. The potential intended meaning of this word as a possible synonym for decapitation was discussed in the previous chapter, with an uncertain conclusion. Here it will be considered for other potential meanings.

III Edmund 4 juxtaposes slaying with hanging: ‘And we have declared with regard to slaves that, if a number of them commit theft, their leader shall be captured and slain, or hanged, and each of the others shall be scourged three times and have his scalp removed and his little finger mutilated as a token of his guilt’ (Robertson 1925, 15).⁷⁶ In setting the punishment of being slain aside from that of being hanged, it appears that it does not refer to the death penalty in general but perhaps death by sword. If it is not a reference to decapitation, which the archaeology reveals as a practiced punishment, other manners of sword death must be considered.

Theoretically, if someone was killed by having a sword thrust into their torso, there should be osteological evidence. It is, of course, possible for the sword to damage the internal organs without hitting the ribs or the anterior vertebral face, but not every time. It would be very difficult to consistently miss every bone in the torso area, especially considering the lack of professional executioners at this time. Such wounds would be v-shaped, and would either be long and thin with one polished edge if the edge of the blade had caught a rib, or narrow and deep if the tip of the blade was stabbed into the bone (Sauer 1998, 323; Novak 2000, 93). Preservation of the ribs for osteological analysis is not usually an issue; sharp force wounds on ribs have been found at prehistoric sites, such as Shanidar Cave, France (Churchill et al. 2009), Cerro Cerrillos and Pacatnamu in Peru (Klaus et al. 2010, 1108–1111; Aufderheide and Rodriguez-Martin 1998, 44) and Stonehenge, England (Boylston 2000, 366), as well as the medieval site of Sandberjet, Sweden (Kjellström 2005, 42).

The most contemporary example to the Anglo-Saxon period of identifiable sharp force trauma on the ribs is the cemetery at St Andrew, Fishergate in York, at which several men with blade wounds from throughout the medieval period were buried. Nineteen, out of the thirty-four individuals exhibiting sharp force trauma, had blade wounds on the ribs.

⁷⁶ ‘*Et dictum est de servis: si qui furentur, senior ex eis capiatur et occidatur vel suspendatur, et aliorum singuli verberentur ter et extoppentur, et truncetur minimus digitus in signum*’ (Robertson 1925, 14).

Many of the injuries were in the area of the lower back, and were thought to have been caused by a sword stabbed in the back, perhaps after the victim had been felled and was lying on the ground (Stroud and Kemp 1993, 237-40). The men buried at St Andrew's, Fishergate were thought to have received their wounds in battle, but it is this same thrusting of the blade into the torso that is under consideration as a method of execution. None of the bound victims display any sort of similar trauma. There is, of course, the question of the quality of osteological examination on the specific sites in this study; all of the sites provide an analysis, albeit not always a detailed analysis, of the vertebral trauma in regard to decapitation, so other sharp force trauma should not have entirely escaped notice.

The other option as an interpretation of 'slain' is throat-slitting. There were two individuals from Walkington Wold (Skeleton 7 and Skull 8) who were thought to have been decapitated, but actually display thin cutmarks to the front of the throat as if their throat may have been slit or as if they were decapitated carefully from the front (Buckberry 2008, 155, 162; Buckberry and Hadley 2007, 319). It is possible that they might be example of 'slayings' as capital punishment; however their heads were ultimately separated from their bodies, and they are the only two examples of such treatment uncovered from Anglo-Saxon execution cemeteries, and to my knowledge from any late Anglo-Saxon cemetery. While there are historical references of Anglo-Saxon capital punishment which use the word 'slain' (see Appendix B nos. 16, 18 and 19), there are no accounts which describe a judicial execution by a sword-thrust to the torso or slitting of the throat with a knife. The lack of osteological evidence for the former precludes it as a common method of execution, and as for throat-slitting, it is possible, but not plausible, that it was commonly used. It seems that 'slain' may, after all, indicate a number of different manners of death, possibly specifically with a blade or sword, and definitely including, but not exclusively, decapitation.

Hangings

There are four codes which specifically mention hanging as a punishment. The early, seventh-century, laws of Ine (Ine 24) state that 'If an Englishman [living] in penal slavery absconds, he shall be hanged, and nothing shall be paid to his lord' (Attenborough 1922, 45).⁷⁷ In VI Æthelstan 6.3 it is stated that if a slave runs away he will be stoned, but if he 'gets clean away' he 'shall receive the same treatment as a Welsh thief or he shall be hanged' (Attenborough 1922, 161).⁷⁸ In III Edmund 4, if a number of slaves commit a theft, the leader

⁷⁷ *Gif witeðeow Engliscmon hine forstalie, hó hine mon ne gylde his hlaforde* (Attenborough 1922, 44).

⁷⁸ *Gif he hine þonne fostalde, þæt hine man lædde to þære torfunge, swa hit ær gecwedan wæs; scute ælc man þ[e] man hæfde swa pænig swa healfne be þæs gefersápes mænio, swa man þæt hine man forgulde be his wlites weorðe; we ealle hine áxodan. Gif we him þonne tócumon moston, þæt him man dyde þæt ylce þe man þam Wyliscean þeofe dyde, oððe hine man anhó* (Attenborough 1922, 161).

will be slain or hanged (Robertson 1925, 15).⁷⁹ The only clause not about the offences of a slave discusses the punishments of thieves under fifteen years of age. VI Æthelstan 12.1-2 states that no one should be put to death if he is under fifteen, but instead put in prison for a time or have his relatives stand surety for him. If after this initial punishment, he is caught again in the act of theft, 'he shall be slain or hanged as older offenders have been' (Attenborough 1925, 169).⁸⁰ While the first three clauses might seem to suggest that hanging was a punishment primarily used for slaves, the reference to hanging an under-aged thief in VI Æthelstan 12.2 'as older offenders have been' implies that hanging would have been a regular punishment for adult freeman as well. It is likely that many of these punishments which were specified in the laws, such as drowning, throwing the offender off a cliff, stoning, hanging slaves and under-aged thieves, and even to an extent decapitation, were mentioned because they were exceptional cases or uses of the punishment. VI Æthelstan 12.1 hints that it was probably widely known that hanging was a possible punishment for adult male freeman, so it did not need specification.

In this period the short-drop or running noose method of hanging would have been used (Gatrell 1994, 46; Poulton 1989, 81). Folio 59 of the MS Cotton Claudius depicts a running noose execution, where the victim is hoisted up by rope already around his neck (see Figure 5.12 above). The gallows is likely to have been similar to that depicted: two upright wooden posts with a cross-beam. It is possible that an even more make-shift version was often used, by simply dragging the rope across a tree branch (James and Nasmyth-Jones 1992, footnote 5; Waldron 1996, 115). For the short-drop the victim would have stood on a ladder, cart, or other such object which would have been removed from underneath, causing him to drop to his death. In both of these methods the arterial blood supply is cut off from the brain and the victim dies of strangulation (Poulton 1989, 81; Waldron 1996, 115; Aufderheide and Rodriguez-Martin 1998, 29). A thirteenth-century witness to a hanging gruesomely describes the resultant corpse by saying '[his] eyes were hanging out of their sockets and part of his tongue was sticking out of his mouth, clenched fiercely between his teeth, lacerated and black' (Bartlett 2004, 39).

There is rarely any evidence of dislocation or fracture of the cervical vertebrae in medieval hangings. It is only with a longer drop that broken necks tend to occur. The long-drop method of hanging, developed in the mid-nineteenth century, is thought to dislocate or fracture the neck thereby causing brain stem and spinal cord trauma. This has long been thought to result in a fracture in the area of the second and third cervical vertebrae, a wound

⁷⁹ *'Et dictum est de servis: si qui furentur, senior ex eis capiatur et occidatur vel suspendatur'* (Robertson 1925, 14).

⁸⁰ *'Gif he þonne ofer þæt stalie, slea man hine oððe hó, swa man þa yldran ær dyde'* (Attenborough 1925, 168).

known as the hangman's fracture (James and Nasmyth Jones 1992, 82-9; Waldron 1996, 115). Certain osteologists have argued for the visibility of these vertebral lesions on excavated skeletons from Anglo-Saxon execution cemeteries. Sir Arthur Keith argued for the presence of such a lesion on one of the skeletons from Guildown: 'one skull (that of a man) shows rupture of its base – a lesion which is found in death by hanging – with a long drop' (Lowther 1931, 46). Unfortunately he does not reference the specific skeleton nor provide any images of the lesion. Moreover, he seems fairly confused regarding the date of the skeletons and the history of the long drop method of hanging.

More recent and conclusive studies have shown that this fracture is not all that common in hanged victims (Waldron 1996, 116-7). James and Nasmyth Jones (1992) found that lesions only occurred in 19% of their sample dataset of modern hanged criminals. They also discovered that the presence of these lesions is irrelevant to the length of the drop. Fractures more prevalent in strangulation are found in the hyoid and thyroid, but even these fractures are inconsistent. Ubelaker (1992) found that on average studies discovered that fractures are present in hyoids in 8% of hangings and thyroids in 15% of hangings. Unfortunately preservation of the hyoid is rare, both because it is a smaller bone and because it is not articulated with any other skeletal elements (Ubelaker 1992, 1217-19).

While the osteological impact of hanging is minimal, there is supporting evidence from archaeological excavations and historical sources for its use as a form of Anglo-Saxon capital punishment. Physical evidence for gallows or gibbets was found at Stockbridge Down and Sutton Hoo. Two post holes, about two feet by three feet wide, were found in the midst of the execution burials at Stockbridge Down. Hill (1937, 252) is willing to suggest, but hesitant to confirm, that this is a gibbet. There is an absence of grave markers and no other structures were uncovered in this cemetery of unorthodox burials, which lends credence to the suggestion that this two-posthole structure may be a gallows. The postholes from Sutton Hoo were found in the centre of the Group 1 distribution of burials. The postholes were thought to belong to a gallows based on size and position; they were placed over a bole, and it is thought that this tree may have originally been used for hangings prior to the erection of the gallows structure (Carver 2005, 331, 348). Remnants of wood from the structure remained in the postholes and were able to be radiocarbon dated to somewhere roughly between AD 690 and 980 (at 95% probability). Just outside of the burial group and the gallows at its centre was a series of five shallower postholes, suggested to have been for a gibbet or perhaps holes for headstakes (Carver 2005, 331).

Hangings are not so much depicted in Anglo-Saxon historical sources as referred to or mentioned in passing, and almost always in a judicial context. The lack of detail or dramatisation of hangings perhaps implies that this method of execution was not embedded with extra political significance as decapitation may have been, but common enough and

well-enough known to the reader that it required no explanation or detail. In his *Gesta Regum Anglorum*, William of Malmesbury records, supposedly verbatim, a document of the privileges Edgar bestowed on Glastonbury church. The document states that,

The abbot and monks of said monastery are to have in their court the same liberty and power that I [Edgar] have in my own court, both in pardoning and in punishing, in absolutely every kind of business. But if the abbot or any monk of that place meets on a journey a thief being led to the gallows or any other capital punishment, he shall have the power in all my realm to snatch him from his impending peril (Mynors et al. 1998, 245).⁸¹

Saving criminals from the gallows was not an unusual privilege for the clergy to possess, and there were a number of opinions regarding how involved clerics should be in sentencing and supporting the death penalty. What is interesting in this passage is the continued differentiation of hanging and the gallows from other methods of execution, a theme already seen in the laws (specifically III Edmund 4). Here it is implied that thieves would generally be hanged, unless there were outstanding circumstances.

There seems to be only one account of execution in the Anglo-Saxon period that specifies that hanging was the mechanism of death, which is the previously discussed hanging of thieves c.925, recorded in Ælfric's *Lives of Saints* and by Abbo. Eight men attempted to steal from the church at Bury St Edmunds, and the deceased St Edmund froze them in place until they could be captured and brought to justice (Appendix B no. 3). Bishop Theodred ordered them hanged as punishment, but the detail of the actual execution is limited to 'Then they were all brought to the bishop, and he commanded men to hang them all on a high gallows' (Skeat 1881b, 331).⁸² After the execution St Edmund berates him for taking the life of the thieves, and Theodred regretted 'that he had awarded such a cruel doom to these unhappy thieves.'⁸³

The Old English poem, *The Fortunes of Men*, paints a rather gruesome picture of the fate for the victim of the gallows, matching Theodred's idea of hanging as a 'cruel doom':

One shall ride the high gallows and upon his death hang until his soul's treasury, his bloody bone-framed body, disintegrates. There the raven black of plumage will pluck out the sight from his head and shred the soulless corpse - and he cannot fend off with his

⁸¹ 'Eandem quoque libertatem et potestatem quam ego in curia mea habeo, tam in dimittendo quam in puniendo, in quibuslibet omnino negotiis abbas et monachi prefacti monasterii in sua curia habeant. Sit autem abbas uel monachus quislibet loci illius latronem, qui ad suspenium uel ad quodlibet mortis periculum ducitur, obuium habuerit in itinere, habeant potestatem eripiendi eum ab imminente periculo in toto regno meo' (Mynors et al. 1998, 244).

⁸² 'Hi wurdon þa ge-brohte to þam bisceope ealle and he het hí hón on heagum gealgum ealle' (Skeat 1881b, 330).

⁸³ '...þæt he swa reðne dóm sette þam ungesæligum þeofum' (Skeat 1881b, 330).

hands the loathsome bird of prey from its evil intent. His life is fled and, deprived of his senses, beyond hope of survival, he suffers his lot, pallid upon the beam, enveloped in the mist of death. His name is damned (Bradley 1982, 342).⁸⁴

Here the corpse of the criminal hangs rotting from the gallows as his eyes are pecked out by ravens. Yet even worse, 'His name is damned'.

Hanging would have been a horrible and humiliating death. The victim would have been paraded to the gallows with time enough to consider his pending death. He would have been hoisted up or dropped with the rope around his neck and hanged until he strangled to death, upon which his eyes popped out of his sockets, his tongue swelled up, and he voided his bowels. Then it seems his body would have been left there to rot, while his soul made its way to heaven with God's forgiveness, or more likely, hell, forever damned.

ANGLO-NORMAN BOUND DEVIANTS

From the mid-tenth to eleventh centuries the position of arms in Christian burials becomes far more varied. Churchyard excavations note a number of variations on typical arm placement, largely based on five main positions: both arms straight by the sides, both hands touching or crossed on the chest (often thought to be a position of prayer), both arms wrapped across the waist, both hands covering the pelvis, or some combination of these positions between the two arms (Magilton et al. 2008, 116-20; Stroud and Kemp 1993, 145-51;

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Figure 5.15. A selection of arm positions from the cemetery at St Andrew's Fishergate. These skeletons display the more common arm positions found in medieval Christian cemeteries: (from left to right) arms extended by the sides, arms bent with the hands folded on the chest, arms crossed over the pelvis, arms extended with the hands folded over the pelvis, one arm extended and the other across the stomach and finally a more 'modest' variation on the previous pose with one arm extended and covering the pelvis and the other bent across the chest (from Stroud and Kemp 1993, 146-47)

⁸⁴ 'sum sceal on geapum galgan ridan seomian æt swylte oþþæt sawlhord bancofa blodig sbrocen weorþeð þær him hrefn nimeþ heafodsyne sliteð salwignad sawelleasne noþer he þy facne mæg folmum biwergan laþum lyftaceapan biþ his lif acæcen ond he feleleas feores orwena blac on beame bideð wyrde bewegen wælmiste bið him werig noma' (Mackie 1934, 28)

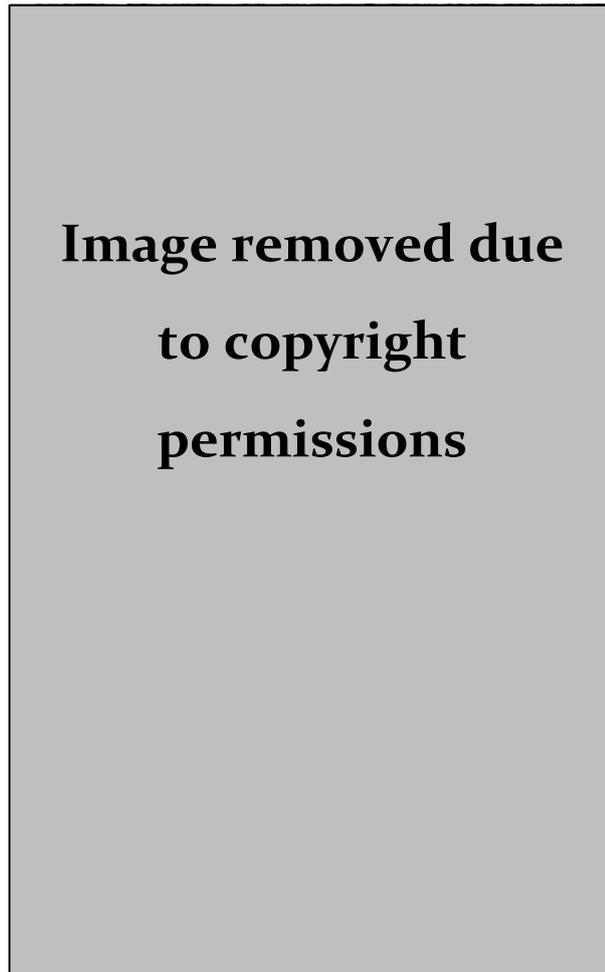


Figure 5.16. Skeleton 251 from the leper hospital at St Mary Magdalen, Chichester was buried with the arms crossed at the wrist in front of the body. The individual also had her head pillowed by stones (Magilton et. al. 2008, 120).

see Figure 5.15).

As no obvious execution cemeteries have been found for the post-Conquest period, the search for potentially bound individuals is limited to churchyard cemeteries. The position which is particularly troublesome is therefore the hands covering the pelvis, which ranges from the hands resting on either side of the pelvis without touching to the wrists being fully crossed. Skeleton 251 from the leper hospital at St Mary Magdalen, Chichester provides a perfect example of a situation in which an individual from a Christian cemetery could easily be interpreted as having been bound at the time of burial (Magilton et. al. 2008, 120; figure 5.16).

The frequency of this position differs between churchyard cemeteries without any apparently meaningful pattern. The majority of the burials from the churchyard at Raunds Furnells, which was in use from the mid-tenth to the late-eleventh or mid-twelfth centuries, had their hands positioned straight by their sides. The remainder had their hands on the pelvis or clasped on the chest, but the excavators specify that none of the hands were crossed (Boddington et. al. 1996, 15, 35). Heighway and Bryant (1999, 203-4) state that the most

common arm positions for both the Anglo-Saxon and Norman period burials at the priory of St Oswald's, Gloucester were with the arms down by the sides and with both hands on the pelvis. However, at the later twelfth- through thirteenth-century cemetery at Malmesbury Abbey, fewer than ten burials, out of the ninety-one excavated, had their arms by their sides; the remainder of those fully excavated had their hands either resting on either side of the pelvis, or crossed on the pelvis (Hart and Holbrook 2011, 172-5).

Only one individual (5575) was found, in the post-Conquest church cemetery of St-Helen-on-the-Walls, Aldwark, with wrists crossed in a position which seems more unusual than the standard medieval burial with arms crossed over the pelvis. The excavators still view these crossed wrists as one of a variety of arm positions found in the pelvic region, rather than an extraordinary position; however, this individual becomes more intriguing with the discovery of a possible amputee victim in this cemetery (Dawes and Magilton 1980, 14, 36). One individual (the skeleton number was not provided) was missing an ear which, as will be

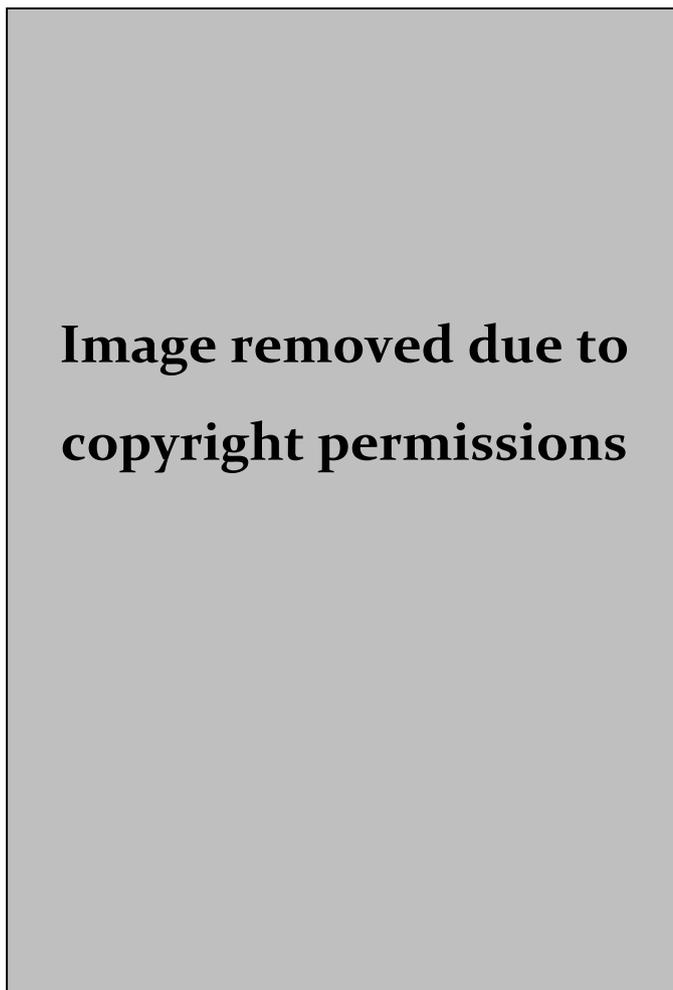


Figure 5.17. Pierpont Morgan MS M.736 f. 19v from the Miscellany on the life of St Edmund (MS M.736). Bury St Edmunds, England, c. 1130, depicts eight thieves being hanged on a cross-beam. ©Morgan Library, New York



Figure 5.18. An illustration by Matthew Paris in Corpus Christi College, Cambridge, MS 16 f.64r, c. 1189 x 1253, depicts hangings during the mid-twelfth-century reign of King Stephen. ©Corpus Christi College, Cambridge

discussed in Chapter 8, is mentioned among the types of dismemberment utilised as corporal punishment by the Anglo-Normans. If the missing ear is a result of judicial punishment, this may enhance the possibility of Skeleton No. 5575's crossed wrists also signifying capital punishment.

All of these individuals buried with their hands crossed over their pelves in the post-Conquest period were laid supine and extended, and orientated west-east in the accepted Christian tradition. It is possible that they were all victims of execution, but it is equally or more likely that burial with the wrists crossed in front, or with the hands folded as some excavators describe the position, merely becomes a regular burial position, possibly signifying humility or modesty as was the case with St Gerald of Aurillac. The majority of Anglo-Saxon bound individuals from execution cemeteries had their hands tied behind their backs. While the binding of hands in front could be mistaken for the folding of hands in piety or humility, the crossing of hands behind is not a pious Christian position and should be interpreted as a form of deviance. There were no individuals with their hands bound behind their backs in Anglo-Norman dated cemeteries, or even in the later medieval cemeteries which were examined, with the exclusion of St Margaret Fyebriggate (see Chapter 2).

In practice, the binding of criminals' hands does not appear to change drastically going into the Norman period. The *Gesta Stephani* mentions chains being used to hold the son of the Bishop of Salisbury prisoner while he was awaiting hanging, and fetters for Roger de Berkeley when he was hanged three times outside his own castle (Potter 1976, 78-9, 190-1).

Metal fastenings, such as chains and fetters, may very well have been removed prior to burial for reuse, leaving little evidence of criminal status after being placed in the grave. It would be unrealistic to suppose that all criminals would have been executed in chains and fetters, though. A twelfth-century image of the hanging of the eight thieves by Bishop Theodred at Bury St Edmunds in the tenth century, from Pierpont Morgan Library M. 736 f.19v, depicted the criminals with their hands tied both in front and behind (Figure 5.17). Another manuscript image (Corpus Christi College, Cambridge, MA 16 f.64r) created in the thirteenth century by Matthew Paris, shows at least two out of four individuals hanging from the gallows with their hands bound behind (which is observable by the position of their feet). The individuals on the far left of the image are more difficult to clearly interpret (Figure 5.18).

It is, thus, very significant that out of the variety of burial positions in the mid-eleventh-twelfth centuries and out of the many individuals with crossed wrists, there is not a single example of arms being crossed behind the back in the grave. This suggests that the absence of obviously bound individuals from post-Conquest cemeteries is not necessarily due to confusion with a similar position for pious Christians, but due to the fact that criminals are not being buried with their limbs still bound. It seems that the ligatures of executed criminals were removed in the Anglo-Norman period, and the body was buried supine and extended, and the hands were positioned according to the same regulations as other Christians.

ANGLO-NORMAN PUNISHMENTS

Anglo-Norman law-codes are even more ambiguous regarding the method of punishment than the Anglo-Saxon laws. The *Leges Henrici Primi* for the most part use phrases similar to the Anglo-Saxon law-codes when sentencing a man to death, such as ‘he shall forfeit his life’ (*uite sue culpa sit*), ‘he shall lose his life’ (*uitam perdat*), or even ‘capital punishment should be carried out with respect to all persons of manifest guilt’ (*debet autem de conuictis iustitia fieri*) (Downer 1972). By the time the *Glanvill* was written, in the later twelfth century, the laws had placed the judgement of appropriate punishment entirely in the hands of the judges, whether in the state or ecclesiastical court. Book XIV of the *Glanvill*, covering ‘Criminal Pleas’, simply states the judicial steps of the case – accusation, investigation, absolution (if innocent) or the ordeal (if guilty) – and then states that ‘if the ordeal convicts him of this kind of crime, then judgement both as to his life and as to his limbs depends on royal clemency, as in other pleas of felony’ (Hall 1965, 171), or, essentially, he is at the king’s

mercy.⁸⁵ As with the Anglo-Saxon period, there are references to capital punishment or putting someone to death, without specifying the mechanism of death (see Appendix B nos. 25, 26, 32 and 37). The historical sources which do specify the manner of execution, however, show one death penalty far more favoured than any others by the Anglo-Norman kings: hanging.

Before discussing hanging, however, there is one other punishment which was attributed to the Anglo-Norman period (c. 1150) but only in a single late-twelfth-century source. In the *Life of Thomas Becket* a certain Hugh de Morville's mother fell in love with a man who would not commit adultery with her. In revenge she framed him for the attempted murder of her husband, and as a consequence, he was apparently boiled to death in hot water (Caenegem 1990, 287-88, no. 330; Appendix B no. 44). There is no mention of such a punishment in any contemporary Anglo-Norman sources, so whether this was an official or regular punishment is dubious; it seems more likely that this was an exceptional event and may have even been a vengeful act on the part of the husband.

Hanging

The primary form of capital punishment referenced in the twelfth-century documents chronicling the Anglo-Norman reign was certainly hanging. The sources, like those from the Anglo-Saxon period, do not usually go into much detail about the ritual itself. Florence of Worcester, a mid-twelfth-century chronicler, stated that under Henry I, 'anyone caught thieving or robbing should be hanged' (McGurk 1998, 113; Appendix B no. 36).⁸⁶ The *Anglo-Saxon Chronicle* records a hanging of forty-four thieves in 1124, at which there were 'more thieves [hanged there] than ever before' (Garmonsway 1972, 254; Appendix B no. 38).⁸⁷ The *Anglo-Saxon Chronicle* also records William Rufus ordering his own steward to be hanged in 1096 on the charge of treason (Garmonsway 1972, 232), an event also recorded in detail by William of Malmesbury, as well as by John of Worcester and in the twelfth-century Warrenne Chronicle (Appendix B no. 33)

Stephen's reign was also rife with hangings, but being a time of war many were more vengeful than judicial. The *Gesta Stephani* (Potter 1976, 78-9, 106-9) and William of Malmesbury's *Historia Novella* (Potter 1955, 44) both record the hanging of the bandit Robert Fitz Hubert in Devizes by John Fitz Gilbert. The *Gesta Stephani* relates how John 'hanged him on high before the eyes of all his men, a most righteous vengeance of God' (Potter 1976, 107) and William of Malmesbury states, 'wondrously was God's judgement exercised upon a

⁸⁵ 'Si uero per huiusmodi legem super tali crimine fuerit quis conuictus, ex regie dispensationis beneficio tam uite quam membrorum suorum eius pendet iudicium sicuti in ceteris placitis de feloniam' (Hall 1965, 171).

⁸⁶ 'si quis in furtu uel latrocinio deprehensus fuisset, suspenderetur' (McGurk 1998, 112).

⁸⁷ 'ahengen þær swa fela þefas swa næfre ær ne wæron' (Irvine 2004, 125-26).

sacrilegious man, in that he earned so shameful an end not from the king, to whom he was an enemy, but from those whom he seemed to favour' (Potter 1955, 44), emphasising the manner in which lords during the reign of Stephen took judicial matters into their own hands without the judgement of a court or the king.⁸⁸ However, the efficiency of *Glanvill* seems to suggest that legal matters had returned, or were attempting to return, to a more formalised system after Stephen. The *Gesta Stephani* and *Historia Novella* also record the hanging of the leader of a gang of plunders with some of his men, the hanging of men captured after the seizure of Shrewsbury castle, and the threat of hanging the son of the Bishop of Salisbury if the castle at Devizes was not surrendered to Stephen (Appendix B, nos. 40-42).

In contemporary manuscript images (see Figure 5.17 and 5.18 above), it appears that the hanging procedure was not much modified from the ninth through twelfth centuries. The gallows was still fashioned out of two upright posts and a central beam. Like the Anglo-Saxon BL MS Cotton Claudius BIV f. 59r of the baker being hanged, the Pierpont Morgan Library Manuscript M. 736 f. 19v of the thieves at Bury St Edmunds depicts the victims being hauled up as the rope is dragged over the top beam and the executioner has climbed the gallows, presumably to reach the rope or tie the rope in place once the victim had left the ground. Waldron (1996, 115) states that in the early medieval period the victim would have been hoisted by the rope or stood on a cart which would have been pulled out from underneath his feet, but it is only in the later period that ladders begin to be used for the same purpose. It is unclear where Waldron gained this information, but regardless, a Welsh hanging at the end of the thirteenth century saw two criminals hanged side by side one pulled up by the rope around his neck as the other had a ladder kicked from underneath him (Bartlett 2004, 35-6). This was nearly one hundred years after the end of the Anglo-Norman reign in England, however it is possible that this ladder technique was used much earlier.

CONCLUSION

It appears that throughout the ninth through twelfth centuries the arms or wrists of a criminal would commonly have been bound for the execution process as a method of security. Those individuals who are identifiable as having been bound by their funerary position would have been secured with some form of organic material, such as cord or rope; however historical evidence suggests that iron bindings may also have been used, which, if removed before burial, would not have left any funerary indicators. The most popular

⁸⁸ 'in omnium suorum oculis alte suspendit' (Potter 1976, 106); 'Miro circa sacrilegum Dei iudicio concitato, ut non a rege cui aduersabatur, set ab illis quibus fauere uidebatur, exitium tam turpe meruerit' (Potter 1955, 44).

method of execution, for both the Anglo-Saxon and Anglo-Norman reigns, would probably have been hanging. Osteological examination showed very little likelihood for burning, throwing from a cliff or impaling with a sword as methods of execution, and an absence of drowning or stoning from the historical record makes them improbable as typical death penalties. The historical references for both periods handle the topic of hanging with frequent nonchalance and a lack of both detail and dramatic description which suggests hanging to have been a common occurrence.

Many of the historical references to hanging, in both the Anglo-Saxon and Anglo-Norman periods seem to imply that it is a punishment most commonly used on thieves. The remainder of the references discuss the punishment of an enemy of the king or the state, such as the Danes hanged by Alfred (Appendix B no. 2) or Stephen's hanging of those who opposed him in the civil war against Matilda (Appendix B no. 41 and 42). The hanging of William of Aldery seems to have been the only hanging for official treason recorded from the period (Appendix B no. 33); however this is not to suggest that more traitors were not hanged, especially in the Norman period when decapitation seems to have fallen out of practice.

The early medieval preference for hanging thieves, however, led to frequent allusions to the thieves who were crucified with Christ. For instance, Ælfric of Eynsham, in his homily on Ahitophel and Absalom, discusses the thief about to hang: 'Would that at least the miserable man would bethink himself, and confess his sins with true contrition, at least when he is in bonds and is led to death, even as the thief did, who hung condemned with the Saviour Christ' (Skeat 1881a, 425).⁸⁹ Many of the same words are used to refer to hanging and crucifixion and likewise gallows and cross. The Old English poem *The Dream of the Rood*, found in the tenth-century *Vercelli Book*, depicts the crucifixion from the point of view of the cross. In it the cross is referred to as *treow* 'tree', *gealga* 'gallows', *rod* 'pole/stake', and *gealgtreow* 'gallows tree' (Bradley 1982, 158-163; Swanton 1970, 93-97). Anglo-Saxons were unfamiliar with the idea of crucifixion except through tales of the crucifixion of Christ. The last written reference to crucifixion was found in the fourth-century legislation of Constantine (Bremmer 2010, 207; Harries 1999, 138-39; Swanton 1970, 104-05). They were, however, familiar with the idea of hanging criminals. Therefore, it seems plausible that ecclesiastical writers used the words for gallows and the comparison of hanging, something to which Anglo-Saxons could relate, to help them better envision the crucifixion of Christ; however, the situation is not quite as clear cut as this.

⁸⁹ 'Wolde huru se earming hine sylfne beþančan and his synna geandettan mid soðre behreowsunge huru ðonne he on bendum bið and gebroht to cwale swa swa se sceaða dyde þe forscylgod hangode mid þam hælende criste' (Skeat 1881, 424).

Table 5. 1. Table showing the words used for gallows and hang in judicial and non-religious contexts.

Source	Text	Hang	Gallows
ANGLO-SAXON PERIOD			
Anglo-Saxon Chronicle A (Garmonsway 1972, 90-91; Batley 1986, 60-61)	'he had them hanged there' (<i>he hie ðær ahon het</i>)	ahon	
Ælfric's Lives of Saints, Edmund (Skeat 1881b, 328-31)	'he commanded men to hang them all on a high gallows' (<i>he het hi hón on heagum gealgum ealle</i>)	hon	gealga
Ine 24 (Attenborough 1922, 44-45)	'he shall be hanged' (<i>hó hine</i>)	hon	
VI Æthelstan 6.3 (Attenborough 1922, 160-61)	'he shall be hanged' (<i>hine man anhó</i>)	anhon	
VI Æthelstan 12.2 (Attenborough 1922, 168-69)	'he shall be slain or hanged' (<i>slea man hine oððe hó</i>)	hon	
III Edmund 4 (Robertson 1925, 15-15)	'their leader shall be captured and slain, or hanged' (<i>senior ex eis capiatur et occidatur vel suspendatur</i>)	suspendo	
Beowulf (Luizza 2000, 128; Swanton 1997, 150)	'... to see his young son ride on the gallows' (<i>þæt his byre ride going on galgan</i>)		galga
The Fortunes of Men (Bradley 1982, 342; Mackie 1934, 28)	One shall ride the high gallows' (<i>sum sceal on geapum galgan ridan</i>)		galga
ANGLO-NORMAN PERIOD			
Anglo-Saxon Chronicle E (Garmonsway 1972, 232; Irvine 2004, 107)	'he ordered to be hanged' (<i>het se cyng on rode ahon</i>)	ahon	rod
Anglo-Saxon Chronicle E (Garmonsway, 2004, 254-55; Irvine 2004, 125-26)	'hanged there more thieves than ever before' (<i>ahengen þær swa fela þefas swa næfre ær ne wæron</i>)	ahangian	
Florence of Worcester (McGurk 1998, 78-79)	'the king ordered... [him] to be hanged' (<i>iussit rex suspendi</i>)	suspendo	
Warrenne Chronicle (Caenegem 1990, 113-14, no. 143)	'to be hanged' (<i>patibulo suspendi praecepit</i>)	Suspendo	patibulum
Florence of Worcester (McGurk 1998, 112-15)	'anyone caught thieving or robbing should be hanged' (<i>si quis in furtu uel latrocinio deprehensus fuisset, suspenderetur</i>)	suspendo	
Gesta Stephani (Potter 1976, 6-9)	'hanged him on a gallows' (<i>cruciariae: stipiti postremo affixit</i>)	cruciariae	stipiti
Henry of Huntingdon, Historia Anglorum (Greenway 1996, 712-13)	'he hanged several of the men who were captured' (<i>captorumque nonnullos suspendit</i>)	suspendo	
Gesta Stephani (Potter 1976, 76-81)	'should be hanged on high right before the castle entrance' (<i>ante ipsum castelli introitum alte suspenderetur</i>)	suspendo	
Gesta Stephani (Potter 1976, 106-09)	'he hanged him on high before the eyes of all his men' (<i>omnium suorum oculis alte suspendit</i>)	suspendo	
William of Malmesbury, Historia Novella (Potter 1955, 44)	'hanged him on a gallows and put him to death' (<i>patibulo appensus et exanimatus est</i>)	appendo	patibulum
Florence of Worcester (McGurk 1998, 290-291)	'first his nephews were hanged, and then he was also taken and hanged' (<i>duobus nepotibus Rodberti prius suspensis, ipse captus suspenditur</i>)	suspendo	
William of Malmesbury, Gesta Regum Anglorum (Mynors et al. 1998, 564)	'Condemned to the gallows... he went naked to his hanging... and he was hanged' (<i>Is patibulo affigi iussus... ad suspendium nudu ibat... ille appensus est</i>)	suspendo; appendo	patibulum
The ten Articles of William I No. 10 (Robertson 1925, 242-43)	'I likewise prohibit the slaying or hanging of anyone for any offence' (<i>Interdico etiam ne quis occidatur aut suspendatur pro aliqua culpa</i>)	suspendo	
Willelmi Articuli Retracti No. 17 (Robertson 1925, 250-51)	'We likewise forbid that anyone be slain or hanged for any offence' (<i>Interdicimus eciam ne quis occidatur vel suspendatur pro aliqua culpa</i>)	suspendo	

The comparison of crucifixion to hanging was not novel to Anglo-Saxon England. When Bishop Wulfila translated the Bible from Greek to Gothic c.350, creating the oldest extant Germanic version, he translated the Greek *stauros* 'cross' as *galga* 'gallows'. However, the Greek *stauros* and Latin *crux*, actually meant 'pole' or 'stake', generally referring to the structure used for hanging or crucifixion. *Galga* and *rod* similarly do not mean gallows specifically for hanging, although that would have been the purpose of the instrument, but more generally 'pole' or 'stake' as well; this is similar to the modern understanding of gibbet as the general device for execution. Thus, replacing *crux* and *stauros* with *galga* or *rod* was a literal lexical translation with an implied cultural translation in the form of references to punishment. It is often assumed that hanging was an inherently Germanic punishment, based on such traditions as the cult of Odin or Adam of Bremen's accounts of hanged Germanic sacrifices (Bremmer 2010, 207; Pluskowski 2000; Reynolds 1997, 38; Tschan 2002, 208); however hanging could also be found in the arsenal of Roman punishments (Harries 1999, 138-39; Robinson 2007, 106, 184). The word *furca* was more commonly used to refer to the device used for hanging in the Roman Empire, particularly as crucifixion began to take on a significant religious connotation. Yet, because the Anglo-Saxons and Normans did not crucify people, they obviously did not feel the need for this distinction in the device used for the different forms of execution; by using words for gallows to refer to the cross, the relevance of Christ's sacrifice was maintained long after his death. As the most famous execution to occur throughout Antiquity and the Middle Ages, executed criminals would continue to be compared to the death of Christ, usually negatively, into the late medieval period (Merback 1999; Royer 2003; Royer 2007).

While many terms were used to refer to the cross and crucifixion, there is some consistency in the words which were used for gallows and hanging in the legislation, accounts of judicial punishment, and occasional non-religious references (Table 5.1). Old English used a variation of *hon* almost exclusively to refer to a judicial hanging, and a variation on *galga* to refer to the instrument of death. Only once was *rod* used, which according to Rolf Bremmer (2010, 230), in his study of Old English cross words, was the word most commonly used to mean cross. The Latin word for a judicial hanging is almost always *suspendo*, and, while phrases such as 'hanged him on high' (*alte suspendit*) are used on occasion, the few references to the gallows usually use the word *patibulum*. This indicates that, while there was some crossover between gallows and cross words, there was a fairly consistent language of justice in terms of hanging.

Contemporary place names may display a slightly different vernacular pattern for hanging terms. Andrew Reynolds (2009, 222-27, 272-81) conducted a study of place names related to execution found in Anglo-Saxon charters. References to *galga/gealga* or *gabuli* (another variation of *galga*) were remarkably rare, amounting to one of the former and two of

the later. One reference to *galhtreow* or 'gallows tree' was found as were two references which mention the hanging of corpses or thieves. However references to *wearg*, meaning 'scoundrel' or 'criminal', were more common. Reynolds found thirteen instances of a variation of *wearg*; four of these are in association with *rod*, together meaning 'criminal's gallows', and one is in association with *treow*. That *rod* and *treow* were potentially used as place names for locations of execution with similar frequency to *galga* suggests that beyond the legislative and historical records the divide between gallows and cross terms may not have been so defined. It is, however, notable that Reynolds does not site any uses of the term *rod* without the association to *wearg*, which indicates that on its own it primarily indicated a cross rather than a gallows.

The logistics of hanging remained fairly constant from one period to the next. The very important modification to the hanging process after the Norman Conquest had little to do with the sentencing and death of the criminal, and everything to do with the burial. Beginning at some point in the late eleventh century, hanged criminals were not removed from gallows and immediately buried in the nearby vicinity in a shallow unmarked grave, but rather it seems they were removed from the gallows, untied, perhaps even shrouded and taken to a churchyard for a Christian burial. While this change may seem insignificant to the judicial use of the death penalty, it shows a great transformation in the role of the criminal in the Christian community and in beliefs about the fate of a sinner's souls, and thereby in beliefs about the fate of every Christian's soul.

Chapter 6

ALTERNATIVE DEVIANCE:

PRONE, MULTIPLE, AND ISOLATED BURIAL AND NON-NORMATIVE ORIENTATION

The previous two chapters discussed both the one method of punishment with obvious osteological traces (decapitation) and the burial position which most directly signifies a violent death at the hands of others (the binding of arms together at the wrists). There are other deviant burial positions which may denote the burial of a criminal, but they are ambiguous, and alternatively might have no association with judicial punishment whatsoever. This chapter will investigate those funerary forms which did not conform to the Christian norm, namely prone burial, multiple interments in a single grave, graves which are off the normative west-east alignment, and isolated graves. Since these forms of deviance occur alongside decapitations and bound individuals in execution cemeteries, they cannot be overlooked. It is worth considering the meaning behind these other deviant practices, whether they may represent executed criminals, and, if not, what they are doing interred amongst executed criminals.

Prone Burial

Interment of bodies face down, usually referred to as prone burial, was common among Romano-British and early Anglo-Saxon burial rites. It has been thought that the ritual persisted into the later Anglo-Saxon and Anglo-Norman periods but fell out of frequent use in the later medieval burial tradition (Daniell 1997, 118-19; Harmen et. al. 1981; Philpott 1991). Roughly thirty individuals buried in the prone position have been found in the datable execution cemeteries, some of whom were also decapitated or appear to have been buried with their hands still bound; 9.68% of decapitations and 18.06% of bound victims in these cemeteries were buried prone.

It is easy to assume that a certain amount of disrespect or lack of care was signified with prone burial. This is especially true of those individuals who were not fully prone but partly tilted to the side, as if they had merely been tossed into the grave without thought given to their position. For instance, Skeleton 577, buried in the cemetery at Old Dairy Cottage, was actually positioned on its left side, 'with the torso tipping towards a prone position', and the legs slightly flexed (Buckberry and Cherryson *forthcoming*). A number of



Figure 6.1. The triple burial of Skeleton Nos. 167, 168 and 169 buried in the execution cemetery at Guildown (Lowther 1931, Plate XXIII). Reproduced by permission of the Surrey Archaeological Society.

individuals who were buried prone were also found with their legs flexed or bent back at the knees, which supports the argument that prone burial signifies carelessness. Nos. 167 and 168 at Guildown were buried prone in a single grave alongside No. 169 (Figure 6.1). The legs of both of the prone burials were bent backward and Lowther, the excavator of the cemetery, thought that the legs may have even been removed at the knees prior to burial. Lowther's assertion is difficult to corroborate because no specific cutmarks were mentioned in the site report and the fact that all individuals in this grave were missing lower limbs may suggest that the grave had been truncated after burial. It is also difficult to comprehend how the legs could visibly be both 'doubled back on to the spine' and 'cut off at the knees' (Lowther 1931, 42), so perhaps one of these claims was a misinterpretation on the part of the excavators. Other prone individuals who display flexed legs are Inhumation 6 from Chesterton Lane, Skeleton No. 7 from Meon Hill, Skeleton No. 34 from Stockbridge Down, and Burials 19, 43, 48, and 53 from Sutton Hoo. In addition, Sutton Hoo Burials 28 and 39 appeared to have been buried face down, but with the knees tucked under as if the individuals were kneeling.

Approximately half (fourteen) of the thirty prone individuals could not be sexed due to poor preservation or because they were not sent for osteological examination. It can be seen in the chart below (Figure 6.2) that eight (50%) of those individuals who could be sexed were male and another five (31%) were probably male. Another two individuals (13%) of the sexable sample were probably female. As a point of comparison, there were no females among the decapitations, and there were two among the bound individuals. A large number of the individuals were young to middle adults at the time of death (Figure 6.3). Seven (33.33%) of the ageable individuals were between 18 and 25 years old, eleven (52.38%) were between 18 and 35, and 61.9% between 18 and 46. The rest were older than 36 or could not be provided with a more specific age than 'adult'. There were two fairly young individuals who were aged between 6 and 12.

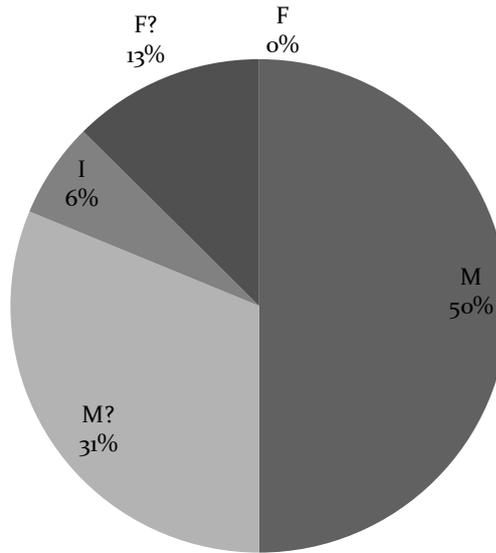


Figure 6.3. Sex Ratio of Prone Individuals. Chart showing the sex distribution of prone individuals for which sex could be determined. Male (M), possibly male (M?), indeterminate (I), possibly female (F?) and female (F).

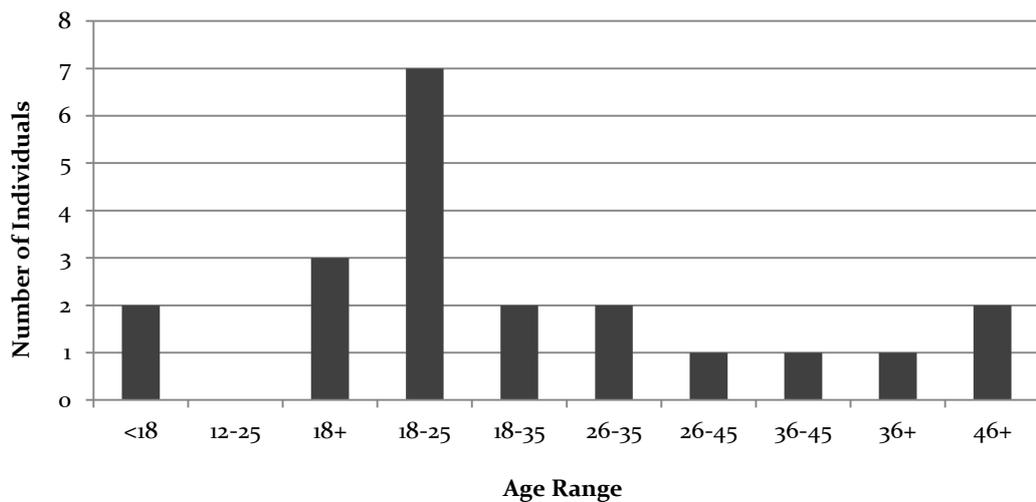


Figure 6.2. Age Range for Prone Individuals. Table demonstrating the distribution of age ranges for prone burials in execution cemeteries.

The demographic of prone individuals at the execution cemeteries is, thus, largely the same as the demographic of decapitated and bound individuals. Yet prone burial does not necessarily have any direct association with execution. It is often interpreted as having associations with social deviance and fears of the supernatural (Simpson 2003, 390; Barber 1988). Prone burial has been recorded in many sixteenth- and seventeenth-century Eastern European accounts as apotropaic protection against vampires and revenants. It was thought that burying the body of an individual suspected of vampirism face down might prevent that person from rising from the grave in their revenant state; instead, the revenant would merely

bite further into the earth (Barber 1988, 46-50). These post-medieval accounts of vampires are written statements of traditional beliefs which are believed to have had a long history. Although there are no similar post-medieval accounts from Britain, fears of the supernatural are often projected onto prone burial in early medieval England (Hirst 1985). Fears about revenants and the supernatural should be approached with caution and only from within an Anglo-Saxon/Anglo-Norman cultural framework. Unfortunately, contemporary Old English records have little to say on the matter of prone burial.

Accounts of the walking dead for the eighth through twelfth centuries are found entirely in twelfth-century historical accounts and refer primarily to post-Conquest events, the exception being William of Malmesbury's report of rumours that King Alfred wandered the halls at night after his death (Mynors et al. 1998, 196-97). The twelfth-century historian William of Newburgh, who recorded the greatest number of revenant events in England, is himself surprised that there were no Anglo-Saxon accounts of such phenomena and concluded that these events were new to England in his time (Howlett 1884-89, 477; Caciola 1996, 21-22). John Blair (2009, 555) and Jacqueline Simpson (2003, 394), however, both argue that the twelfth-century accounts of the undead were reflections of earlier folkloric beliefs. It is very possible that the Anglo-Saxons had fears of the dead rising from the grave; after all, such fears are still culturally present in the twenty-first century, although disguised as fictional tales of fantasy and horror. However, Blair's and Simpson's arguments that the twelfth-century descriptions of revenants and the accounts of laying them to rest mirror Eastern European folklore and Blair's suggestion that fears of the walking dead were present in the different burial treatment of those who had lived a bad life and died a bad death are difficult to defend when looking solely at the English evidence. Chapter 9 will demonstrate that William of Newburgh may have been correct about tales of the walking dead developing after the Conquest, and will argue that this development was associated with the introduction of purgatorial thinking and the inclusion of deviant members of society in Christian cemeteries.

In the stories in William of Newburgh's *Historia Rerum Anglicarum*, written c. 1196 x 1198, one revenant was entirely burnt after having been hit with an axe, one was cut to pieces and burnt, another had his heart torn out and then the body was burnt, and the last was given a written pardon by Bishop Hugh of Lincoln (Howlett 1884-89, 476-82). In Geoffrey of Burton's account of two revenants wreaking havoc on a town in Derbyshire, in *The Miracles of St Modwenna*, the bodies were exhumed, the heads cut off and placed between the legs and the hearts were torn out and burned (Bartlett 2002, 194-97). In Walter Map's *De Nugis Curialium*, written c. 1181-1182, a revenant survived being sprinkled with water and an attempt at decapitation, but was felled by having his head cut in twain while in his grave (James et al. 1983, 202-04). Burning of a body part seems to have been key in stopping many Anglo-

Norman revenants. What is crucially different from Eastern European folklore is that there are no provisions for preventing the rising of the corpse in any of the Anglo-Norman accounts, which is the role prone burial would play. There is, therefore, limited evidence to suggest that prone burial was performed in Anglo-Saxon and Anglo-Norman England because of fears of revenants. It is much more likely that prone burial was a result of carelessness out of disrespect for the dead, or a result of some specific meaning or belief other than fear of the walking dead.

Prone burial within the normative community cemetery seems to have been more frequent in the earlier Anglo-Saxon period than in the Christian period. One of the most commonly cited prone burials from the earlier period (eighth century at the latest, but more likely sixth or seventh century) was found at Sewerby, East Yorkshire, and it was thought by the excavators that the woman may have been buried alive (Hirst 1985, 36-39). Aside from being buried face down, the woman's arms were bent back at awkward angles, the right hand appeared to have been clenched and the legs were bent back at the knees. However, Nicholas Reynolds (1988, 717-18) has proposed alternative explanations for the unusual position of the surviving skeleton, such as the grave floor being uneven causing the body to slope, rigor mortis causing the legs to stiffen awkwardly, or post-mortem movement within the grave. These are all valid explanations to keep in mind when examining most unusual burials, before jumping to dramatic conclusions of grotesque deaths.

There are two slightly later burials of people who were not buried alive but do exhibit violent and disrespectful treatment. Three later Anglo-Saxon graves, radiocarbon dated to the late eighth through late ninth centuries, were uncovered at the settlement site at Yarnton (Hey 2004). Individual no. 3842 was an adolescent around 13-19 years of age and of unknown sex. The body was buried in a large pit on top of five disarticulated subadult skulls. It was positioned prone, with the legs bent back at the knees and crossed at the feet. The back was arched, the right arm flexed by the head and the left arm flexed and positioned under the torso. No explanation is provided for the unusual burial of this individual. This could be an intentionally disrespectful burial; however, the number of disarticulated skulls in the grave is unusual and may suggest funerary treatment other than mere disrespect. Considering that this pit cut, and was cut by, a series of ditches orientated east-west there is a high possibility that these skulls were disarticulated material uncovered in the digging of the ditches and quickly reburied in the pit. It is also possible that this prone individual was likewise exhumed from these ditches and reinterred with the skulls; however the skeleton was fairly complete, which indicates that it would have had to have been a fairly fresh corpse to have been reburied in articulated position or, more likely, that it had not been moved. It is possible that while the skulls were dug up in the digging of the ditches, the prone individual was actually a

victim of murder or other interpersonal violence which might lead to discarding the body in a pit of disarticulated material.

Another unusual prone burial was uncovered at the Anglo-Saxon estate centre of Higham Ferrers (Northants) (Hardy et. al. 2007). Disarticulated remains of two males and 65% of a female skeleton were uncovered in the backfill of a ditch. The radiocarbon dates (AD 770-890 at 68% probability and AD 680-900 at 95% probability) place the female in the middle Anglo-Saxon period. The adult female skeleton (no. 6678) was buried prone, but with the legs flexed as if she were kneeling, like Burials 28 and 39 found at Sutton Hoo. It was hypothesised by the excavators that her feet may have been tied, because the ankles were close together. These three disturbed burials from Higham Ferrers display a certain lack of respect, although it is likely that the individuals were victims of interpersonal violence rather than judicial execution. The female is missing most of the upper half of the body, including the head and arms. It was suggested that this is the corpse of an execution victim who was hung upside down from her bound feet and left to decompose until the upper half became disarticulated or was eaten by carnivores, a theory based on the tooth marks on some of the lumbar vertebrae. Weathering on the mandible of one of the male individuals was thought to suggest that he too may have been an execution victim (Hardy et. al. 2007, 144-5).

It was suggested that these individuals from Higham Ferrers are the disarticulated bodies of executed criminals which were then deliberately backfilled into a boundary ditch. This is possible; if so, they may fit into the few examples of potentially executed individuals, such as the decapitated individuals at Sutton Hoo and Portsdown (Pitts, *et.al.* 2002; Bradley and Lewis 1968), which seem to precede extensive use of the execution cemeteries. It is also possible that these individuals were encountered when not fully decomposed during expansion of the Higham Ferrers estate in the late Anglo-Saxon period, which was 'some distance from the apparent focus of Middle Saxon activity', and reburied in the new settlement boundary ditch. The top half of the female may be missing because it was cut through, and the bones may demonstrate weathering and tooth marks because they were left to the elements, not after execution but after being accidentally exhumed. There is no other evidence to corroborate displaying the corpses of Anglo-Saxon criminals by hanging them from the feet. Similar to the burials at Yarnton, this is certainly an unusual burial, but too little is understood and there are too many possible explanations to assume that these two men and woman were victims of capital punishment.

The examples of prone burial at Yarnton and Higham Ferrers demonstrate that prone burial outside of the execution cemeteries is highly unusual, but also not straightforward to interpret. Many other individuals have been found buried prone within Christian cemeteries who demonstrate a much more purposeful positioning. One individual (skeleton 304) was found buried prone in the church cemetery at Rivenhall, which dates from the late eighth

century through the tenth century (Rodwell and Rodwell 1993, 82). Six prone individuals were buried at the Anglo-Saxon monastic cemetery at Beckery in Glastonbury (Rahtz and Watts 2003, 152). Strangely, for a male monastic community, one of these prone burials was female. Six individuals were buried prone in the Anglo-Saxon monastic cemetery at Wearmouth (McNeil and Cramp 2005, 82), and another at the nearby monastic site of Jarrow (Lowther 2005, 176). Additional prone burials were found in Christian cemeteries at Great Houghton, dating to the late seventh or early eighth centuries (Chapman 2000-01, 17-18, 38), a number were found at Shipton-under-Wychwood, dating to the ninth century (Blair 1992, 8) and one at Cherry Hinton (Ferrante di Ruffano and Waldron n.d.; citation from Hadley 2010, 107). This latter individual presented evidence of severe charring in the lower half of the body. The burning was probably associated with his death, but it is impossible to tell whether the man was burned to death as punishment for a crime or whether his death was an unfortunate accident. For this reason, the significance of the prone burial is uncertain.

It is not common to uncover prone burials in Christian cemeteries, but as the examples cited above prove, neither is it unheard of. The main issue in understanding prone burial is reconciling the messy, shallow prone burials from the execution cemeteries and the occasional deviant context with the neat, extended, face down burials found in Christian cemeteries. It is significant that most Christian prone burials were found in the cemeteries of religious communities, such as monasteries, rather than those of the wider community. Hadley (2010, 108) suggested that this may indicate a penitential aspect to prone burial. Reynolds (2009, 47) has also suggested this, noting that the prone burials at both Rivenhall and Beckery were interred at the limits of the cemeteries, which might suggest that the individual had committed some form of terrible sin requiring extra penance, while still being accorded proper Christian burial in consecrated ground. Most Anglo-Saxon homilies and penitentials emphasise the need to perform all penance prior to death, with the implication that the sins unatoned for at the point of death are the sins a person will carry into the Last Judgement. Yet this idea is contradicted by contemporary encouragement to provide offerings and prayers to aid the dead during the period between an individual's death and the Last Judgement (Foxhall Forbes 2013, 201-203). Although it is not explicitly stated in any written records, it is very possible that some may have believed that, like prayer and money, burial position may have been a way of helping the dead in the interim period between death and final judgement.

It was common for Christian followers to prostrate themselves before religious authorities, saints and God himself when begging forgiveness for a sin or as veneration. For instance, one of St Swithun's miracles was to help release a murderer from his penance. The man had murdered his kinsmen, and as penance was ordered to wear a tight iron band around his stomach and limbs. After nine years of wearing the bands to the point where his



Figure 6.4. A close-up of the prone and crouched decapitated individuals seemingly buried inside a mound from BL MS Harley 603 f. 67, c. 1000 x 1050. ©British Library, London

elbows were gangrenous, he heard of the miracles of St Swithun, journeyed to Winchester and ‘prostrates himself with humble heart before the servant of God’ (Lapidge 2003, 307)⁹⁰, at which point the bands broke and the man was free of his pain (Lapidge 2003, 507). In a similar manner, Waltheof prostrates himself in prayer just before his execution (Chibnall 1990, 322-3). St Ecgwine, in emulation of the Apostle Peter, bound his feet in fetters, threw the key in the river Avon and made a pilgrimage to Rome. When he reached the church of St Peter in Rome he prostrated himself in prayer for an entire night. In the morning his servants caught and gutted a fish to eat, and there in the belly of the fish was the key to Ecgwine’s fetters (Sayers and Watkiss 2003, 13). Prostration during prayers seems to add an extra level of piety and sincerity, and occasionally desperation. This might suggest that prone burial might have been a sign of a greater desire to cleanse one’s soul for the afterlife, whether because of a committed sin or even extreme piety.

The purpose behind prone burial in execution cemeteries may not be altogether different in nature from the penitential aspect behind prone burial in consecrated cemeteries. Two of the deviants in the Harley Psalter 603 f.67 image of hell were depicted prone and one is kneeling bent forward (Figure 6.4). This is fairly similar to the depiction presented by the poem *Judith of Holofernes* lying headless and prostrate (*neowel*) in hell:

Then the courageous woman earnestly struck the heathen dog again so that his head rolled forward onto the floor. The foul body remained behind, barren; the soul departed elsewhere

⁹⁰ ‘*humili se pectore sternit ante Dei famulum*’ (Lapidge 2003, 307).

beneath the earth and was there laid prone, fettered in torment ever after, entwined with wyrms, bound in punishments, cruelly imprisoned in hell-fire after death.⁹¹

A few similar burials can be found in execution cemeteries. Burial 28 from Sutton Hoo and S277 from Staines are two such individuals (Figure 6.5).

Both the Harley Psalter and *Judith* envisioned prostration as part of the tortures of hell. These tortures were believed to be eternal punishments for the sins of one's mortal body – in essence, penance. The description of hell in *Judith* refers to Holofernes being 'bound in punishment' (*witum gebunden*). The word *wite* used here is the same *wit* used in the law-codes to refer to monetary compensation paid to the king as a penalty for an offense. In a similar sense, the *witan* of hell are penitential punishments paid to God. It is possible that the concept of atoning for one's sins in the afterlife is behind prone burial in both consecrated cemeteries and deviant burials. However, prone burial in Christian cemeteries was more likely an act to help the individual seek absolution by further penance after death in order to attain eternal salvation, whereas prone burial in execution cemeteries was probably thought to mirror or enhance the punishments of hell. On the other hand, it is possible that, while consecrated prone burial was purposeful, prone burial in execution cemeteries was merely a result of a lack of concern for providing proper burial to criminals.

With the abandonment of execution cemeteries, it becomes impossible to distinguish

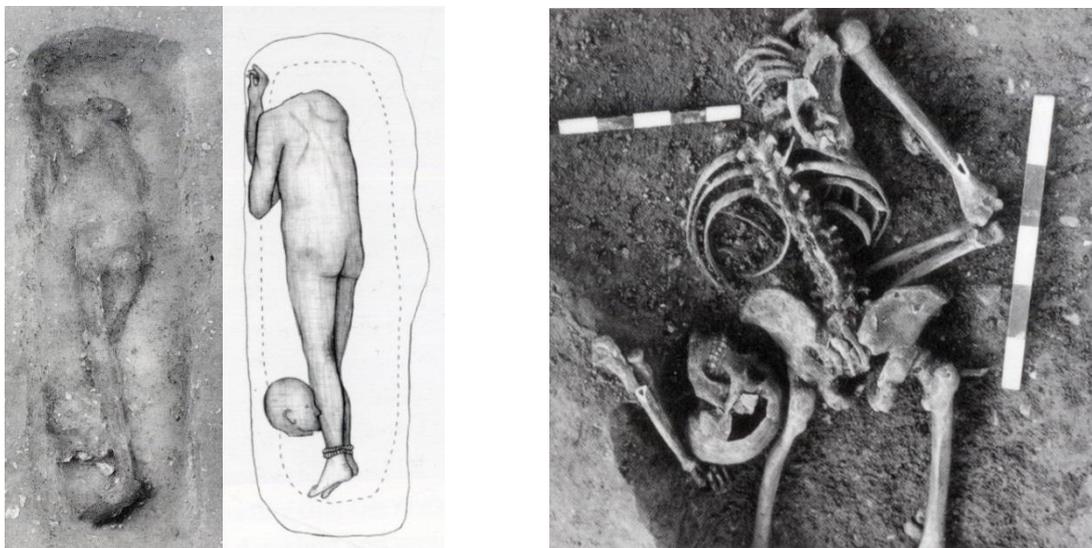


Figure 6.5. Individual 48 from Sutton Hoo (left) (Carver 2005, 330, 341) (reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press) and Individual 277 from Staines (right) (Hayman and Reynolds 2005, 225) (reproduced by permission of the Royal Archaeological Institute) were both decapitated and buried prone.

⁹¹ 'Sloh ða eornoste ides ellenróf I (oð)re siðe þone hæðenan hund, þæt him þæt heafod wand forð on ða flore. Læg se fula leap gesne beæftan, gæst ellor hwearf under neowelne næs ond ðær genyðerad wæs, susle gesæled syððan æfre, wýrmum bewunden, witum gebunden, hearde gehæfted in hellebryne æfter hinsiðe' (Griffith 1997, 100, ll. 108-17). The translation is my own.

penitential prone burials from deviant prone burials – if such a distinction did, indeed, exist. However, there do not seem to have been many prone burials from the Anglo-Norman period. The post-Conquest prone burials which have been securely dated more often date to after 1200. For instance, there was an individual (Sk 289) buried prone in St James Priory in Bristol, who was radiocarbon dated to 1290-1440 (Jackson 2006, 104). The excavators concur with the idea that the burial was a form of penance. An adult male was found buried prone in the cemetery of the Cistercian abbey at St Mary Stratford Langthorne (Essex) (Barber et al. 2004, 99). The grave was shallow and too short, so that the legs of the individual were flexed. There was no evidence for a coffin, and the position of the skeleton suggests that the individual was not shrouded. Although a church had been present on the site from 1135 (Barber et al. 2004, 15), the prone individual was buried among a group of burials which date to the mid-thirteenth through mid-fourteenth centuries. An individual was also buried prone in a cemetery near the barbican of Colchester Castle (Drury 1982, 331-33). It was thought that all of the burials were later than 1400. This individual was laid prone on top of another individual laid supine. The grave was dug against the south wall of an earlier chapel. Drury, the excavator, suggests that this grave shows little respect for the dead. In the monastic cemetery at St Saviour Bermondsey, Surrey two adult males were buried prone (A[2640] and A[2669]) (Dyson et al. 2011, 134). They date to the period between 1250 and 1330. Aside from the prone position, there is nothing else deviant about these two individuals. All of the burials in the cemetery were orientated west-east, in rows running N-S. There was even a post-Dissolution prone burial, in a coffin, in the last extension to St Oswald's Priory, Gloucester (Heighway 1978, 117).

The later prone burials from St Saviour Bermondsey, St James Priory, St Mary Langthorne, Colchester, and St Oswald's Priory are all orientated west-east, and occur in consecrated cemeteries amidst the burials of other Christians. They are not dissimilar from the Anglo-Saxon individuals buried prone in Christian cemeteries, although the individuals from St Mary Langthorne and Colchester present possibly deviant characteristics such as flexed legs and interment in the same grave as another individual. Since criminals do not seem to have been distinguished by unconsecrated burial after the Norman Conquest, it is possible that these may represent the burials of criminals rather than reverent or penitent clergymen. The cemetery at St Margaret Fyebriggate in Combusto, Norwich has been interpreted as a burial ground for fourteenth- to sixteenth-century criminals, possibly hanged on the gallows just outside the gates of the city of Norwich (Stirland 2009). A young adult male (no. 374) was buried prone with the hands behind the back in a pit with eleven other individuals. The individual has a large unhealed cut on the side of his head. It is noted that the period of use covers the time span of the Hundred Years War, and there are many other individuals with weapon injuries. This man may have been a victim of battle injuries,

but he also may have been a criminal. There is at least one historical reference to hanged criminals being buried in the St Margaret Fyebriggate cemetery, as well as its nickname of St Margaret *ubi sepeliunter suspensi* (where those who have been hanged are buried) (Stirland 2009, 5).

It appears as though later medieval prone burial may present two different purposes, just as it does in the later Anglo-Saxon period. Some prone burials appear less careful or lack some elements of proper burial; it is thought that these may represent criminals, while the others still probably represent members of religious communities. What is remarkable is that there do not seem to be many prone burials during the Anglo-Norman period. It seems odd that there would have been a gap in the use of prone burial just after the Conquest, and it is possible that prone burials have been found in unpublished excavations during this period, or that some later prone burials have not been correctly dated. On the other hand, perhaps prone burial was not a Norman tradition, and it took time to reintegrate itself into English burial tradition. Religious beliefs concerning the afterlife were clearly changing during the twelfth century. Perhaps it was only closer to the official adoption of purgatory and the concept that one could be helped through this third realm by actions in the mortal world, that the benefit of the penitential prone position was once again recognised.

Unusual Burial Position

Burial face down is not the only unusual position found in execution cemeteries. There are a few individuals who are laid on their sides, usually with their arms and legs flexed. Skeletons S431, S442 and possibly S452 (the position was slightly unclear) from the cemetery at Staines (Hayman and Reynolds 2005, 223, 229-30), Skeleton No. 4 from Stockbridge Down (Hill 1937, 253), Burials 34, 36, 46, 50, and 54 from Sutton Hoo (Carver 2005, 323-43) and Skeleton 10 from Walkington Wold (Buckberry and Hadley 2007, 313-22; Buckberry 2008, 155-56) were all discovered in this position. Nos. 108 and 134 from Guildown (Lowther 1931, 37, 39) were described as crouched, which likely suggests that they were in a similar position, and Skeleton No. 161 was positioned in the left side. This sort of crouched burial was common in Iron and Bronze Age Britain, but was less common in Anglo-Saxon burials. Early British crouched burials are usually fairly tightly folded, and most of the flexed burials in the Anglo-Saxon execution cemeteries were more open. A variation on this position was also found at Sutton Hoo. Burial 27 was in a 'running' position, with the flexed arms and legs separated (Carver 2005, 322; Figure 6.6).

It is possible that this semi-crouched position was posed intentionally; however, it is also possible that the position was the result of forcing the body into a grave that was cut too short. We do not know who was responsible for the execution and burial of these individuals (this is discussed further in Chapter 7). If only one person was carrying the corpse to the

grave for burial he is most likely going to heft the corpse in two arms and then lower the corpse into the grave. If the corpse were to roll as it was being lowered, it might assume a position on its side with the limbs semi-flexed. This method of burial might also explain the position of Skeleton No. 35 from Stockbridge Down (Hill 1937, 255), who was buried supine but with the knees completely folded under so that the feet touched the back of the pelvis, and Skeleton S458 from Staines (Hayman and Reynolds 2005, 231) who was buried with the knees fully bent, but the legs slightly raised. It was postulated by the excavators that this latter skeleton was buried alive, but there seems no need to assume such. Coward and Robb (2000, 49) suggest that the legs were merely angled to fit the body into a short grave.

The other option for a lone grave-digger to move a corpse would be to drag it, which might account for a number of other unusual positions, such as Skeleton 11 from Walkington Wold who was buried supine but with the legs flexed and spread wide apart (Buckberry 2008, 158-59). Even with two people to carry the corpse, these positions might occur if there was no real attempt by the carriers to re-position the body once in the grave. A shroud would have ensured the maintenance of the supine extended position through the burial process for Christians, but shrouds were unlikely to have been used for the bodies of executed criminals.



Figure 6.6. (Left) Skeleton S442 from Staines was buried semi-flexed on the right side and under 441 (Hayman and Reynolds 2005, 225) (reproduced by permission of the Royal Archaeological Institute). (Right) Burial 34 from Sutton Hoo was buried in a more traditional crouched position, also on the right side (Carver 2005, 329) (reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press).

Another unusual position found amongst the execution cemetery burials, although only in two instances, was burial with the hands positioned up by the neck. This was the case with Skeleton 7 found at Bran Ditch (Lethbridge and Palmer 1928, 84) and in Grave 88 found at Guildown (Lowther 1931, 36). No interpretation of either of these individuals was provided in the site reports. It is easy to jump to the conclusion that they were clutching at their throats in their death throes. Skeleton 7 from Bran Ditch was even described as having the head 'thrown back' and the hands 'clasping' the neck. However, if the hands were truly grasping the neck the individual would have had to maintain this position into rigor mortis, which seems unlikely, or we must assume that the individual was buried alive, for which there is no evidence of it being an Anglo-Saxon practice. Thus, it seems more likely that the hands may have been bound and somehow the arms were folded on top of the chest during burial, giving the appearance that the hands were clutching the neck.

Additional characteristics such as funerary clothing and preparation, or lack thereof, would have potentially added to the humiliation of some of these burial positions. It is clear that many individuals buried in execution cemeteries could not have been shrouded. The passage about the burial of Gerald of Aurillac in Chapter 5, in which the arms of his deceased body continually move to cover his exposed genitalia until the shroud can be wrapped around him (Sitwell 1958, 170), highlights the importance of the shroud as the proper funerary attire. For a Christian to be buried without a shroud would have been humiliating both because of his exposed nudity and because he was denied the proper funerary treatment of dressing the body. Chapter 7 will discuss in more detail the state of the victim at the time of execution, including attire, but a general lack of grave goods suggests that many of the victims were buried, and possibly even executed, in the nude or in their undergarments.

In medieval Christian society nudity was associated with sin and humiliation. Depictions or discussion of human nudity were generally associated with sinful acts and drew parallels with the shame Adam and Eve felt at their unclothed bodies and their embarrassment about their newfound sexuality after the Fall (Ericksen 2003, 258; Lewis 2003, 16; Wilcox 2003). Jonathan Wilcox (2003, 308) succinctly stated that 'within a Christian rhetoric, embarrassment as triggered through self-perception of the naked body is a metaphor for the more profound feeling of shame that ought to be experienced on account of the individual's continual and inevitable transgressions against God.' On account of this Christian taboo against nudity, it was rarely discussed in detail in written sources and it was unusual for humans to be depicted without clothing or covering in Anglo-Saxon art. Nudity was typically reserved for the demons, devils and the monstrous (Karkov 2003; Mathews 2003, 144-45; Kim 2003). The few humans to be depicted nude in art seem to have signalled some sort of deplorable activity. In the case of the Bayeux Tapestry, grotesque figures whose genitalia were possibly over-emphasised as a warning against vices and sins were added as

marginalia (Mathews 2003). Those who are damned or reside in Hell were also often portrayed in the nude. For instance, in the late-eighth-century *Barberini Gospels*, a naked man is depicted in hell with his beard and genitals bitten by snakes (Karkov 2003, 188). It is notable that the beheaded men buried prone and crouched within the barrow in BL MS Harley 603 f. 67 were depicted naked (see Figure 6.4).

Catherine Karkov (2003, 183-85) highlighted that when the illustrations in eleventh-century Bodleian Library MS. Junius 11 of angels cast out from heaven, depicted unclothed with obvious genitalia, are paired with the text of Genesis on the crime of Lucifer and the torments the fallen angels would face in Hell, the manuscript creates a scene of crime and punishment in which nudity is a defining characteristic of the criminals. She also points out that the ecclesiastical punishment of excommunication mirrors the exile of the fallen angels from heaven; a similar notion might be applied to the exile of sinners and criminals, and possibly excommunicates, from the community of the dead. Unclothed burial would have enhanced the comparison with the fallen angels, the first criminals to be judged and punished by God (Karkov 2003, 212-20). While a deceased person would not actually feel the social shame of an unclothed burial, the shame and association with damnation would add to condemnation by members of the community and the judgement they felt toward the sinner. There is also a possibility that criminals were executed in the nude. Although no such accounts exist from the Anglo-Saxon period, there are post-Conquest accounts which describe the execution victim stripping off his clothes and attending the execution naked, which would certainly add an element of degradation to the overall atmosphere of the execution ritual. This will, however, be discussed in more detail in the following chapter.

Multiple Interments

There are many reasons that individuals might be buried together in one grave. One explanation might be that the individuals had died together. This is probably the case for multiple burials of executed criminals, but might also be the case for victims of murder, fatal illness or those killed in battle. For instance, 175 pits with multiple individuals were found at the late medieval Augustinian priory of St Mary Spital (Connell et al. 2012, 217-18). At least 100 of these contained the bodies of over fourteen individuals, the largest containing forty-three bodies. The bodies were all carefully positioned supine and extended despite the unusual grave form. The mass burials date from around the foundation of the priory and hospital in the twelfth century, but notably increase in frequency after 1200, at which point quarry pits stopped being used for the graves and purpose-dug graves were used. The excavators postulated that there were two possible explanations for so many mass burials: either the cemetery was running out of space for burial or the levels of mortality increased too quickly for single interment to be feasible. The excavators proposed that a great famine

may have created the latter situation and led to a number of multiple interments in the cemetery at St Mary Spital.

Mass burials attributed to the impact of the bubonic plague in the fourteenth and fifteenth centuries were uncovered in the cemetery at Hereford Cathedral Close (Stone and Appleton-Fox 1996, 41) and a cemetery at East Smithfield in London (Hawkins 1990, 637-42). The burials in the mass burial pits at East Smithfield were carefully laid supine and orientated west-east like the burials at St Mary Spital; the mass graves at Hereford, however, give the impression that space was limited, and bodies were given as much decorum as possible while being packed into the large pits with flexed limbs or facing the wrong way if it helped fit in further bodies (Shoesmith and Stone 1995, 403).

There are not any mass graves which correlate to famine or plague during the Anglo-Saxon period, but double and triple graves might demonstrate the burial of family members who succumbed to an illness in quick succession. However, if the illness did not impact on the skeleton, and most do not, there is no way of knowing whether this might have been the case. The later medieval period also provides examples of victims of battle having been buried in a mass grave. The burial of over thirty-seven adult men with weapon injuries in a single rectangular pit at Towton Hall was interpreted as a grave for the victims of the Battle of Towton in 1461 (Boylston et al. 2000, 57-58; Burgess 2000, 29-35). The bodies were overlapping in the pit, and while the first individuals buried seemed to have been laid with their heads to the west, many others had their heads to the east. Some were laid prone rather than supine. While the corpses were carefully placed into the grave, the aim seemed to have been to fit as many bodies into the pit as possible, rather than to provide a traditional Christian burial (Sutherland 2000, 40-41).

Reynolds (2009, 45, 174-77) noted that execution cemeteries seem to have mostly double and triple burials; there does not seem to be an instance of more than five individuals buried in one grave at any of the sites. Executions were fairly uncommon; while it is reasonable that multiple criminals may have been executed together, either because they were involved in the same crime, such as the eight thieves who attempted to steal from Bury St Edmunds (Appendix B no. 3), or simply to have only one execution event, it is unlikely that more than six criminals would have been regularly hanged and buried together. Yet, this does not mean that judicial punishment never happened to large groups of offenders. In 1124, the Anglo-Saxon Chronicle stated that forty-four thieves were hanged together (Garmonsway 1972, 254; see Appendix B no. 38), and in 1125 all of the moneyers in England were said to have been gathered in London to have their hands and testicles removed (Garmonsway 1972, 255; see Appendix B no. 39).

A recent excavation at St John's College, Oxford proposed that it may have found a burial pit for victims of the St Brice's Day massacre in 1002, when, according to the *Anglo-*

Saxon Chronicle, ‘the king gave orders for all the Danish people who were in England to be slain’ (*se cyng het ofslean ealle ða deniscan men þe on Angelcynne wæron*) (Garmonsway 1972, 134-35; Irvine 2004, 64). While certainly not all of the Danish people in England were killed, a charter (S909) dated to 1004 describes the death and destruction which occurred at St Fridewide’s church, Oxford:

For it is fully agreed that to all dwelling in this country it will be well known that, since a decree was sent out by me with the counsel of my leading men and magnates, to the effect that all the Danes who had sprung up in this island, sprouting like cockle amongst the wheat, were to be destroyed by a most just extermination, and thus this decree was to be put into effect even as far as death, those Danes who dwelt in the afore-mentioned town, striving to escape death, entered this sanctuary of Christ, having broken by force the doors and bolts, and resolved to make refuge and defence for themselves therein against the people of the town and the suburbs; but when all the people in pursuit strove, forced by necessity, to drive them out, and could not, they set fire to the planks and burnt, as it seems, this church with its ornaments and its books. Afterwards, with God’s aid, it was renewed by me (Pollard et al. 2012, 83-84, also see Whitelock 1955a, 545-47).

The excavation at St John’s College uncovered between 33 and 37 young adult male individuals, some with blade wounds and some with charring on the bones, piled on top of one another in a large grave. The three skeletons which were radiocarbon dated provided an average date range between 893-978 (95% probability); however, it was argued that the dates might appear earlier than they should be due to the large amount of marine protein in the diets of the men, which can present early radiocarbon dates (known as a marine reservoir

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Figure 6.7. Photograph from the Ridgeway Hill Weymouth excavations, showing the separation of the post-cranial skeletons and skulls in a mass grave (BBC News 2010; from Oxford Archaeology).

offset). The stable isotope evidence to support this suggestion was, however, inconclusive (Pollard et al. 2012). Regardless of whether the finds of this archaeological excavation actually represent the St Brice's Day event, both the account and the archaeological discovery demonstrate the ambiguity between massacres and judicial punishment in this period. The St Brice's Day massacre was not official justice in modern terms, but it was an act of punishment ordered by the king because of the crimes committed by the Vikings.

Another similar mass burial was discovered at Ridgeway Hill, Weymouth, where fifty-two men were decapitated and then buried in a pit, with the heads in a separate pile from the bodies (Loe et al. 2014, 211-32). While there was no attempt to lay the bodies out individually within the grave position, let alone position them supine, extended, and orientated west-east, the heads were intentionally and consistently buried separate from the bodies (Figure 6.7). The burial was on the summit of Ridgeway Hill, near a number of Roman roads and prehistoric monument. The men were clearly captives who were executed. Most of the peri-mortem wounds were directly related to the decapitation or were defensive wounds to the hands and arms. While it is possible that the executions occurred following a battle, the battle must have been short-lived and most of the wounds only have affected muscle and tissue. Yet the demography – young adult males – is appropriate for soldiers, a raiding party, or execution victims. The individuals killed at Ridgeway Hill were all intentionally decapitated and buried in a very specific fashion, with the location mimicking the landscape of the execution cemetery. This is either the result of battle, mass interpersonal violence, or penal execution, and in medieval society these were not clearly distinguishable concepts. Regardless of the exact circumstances leading up to the beheading of these individuals at Ridgeway Hill, Weymouth, the manner of their deaths were carried out in a similar vein to a judicial execution.

It is far more common to find double and triple burials than mass burials in Anglo-Saxon England, although multiple burials, in general, were not that common. Even in execution cemeteries only roughly 11% of graves contained multiple individuals: 56% of those were double burials and 41% were triple burials. One grave, in the cemetery at Guildown (Lowther 1931, 36), contained four bodies (Nos. 80, 82, 83, and 84). It is most likely that these individuals were buried together to save time in digging individual graves. It cannot, however, be assumed that only one grave was dug on every occasion where multiple offenders were executed together.

Multiple burials are also found in monastic and lay cemeteries. For instance, three multiple graves were discovered in the mid-tenth- to twelfth-century churchyard at Raunds Furnells, all of which contained an infant burial (Boddington et al. 1996, 52-53). In two of these an infant was inserted into the grave of an adult after the initial burial and the third was a double burial of two infants under six months old, who presumably died at the same

time. The skeleton of another adult was cut through by the later burial of an infant. It was assumed by the excavator that this last burial was intended to have been a double burial of an adult and infant similar to the others. The double burial of an adult and child (roughly two years old) was also found in the late Anglo-Saxon church cemetery which was in use at Castle Green before the Norman castle was erected (Shoesmith 1980, 27). Eight double burials of juveniles or infants with adults were discovered buried in the tenth- through eleventh-century churchyard in the Anglo-Saxon settlement of Wharram Percy (Mays et al. 2007, 85). Two sites which were broadly dated to the medieval period also contained multiple burials. There were two multiple inhumations in the cemetery at St Gregory's Priory, Northgate, Canterbury (Hicks and Hicks 2001, 340). One was of two children, one 2-3 years old and the other 3-5 years old. The second was a burial of an adult male and female, where the second individual (it is not clear if this was the male or female) was inserted later and partially cut into the lower burial. The second site is St Martin-at-Palace church in Norfolk, which contained the burial of an adult (322) cradling a neonate (339) in the left arm (Beazley and Ayers 2001, 23).

Not all multiple burials in Christian cemeteries contain infants or children, but it can be seen that many of the double burials from this period do. This could be a sentimental ritual or a way to save space in the graveyard. It is probable that the man and the woman buried together at St Martin-at-Palace were related in some way, since they were buried together despite the gap in time between their deaths. The burial of multiple individuals in one grave was clearly reserved for special circumstances, and in many situations those who were placing the corpse in the grave endeavoured to maintain the traditional orientation and skeletal positioning. Only in the execution cemeteries and in the two tenth-/eleventh-century mass graves, which potentially contain Scandinavians rather than Anglo-Saxons, is the Christian west-east alignment neglected. It seems that multiple burials are not necessarily a sign of deviance but an indication of contemporary death or of a relationship between the individuals concerned.

Non-normative Orientation

Most Christian graves are orientated with the head to the west and the feet to the east. Medieval texts give the impression that this was the traditional orientation for laying out the dead. *Laud 482*, an eleventh-century manuscript with offices for the sick and the dying, specifically mentions laying the body out eastward when detailing how to care for the corpse of the recently deceased (Thompson 2004, 81-82). In Ælfric of Eynsham's homily on St Mary of Egypt, he describes her lifeless body, adding 'and the hands were laid as they should be,

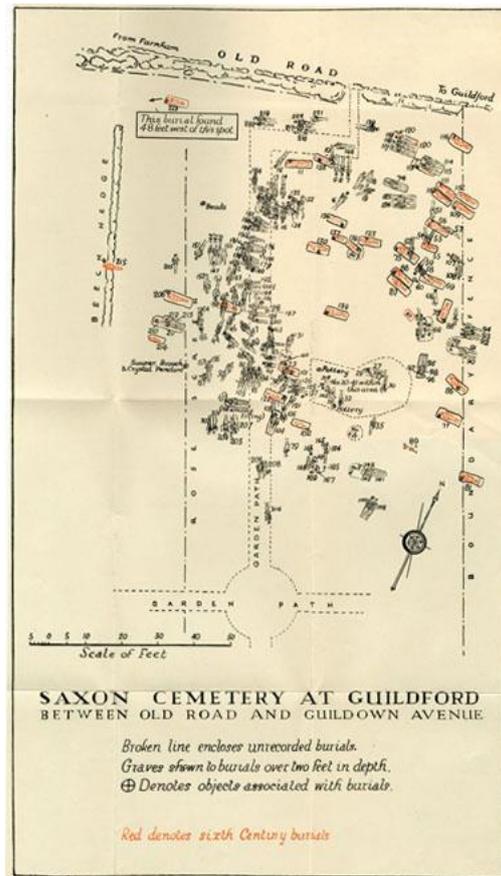


Figure 6.7. The cemetery at Guildown, showing the lack of alignment for the deviant burials (in black) (Lowther 1931). Reproduced by permission of the Surrey Archaeological Society.

and [the body] turned eastwards' (Skeat 1881b, 49).⁹² It seems clear that there was some sort of meaning, or at least tradition, behind the eastward orientation; however, what that meaning or purpose might have been is slightly unclear. A number of theories have been proposed, the most popular being that the bodies are positioned to look east either at the rising sun or the rising Christ on Judgement Day (Rahtz 1978; Daniell 1997, 148). However, most of the historical references to explanations for west-east burial come from post-medieval sources (Rahtz 1978, 4), so contemporary beliefs behind this orientation are still a mystery.

The west-east orientation, however, was reinforced in practice by the need for cemetery organisation. If the graves were well aligned and parallel, more bodies could be fitted into each row. If the graves did not follow any sort of alignment then the chance of cutting into earlier interments was much higher. Most of the execution cemeteries demonstrate exactly this sort of intercutting because the graves were not orientated to a specific direction and were most likely not marked (see figure 6.7). The lack of consistent orientation in the execution cemeteries may have been, in part, due to a lack of concern

⁹² 'and þa handa swa heo gedafenodon alegdon beon and eastwardes gewende' (Skeat 1881b, 49).



Figure 6.8. Burial plan from the cemetery at Raunds Furnells showing how some of the burials were aligned west-east and others followed closer to the alignment of the church (Boddington et. al. 1996).

about the fate of the criminals' souls upon Judgement Day. It may equally have been the result of the ignorance of the grave-diggers as to which direction was east, which may have been likely if there were not any visible features in the landscape to serve as a visual reminder. In churchyards, in contrast, there were buildings and boundary features from which the graves could be orientated to maintain the west-east direction of burials. This was certainly the case at Raunds Furnells, where the graves were intended to be aligned west-east with the church, but some closer to the outside of the cemetery were orientated slightly toward the north because they adopted the orientation of the banks used to mark the cemetery boundary (see figure 6.8) (Boddington et al. 1996, 31).

Occasionally graves are found in which the bodies are in reverse orientation, with the head to the east and the feet to the west. This may have been caused by hasty interment, for instance if the person was diseased, or confusion because the body was shrouded or in a coffin. This interpretation was provided as an explanation for reversed burials at the twelfth- to seventeenth-century hospital of St James and St Mary Magdalene (Magilton and Lee 1989, 256), at the Anglo-Saxon cemetery underneath the Norman castle at Barnstaple (Miles 1986, 66), and at St Oswald's Priory (Heighway and Bryant 1999, 117, 130). It is sometimes thought that individuals buried on this reverse alignment may have been priests, their burials orientated so that they would rise before their flock of Christians on Judgement Day and lead them forth to salvation. Daniell counters that this idea was likely to have been impressed upon the Middle Ages by post-medieval traditions, because most individuals in medieval

cemeteries who can be identified as priests from some form of grave goods maintain the standard west-east orientation (Daniell 1997, 149; Barber et al. 2004, 99). For instance, one individual buried in the cemetery at St Andrew's, Fishergate in York (Burial 1428) was interred with a lead-alloy paten and another (Burial 6128) was interred with a lead-alloy paten and chalice (Stroud and Kemp 1993, 139), which suggests that both were priests. Both individuals were buried with their heads to the west. Similarly, grave 1279 in the hospital of St Giles, dating to the mid-thirteenth or fourteenth centuries, was thought to have been that of a priest because the individual was buried with a mortuary chalice and paten (Cardwell 1995, 134). He too was orientated with the head to the west.

The only individual who was buried in reversed orientation at St Andrew's had been decapitated (Burial 7053), and dated somewhere between the thirteenth-sixteenth centuries (Stroud and Kemp 1993, 145). This individual was buried in a group of individuals who all displayed weapon injuries, indicating that Burial 7053 was probably decapitated in battle rather than as judicial punishment. This makes the possibility that he was buried in reversed orientation as a punishment much less probable. An adult male was found buried with his head at the east end of the grave at the monastic cemetery of St Mary Stratford Langthorne, dating to between 1220 and 1350 (Barber et al. 2004, 99). It was proposed that the individual may have been a criminal or suicide, because no explanation could be found for the reversal.

Burials in reversed alignment have also been found in Christian cemeteries dating to between the ninth and twelfth centuries. An individual, dating to the eleventh century, was buried both east to west and outside the cemetery walls at North Elmham (Wade-Martins 1980, 188). Three infants were interred with their heads to the east in the late Anglo-Saxon cemetery at St Martin-At-Palace church, Norwich (Beazley and Ayers 2001, 23). One individual, of tenth- or eleventh-century date, was buried on a north-south alignment at Kellington church (Mytum 1993, 15-17).

Like unusual burial positions and multiple interments, graves which are off the west-east orientation could be a marker of deviance, but may also designate carelessness. Because most Christian corpses would have been shrouded, it is difficult to rule out that irregular orientation might be a result of confusion about which end was the head and which was the feet. It is not something that happened often, clearly, but it is a mistake that could happen. Victims of execution would not have been shrouded and any misorientation in execution cemeteries would have either been purposeful or due to a lack of care. It is likely to have been the latter based on the variety of orientations found in these spots. The graves at Meon Hill were all in a row and orientated north-south, and most of the Old Dairy Cottage graves were orientated north-south, but all of the others present a large amount of variation. For some of the sites, primarily Stockbridge Down, Bran Ditch, Staines and Guildown, not all of the individual orientations were recorded, although individuals at Stockbridge Down were

said to have been on a roughly 'westerly' alignment. Out of the 210 individuals whose grave orientation was recorded, the majority (28%) were orientated with the head to the west. Another 2% were east-west, 14% were north-south, 28% were south-north, and then 28% were somewhere in-between (see Figure 6.10 for the full distribution of the graves). Interestingly, very few burials in the execution cemeteries were reversed, with the head to the east, which may imply that there is some meaning behind this reversal of burial orientation, perhaps a punishment for a specific crime or type of person. However, there is no indication of what that defining characteristic might have been, and the practice of reversed orientation is equally present in execution cemeteries and Christian graveyards.

Isolated Graves

There are two forms of isolated burials: those that are lone or very small groups of interments in unusual locations, and those which are just outside of cemetery boundaries but still very close to burials of the Christian community. Regarding the first, there are a number of isolated burials from the eighth through twelfth centuries which display little other sign of deviance and for which varied interpretations have been offered by excavators.

A later burial of post-Conquest date was found at Coppergate (Hall 1984, 121). This adult female was buried in the garden of one of the tenements and covered with soil used to prevent flooding of the river. No entirely satisfying explanation was found for the location of this burial by the excavators, but it is fairly representative of the types of isolated burial found in the late Anglo-Saxon and Anglo-Norman periods. An individual buried between the eight and tenth centuries in a ditch at Bugle Street in Southampton showed a similar lack of

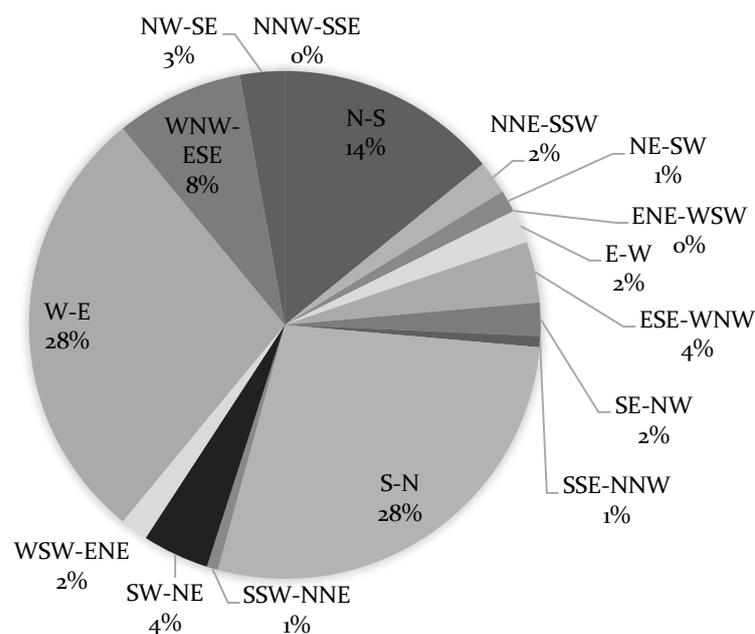


Figure 6.9. Range of Grave Orientation among Execution Cemetery Burials. Graph showing the orientation distribution of burials in the execution cemeteries.

care in the burial, but no other signs of deviance (Cherryson 2008, 121, citing Southampton City Museum Archive SOU 124).

At the site of Fosse Lane, Shepton Mallet, Somerset, three individuals were interred in a Roman building. Radiocarbon dating has provided a date of AD 720-990 (95% probability). While the burials were buried in an unusual location, they were all supine, extended, and orientated west-east (Leach 2001, 31; Cherryson 2008, 126). Another two individuals were found buried near the Roman walls at the site of The Brooks, Winchester (Scobie et al. 1991, 37, 64). The two burials date to the ninth through eleventh centuries, and were orientated west-east. Both were male, one aged between 15 and 21 and the other between 25 and 35. Similarly three individuals, dated by the excavators to the twelfth century, were uncovered within the enclosure of a tenth-century *burh* at the site of Westgate, Southampton (Webster and Cherry, 1980, 251); two were supine, but the third was crouched. The excavators, Holdsworth and Blackman, suggested that these three burials represented the southernmost row of a now destroyed twelfth-century cemetery; however, Cherryson (2008, 126) has pointed out that there is no actual evidence that such a cemetery ever existed, and, thus, these should be considered isolated burials.

An adult male was also discovered along a brook near Doncombe Bottom, Marshfield, Gloucestershire (Reynolds 2009, 216). The skeleton was radiocarbon dated to 1060-1270 (95% probability). The site was on the county boundary between Wiltshire and Gloucestershire. Another burial of a young adult male was found in the linear earthwork of Devil's Dyke and probably dates around 1200 (Hope-Taylor 1975-6, 124; Reynolds 2009, 216-17). The individual had had his right hand amputated during life, but as will be discussed in Chapter 8, it is impossible to determine whether this might be a consequence of criminal behaviour, illness, or weapon injury.

The above-mentioned burials show some geographical similarities with execution cemeteries, but there is no evidence that they were victims of judicial execution. With the exception of the Bugle Street victim and the crouched individual from Westgate, most of the individuals were buried fairly respectfully, even if not with the rest of the community. If these were victims of murder, hidden away so as not to be discovered, it could be assumed that less care would have been taken in their burial. Perhaps they were individuals who were not considered Christians, maybe because they were excommunicated or died by suicide, but, regardless, were respected members of the community who merited a dignified burial. Perhaps they were sinners, who were denied consecrated burial according Christian law, but were buried by their families who cared for the fate of their souls and oversaw that they were buried in Christian fashion, if not in a Christian location.

Orderic Vitalis, in his twelfth-century ecclesiastical history, wrote of an Anglo-Saxon clergyman who was allowed to leave the cloister and kept company with multiple women. He

was eventually murdered by a second lover of one of these women and buried in disgrace in a sack. When his body was found his parents organized a proper burial, but because of his sins he was buried outside the churchyard (Chibnall 1990, 45-47). There are stipulations in the Anglo-Saxon and Anglo-Norman laws about how to clear a family member of judicial convictions and have them reburied in consecrated ground. III Æthelred 7 allows a kinsman to clear a deceased individual of the conviction of theft by providing 100 pieces of silver as security and facing the triple ordeal. If he was found innocent he may exhume the individual and rebury him in consecrated ground; if he was found guilty, then he too would suffer the fate of burial in unconsecrated ground (Robertson 1925, 68-69). A similar clause was maintained in the Laws of Henry I (*Leges Henrici Primi* 74, 1), although rather than the triple ordeal the kinsmen must swear an oath equal to the wergild of the slain man (Downer 1972, 230-33). This is one of the few clauses recorded in Anglo-Norman law which actually mentions consecrated burial. It is clear from these clauses that there were times when the innocence of offenders was maintained by families after their deaths; however, this also demonstrates the importance of consecrated burial in the eyes of the community.

Most of the isolated burials mentioned thus far were interred near boundaries, streams or disused settlements. Cherryson (2008, 125) has brought to light two late Anglo-Saxon isolated burials which were interred within prehistoric barrows. At the site of Ogbourne St Andrew's, Wiltshire, a man was interred in the centre of a barrow, laid supine and extended in a fir coffin (Cunnington 1885, 346). The burial was thought to have been Anglo-Saxon at the time of excavation, and later analysis of the coffin fittings provided a ninth- or tenth-century date (Semple 2003a, 79). There was a cremation burial interred lower in the mound's centre, which may have been the primary burial for the barrow. The barrow is located within the bounds of a churchyard, which, along with its burials, was given a 'medieval' date – maybe 1100 or 1200 – by the excavator based on the condition of the skeletons, but without any concrete evidence to support this date. If the churchyard is in fact later than the Anglo-Saxon burial in the barrow, this would make the barrow burial an unusual isolated burial.

Another late barrow burial was uncovered at Eggardon Hill-fort in Dorset (Putnam 1982, 181; Cherryson 2008, 125). Three individuals, orientated west-east and extended, were there inhumed in a prehistoric barrow. Two of the skeletons have been radiocarbon dated, providing dates of 670-880 (68% probability) and 640-980 (95% probability). The dates give a fairly wide range, so the individuals may have been buried in the seventh century, but they may just as easily have been buried in the ninth century. These two sites are unusual because they appear to be continuing an earlier tradition of barrow burial into the Christian Anglo-Saxon period. It is around the eighth century that barrows stop being a location for normative burial, perhaps associated with the worshipping of prehistoric ancestors, and take

on evil connotations and associations with supernatural entities (Williams 1998; Semple 1998; Semple 2003). The question is whether these were isolated deviant burials, perhaps even the beginnings of execution cemeteries which never received further occupants, or whether these were very late pagan barrow burials (Cherryson 2008, 125). Given that at least Ogbourne dates to later than all other such barrow burials in Wessex, it is possible that these two sites may have been execution cemeteries in their initial stages. More secure dating of the churchyard burials at Ogbourne might also shed further light on the discovery, and the nature of the site.

A number of deviant burials which date to the seventh and eighth centuries have been found in isolated locations; some of these may represent the initial separation of criminals from community cemeteries which led to the phenomenon of the execution cemetery in the late eighth through eleventh centuries (Reynolds 2002; Reynolds 2009, 203-18). A sixth- or seventh-century inhumation was uncovered at the cross-roads of two hollow ways at Broad Hinton, Wiltshire, containing an adult male laid supine with the head to the south-west (Clarke 2004). There is evidence that cross-roads were thought to have been places associated with the supernatural and sorcery. When writing about pagan auguries, Ælfric of Eynsham wrote, 'some witless women go to cross-roads, and draw their children through the earth, and thus commit themselves and their children to the devil' (Skeat 1881a, 375).⁹³ Although these associations clearly remained in community folklore until at least when Ælfric was writing in the late tenth century, there does not seem to be any evidence that cross-roads were used as places of deviant burial in the later Anglo-Saxon or post-Conquest periods.

An adult male was buried on the foreshore of the Thames in Chiswick, West London, probably in the seventh century (Lakin 1996). His right arm was flexed over the body and the left extended, which was not an uncommon position, but the ankles were crossed. An iron object thought to have been a peg was found between the legs, perhaps suggesting that the body had been staked in place. This may have been a method of displaying the body, or may have been the result of superstitions about the corpse rising from the grave. Two females were also found along the Thames in the City of London (Wroe-Brown 1999, 13). One of the burials may have been staked to the foreshore like the individual buried at Chiswick. This individual appears to have been killed by a blow to the head. It has been suggested that these women may have been victims of judicial drowning. There is an account of a woman being drowned at London Bridge for sorcery in a land charter, but nothing is mentioned about her burial (Robertson 1956, 69).

⁹³ *'Eac sume gewitlease wif faraðð to wega gelætum . and teoð heora eild þurh ða eorðan . and swa deofle betæcað hi sylfe . and heora bearn'* (Skeat 1881a, 374, ll. 148-50).



Figure 6.10. Map of Isolated Burials from the Anglo-Saxon and Anglo-Norman periods. Author's image.

Early Anglo-Saxon isolated burials displaying signs of a violent death have also been found. One such inhumation, radiocarbon dated to the seventh century, was found at Maiden Castle, Dorset (Brothwell 1971). The individual buried there had been mutilated by a series of blade wounds and interred in a Neolithic barrow, which was itself in an Iron Age hillfort. In 1999 a reanalysis was performed on one of three skeletons uncovered during excavations at Stonehenge in 1919 to 1926 (Pitts et al. 2002). The individual was a male aged 28-32, who had been decapitated. Two postholes near the grave may represent the placement of a gallows but this is uncertain. This isolated execution has been radiocarbon dated to the seventh century. These men may have merely died from a violent attack and then been hastily buried; however, the burials may also have been precursors to the execution cemetery.

Many of the early Anglo-Saxon isolated burials display unusual characteristics, such as signs of violence or stakes through the legs, and most of them are buried in locations far from contemporary settlements. It is possible that some of the individuals, such as the

decapitated man found at Stonehenge, the man buried at Maiden Castle, and the two women buried along the Thames, may have been buried at the location of their execution, as well. It seems unlikely that a person would be drowned and then brought to a separate location, also on the Thames, for burial, or equally unlikely that the decapitated corpse and the severed head would have been carried to Stonehenge specifically for burial. If isolated burial in the seventh and eighth centuries was, indeed, a precursor to the execution cemetery, this might mean that isolated burial in the later Anglo-Saxon period held different meanings than before. Later isolated burial in liminal and out of the way locations might have been intended for sinners who were not criminals, or they may have merely been the initial burials for execution cemeteries which did not continue in use. It is, perhaps, telling that the geographical distribution of isolated burials is mostly focused in Wessex and East Anglia (see figure 6.11), which is similar to the distribution of execution cemeteries. Isolated burials do not necessarily have to have had a separate meaning from execution cemeteries, however, later isolated burials do not exhibit the same additional signs of deviance suggesting possible capital punishment that some of the earlier isolated burials do.

Another explanation for these seventh- and eighth-century isolated burials, although along similar lines, should be considered. It is equally possible that rather than the origins of a royally administered practice of criminal burial these individuals who were buried outside of the normative community and many of whom display evidence of a violent death, including the Yarnton and Higham Ferrers burials, were evidence of kin-based or collective community retribution. Early Anglo-Saxon legislation, particularly that written before the reign of Alfred, reveals a judicial framework built upon a foundation of personal vengeance (see Chapter 2 for a more detailed discussion). Æthelberht's laws are thought to have aimed at social mediation by encouraging the payment of compensation for offences rather than redress through violence. Later kings adopted this social predisposition for vengeance into the legal system by taking the role of the wronged individual in more serious offences. However, before judicial administration reached this level of functioning in the tenth and eleventh centuries, it is clear that kin-based feud and administration of punishment at local community level were fairly common methods of handling offences, even after the development of written legislation. It is possible that some feud victims would have received normal burial, but others may have been buried by the avenged. This may have been particularly true in cases of offence against multiple members of the community or the local community at large rather than a specific individual. These individuals of early date found in isolated areas may have been buried in such locations not because of any need for judicial display or particular sense of religious condemnation but solely out of a sense of disrespect or exclusion from the community for their misdeeds. However, whether these burials represent initial judicial undertones of punishment through burial location or whether they were a

deviant funerary tradition of an early kin-based Anglo-Saxon society, they were very possibly the foundations of the powerful symbol of judicial control that became the execution cemetery.

The second type of isolated burial carries a slightly different connotation. These burials were on the fringes of Christian cemeteries, and give a strong impression of being directly juxtaposed to normative community burial. Although it is often difficult to date burials at medieval cemeteries securely to specific periods, especially if the cemetery was in use for many centuries, burial of individuals along the boundaries of cemeteries does seem to have been a tradition which was more common around the time of, and after, the Conquest. The cemetery burials at North Elmham, Norfolk were enclosed by a boundary wall, and a single individual (Grave 10), dating to the early eleventh century, was buried on the other side of the cemetery wall, by the road at the entrance to the cemetery (Wade-Martins 1980, 188). The man was also orientated east-west. It may be significant that the man had an extremely deformed left leg (see below for discussion). Another individual at this cemetery (inhumation 171) was actually buried in the foundation ditch for the boundary wall after the wall had degraded. It is not entirely clear if this individual was also thought to date to the eleventh century, and it is possible that he was a victim of murder or other such interpersonal violence. The man exhibited evidence for blade injuries, probably from a



Figure 6. 11. Plan of burials from the hospital of St Giles, highlighting isolated burial 1710 (Cardwell 1995, 216).

sword, on his head, neck and arm. A woman (grave 1710) was buried on the outside of the boundary ditch for the cemetery at the Hospital of St Giles, North Yorkshire (Cardwell 1995, 127-28, 215; Figure 6.11). Despite her exclusion from the community she was still orientated west-east and laid supine and extended. The remains of an older adolescent female (30702), dating to the twelfth century, were uncovered to the north of the precinct wall of Norwich Greyfriars. At first appearance these remains seem like an isolated burial similar to those mentioned above; however, the discovery of disarticulated bone from three further individuals buried at 'regular intervals' led the excavators to suggest that these burials were part of the churchyard at the nearby St John the Evangelist, which was truncated by extension of the Greyfriars' precinct wall (Emery 2007, 24).

One interpretation for burial on the outskirts of cemeteries is that mental or physical impairment might have had an impact on burial rites. Mental illness is not apparent in burial, but the isolated individual at North Elmham had a lame leg, which would have affected his quality of life and perhaps social status. Sickness was often blamed on a bad moral conscience in early Christian society. An example of this is found in a writ by King Edgar (IV Edgar I), dating to 962 or 963, which states that sin and immoral behaviour were the cause of the plague which had recently afflicted England:

In the first place, he and his councillors are of the opinion that misfortune such as this has been merited because of sin and disregard of God's commands, and especially through the withholding of the tribute which Christian people should render to God by their tithes (Robertson 1925, 29; from Crawford 2010, 97).⁹⁴

Leper cemeteries are a later example of providing differentiated funerary treatment to individuals who were physically impaired. The segregated status of lepers in life meant that their burial, too, was separated from the community at large.

Hadley (2010) and Crawford (2010) have both examined the possibility of physical, or mental, impairment having had an impact on Anglo-Saxon funerary rites. Both reached the conclusion that, although the social status of those who were less capable of fully functioning in daily life due to impairment would have suffered, there is nothing to suggest that there is a direct correlation between impairment and deviant burial. It is possible that a man who was wounded such that he could not perform strenuous labour might find himself out of work and turn to crime for survival, and so end up buried in a deviant manner, but this treatment would have been a consequence of his actions, not his impairment.

The woman found in an isolated burial at St Giles has been interpreted as a potential criminal or suicide. As with isolated burials located far away from Christian cemeteries, is it

⁹⁴ *'Ðæt is þonne ærest þæt him þuhte 7 his witum, þæt ðus gerad ungelimp mid synnum 7 mid oferhrynysse Godes beboda gearnod wære, 7 swyðost mid þam oftige þæs neadgafoles þe Cristene men Gode gelæstan scoldon on heora teoðingsceattum'* (Robertson 1925, 28).

highly possible that these individuals were sinners or criminals who died a natural death. Since most offences could be compensated for with a monetary payment, many judicial offenders would have continued living within the community and would have been buried with other community members. Perhaps burial on the edges of the cemetery was a way of marking out these individuals whose offences may have been forgiven but not forgotten.

CONCLUSION

Prone and crouched positioning, multiple interment, orientation off the norm and isolated location are all unusual characteristics for a Christian burial. Yet, they have all been found in association with Christian cemeteries as well as in locations consistent with execution cemeteries. Prone burial may have been a display of penance for the interim period between death and the Last Judgement. Crouched burial was rare and may have been associated with earlier pagan traditions or merely out of disrespect for the individual. Burial of multiple individuals was usually the result of simultaneous death, whether that death was from execution, illness, or something else entirely; occasionally graves would be reopened for the later inhumation of relations, most often children. Burials with non-normative orientations seem to have been due to carelessness or limitations on time or space, although it is possible there may be a deviant component to some. These burial forms were used in both deviant and Christian cemeteries alike, and continue into and beyond the later medieval period. They may have marked out those who were more sinful or garnered little respect in the community, but there is nothing to suggest that prone, crouched, multiple or misorientated burial is a definitive marker of a criminal or heathen.

Isolated burial, however, may have been a sign of some form of social, political, or religious deviance. There are additional explanations for individuals having been buried alone or in a very small group away from the normal community, such as murder or an untimely death while travelling. It was expected that a person would be buried in his or her local churchyard (Hadley and Buckberry 2005, 122; Foxhall Forbes 2013, 273-94), however it seems that in the latter situation allowances would have been made for burial in a different cemetery closer to the location of the death. This also does not account for those isolated burials just beyond cemetery limits. The only other explanation for fairly respectful burial but in liminal locations or far from the community would have been intentional exclusion.

The question is then what sort of person might have been denied consecrated or traditional burial, excluded from the community, or in need of additional penance? Offences mentioned in the laws for which a person could have been denied consecrated burial were swearing a false oath (II *Æthelstan* 26), men or women in holy orders not remaining celibate

(I Edmund 1), having intercourse with a nun (II Edmund 1), murderers (II Edmund 1), adulterers (II Edmund 1) being of suspicion [for an offense] and having no surety (I Æthelred 4.1; II Cnut 33.1), interposing in defence of someone who is of suspicion and has no surety (I Æthelred 4.2; II Cnut 33.1a), trying to clear someone else's conviction of theft by facing the ordeal and being proved guilty (III Æthelred 7), assaulting a man on the king's highway (IV Æthelred 4), and not learning the Pater Noster (I Cnut 22). This last seems a bit out of place with the rest of the sins listed, but, as Helen Foxhall Forbes (2013, 39-46) argues, the Pater Noster (or the Lord's Prayer) reaffirmed the most basic beliefs of Christianity: atoning for one's sins in order to be welcomed into heaven at the moment of the Last Judgement. Not understanding this concept would have been thought of as un-Christian and damning in itself, because salvation on the day of judgement required a lifetime of preparation and contrition.

References to denial of consecrated burial can also be found in Anglo-Saxon penitentials. The Old English Handbook, a late Anglo-Saxon penitential, forbids the singing of mass, burial with any 'psalm-song', or burial in a consecrated cemetery to suicides and anyone who 'loses his life because of the punishment of his offences – that is, for the thief, the murderer, or betrayer of his lord'. The same text states that adulterers and any kin who assisted the adultery should not receive the Eucharist and should not be buried with Christians. Likewise anyone who 'dwells in such evil kinship until the end of his life without any cessation' was also not permitted consecrated burial (Frantzen 2003-15, D554.13.01, D54.16.01, D54.19.01). The Old English Penitential makes similar declarations about unconsecrated burial.

A short discussion on suicide is necessary here since it has been one of the most stigmatised sins from Antiquity through to the early modern period. In fact stories of sixteenth-century suicide victims being buried prone or at crossroads has reinforced the link between deviant burial and suicide in the twenty-first-century mind. However, evidence from the Anglo-Saxon period seems to suggest that, although suicide was a sin which may have merited burial in unconsecrated ground, it may not have been seen as any worse a sin than adultery or having intercourse with a nun.

There are very few examples of or discussions about suicide in English sources before the thirteenth century. Alexander Murray (2000, 214) observed an absence of theological discussion on suicide from the twelfth-century; the same is largely true of Anglo-Saxon ecclesiastical sources. Murray only identified two Anglo-Saxon cases in his extensive volumes on medieval suicide. The first case is somewhat tentative (1998, 48-49). In 933 King Æthelstan's half-brother Edwin drowned in the ocean. *Anglo-Saxon Chronicle A* provides no further information than this. Simeon of Durham added, in the early twelfth-century, that Edwin drowned at the orders of Æthelstan. It was William of Malmesbury who first

mentioned suicide. His account stated that Æthelstan had exiled Edwin for conspiracy by sending him to sea in a rudderless and oarless boat. Edwin eventually jumped off the boat into the sea, drowning himself (Mynors et al. 1998, 227-29). This text does not provide any discussion or judgements of the suicide. William merely states that Æthelstan regretted his actions and later had the source of information about the conspiracy executed (Appendix B, no. 4). The second case was also from the post-Conquest writings of Simeon of Durham. While discussing how women should not enter cemeteries, he related the story of a Northumbrian woman who took a path through a church cemetery and subsequently went mad. She was later found with her throat slit and the knife in her hand. The death of this woman was judged by Simeon to have been divine punishment (Murray 1998, 117-18).

Helen Foxhall Forbes (2013, 306) uncovered two other cases of Anglo-Saxon suicide, one definite, one more speculative. *Anglo-Saxon Chronicle A* records that a King Sigferth killed himself in 962. He was given a churchyard burial at Wimborne. The second case, a tale of a monk falling from the church walls and dying, found in Byrhtferth of Ramsey's later tenth-century *Life of Oswald*, does not actually state that there was an intention of self-harm. Foxhall Forbes infers that suicide, or something equally socially unacceptable, occurred based on the tone of the text and the lack of detail about the event, which would be expected if the death was accidental. These appear to be the only four accounts of suicide recorded in historical chronicles for pre-Conquest England. Even after the Conquest there is only one further account that fits into this period of study. Orderic Vitalis, when recording the event of the drowning of King Henry I's son William, mentioned that Thomas Fitzstephen, the skipper who crashed the boat, allowed himself to drown after finding out that the king's son had been lost to the sea (Murray 1998, 72-74).

It was not until the end of the twelfth century and the role of the coroner, established in 1194, that suicide entered the English written record with regularity. It is at this point that suicide was fully established as a judicial crime and victims were listed in Exchequer Pipe Rolls and Eyre Rolls, primarily to distinguish them from homicide victims and to list the value of their chattels, which went to the king. The Eyre Rolls mentioned 272 instances of suicide but rarely provide information beyond the method of death and the worth of the goods (Murray 1998, 126-41). Burial was an ecclesiastical issue so was not detailed in judicial documents. Since ecclesiastical chronicles seem to have rarely related tales of suicide, there are few clues to the burial of victims' bodies.

Murray argued that a general silence regarding suicide in chronicles from all European regions and medieval periods is a result of the private and secretive nature of suicide. Due to the nature of suicide, the family of the victim was also the family of the felon, and thus it seems families and communities often attempted to hide knowledge of the deed (Murray 1998; Murray 2000). While this is possibly true of the majority of the Middle Ages,

the silence of the Anglo-Saxons may have instead been a result of their inclination not to mark suicide out as an extraordinarily horrible or sinful death in comparison to other ‘bad’ deaths. Mary Clayton (2009) has shown that Ælfric of Eynsham did feel very strongly about the immorality of suicide. For instance, in his sermon about the suicide of Ahitophel he wrote ‘Every man shall likewise be damned who killeth himself, and every suicide shall suffer everlastingly’ (Skeat 1881a, 425).⁹⁵ However, Bede seemed to feel much more mercifully regarding the eternal fate of suicides. In his eighth-century *Allegorical Exposition of Samuel*, Bede follows the mention of Saul’s suicide by urging good men to pray for those who had died a spiritual death because of their earthly sins (Murray 2000, 195). In this passage Bede gives the impression that he did not believe a suicide was inherently damned because of his manner of death. This is not to suggest that the Anglo-Saxons were completely nonchalant about suicide, but rather that it did not have quite that same stigma as it seems to have done in other medieval cultures. This is perhaps not so astounding when it is considered that one of the main reasons suicide was deemed so horrible was that it was considered the worst form of homicide (Murray 1998; Murray 2000) and in Anglo-Saxon legislation homicide was not a punishable crime. Royal authorities did not deem suicide a crime so were not particularly concerned about it in terms of judicial control and the clergy seem to have had mixed opinions about the immorality and consequences of suicide.

The Old English Handbook is the only written source to mention the burial of suicides in unconsecrated ground. Since Antiquity suicides had been buried with a lack of respect, or not buried at all, so burial of suicides in unconsecrated ground would be a continuation of earlier Christian tradition. If the souls of suicides were thought to have been damned, burial in an execution cemetery with other deviants would have been a fitting location. The primary difference in the Anglo-Saxon treatment of suicides as opposed to later in the Middle Ages is that they were not provided especially disgraceful funerary treatment but denied consecrated ground alongside other sinners such as murders, adulterers, those who had intercourse with nuns, and other sinners who had not earned their place among the Christian community of the dead.

Any of the offences mentioned in the laws or penitentials might have resulted in an individual being buried away from the Christian community. Those committed by members of the religious community in particular might have given reason for such a burial just beyond the border of consecrated land. II Æthelstan 26 and I Edmund 1 allow for amends to be made, and presumably amends were possible in other situations. Perhaps those people who made amends for swearing a false oath or those religious members who made amends for not observing celibacy were the type of people thought to require extra penance despite

⁹⁵ (*Ælc man bið eac fordemed þe hine sylfne adyt and ælc agen-slaga á on ecnyse ðrowað*) (Skeat 1881a, 424).

their amends and so were buried prone. Of note, however, is the treatment of these sinners after the Conquest. For the most part they seem to have no longer been excluded or treated differently in burial. Even prone burial appears to have fallen out of use for a brief time. At some point during the Middle Ages suicides become re-excluded from the rest of the community in burial – only at this point they are the only sinners, besides possibly the occasional executed felon, to be so excluded, emphasising its particularly immoral status in later medieval theology (Murray 1998; Murry 2000).

There are other groups of people who, although not specifically mentioned in the laws as having been denied consecrated burial, may have also been buried beyond the boundaries of consecrated land. Isolated burial might not only be motivated by religious ordinances, but also represents social exclusion from the community. Victoria Thompson (2004, 50-51) has emphasised the importance of the views of the community in the Anglo-Saxon funerary ritual. She has also drawn attention to the Vercelli IX poem's description of *wraec* (exile) as *micel cwelm* (a great death). This description implies that exclusion from the community was viewed as a form of death while still on earth. Community was an integral concept to the structure of Anglo-Saxon justice, religion, and daily life. The Vercelli Book demonstrates just how crucial being part of a community was thought to have been; exclusion from the community in life or death would have been a very serious and, clearly, damning situation. There is thus a high probability that some of these isolated graves might have belonged to outlaws or friendless foreigners. Excommunicates were also exiles, though specifically from the religious community. It is unlikely those who had been excommunicated would have been accorded consecrated burial, although they may very well have still received a respectful burial. Exile was a common judicial punishment for serious crimes, especially for aristocrats who, by law, should be executed. Wizards, sorcerers, murderers, prostitutes, heathens, apostates, thieves and robbers, murderers, perjurers, adulterers, and injurers of the clergy were some of the offenders threatened with exile (Edward and Guthrum II, VI Æthelred 7, II Cnut 4-6).

There is another group of deviants that has not yet been discussed. There are some individuals in the execution cemeteries who do not display any specific signs of deviance aside from their location. These burials are similar to isolated inhumations from Coppergate, Bugle Street, Fosse Lane, The Brooks, Westgate, Doncombe Bottom and Devil's Dyke, which were interred supine and orientated west-east. Some of these had one leg semi-flexed or varying arm positions, but many would not have seemed out of place in a churchyard. Many of those buried in execution cemeteries who were orientated in a direction other than west-east also display no other signs of deviance. Were these also executed criminals? Chapters 4 and 5 discussed the methods of execution recorded to have been used by the Anglo-Saxon and Anglo-Normans, most of which would have left osteological indicators. Decapitation,

being thrown from a cliff, and being burned to death certainly should have left some form injury to the skeleton. There is a high chance that stoning, slitting the throat and being 'slain' would have affected the skeleton, but it is not impossible that stoning would have only injured the muscles and tissue, that a blade would not have cut deep enough into the neck or might have missed the ribs and vertebrae when stabbing a person through. There is also a possibility that the skeleton had not survived in good enough condition for minor blade injuries, such as a nick on a rib or a faint cut across the vertebral body, to be recognised. Drowning and hanging would not have left any skeletal marks, so the only indication of these is the binding of limbs to keep the victim captive throughout the execution. It is possible that not all individuals were left bound during inhumation.

The majority (70.26%) of individuals buried in execution cemeteries were neither bound nor decapitated, which are the deviant characteristics most certainly associated with execution. However, only 17.49% of individuals buried in execution cemeteries were buried supine, fairly extended and orientated west-east (and nearly a third of these were still buried in multiple graves). This leaves a huge number of individuals whose burials involved varying non-normative characteristics. All of these individuals, deviant or seemingly otherwise, were intentionally buried in the isolated liminal locations. They may very well have been executed criminals who were drowned or hanged or carefully slain, and then unbound and buried. However, if burial in consecrated land was as important as the penitential and legal documents suggest, then adulterers, heathens and murders should be buried outside of consecrated land as well. The isolated burials discussed in this chapter are not the complete sample of isolated burials from England in c. 850-1150; however, even supposing that the fifteen or so mentioned above comprises only half of the full number of isolated burials from this period when unpublished excavations are accounted for, this seems a small number of isolated burials, especially when those burials which are more likely to have been displaced or victims of interpersonal violence, such as those at Yarnton and Higham Ferrers, are taken into account. It then seems unlikely that execution cemeteries were strictly for executed criminals and that isolated burials were only for other sinners. The possibility that isolated burials were intended as execution cemeteries but subsequent burials never followed has already been discussed. However, it does seem clear that some of the burials discovered at execution cemeteries are very likely not to have been executed, but to have been buried there after natural deaths because of sins committed during their lives. This knowledge illuminates the extent to which the execution cemetery was both a judicial and religious concept.

In sum, this chapter has demonstrated that there are a number of explanations for deviant burial practices which do not necessarily suggest capital punishment, or even nefarious behaviour. As Tim Sutherland (2000, 43) noted in regards to the battle of Towton victims, 'Even if the deposition of the bodies does not conform to a preconceived regular

pattern, one should not automatically assume that the procedure reflects disrespectful intent on the part of those who buried them.' However, certain of the burial positions such as prone burial and isolated location, may have been a symptom of criminality rather than a sign of it. Criminals may have required an extra means of atonement so might have been buried prone; criminals may have been executed together and so been buried together; criminals may have been denied consecrated burial if they did not make amends. It must also be emphasised that a number of these burial positions, especially when used outside of Christian cemeteries, may not have been meaningful but rather a result of complete lack of concern in providing certain sorts of people – criminals, sinners, heathens – with proper Christian burial.

THE EXECUTION RITUAL

Capital and corporal punishment, in any period, but certainly during the middle ages, were intended as displays of judicial might, with the main purpose of striking fear into the hearts of prospective offenders. The seventeenth article of William I's *Willelmi Articuli Retracti* states 'We likewise forbid anyone be slain or hanged for any offence, but his eyes shall be put out and his feet or his hands cut off, or he shall suffer castration, so that the trunk remains alive as a sign of treachery and wickedness' (Robertson 1925, 250-51).⁹⁶ This clause is about corporal punishment, but it is applying a concept associated with execution to a living body. In one sense, punished criminals almost lose their individual identity to become political signs of the authorities' fight against sin. Yet at the same time, such criminals were expected to maintain a certain amount of their recognisability to make the punishment truly relevant and effective. These were offenders against the community, the king and God; but they were also fathers, mothers, sons, friends, neighbours, and kinsmen, and, most importantly, they could be you if you did not comply with the established rules of behaviour. This chapter will explore the relationship between the community and judicial punishment by attempting to piece together what actually happened during the execution event. Who were the victims, the audience, and the executioner? How did they behave, where did the execution take place, and what happened there?

Execution in the sources

As this thesis has established, for early medieval England there are two main sources of evidence for capital punishment: the law-codes and the funerary evidence. Legislation provides information about crimes and potential punishments, while funerary evidence provides information about the individual and the manner of death. Other written sources, such as chronicles or hagiographies, provide occasional references to executions having happened to a certain person or as a general punishment for criminal sinners. However, although there are very few accounts from the ninth through twelfth centuries detailing the actual execution process or the moment of death, detailed accounts of executions survive from the thirteenth and fourteenth centuries. For instance, the London Annals for 1305

⁹⁶ *'Interdicimus eciam ne quis occidatur vel suspendatur pro aliqua culpa, sed eruantur oculi et abscidantur pedes vel testiculi vel manus, ita quos truncus vivus remaneat in signum prodicionis et nequiciae suae'* (Robertson 1925, 250-51).

graphically recount how William Wallace, a leader in the Wars of Scottish Independence against England, was dragged behind horses to the gallows, where he was hanged, his entrails then removed and burned and his corpse subsequently beheaded and cut into pieces, which were sent to the corners of the kingdom (Bartlett 2004, 48; Stubbs 2012, 141-42). Hugh Despenser the Younger, executed in 1326 for political and other crimes during the reign of Edward II, was visibly dismembered, his genitals and heart burnt and his head severed and sent to London, according to the fourteenth-century historian Jean Froissart (Royer 2003, 319; Johnes 1808, 32). In fact, chroniclers went to great lengths to detail fully the pageantry and spectacle of later medieval executions. Public displays of ignominy and suffering were thought to have been essential to the political messages conveyed by medieval executions.

Esther Cohen referred to public executions as 'intricate rituals', arguing that:

The aim of authorities in staging long and painful executions was not to avenge themselves by inflicting a maximum of agony upon the criminals. The spectacle was meant as a visual enactment of implemented authority, displaying the full power of the law to all observers, but the cruelty of the penalties was a corollary, not an aim (Cohen 1989, 408).

It is because of the public nature of state executions that the spectacle became so complex, each piece of mutilation supposedly signifying punishment for a specific crime. Every aspect of execution was part of a performance, intended as much for the community as it was for the criminal himself. It was a drama in which the performers, the audience and the directors orchestrating from off-stage were all crucial to its success.

The lack of detailed accounts of executions from the earlier period is a limitation when trying to recreate the moments leading up to the execution and the execution itself. Most references to executions merely state that the person was sentenced to death or was killed, occasionally specifying that the person was hanged. There are only three instances in which the written record provides detailed insight into the processes of the execution: the various accounts of the death of Eadric *Streona*, Orderic Vitalis' account of the decapitation of Earl Waltheof and William of Malmesbury's account of the hanging of William of Aldery. There are a number of accounts of the death of Eadric *Streona*, many dating to the twelfth century. The records provide Eadric with varying manners of death as well, including decapitation, defenestration and general 'slaying' (see Appendix B, no. 19). William of Malmesbury claimed that he was strangled and thrown out of a window into the Thames (Hart and Holbrook. 2011, 321). John of Worcester alleged, in contrast, that he was killed secretly in the palace and thrown over the wall to be left unburied (Darlington and McGurk 1995, 505). However, Henry of Huntingdon wrote that he was beheaded, and his head fixed on a stake on the highest tower in London (Greenway, 1996, 361-63). There are also two fairly contemporary pre-Conquest sources for this execution: the *Anglo-Saxon Chronicle* which

simply states that he was slain (Garmonsway 1972, 155) and the *Encomium Emmae Reginae* which provides an account of his execution by decapitation:

It was, accordingly, the case that he [Cnut] loved those whom he had heard to have fought previously for Eadmund faithfully without deceit, and that he so hated those whom he knew to have been deceitful, and to have hesitated between the two sides with fraudulent tergiversation, that on a certain day he ordered the execution of many chiefs for deceit of this kind. One of these was Eadric, who had fled from the war, and to whom, when he asked for a reward for this from the king, pretending to have done it to ensure victory, the king said sadly: "Shall you, who had deceived your lord with guile, be capable of being true to me? I will return to you a worthy reward, but I will do so to the end that deception may not subsequently be your pleasure." And summoning Eiríkr, his commander, he said: "Pay this man what we owe him; that is to say, kill him, lest he play us false." He, indeed, raised his axe without delay, and cut off his head with a mighty blow, so that soldiers may learn from this example to be faithful, not faithless, to their kings (Campbell 1998, 30-32).⁹⁷

So many different forms of death are assigned to Eadric in early English histories, that it is very possible that decapitation is used here as a literary trope to portray Cnut as firm and just and Eadric as deplorable. Regardless, Eadric's death according to the *Encomium Emmae Reginae* is a reminder that not all early medieval judicial capital punishment involved an official trial and performance of a complex, ritualised execution.

The execution of Earl Waltheof in 1076 was written about by a number of eleventh- and twelfth-century texts (see Appendix B no. 24), but the fullest account of the actual execution is found in the *Historia Ecclesiastica* of Orderic Vitalis, written in the first half of the twelfth century:

Without delay the Normans, who coveted the wealth and wide fiefs of Waltheof and were deeply concerned lest he should escape, led him out of the town of Winchester early in the morning whilst the people slept, and took him up the hill where the church of St Giles, abbot and confessor, now stands. There he piously divided among the clergy and poor who happened to be present the rich garments which he wore as an earl, and prostrating himself on the ground gave himself up for a long time to prayer, with weeping and lamentation.

⁹⁷ *'Ergo miseratione diuina monarchiam regni Cnuto uir strenuous suscepit, et nobiliter duces et comites suos disposuit, et fine tenus deinceps regnum Anglorum pacifice tenuit. Erat autem adhuc primaeva aetate florens sed tamen indicibili prudential ollens. Unde contigit, ut eos quos antea Aedmundo sine dolo fideliter militare audierat diligeret, et eos quos subdolos scierat atque tempore belli in utraque parte fraudulenta tergiuersatione pendentes odio haberet, adeo ut multos principum quadam die occidere pro huiusmodi dolo iuberet. Inter quos Edricus, qui a bello fugerat, cum praemia pro hoc ipso a rege postulareret, ac si hoc pro eius uictoria fecisset, rex subtristis, "Qui dominum", inquit, "tuum decepisti fraude, mihine poteris fidelis esse? Rependam tibi condigna premia, sed ea ne deinceps tibi placeat fallatia." Et Erico duce suo uocato, "Huic", ait, "quod debemus persoluito, uidelicet, ne nos decipiat, occidito." Ille uero nil moratus bipennem extulit, eique ictu ualido caput amputauit, ut hoc exemplo discant milites regibus suis esse fideles, non ifideles'* (Campbell 1998, 30-32).

But since the executioners feared that the citizens would wake and prevent them carrying out the royal will, and show sympathy for their noble fellow countryman by murdering the royal guards, they addressed the prostrate earl in these words: "Get up," they said, "so that we may carry out our lord's orders." To this he replied, "Wait a little longer, for the love of almighty God, at least until I have said the Lord's prayer on your behalf and mine." As they agreed he rose, and kneeling with his eyes raised to heaven and his hands stretched out he began to say aloud, "Our Father, which art in Heaven". But when he reached the last sentence and said, "And lead us not into temptation," such tears and lamentations broke from him that he could not finish his prayer. The executioner refused to wait any longer, but straightway drawing his sword struck off the earl's head with a mighty blow. Then the severed head was heard by all present to say in a clear voice, "But deliver us from evil, Amen." This was the manner in which Earl Waltheof was executed at Winchester on the morning of 30 April, his body being flung unceremoniously into a ditch and hastily covered with freshly cut turf. As the citizens woke and heard the sad story they were plunged into mourning, and men and women alike loudly bewailed the fate of Earl Waltheof (Chibnall 1990, 319-23).⁹⁸

Unlike the decapitation of Eadric, that of Waltheof was more ritualised, for all that the royal guards tried to avoid it being witnessed. The execution occurred just after the Norman Conquest, when William I reigned but Anglo-Saxon traditions may still have held fast. The account of Waltheof's death is intriguing because of its proximity to the Conquest and the social and political transformations that occurred in its aftermath; however, for these same reasons, it is also a problematic example to use for identifying potential changes in the shape of execution before and after the Norman Conquest. It must also be taken into account that Orderic Vitalis was writing in the first half of the twelfth century, so some of these views of Anglo-Saxon 'traditions' could be anachronistic.

The third detailed account of early medieval English execution fully dates to the Anglo-Norman period. In 1096 William of Eu was accused of treason against William Rufus, and after he lost the trial by battle he was blinded and castrated. His steward, William of

⁹⁸ *'Nec mora Gualleus a Normannis qui euasionem eius ualde timebant sibique prædia eius et largos honores adipisci cupiebant, extra urbem Guentam mane dum adhuc populus dormiret ductus est in montem ubi nunc æcclesia sancti Egidii abbatis et confessoris constructa est. Ibi uestes suas quibus ut consul honorifice indutus processit clericis et pauperibus qui forte aderant ad hoc spectaculum deuote distribuit, humoque procumbens cum lacrimis et singultibus Dominum diutius exorauit.*

Cumque carnifices trepidarent, ne ciues exciti præceptum regis impedirent et tam nobili compatriotæ suo suffragantes regios lictores trucidarent, 'Surge' inquit prostrato comiti 'ut nostril compleamus iussum domini.' Quibus ille ait, 'Paulisper expectate propter omnipotentis Dei clementiam saltem ut dicam pro me et pro uobis orationem dominicam.' Illis autem permittentibus surrexit et flexis tantum genibus oculisque in cælum fixis et manibus tensis 'Pater noster qui es in cælis' palam dicere cepit. Cumque ad extremum capitulum peruenisset, 'Et ne nos inducas in temptationem' dixisset uberes lacrimæ cum eiulatu proruperunt, ipsumque preces inceptas concludere non permiserunt. Carnifex autem ulterius præstolari noluit sed mox exempto gladio fortiter feriens caput comitis amputauit. Porro caput postquam præsectum fuit cunctis qui aderant audientibus clara et articulate uoce dixit, 'Sed libera nos a malo amen.' Sic Gualleus comes apud Guentam ii. kal. maii mane decollatus est ibique in fossa corpus eius uiliter proiectum est et uiridi cespite festinanter coopertum est. Expergefacti ciues compertis rumoribus ualde contristati sunt uirique cum mulieribus ingentem planctum de casu Gualleui comitis egerunt' (Chibnall 1990, 319-23).

Aldery, was also implicated in the treason and hanged. The event was recorded by many twelfth-century historians (see Appendix B no. 33), but the account in the *Gesta Regum Anglorum* of William of Malmesbury, written c. 1125, was the most detailed.

Many people were involved in that accusation [of treason], perfectly innocent and worthy men. William of Aldery was one of them, a man of handsome person who had stood godfather with the king. Condemned to the gallows, he made his confession to Osmund bishop of Salisbury, and was scourged from church to church through the town. And so, having distributed his garments to the poor, he went naked to his hanging, drawing blood from his delicately-nurtured body by frequent kneeling upon the stony road. With the bishop and people following him to his place of punishment, he made this profession: "So God assist my soul", and said, "and deliver it from evil, I am innocent of that of which I am accused. The sentence passed upon me will not be revoked, but I wish all men to be ware of my innocence." Then the bishop, having spoken the commendation of the departing soul and sprinkled him with holy water, withdrew and he was hanged, giving an admirable display of courage, for he uttered no groan at the prospect of death, no sigh in the moment of it (Mynors et al. 1998, 565).⁹⁹

This is the first detailed account of an execution which is fully public. A crowd of people paraded behind William as he walked through the streets to his place of execution. There are so few detailed recordings of the execution ritual that it is impossible to argue for any patterns with conviction; however, looking at these three accounts, the execution ritual appears to grow into a form more similar to later medieval executions, such as those of William Wallace and Hugh Despenser mentioned above, over the course of the eleventh and twelfth centuries.

Through these accounts we can begin to imagine the circumstances of the execution: the atmosphere, the condition and behaviour of the condemned, the general attitude of the observers toward the event. The rest of the chapter uses these accounts, along with any helpful detail from other executions in contemporary historical chronicles and the archaeological evidence, to recreate the dramatic performance and to uncover the rituals of execution for Anglo-Saxon and Norman England. While it may seem unnecessarily gruesome to reimagine moments surrounding the death of medieval criminals, and the 'spectacle of suffering', this information fills that crucial gap between the conviction and burial, enabling a more thorough examination of transition across the Conquest to be made. Inevitably, much

⁹⁹ *'Plures illa delatio inuoluit, innocents plane et probos uiros. Ex his fuit Willelmus de Alderia, spetiosae personae homo et compater regis. Is patibulo affigi iussus, Osmundo episcopo Salesberiae confessus et per omnes aecclesias oppida flagellates est. Itaque, disperses ad inopes uestibus, ad suspendium nudus ibat, delicatem cernem frequentibus super lapides genuflexionibus cruentans. Episcopo et populo sequente ad locum suplitii ita satisfecit: 'Sic' inquit 'adiuuet Deus animam meam et a malis liberet, ut de re qua accusor immunis sum; et quidem sentential de me prolata non reuocabitur, sed uolo omnes homines innocentiae meae esse consciuous. Tunc dicta commendation animae et aspersa aqua benedicta, episcopus discessit, ille appensus est, admirando fortitudinis spectaculo, ut nec moriturus gemitum nec moriens produceret suspirium'* (Mynors et al. 1998, 564).

of the following discussion is speculative based on the comparison of necessarily limited evidence; however, the exercise itself raises some important questions about early medieval capital punishment which require further consideration, and, hopefully, brings us closer to understanding the development of medieval execution.

THE STAGE

The Execution Cemetery and the Cwealmstow

A great deal of the archaeological focus on Anglo-Saxon execution has been on the location and landscape of the 'execution cemetery'. Andrew Reynolds (2009) analysed twenty-seven excavated cemeteries with deviant burials to determine a landscape typology for the execution cemetery. He argued that most are on the boundaries of estates or regional borders, such as Domesday hundred boundaries (Reynolds 2002). He associates these places of deviant burial with the Anglo-Saxon term *cwealmstow*, meaning place of execution, a compound of *cwealm* 'death/slaughter' and *stow* 'place' (Bosworth 2010). This argument raises two issues to consider: to what exactly does *cwealmstow* refer, and are the excavated deviant cemeteries indeed *cwealmstowa*?

A few charters and hagiographies use some variation of the term *cwealmstow* (see Table 7.1). It must be remembered that boundary descriptions mention locations which were either extant or imprinted in local cultural memory at the time of documentation. One of the main ambiguities in the use of the term is, thus, whether the place of execution was an official location which was repeatedly used, or whether, in contrast, executions were rare enough that a single execution event would remain firm enough in the community memory to be used as a boundary marker. Unfortunately, this cannot be determined from the surviving documentation.

The written sources provide very little contextual information to assist in our understanding of the connotation of the term *cwealmstow*. In Ælfric's sermon on St George, he depicts him as being dragged face down through the streets on the way to the *cwealmstowe* (Skeat 1881a, 316); however, there is little to suggest just how far he was dragged or where this site of his execution might have been, nor whether the executioner had a specific site in mind for the execution. It is mentioned that his body was later brought into the city for burial (Skeat 1881a, 318), so the only thing known for certain is that he was dragged to somewhere outside the city limits. The Old English Life of St Nicholas, written c.1150, states that he was brought out of the city gate (*portgate*) to the *cwealmstow* (Treharne 1997, 94, 111). Both Ælfric and Bede write that Romano-British St Alban was beheaded on a hill, however it is important to the story that the hill was an improvised place of death chosen by Alban himself (Skeat 1881a, 423; Sherley-Price 1990 52-55). Bede actually refers to an arena as the

intended *cwealmstow*, although this is perhaps Bede's attempt at being historically correct for a saint killed in the Romano-British period. In Ælfric's sermon on St Denis and his companions, who were early Christian proselytizers, they are said to have been decapitated 'upon the hill' (*uppan ðære dune*) (Skeat 1881b, 423). Juliana, who was a secret Christian and was martyred after refusing to marry, was said to have been 'conducted close to the border of the country and to the place where the cruel-minded people meant in their violent hostility to kill her' (Bradley 1982, 317)¹⁰⁰. The word used here is *landmearc*, which means boundary, usually of an estate or country. Again, however, there is no indication whether a specific place was intended, or if any liminal area would have served as well.

Table 7.1. List of references to *cwealmstow* in Anglo-Saxon sources. The *Dictionary of Old English Web Corpus* (2009) and the *Dictionary of Old English: A to G online* (2007) were used to compile the examples in this table.

Reference	Translation	Source
'swa to þære ealdan cwealmstow'	'so to the old killing-place'	Charter S376 (Reynolds 2009, 272)
'swa est be þære stræte oð þa cwealmstowe æt Maccanho'	'so east by the street as far as the killing-place at Maccanho [the country boundary]'	Charter S1562 (Perceval 1865, 49; Reynolds 2009, 272)
'up on icen hilde weg. On þæn hæðenan byriels. of icen hilde wege innan þa cwealm stowe'	'up to Ickniel Way. to the heath burial. from Ickniel Way inside the killing-place'	Charter S1588 (Reynolds 2009, 272)
'oðþæt hi common to ðære cwealmstowe'	'until they came to the place of execution'	Ælfric's sermon on St George (Skeat 1881a, 318-19)
Hi lædde þa maximus swa se manfulla hét mid oþrum cwellerum to þære cwealm-stowe	So Maximus with other torturers led them, as the wicked man had commanded, to the place of execution	Ælfric's sermon on St Cecilia (Skeat 1881b, 369)
'Hlaford, nu me hi lædað ut æt þære portgate 7 swa forð to þære cwealmstowe þe is geclypod Bisrano'; 'eal swa he com to þære cwealmstowe'	'Lord, now they are being led out of the city-gate and forward to the execution place called Bisrano'; 'and just as he came to the execution place'	The Old English Life of St Nicholas (Treharne 1997, 94, 111)
'þa gemetton hi ænne Cyreneiscne mannan, se wæs on naman Symon and hi hine nyddon þæt he nam þa rode and he hi bær to ðære stowe seo is gecweden cwealmstow, and heafodbollan stow'	'Then they met a Cyrenian man, who was called Simon by name, and they required that he took the cross and bore it to the place which is called the place of execution, and the place of the skull'	Oxford, Bodleian Library, MS Bodley 340 (Dictionary of Old English: A to G online 2007); my translation with the help of Mark Faulkner
'Hwæt ða cempan ða. hine gelæddon. to ðære cwealmstowe þær cwealde sceaðan'	'Truly then when the warriors led him to the place of execution the fiends killed the man there'	Palm Sunday, in Ælfric's Catholic Homilies (Godden 1979, 145); my own translation
'arærde ða cyrcan on ðære cwealmstowe þær seo rod on læg. þam leofan drihtne.'	'He then erected a church to the beloved Lord on the place of execution, in which the cross rested'	Invention of the Cross, in Ælfric's Catholic Homilies (Godden 1979, 175); my own translation with the help of Mark Faulkner
'Se sunderhalga ða Iosias lædde þone apostol to þære cwealmstowe'; 'Hi becomon ða to ðære cwealmstowe'	'Then the Pharisee Iosias led the apostle to the execution place'; 'Then they came to the execution place'	James and the Seven Sleepers, in Ælfric's Catholic Homilies (Godden 1979, 246-7); my own translation

¹⁰⁰ 'Da wæs gelæded lond-mearce neah and to þære stowe þær hi stearc-ferþe þurh cumbol-hete cwellan þohtun' (Gollancz 1895, 280, ll. 635-37).

Other historical evidence hints that execution may have taken place immediately following conviction. In all of the accounts of the death of Earl Eadric, he is not provided an official trial but executed in a private place upon the orders of the king, Cnut (see Appendix B no. 19). In Wulfstan Cantor's late tenth-century account of the ordeal undergone by the slave of a certain Flodoald, in *Narratio Metrica de S. Swithuno*, the executioners are ready with their swords to fulfil the sentence as soon as it is prescribed following a judgement of guilt. It is stated that the judgement of the ordeal took place at a tribunal of the reeve and before a number of thegns (Lapidge 2003, 309-11, 508-15; Appendix B no. 9), however where this tribunal might have taken place is not specified. It could have been at location similar to hundred meeting places, which often took place in a landscape context similar to the archaeological profile of execution cemeteries. Holding the trial at the place of potential execution would remove the task of having to move the decapitated body afterward to a place of burial. However, it is just as likely that the tribunal occurred elsewhere. No detail is provided in the *Encomium Emmae Reginae* about what was done with Cnut's decapitated body either.

The archaeological evidence suggests that there were specific locations for, at least, the burial of executed victims. Many of the sites where potential execution victims have been found display evidence of continual use for burial over a period of time. Forty-one fairly complete skeletons were found at Stockbridge Down, but a number of disarticulated bones were also found scattered around the complete burials, suggesting that earlier burials may have been disturbed in the process of grave cutting. Eleven excavated skeletons (Skeleton Nos. 7, 9, 10, 13, 15, 18, 23, 24, 35, 36, and 40) displayed evidence of having been cut through by later burials (Hill 1937, 253-6). For example, No. 13 was a prone burial which was cut through



Figure 7.1. Photograph of skeleton 14 from Stockbridge Down, cutting through the lower half of skeleton 13 and the left femur of skeleton 15 (Hill 1937, Plate VIII). Reproduced by permission of the Hampshire Field Club.

at the lower legs when No. 14, a potentially bound individual, was buried in perpendicular orientation to No. 13 (Figure 7.1). No. 13 was also cut by the interment of Nos. 11 and 12 in a single grave, which removed the skull and part of the upper body of No. 13. The grave cut for No. 14, which also cut through the left femur of No. 15, was too short and the head of the individual rested on the right femur of prone burial No. 15 (Hill 1937, 254).

Another interesting example from Stockbridge Down is Skeleton No. 23, a potentially bound individual, who was found lying perpendicular to, and completely underneath, potentially bound Skeleton Nos. 8 and 20. The burial of Skeleton No. 20 had only just cut into the lower spine of Skeleton No. 23 (Hill 1937, 254). This suggests that not only was there no consistent orientation within the cemetery, but that execution victims were being buried without any form of grave marker, even for convenience. The burial of execution victims on top of other execution victims most likely means that, while the same location of burial was being repeatedly used, there was a decent length of time between burials and likely a change in grave diggers. This enforces the notion that executions were rare events rather than regular practice. Similar intercutting occurred at Staines (Hayman and Reynolds 2005), Guildown (Lowther 1913), Meon Hill (Liddell 1933) and Chesterton Lane (Cessford 2007), all of which contained both decapitated and potentially bound individuals.

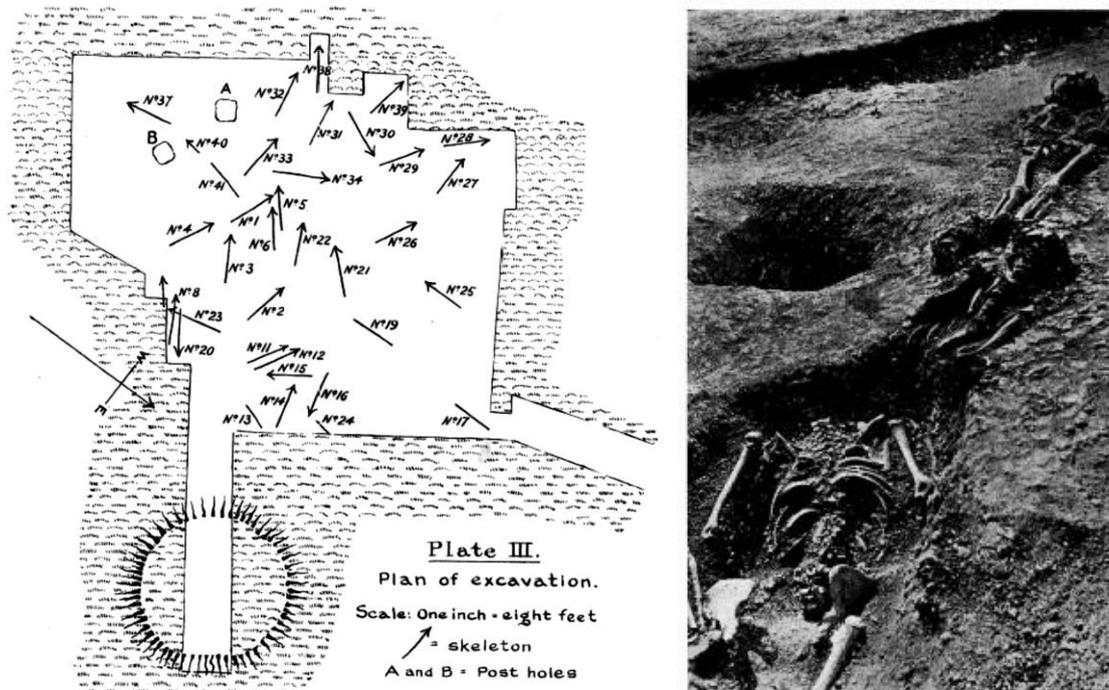
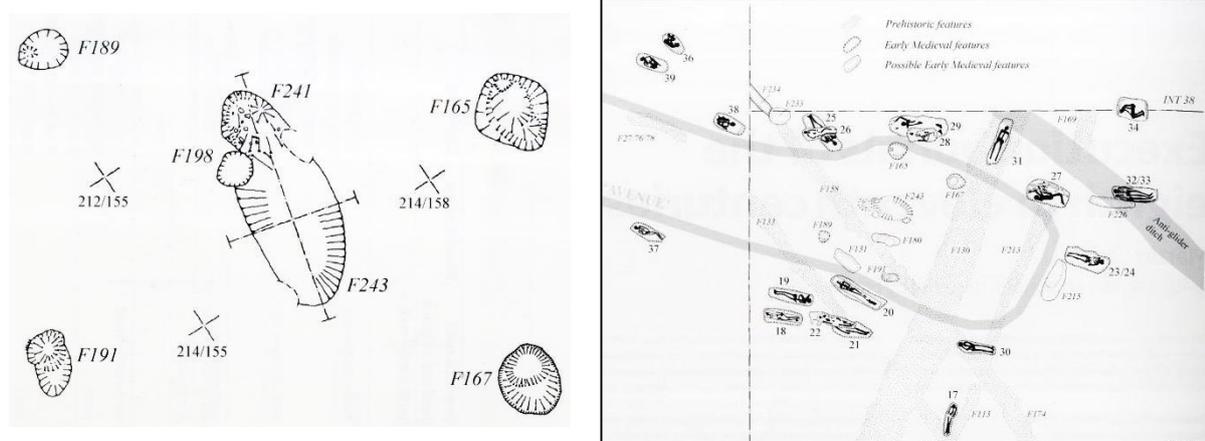


Figure 7.2. (Left) A diagram depicting the location of the possible gallows postholes amongst the burials on the left (Hill 1927, Plate III) and (right) a photograph of skeleton nos. 37, 40 and 41 with posthole B nearby to the left (Hill 1927, Plate III, Plate V). Reproduced by permission of the Hampshire Field Club.

Despite the overwhelming evidence for the burial of deviants at these cemeteries, there is limited evidence that some executions may have taken place at these sites. Two ‘almost identical’ postholes, roughly two feet wide and three feet deep with steep sides, were found about eight feet apart in the midst of the burials at Stockbridge Down (see Figure 7.2). This two posted structure was postulated as having been a gallows. Unfortunately, there is some discrepancy within the report regarding the location of the postholes. The written text places the features at the feet of Skeleton No. 14 (potentially bound) and Skeleton No. 19 (a decapitation victim); however the sketched diagram of the burial layout and the plate photographs place the postholes to the south, on the opposite side of the cemetery (Hill 1937, 252, Plate V and III). It appears that postholes are actually near Skeleton Nos. 37, 40 and 32. Nos. 32 and 37 were both buried with their wrists crossed behind the back. No. 40 was mostly destroyed by the later interment of skeleton 41, who was buried prone and missing the skull and first four cervical vertebrae, possibly as a result of decapitation. Regardless of this discrepancy, the most logical explanation for a structure made of two large posts about eight feet apart in the middle of a deviant cemetery is probably a gibbet of some sort, whether for execution or just display of corpses.

Postholes which may have been for a gallows-type structure were also found at Sutton Hoo (Carver 2005, 324-25, 331). The deviant burials at Sutton Hoo were separated into two groups. Group 2 was scattered around Mound 5, an earlier elite mound burial which was part of the seventh-century Anglo-Saxon barrow cemetery. Group 1 seems to have been focused around feature 243, which was interpreted as a large tree bole. Four features (165, 167, 189 and 191) which appear to be large postholes surround the tree bole, and a few smaller features (perhaps also postholes) cut the tree bole feature. Carbonised wood was recovered from posthole 165 and radiocarbon dated to between 690 and 980 (95% probability). These



features were interpreted as a series of gallows structures, probably beginning with use of the central tree for the hanging of criminals, and then progressing to a gallows constructed of two upright posts with a cross beam. This type of gallows would have been standard for the period, and is represented in contemporary manuscripts depicting hangings, namely BL MS Cotton Claudius BIV f. 59r (Figure 5.12) and Pierpont Morgan MS M. 736 f. 19v (Figure 5.17). The four larger postholes were suggested to have been either two sets of such gallows standing together, or two periods of gallows structures. The smaller post holes near the tree bole could have been unrelated, or may represent the use of a supporting tri-beam (Carver 2005, 331). While the conclusion that these postholes were indeed for a gallows must always be speculation, as at Stockbridge Down a gallows or a gibbet for the display of executed corpses seems the most plausible structure to have been placed in the middle of a cemetery full of deviant burials.

It was also suggested that a gallows may have stood at Guildown cemetery, but this claim is much more tenuous. Arthur Keith, who examined the excavated skeletons from Guildown, states in his limited published analysis that A.W.G. Lowther, the excavator, at one point told him that 'a gallows stood at or near Guildown' (Lowther 1931, 46). This is all of the information provided about said gallows; the source of this information, whether it was discovered during excavation or is merely local knowledge, is not provided, and thus there is no evidence of a date for the supposed gallows. Keith supports his argument for the presence of a gallows by stating that 'one skull (that of a man) shows rupture of its base – a lesion which is found in death by hanging – with a long drop' (Lowther 1931, 46). Keith does not provide a full description or an image of the lesion, or even reveal on which individual it was found. It is possible that this lesion at the base of the skull was created as a result of the individual being hanged, although, as discussed in Chapter 5, long drop hanging would not have been used at such an early date and the occurrence of such lesions even in long drop hanging is rare. On the other hand, the thirty-five individuals found in their graves still bound, suggests there was probably a location for hanging criminals not far from the site; yet this inference can be drawn for all of the deviant cemeteries with bound individuals analysed in this study.

While the postholes uncovered at Sutton Hoo and Stockbridge Down are potentially enlightening, the absence of postholes from other sites does not necessarily indicate the absence of a gallows at some point. It would not have been uncommon to use a tree for hanging as a gallows substitute, as seems to have been done at Sutton Hoo prior to the erection of a permanent gallows structure. A temporary gallows, which would not have left archaeologically visible evidence, may have also been used. At some cemeteries, such as Bran Ditch and Walkington Wold, execution practice was dominated by decapitation rather than hanging, which would have made no archaeological impact on the landscape other than in the form of the burials themselves. Perhaps the most compelling evidence for 'execution

cemeteries' as locations of execution is the large number of potential victims of capital punishment having been buried in places which would have been ideal for the execution itself. It can be seen in Table 7.2 that all of the excavated deviant cemeteries lie near the edge of a territory, if not exactly on the boundary features, and they all seem to be in fairly visible locations. They are all near roadways which connect major towns or waterways that may have been routes for trade. A liminal yet visible location is one of the main features Andrew Reynolds has argued is characteristic of the execution cemetery (Reynolds 2009, 157). Similar types of sites were used for capital punishment throughout Europe during the medieval period – in visible locations as a sign of justice but outside of populated areas. The thirteenth-century hanging of William Cragh and Trahaern ap Hywel took place on a raised hill, just beyond the town of Swansea but in clear view of the de Briouze castle (Bartlett 2004, 5). Snorre Sturlason's *Heimskringla*, written in the thirteenth century about tenth-century events, mentions that certain holms, islands in the middle of a river, were commonly used for execution (Laing 1889, 147). A holm would not have been raised very high above the water, but the gallows which sat atop it would have been very apparent to anyone passing by.

Most of the accounts of the execution itself from the Anglo-Saxon period are found in hagiographies, which must always be examined with the awareness that they are intended as idealised stories of Christian faith. Thus, the removal of the bodies of saints from their place of execution and their holy burial on consecrated land cannot be assumed to be the norm for Anglo-Saxon criminals. The intention of the hagiographical tale is to demonstrate God's omnipotence, and that, despite the follies of mankind, he will ensure the salvation of those who are faithful to him and pure in intent. Hence, Oswald's head was reconnected to his body to prove that he was undeserving of such a fate, and life was returned to St Denis' body so that he could walk from his place of execution, severed head in hand, to his desired location of burial (Skeat 1881b, 189). Aside from the tales of saints, few other sources mention the burial of victims of capital punishment, and none provides much detail. Therefore, it is unclear from historical sources where the bodies of victims of execution were usually buried. The archaeological evidence suggests that there were locations reserved for both the execution and burial of criminals; but are these the previously discussed *cwealmstowa*?

From the little detail provided in the historical sources about locations of execution, it seems plausible that these excavated cemeteries were, indeed, *cwealmstowa*. This would also indicate that some *cwealmstowa* were fairly established sites, where criminals were repeatedly brought for execution over a period of time. However, the impression provided by the varied use of *cwealmstow* in historical texts, as well as the lack of specific details or descriptions surrounding the term, is that the *cwealmstow* may not have been a specific phenomenon. *Cwealmstow* may have just referred to any place of execution, rather than solely to these sites where individuals were both executed and buried. It is easier to believe that its use in charters may indicate a specific place than it is to reconcile the use of the term

in hagiography, in which martyrs are rarely buried at the same site, with the archaeological evidence. The execution cemetery as a place of both death and burial is still a phenomenon unique in this period to Anglo-Saxon England, but it may be that all execution cemeteries are *cwealmstowa* but that not all *cwealmstowa* were places of burial.

In his typology of the execution cemetery landscape, Reynolds also suggested that execution cemeteries have an association with prehistoric monuments. When closely examined, this association does not seem to have been as prevalent as Reynolds proposes. Not all of the execution sites are directly associated with prehistoric monuments and for those that are there is no consistency in the type of monument. For those sites which do not seem to be directly associated with earlier monuments, Reynolds argues that there are prehistoric archaeological features in the approximate geographical area surrounding the cemetery; however, this is an argument that could be made for most of Britain. The features which are associated with execution cemeteries date from the Bronze Age to the seventh century (Table 7.2). Some are burial mounds, such as the Anglo-Saxon mound cemetery at Sutton Hoo or the Bronze Age barrows at Walkington Wold, while others may have been defensive, such as the earthwork at Bran Ditch or the Iron Age hillfort at Meon Hill. The sites of Guildown, Old Dairy Cottage and Stockbridge Down were not near any obvious prehistoric monuments. They were, however, all on the summit of a prominent hill or ridge.

It could be argued that the height and visibility of the location was actually the more important landscape feature, and that the proximity to prehistoric monuments was merely a result of their prominence in the Anglo-Saxon landscape. Burial mounds were memorials to deceased individuals of importance, and as such were built to be visible in the landscape. Beowulf's barrow was on the edge of an ocean cliff and said to be 'high and broad, to be seen far and near by those voyaging across the waves' (Swanton 1997, 185).¹⁰¹ Howard Williams (1999, 80) has observed of seventh- and eighth-century elite burial mounds that:

The translation of the dead to ancient monuments on territorial boundaries and prominent hill-tops with extensive panorama intervisible with major routes of movement may have combined to situate the grave in a unique and liminal place in the Early Medieval landscape. Equally such locations would require long funerary processions and make the graveside rights highly visible; this would serve to ensure as wide an audience as possible.

Williams could easily have been describing the landscape of the later execution cemeteries instead of princely mounds. These are the same characteristics that would have been beneficial if the execution ritual, or even just display of the corpses, was meant to be witnessed and understood by Anglo-Saxon communities. Anglo-Saxon burial mounds had for a long time been markers of authority and territorial claims (Semple 2008, 417-23; Williams

¹⁰¹ 'se wæs heah ond brad, wegliðendum wide gesyne' (Swanton 1997, 184).

Table 7.2. Table detailing the associated landscape features for each of the execution cemeteries, based on Reynolds' criteria.

Site	Bran Ditch	Chesteron Lane	Guildown	Meon Hill	Old Dairy Cottage
Prehistoric Monuments	The site was located on a linear earthwork, possibly of post-Roman date, which thought to have been defensive in nature. The earthwork was 400 ft above sea level.	The site was near a 4 th -century earthen bank. The later Saxon burials were interred on top of a middle Anglo-Saxon cemetery.	The execution cemetery was imposed upon an earlier 6 th century Anglo-Saxon cemetery.	The location appears to have been an Iron Age hillfort.	The site is not directly associated with any prehistoric monuments.
Roadways and Rivers	'The execution site is 800m to the north-west of the Cambridge-Royston road' (Reynolds 2009, 106).	The cemetery lies along a Roman road.	The site lies along the old road (possibly Roman) to Harroway, which runs through Guildford.	The road from Stockbridge to Salisbury runs across the hill on which the cemetery was placed.	The site is near the Roman road from Winchester to Mildenhall
Boundaries ¹⁰²	The ditch ran along the parish boundaries. 'the vallum itself forms part of the boundary between the hundreds of Armingford and Thiplow', and lies 1 km from the meeting point of the county boundaries of Cambridgeshire, Hertfordshire and Essex' (Reynolds 2009, 106).	The site lies along the boundary to the Cambridge Hundred (Reynolds 2009, 109).	'The Guildown execution cemetery is located... to the west of the Late Anglo-Saxon town of Guildford and within Woking Hundred, some 500m to the east of its boundary with the hundred of Godalming.' (Reynolds 2009, 139)	'The execution site on Meon Hill lies on the boundary between the parishes of Longstock and Houghton.' (Reynolds 2009, 116)	'The burials are sited on the boundary between the hundred of Falemere and Barton... The spot also marks the meeting point of the boundary clauses of the Anglo-Saxon estates of Headbourne Worthy, Chilcomb, and Easton.' (Reynolds 2009, 119)
Important Landscape Features	None, aside from the location near a defensive earthwork.	None, other than the location near the earthen bank.	The site is on the summit of Hog's Back ridge, which overlooks the town of Guildford	The site is on the summit of a hill 200ft above the River Test level	The site lies on the summit of a series of hills.
Source	Fox and Palmer 1926; Lethbridge and Palmer 1929; Hill 1976	Cessford 2007	Lowther 1931	Liddell 1933	Cherryson and Buckberry forthcoming

¹⁰² The information on boundaries is taken from Reynolds (2009), as he created a thorough catalogue of nearby hundred and estate borders.

Staines	Stockbridge Down	Sutton Hoo	Walkington Wold
There is a possibility that a linear Roman ditch ran across the site at one point.	The site does not appear to be specifically related to any prehistoric features	On the site of a prominent 'princely' mound cemetery from the 7 th century	The cemetery was located around two bronze age barrows, one of which was repurposed for burial in the late Roman period
The site lies along the Roman road from London to Stichester, and is just outside of the historic town of Staines.	Near the River Test and the Roman road from Winchester to Old Sarum and Salisbury	Evidence of an Iron Age track was found running through the cemetery and may have still been in use in the Anglo-Saxon period. The mounds also seem to lie along the old road to Woodbridge.	The site is 'intervisible with a routeway linking Beverly to York' (Reynolds 2009, 150).
'The cemetery lies 100m south of the Staines parish boundary, while the boundary of the hundred of Spelthorne, within which Staines is located, and the county boundary with Berkshire, is 500m to the south and west of the site. During the later seventh or earlier eighth century, when the cemetery was founded..., the site also lay at the boundaries of a series of Early Anglo-Saxon territorial entities and close to an important crossing over the River Thames.' (Reynolds 2009, 123-24)	'The site is situated on the Stockbridge side of the boundary, with the parish of Leckford to the north.' (Reynold 2009, 121)	'The western boundary of the hundred of Wilford [lies] 500m to the west' (Reynolds 2009, 132)	'The execution site at Walkington Wold lies within the hundred of Welton, immediately adjacent to its boundary with the hundred of Cave to the west.' (Reynolds 2009, 150)
The site is on low ground, raised just above the Thames flood level, and is potentially near a few small island towns (Staines, Binbury and maybe Pontibus), separated by the Thames	The site is on a prominent hill, a low mound was also found near the site but upon exploration an age was not discovered and it does not appear to have encased burials	On a scarp along the river Deben	None other than the location near to the barrows.
Hayman and Reynolds 2005	Hill 1937	Carver 2005	Bartlett and Mackey 1972; Buckberry and Hadley 2007; Buckberry 2008

1998, 103); there is no reason why burial mounds would not have still been used for a similar purpose – to demonstrate power and control over a territory – after the conversion to Christianity and the centralisation of political authorities.

Reynolds (2008) has emphasised the visibility aspect of his identified pattern in that execution cemeteries were located near frequented routes. For instance Chesterton Lane was located along the main road into Cambridge, which was an early administrative centre that fully developed into a town by the tenth and eleventh centuries. Reynolds (2008, 27) points out that locals would have been constantly aware of the presence of the cemetery and any visitors to the town would not have missed the 'very powerful illustration of the exercise of secular justice.' It would also have been visible from the River Cam, which functioned as a

late Anglo-Saxon border between East Anglia and Mercia. Anglo-Saxon Staines was a well-used crossing point over the Thames, particular for any travellers wishing to avoid London. The execution cemetery at Staines was located along the main road to this crossing and was also in full view of the minster erected on the nearby Binbury Island. Sutton Hoo would have been visible from the River Deben and Walkington Wold from the Humber. These four examples were all associated with rivers, and possibly ferry-crossings (Reynolds 2008), but what is most striking is the continued emphasis on visibility. Semple (2013, 197) has highlighted that kings also made seasonal travels around England and would have used many of these major land and water routes.

Sarah Semple (2013, 193-223) discussed the importance of prominence and visibility to the 'theatrical setting' of the execution cemetery. While Semple has written quite a bit about barrows in late-Anglo-Saxon England and, in particular, their association with the supernatural (Semple 1998; 2003a; 2003b; 2008), her more recent analysis of Anglo-Saxon execution cemetery landscapes revealed a similar notion to that discussed above – that very few of the sites have any certain association with prehistoric burial mounds (Semple 2013, 197). Instead, she focuses on the role that other landscape features play in the symbolic effect of the execution cemetery. For instance Meon Hill and Stockbridge Down execution cemeteries were associated with earlier hillforts located in areas of Anglo-Saxon royal settlement and possibly judicial assembly (Semple 2013, 201-04). These areas were likely chosen for royal estates because of the pre-existing fortifications; placing an execution cemetery near such places, particularly with the display of corpses, would have enhanced the 'theatrical setting' of any royal councils and made an significant impression about royal power.

While it is difficult to fit all of the execution cemeteries into one location pattern, when more closely examined it becomes clear they were as much a construct of the surrounding geography as they were meant to stand out from the landscape. Although visible to internal community audiences as well as visitors, the execution cemeteries often seem to have been placed on specific borders and boundaries as symbols of secular judicial violence and punishment aimed at particular external community audiences.

Abandonment of execution cemeteries

It is difficult to determine exactly when the use of execution cemeteries was discontinued. Five of the cemeteries (Chesterton Lane, Walkington Wold, Staines, Old Dairy Cottage and Sutton Hoo) were radiocarbon dated, three (Meon Hill, Guildown and Stockbridge Down) were dated based on coins found during excavation, and the final site (Bran Ditch) has a very general date based on artefacts associated with the burials. The difficulty in using both radiocarbon and relative dating to try to distinguish patterns lies in the difference in date ranges provided. Radiocarbon results provide a date range for each individual, which

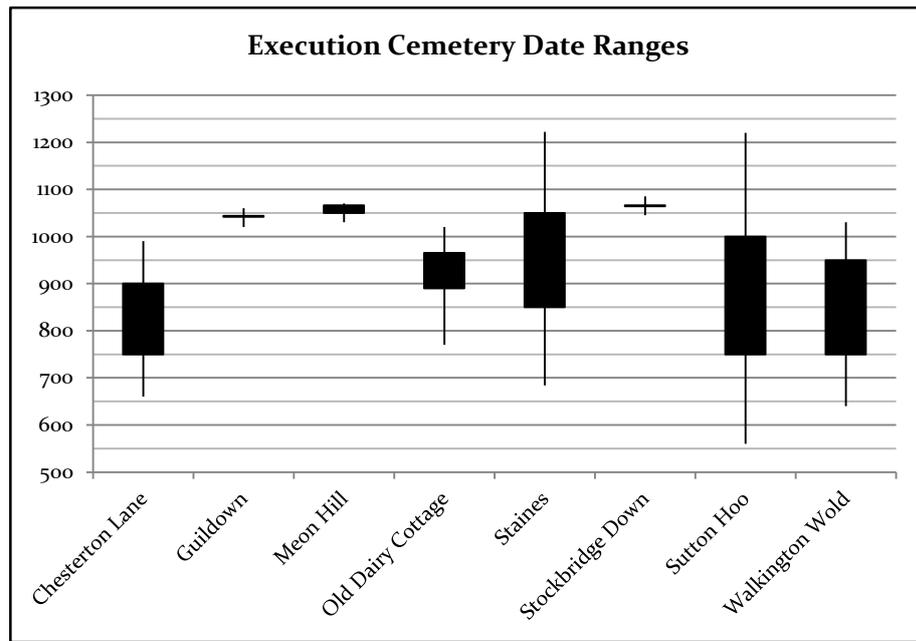


Figure 7.4. Chart of execution cemetery date ranges, showing the longest and shortest possible ranges. Guilddown, Meon Hill and Stockbridge Down were all dated based on coins, so provide very limited ranges. However, based on the date ranges produced by the other execution cemeteries it is not improbable that the cemeteries began earlier and continued for a period of time in the late-10th or early 11th centuries.

combined gives a very large time period during which the cemetery would have at some point been in use. On the other hand, the coins provide a specific date at which point the coin was minted, which provides the earliest date at which the individual could have been buried; however this suggests very little in the way of how long after this point the burial may have happened, or whether the cemetery may have been in use prior to the coin burial. With this in mind, it is probable that each of the cemeteries, aside from maybe Chesterton Lane, were in use at some point between 900 and 1100. A number of the cemeteries, however, may have come into use much earlier than 900 (Figure 7.4).

Samples for radiocarbon dating were taken from six skeletons at Sutton Hoo, as well as a wood sample from the probable gallows (Table 7.3). The gallows dates to roughly the end of the seventh century through the end of the tenth century, however Carver (2005, 331) postulated a series of gallows having been erected over the years, and it is unknown from which of these gallows structures in the series the wood remains originated. The largest time span of the Sutton Hoo execution burials was anywhere from the seventh century to the thirteenth century. However as Carver (2005, 347-48) pointed out, 'while radiocarbon dates allow three burials (22, 35 and 42) to be as early as the seventh century, only one burial (42) must be as early as the late eighth. Similarly, although one burial may be as late as the thirteenth century, no burial must be later than the eleventh century. The radiocarbon dates thus allow all the dated burials to occur within the eighth to eleventh century period'. According to the date range probabilities analysed by Janet Ambers of the British Museum

(Carver 2005, 55), the Sutton Hoo execution burials seem to be roughly centred on a period from the late seventh through to the mid-eleventh centuries, which correlates almost exactly with the known beginning and end of this form of Anglo-Saxon justice.

Table 7.3. Radiocarbon dates from the Sutton Hoo organic material samples.

Burial	68% probability	95% probability	Ambers' date range probability (see Carver 2005, 55),
Group 1			
17	620-780	560-890	
22	720-750 or 770-900 or 920-940	680-980	Centred on ninth century
30 (potentially bound)	1020-1160	980-1220	Centred on eleventh century
35 (decapitated)	680-880	650-980	Eighth to tenth century
39 (potentially bound and prone)	900-920 or 960-1020	880-1040	Centred on tenth century
Gallows Post	770-900 or 920-940	690-980	Centred on ninth century
Group 2			
40 (decapitated)	900-920 or 970-1040 or 1000-1120 or 1140-1160	890-1160	Centred on late tenth to early eleventh century
42b (decapitated and part of a triple burial)	660-720 or 740-770	650-780	Eighth to ninth century
45 (prone)	900-920 or 960-1030	880-1050 or 1090-1120 or 1140-1160	Centred on late tenth to early eleventh century

The radiocarbon dates from skeletons buried at Old Dairy Cottage presented a date roughly between the late eighth and early eleventh centuries (Cherryson and Buckberry *forthcoming*; Table 7.4). This represents the longest possible span of use of the cemetery. On the basis of the radiocarbon dates, the most limited time span would have been from the late ninth through mid-tenth century. It is a distinct possibility that Old Dairy Cottage had fallen out of use before the Norman Conquest.

Table 7.4. Radiocarbon dates from the Old Dairy Cottage organic material samples.

Individual	68% probability	95% probability
525 (decapitated)	780-900	770-970
560 (decapitated, potentially bound, prone)	780-995	775-965
575 (decapitated and potentially bound)	895-995	890-1020
576 (prone)	885-970	780-990

Three individuals from Staines were radiocarbon dated (Table 7.5), producing a broad date range between the eighth and twelfth centuries (Hayman and Reynolds 2005, 252). While this cemetery could have been in use for five and half centuries, it only had to

have been in use from the late ninth century through to the first quarter of the eleventh century. On the basis of the radiocarbon dates, it is impossible to know whether the execution cemetery at Staines had been abandoned before the Conquest, or, equally possible, whether it continued in use for a time afterward.

Table 7.5. Radiocarbon dates from the Staines organic material samples.

Individual	68% probability	95% probability
S226 (potentially bound)	694-879	684-893
S241	1021-1157	999-1186
S277 (decapitated and prone)	1040-1209	1024-1222

Walkington Wold was excavated between 1967 and 1969, and was initially thought to have been Roman in date. It was only when the osteological material was reanalysed and radiocarbon dated in the twenty-first century that the cemetery was recognised to have been Anglo-Saxon in date. With this reanalysis of the date it also became clear that Walkington Wold was very possibly an execution cemetery. Three skeletons were radiocarbon dated, and the dates obtained do not much overlap (Table 7.6). The cemetery might have been in use for nearly four centuries (c. 640-1030); however it is also possible that it was only in use for two centuries (c. 750-950) (Buckberry and Hadley 2007, 312-13).

Table 7.6. Radiocarbon dates from the Walkington Wold organic material samples.

Individual	95% probability
8	900-1030
11 (decapitated)	640-775
13	775-980

Chesterton Lane appears to have been much earlier in date than the other execution cemeteries. It does not necessarily provide the earliest possible start date (Walkington Wold and Sutton Hoo present individuals with equally early radiocarbon dates), but on the whole Chesterton Lane presents the earliest end date, having been used at some point between the mid-seventh and mid-ninth centuries (Table 7.7). The excavator states that the cemetery ‘could potentially have been in use for as little as twenty years, or as long as two hundred [95% probability]’ (Cessford 2007, 213-14). The date range centred around the eighth century, and unlike cemeteries such as Walkington Wold, the dates of the individuals were fairly consistent.

Table 7.7. Radiocarbon dates from the Chesterton Lane organic material samples.

Individual	68% probability	95% probability
1 (decapitated)	680-740	660-790
2	680-750	680-810
4 (decapitated)	810-880	760-900
5 (decapitated)	790-880	750-900
6 (potentially bound and prone)	690-820	680-870
7	740-780	720-880
8 (decapitated)	690-810	680-870
10	920-970	870-990

Speculating on the extent of use for the cemeteries dated by artefacts is much more difficult than for those cemeteries with radiocarbon dates. Ideally, all of the cemeteries analysed in this study would have radiocarbon dates; however due to the age of the Guildown, Meon Hill, Stockbridge Down and Bran Ditch excavations, which were all completed in the 1920's or 30's, radiocarbon dating could not be used, and no subsequent analysis has been performed with modern technologies. Bran Ditch was dated to the Anglo-Saxon period because of Anglo-Saxon pottery uncovered at the site and an Anglo-Saxon iron knife which was clearly suspended on belt worn by Skeleton 1 at the time of burial.

Excavations at Guildown, Meon Hill and Stockbridge Down all uncovered coins from the reign of Edward the Confessor, which suggest the cemeteries existed for at least a brief period of time shortly around the Conquest. At Guildown, a silver halfpenny dated to 1043 was found on the pelvis of No. 173, who was buried with hands crossed in front of the pelvis (Lowther 1931, 31-32). The left arm of skeleton No. 173 was lying underneath the right arm of No. 174, suggesting these two potentially bound individuals were buried at the same time, along with a third bound individual, No. 175. That the coin was found resting directly on the pelvis of the individual suggests that it was deposited with the burial of No. 173, rather than having been disturbed in the digging of the grave and backfilled. The burial of No. 173 cut through the lower half of an earlier multiple burial, also thought to be part of the execution cemetery because of the north-south orientation. Therefore, the execution cemetery was also likely to have been in use, even if only briefly, before the mid-eleventh century.

The coins found at Stockbridge Down were buried with Skeleton No. 19, a decapitation with the head placed between the legs. Six silver coins wrapped in linen were found hidden in the individual's armpit. R.H.M. Dolley (1957, 284-86) determined that the coins would have likely been deposited in the Autumn of 1065, based on subsequent minting cycles of coins for kings Harold and William. The other finds from the site were thought to have been largely of early Norman date, which suggests that this cemetery may have continued for a time into the Norman period.

The final coin to date an execution site, from Meon Hill, is slightly more tentative evidence than from the other two sites. Just beyond the right-hand fingers of decapitated Skeleton No. 5 was found a coin dating to the latter half of the reign of Edward the Confessor. The excavators stated that ‘there seems no reason to dissociate the coin from the other objects, while bearing in mind that as the eleventh century (*sic*) turf line was only five or six inches above it, which is no distance for a thin silver coin to “walk,” and that there was nothing but soil between it and the turf, it may possibly be intrusive’ (Liddell 1933, 137-38). Seeing as the coin was so close to and level with the fingers of the skeletons, it seems reasonable to proceed with the assumption that there is a high chance that the coin was buried at the same time as the skeleton, and, thus, dates the burial. The other artefacts from the execution burials at Meon Hill were thought to have been of late Saxon date.

Overall, it appears that the execution cemetery was a feature of Anglo-Saxon justice established quite early in the period of the formation of judicial punishment, possibly as early as the mid-seventh century. Andrew Reynolds (2009, 235-50; 2013) argued that the formation of the execution cemetery was a response to the growing political power of separate Anglo-Saxon kingdoms, which created a need for visible displays of control. Based on the radiocarbon dates, this seems a fairly plausible argument. The first examples of judicial punishment, as opposed to legally mandated monetary compensation, can be found in the late seventh-century laws of Wihtrred and Ine. King Alfred greatly increased the crimes for which capital punishment was a possibility. Daniella Fruscione (2014) demonstrated a direct correlation between the development of judicial punishment and the establishment of a more central authority based on the law-codes between Æthelstan and Alfred. The increasing use of execution cemeteries from the ninth to eleventh centuries (see Figure 7.4) suggests that this correlation proves true after the reign of Alfred as well.

If execution cemeteries were originally a reaction to competition between growing authorities, they evidently became a fixture of Anglo-Saxon capital punishment. With the exception of Chesterton Lane, it is conceivable that all of these cemeteries were in use in the eleventh century, and while some may have fallen out of use prior to the Conquest, some would have been maintained for a time after the Conquest. The radiocarbon dates suggest that Sutton Hoo and Staines were likely to have been used after the Conquest, and many of the artefacts found in and around graves at Stockbridge Down, largely pottery and a few buckles, appear to have been of Norman date. Stockbridge Down was dated by a coin of Edward the Confessor found in one of the deviant graves, but it is likely that the use of the cemetery extended into the Norman period as well. Just because the execution cemetery was an Anglo-Saxon concept, does not mean that their use would have ground to a halt at the exact moment William was crowned king of England. The important question, at this point, is on what political level was capital punishment carried out (see Chapter 2 for an initial discussion)?

Execution cemeteries were clearly a display of legal enforcement, based on their prominence in the landscape and along travel routes. However, this does not necessarily mean that, as a phenomenon, execution cemeteries were orchestrated by the king or directly related to royal justice. In reality, justice would have been organised on varying levels and the amount of royal administration increased gradually from the reign of Alfred to that of Edward the Confessor. In general, royal justice may have had representatives on the hundred and possibly shire level, who might have been privy to the king's confidence and knowledge of new legislation, but on more local levels justice and punishment would have been regulated by local representatives and perhaps by the community itself. Official execution sentences were probably decided at hundred assemblies and shire courts, if the offender was captured and imprisoned for an official trial.

It has been previously proposed that the locations of hundred courts and execution cemeteries might be the same. David Hill (1976, 127) suggested that *cwealmstowa* were on top of mounds either for placement of a gallows or because that was where the *witan*, the councillor or leader of the hundred, sat or stood. Warner (1988, 22) noted that Wilford Bridge was a location of hundred meetings and it is only a mile from the cemetery at Sutton Hoo. However, Andrew Reynolds (2009, 239), whose study of execution cemeteries included a thorough analysis of nearby hundred and parish boundaries, did not find any further hundred meeting-places in close proximity to execution cemeteries. Thus, perhaps it is more likely that execution cemeteries are a creation on the town level. Not all offenders would have received a trial before the hundred, and those thieves who were slain during capturing because they resisted (II *Æthelstan* 20.6; see Chapter 2) would not have received a trial at all. Perhaps execution cemeteries were a way of dissuading thieves and outlaws from coming into a town by demonstrating that crimes against the community were regularly punished, while at the same time providing a place for the burial of sinners which was as far away from the community as possible (i.e. on the border of the next township or parish or hundred).

Since so few of the excavated execution cemeteries have been securely dated, it is impossible to suggest how common they might have actually been. A number of the cemeteries are in the Danelaw (see Figure 7.5); however, those that were in the Danelaw (Walkington Wold, Sutton Hoo, Chesterton Lane and Bran Ditch) could all have started before Scandinavian settlement in the late ninth century. Although the cemeteries continued to be used by those living in Danelaw territory, they were probably established by Anglo-Saxons. Execution cemeteries do dominate the record for locations of criminal burial. No apparent execution victims have been discovered in Anglo-Saxon churchyards. While isolated burials dating to the later Anglo-Saxon period have been uncovered, although limited (see Chapter 6), none exhibited overt signs of execution. While there were certainly ways of killing someone without leaving osteological indicators, all of the skeletons that do present reasonable osteological and funerary indicators of execution (i.e. decapitation and



Figure 7.5. Map of the location of the excavated Anglo-Saxon execution cemeteries. Author's image.

bound wrists) have been found in the execution cemeteries. The archaeological evidence thus suggests that, while execution cemeteries may have been organised on the regional or even local level, the tradition may have been fairly prevalent, at least in south-eastern England. To understand more fully who created and who was using execution cemeteries, it would be helpful to radiocarbon date some of the other potential execution cemeteries identified by Reynolds.

Anglo-Norman execution sites

Although some of the execution cemeteries continue across the Conquest, there are no execution cemeteries of an entirely post-Conquest date. In other words, no new execution cemeteries were created after the Norman Conquest. The only mention of *cwealmstowa* in any of the early medieval English legislation, pre- or post-Conquest, is found in the *Leges Henrici Primi*: '10, 2. All highways are completely the concern of the king, and all *cwalstow*, that is places of execution, are wholly within the king's own jurisdiction' (Downer 1972,

108).¹⁰³ This clause seems to suggest either that the king was placing the use of all *cwealmstowa* under royal administration, or perhaps that he was trying to prohibit the continued use of these places by Anglo-Saxon communities by removing local jurisdiction. The archaeological evidence suggests that executed criminals were no longer buried at the same location as their execution; however this does not preclude the continuation of executions at these locations.

Again we must consider the connotations of the word *cwalstow* (or *qualstowa*, as it was spelt in the Latin text of the *Leges Henrici Primi*). The meaning remains the same – killing place. However, it is difficult to tell whether this refers to all places of execution in the post-Conquest period, or if it is referring specifically to the known Anglo-Saxon locations of execution and burial. Orderic Vitalis described Waltheof as having been led out of the town of Winchester and onto a hill (Chibnall 1990, 323). Yet, the fate of Waltheof is possibly not the best example for understanding post-Conquest traditions; Orderic was adamant that Earl Waltheof was executed in Anglo-Saxon fashion, so the location may also have been distinctly Anglo-Saxon, although there is no mention in his text of a known execution cemetery. According to William of Malmesbury, William of Aldery was paraded through the town of Salisbury, stopping at each church to be scourged, before being led to his ‘place of punishment’ (*ad locum suplitii*) (Mynors et. al. 1998, 565). William of Malmesbury provided no further detail about the ‘place of punishment’, but it seems likely that it was within or just without the town walls, rather than as far from the town as possible. King Stephen had a habit of hanging people in front of castles, often their own. The outlaw Robert fitz Hubert was hanged before the castle of Devizes in 1140 (Potter 1976, 106-09; Potter 1955, 44; Appendix B no. 43) and the son of the Bishop of Salisbury was threatened with such a death around the same period in Stephen’s reign (Potter 1976, 76-81; Appendix B no. 42). Corpus Christi College, Cambridge, MS 16 f.64r depicts just such a scene from the reign of Stephen, the hanging of a garrison at Bedford Castle, although the manuscript itself was created much later in the thirteenth century (see Figure 5.18).

The Norman kings of England seemed to have preferred equally visible locations for execution, but somewhat closer to the town itself. Yet there does still appear to be a theme of liminality, as the executions detailed above happened on or just beyond the boundaries of the town or castle in which the offense occurred. It is very possible that the incoming Normans did not understand the complexities of the Anglo-Saxon execution cemetery. The Normans did not have the same impression of the natural landscape as the Anglo-Saxons had done. While use of the existing landscape and architecture was instrumental in the creation of Anglo-Saxon identity, the Normans placed more importance on marking the landscape

¹⁰³ ‘*Omnes herestrete omnino regis sunt, et omnia qualstowa, id est occidendorum loca, totaliter regis sunt in soca sua*’ (Downer 1972, 108).

with massive churches and impressive fortifications (Blair 2005, 426-498; Creighton 2005, 1-7, 118-23; Semple 2013, 13-62). For the Normans, the power of land most likely did not lie in the folkloric beliefs of ancestors or the supernatural, as they had little prior connection to it, but in the social control that ownership of that land created. It is also possible that they wanted the actual execution to be witnessed by as many people as possible, to demonstrate their force as the new reigning authority.

The Normans may have been merely continuing Norman customs of execution. There are even fewer legislative details and accounts of judicial punishment from ninth-, tenth- and early eleventh-century Normandy than there are from England (Pollock and Maitland 1968, 65; Tabuteau 2003). The eleventh-century *Gesta Normannorum Ducum* recounts that a certain count Odo took and held the town of Melun by treachery in 1002/3, and after Duke Robert of Normandy regained the town at the king of France's bequest, the governor of Melun who allowed this treachery and his wife were 'hanged on the gibbet' by order of the king (Greenway et al. 1995, 31-33). The text does not specify where the traitors were hanged, but it is possible that they were executed at the stronghold of Melun, where they had been captured. A number of the corporal punishments mentioned in the *Gesta Normannorum Ducum* occurred shortly after a battle or peasant revolts, without any form of trial. This is somewhat reminiscent of the hangings during the reign of Stephen which are recorded in the *Gesta Stephani* and the *Historia Novorum*.

Twelfth-century texts give no impression that there were permanent or specified locations for Anglo-Norman executions, although this seems to occur not too long into Angevin rule. The first reference to the gallows at Tyburn was in accounts of the execution of William fitz Osbert for leading a tax riot, along with several of his followers, in 1196. The execution was recorded by a number of chroniclers – William of Newburgh, Gervase of Canterbury, Ralph de Diceto and Roger of Hovedon. In all accounts William was tied by his feet to horses and dragged all the way to the gallows (Caenegem 1991, 664). Whether or not the gallows structure itself was permanent, one gets the sense from all accounts that Tyburn was a known location for execution. Tyburn continued in use for centuries to come, drawing audiences of thousands by the late eighteenth century (Gatrell 1994, 56).

When the Welshman William Cragh was hanged at Swansea at the end of the thirteenth century, oral testimonies relayed that the gallows had been erected on a hill a short distance from the town but clearly visible from the castle of William de Briouze, the aristocrat who had ordered the execution (Bartlett 2004, 5, 44). From the limited Anglo-Norman detailed accounts of execution and the trends in spectacular ritual which began to occur at the end of the thirteenth century, it seems likely that as the Anglo-Saxon execution cemeteries were abandoned, the locations of executions were drawn closer to the town limits. They seem to have remained beyond the actual boundaries of towns and the walls of castle, but more visible to the inhabitants of those places. It is possible that, while Anglo-

Saxon executions and the likely subsequent display of corpses may have been more of a warning to outsiders, Anglo-Norman capital punishment was intended as an inward spectacle, aimed at the community from which the offender arose.

THE CAST

One of the aspects of execution for which there is very little information, historical or archaeological, is in regard to the participants in the ritual: not just the victims, but who would have performed the execution, and who might have witnessed it. Later medieval political executions were attended by audiences of thousands, which often added to the shame of the criminal and probably encouraged the further use of increasingly spectacular punishments. An investigation into who performed and attended early medieval English executions could be invaluable in the attempt to understand the purpose and effect of the execution ritual.

The Victim

Who were these executed criminals? Previous chapters have discussed skeletal demography in terms of its illumination of which punishments might have realistically been used and for what sort of crime; but it is also important to understand more generally, if you were witness to an early medieval execution, who was being killed before you. They were men, both nobility and common freeman, but they could also have been slaves, women and children. Under the laws of Æthelstan, a thief could be held accountable for his crime and executed as young as twelve (II Æthelstan 1). This was later changed to fifteen years of age (VI Æthelstan 12.1), because Æthelstan, probably at the instigation of Bishop Theodred (the same who was chastised by St Edmund for hanging thieves), decided it was ‘cruel to put to death such young people and for such slight offences’ (Attenborough 1922, 169).¹⁰⁴ The Records of Merton Priory record a post-Conquest account of a thief who was condemned to blinding, and the text specifically calls him a boy (*puerum*) (Caenegem 1990, 179, no. 210). There were eight individuals aged under 18 at the time of death and seven more aged somewhere between 12 and 25, buried in the execution cemeteries. Of these, three were probably less than 12 years of age. It seems that punishing juveniles by mutilation or execution was not unheard of, but certainly not common.

The only distinction in punishment based on the identity of the offender may have been different capital punishments for women, including female slaves, and occasionally male slaves. The number of women uncovered at execution cemeteries was minimal and few of them showed explicit signs of deviance. No women were decapitated, two were bound at

¹⁰⁴ ‘*þæt manswa geongne mancwealde oððe eft for swa lytlan*’ (Attenborough 1922, 168).

the time of death, two were buried prone, one was in unusual position, and six showed no sign of deviance other than the location of their burial. As previously discussed in Chapters 5 and 6, however, an absence of obvious funerary deviance does not necessarily preclude the possibility that the individual had been executed. There are not many historical accounts of females receiving capital punishment. In part, this is due to the nature of medieval chronicles; they tend to be focused on the important men in society – kings, nobility, and powerful clergy. Most women discussed in such texts were wives or mothers to these men or pious virgins who became saints. References to the application of law to specific women in society are, for the most part, absent from historical chronicles. William of Malmesbury wrote, more generally, in his *Vita Dunstani* that ‘female poisoners, and women who forgot marriage ties so far as to murder their husbands, were burned’ (Winterbottom and Thompson 2002, 257).¹⁰⁵

The only specific account of a woman having been condemned to capital punishment from this period, c. 850-1150, was found in an Anglo-Saxon charter recording a land transaction (Appendix B no. 7). A widow and her son forfeited their land at Ailsworth, c. 963 x 975, because they had engaged in witchcraft. The woman was drowned but the son escaped and was thus outlawed (Robertson 1956, 69). There is an argument that this drowning could refer to a fatal result in the ordeal by water rather than the actual punishment itself (see Foxhall Forbes 2013, 310); however, as sinking in the ordeal should also prove the victim’s innocence, and there is no indication of this in the charter, it seems just as plausible that drowning was punishment. A later Angevin account in the histories of York Minster of a woman convicted for homicide by failing the ordeal of hot iron notes that she was to be burned by fire; however, the account is a miracle story for York Minster so after visiting the tomb of St William at the minster, the swelling of her hand from the hot iron disappeared and she was freed (Caenegem 1991, 558, no. 506).

The only laws to specify different punishments for slaves and women are those of Æthelstan, which state that a freewoman will be thrown from a cliff or drowned if they are proved to be a thief (IV Æthelstan 6.4; Attenborough 1922, 148-151). If the offender was female and a slave, she would be burned (IV Æthelstan 6.7). Although the clause at hand refers to theft, it is possible that these were the common punishments for women, and only stipulated in this one clause. The law-codes allow a great deal of flexibility with capital punishment by rarely specifying a method of death. IV Æthelstan 6 could be detailing punishments which were commonly known to apply to women, or he could have been stipulating segregated punishments for the first time. A few other clauses note that slaves should be subjected to distinct punishments, but no other clause marks the type of punishments to have been

¹⁰⁵ ‘*Veneficae, et quae caritatem conubii oblitae uiros necassent, incendio datae*’ (Winterbottom and Thompson 2002, 256).

different between men and women. Yet IV Æthelstan 6 mentions the two methods of execution, burning and drowning, with which we are slightly familiar from historical sources. Thus it seems possible that woman convicted of serious offences were executed in a different manner than men convicted for the same crimes, perhaps out of some sense of propriety. In the eighteenth century, women convicted of treason were burnt alive instead of being hanged, drawn and quartered, so that their bodies would not be exposed to public (Gatrell 1994, 316). Perhaps the same sense of impropriety affected Anglo-Saxon punishment of women, or perhaps it derived from different views of male and female temperament; but then again perhaps it was some other cultural belief entirely which went unrecorded and so remains unknown.

It seems that slaves may have suffered corporal punishments, such as flogging and branding (see II Æthelstan 19, III Æthelstan 19, III Edward 4, Edward and Guthrum 7.1, I Æthelred 2.1, VII Æthelred 2.2, I Cnut 45.2, II Cnut 32.1), more often than a freeman, but, aside from possibly stoning (see IV Æthelstan 6.5, VI Æthelstan 6.3), the manner of their execution was often the same. A slave could be hanged for theft (III Edmund 4) or escaping from slavery (VI Æthelstan 6.3), perhaps decapitated for failing the ordeal for the second time (I Æthelred 2.1, II Cnut 32.1), or generally slain for being caught in theft (VI Æthelstan 8.3, III Edmund 4).

The two records which refer to capital punishment for slaves provide methods of death which would have been used on freemen as well. In Asser's *Life of Alfred*, two slaves who were part of a conspiracy to murder an abbot were given the same judicial treatment – execution by torture – as the clergymen who were their masters (Keynes and Lapidge 1983, 105; Appendix B no. 1). A male slave who was saved from punishment by the intervention of St Swithun, also recorded in the *Translatio et Miracula S. Swithuni*, was to be executed upon failing the ordeal for an unspecified crime, or more specifically decapitated according to Wulfstan of Winchester's *Narratio Metrica de S. Swithuno* (Lapidge 2003, 508-15; Appendix B no. 9).

There are few post-Conquest laws which mention judicial punishment for slaves; however, *Leges Henrici Primi* 59, 23a states that a slave who committed theft worth more than eight pence shall be branded, and if he is caught in circumstances calling for the death penalty than he shall 'die like a freeman' (*sicut liber moriatur*) (Downer 1972, 191). There are also seemingly no historical references to the punishment of Anglo-Norman slaves. While slavery was supposedly banned by William the Conqueror, the likelihood that there were no slaves in post-Conquest England is minimal. However, the invading Normans reorganised the social structure of England, and much of the work performed by slaves would have been performed, instead, by freemen of lowest classes (Golding 2013, 74-79). The Anglo-Norman laws were not distinct enough from the Anglo-Saxon laws on which they were based for the

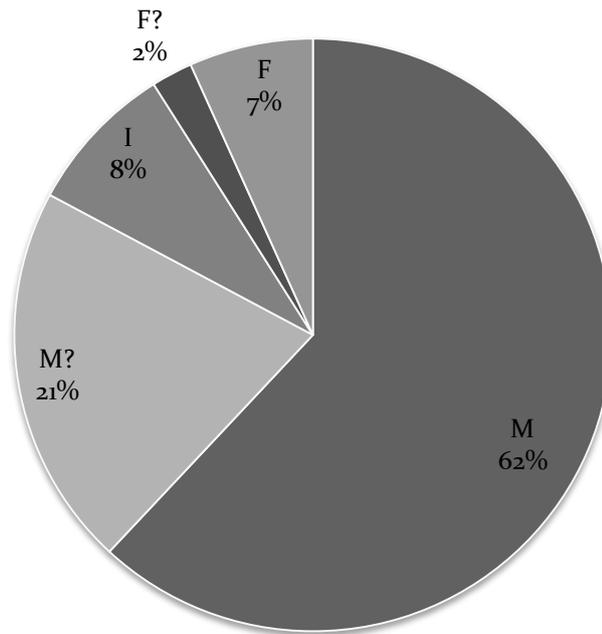


Figure 7.6. Sex Demographic for Execution Cemeteries. Graph displaying the sex demographic of those individuals who were able to be sexed (male, possibly male, indeterminate, possibly female and female).

changes in social structure to have been reflected in the Anglo-Norman legislation on punishment.

Once a capital offence was committed, offenders were not separated in the manner of their death by social status. They were, however, separated by religious devotion. Flogging and branding were not corporal punishments reserved only for slaves, but were also used to punish clergy in both periods. Even before the development of the ecclesiastical court, clergy were not accustomed to always face the same severe punishments that laymen suffered. The *Waltham Chronicle* records a robbery of Holy Cross Abbey, during the reign of Edward the Confessor, by three laymen and a cleric. While the laymen were executed, the cleric suffered the shame of a branding, but retained his life (Watkiss and Chibnall 1994, 60-61; Appendix B no. 20).

The overall demographic profile of the archaeological data, however, reveals that the individuals buried at execution cemeteries were primarily fairly healthy young to prime adult males (Figure 7.6 and Figure 7.7). It is possible some of these men may have been slaves; there is no innate difference between the skeleton of a slave, a freeman and a noble, especially if they died in a similar manner. If freemen, these men would have been the right age for military service. Most men, from the elite to well off free peasants, would have served

Age Demographic for Execution Cemeteries

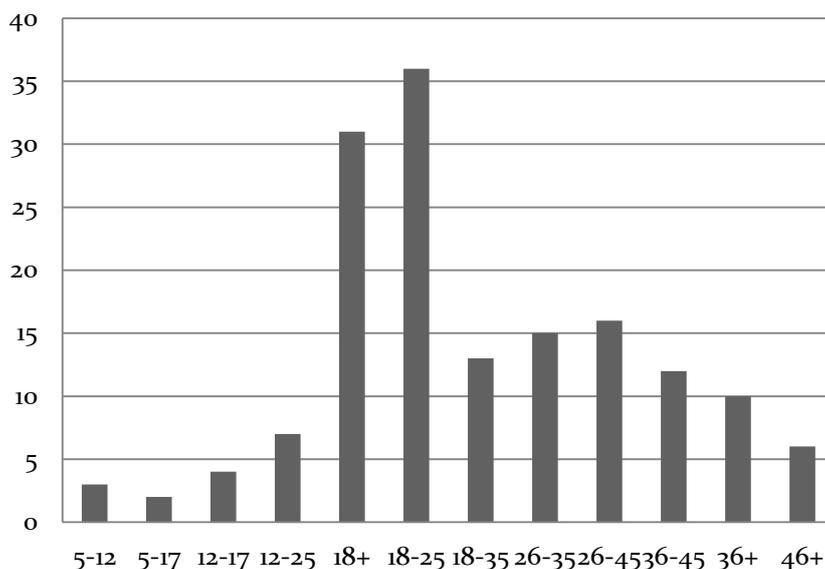


Figure 7.7. Age Demographic for Execution Cemeteries. Graph displaying the number of individuals in each age group category.

in battle if called to it by their lord, at the risk of heavy fines for ignoring one's duty. Any man granted land through a charter was required to gather a specified number of armed men for combat or pay a certain amount of tax for military fortifications (Halsall 2003, 57; Pollington 2006, 85-97). However, very few of the individuals buried in the execution cemeteries displayed any peri-mortem wounds that would suggest they had perished in, or even shortly after, battle (see Chapter 4 for a discussion on the likelihood of decapitation signifying execution rather than death in battle).

Skeleton No. 1 at Meon Hill displayed a crack on the left side of his skull which could have been received at any point between capture and execution, especially if he had attempted escape (Liddell 1933, 138). No. 168 from Guildown displayed two small holes in the pelvic bone thought to have been created by an unknown pronged instrument (Lowther 1931, 42). Skeleton S226 from Staines presented a healed fracture on only one rib, which could have been caused by a fall, compression to the torso, or a blow with a blunt instrument. There was a large healed depressed fracture on the forehead of Skeleton S419 from Staines (Coward and Robb 2000). An oblique fracture was observed on the right femur of Skeleton 560 from Old Dairy Cottage. The fracture had healed ante-mortem, but misaligned and the bone was shortened, which would have affected the mobility and muscle use of the young adult concerned (Buckberry and Cherryson *forthcoming*). This might also mean that he was unlikely to have been a warrior at the time of death.

None of these wounds particularly point to death in combat, and few other traumatic wounds were present among the other burials at the execution cemeteries which did not display overt signs of deviance (decapitation, apparently bound limbs, or prone or unusual burial position). Skeleton No. 2 from Meon Hill exhibited a hole in the right temple, but no further description is provided for the injury, so the cause of the hole is unknown (Liddell 1933, 133). Another individual from Staines (S346) exhibited a depression on the frontal bone, similar to skeleton no. 419 from the same site, but smaller (Coward and Robb 2000). This was most likely the result of violence, but the injury was healed by the time of death. In comparison, out of thirty-nine postcranial skeletons found in the mass burial from the battle of Towton, twelve displayed healed fractures and thirteen exhibited evidence of a mixture of sharp and blunt force peri-mortem trauma. Out of twenty-eight crania, nine exhibited a mixture of healed sharp and blunt force trauma and twenty-seven exhibited evidence for peri-mortem trauma (Coughlan and Holst 2000, 71-72; Novak 2000, 90-102).

It seems unlikely that many of the individuals found at the execution cemeteries were warriors, or died in battle. It is possible that they merely had limited experience of combat, however, between fighting the neighbouring Britons, Scots, Picts and Vikings, most men enlisted to fight would have seen action. Even if the absence of healed traumatic injuries was due to limited time in the army or a lack of battle experience, their deaths certainly occurred off the battle field. However, serving the king's army did not always require going into combat; just as the clergy could strictly provide support financially, freemen could provide arms and victuals. By the end of the eighth century a category of peasant had developed known as *gafolgelda* or the 'rent payer', who rented land and probably serviced the army through the production of goods (Pollington 2006, 85-6; Halsall 2003, 58). Aside from clergymen and rent payers, the only other men not serving in the military by fighting or defending fortifications would probably have been slaves, outlaws, and deserters (Halsall 2003, 57-8, 67, 85-6, 102-4).

It is definitely possible that the men buried in these liminal locations with little sign of injury were warriors who only received scrapes and bruises up to the point of their deaths. Yet it is highly unlikely that so many men would have died in combat without showing any peri-mortem evidence of battle trauma. If these were warriors, they did not die in combat. It is equally likely that they were craftsmen, farmers, traders, or impoverished peasants turned criminals or outlaws. Anyone could turn to theft in dire straits, and anyone, especially aristocrats, could be outlawed for a crime. However, once outlawed, that person was outside of the law, and could be killed for nearly any offence.

Information regarding the life-style of a person can be identified from skeletal pathology (Roberts and Cox 2003, 6-10). Understanding what sort of lives these individuals led might help to ascertain information about social status and occupation. A full pathological analysis of the execution cemetery skeletons would require such time and effort

that it would comprise a separate study. The Stockbridge Down and Bran Ditch skeletons have not been examined for pathologies, and the skeletons analysed from Guildown comprised a limited sample. For a true comparison, the skeletons from these three sites would have to be examined, and the skeletons from the other sites would have to be re-examined by the same pair of eyes with the specific aims of the study in mind. Data from 'typical' cemeteries would also have to be obtained as a comparison to understand how the pathology of the deviant burials differs from the average population. However, certain pathological characteristics known from previous examination might provide an idea of the personal histories of some of the skeletons buried in execution cemeteries.

Tables 7.8 and 7.9 compare the presence of certain pathological traits found in the skull and post-cranial skeleton between the analysed individuals from the execution cemetery sites with Charlotte Roberts and Margaret Cox's (2003, 164-220) study of the pathology of early medieval England and the individuals from the Ridgeway Hill mass burial (Loe et al. 2014). The statistics provided in Roberts and Cox's study includes individuals from a slightly earlier period than this study is limited to, however they will give a rough idea of the frequency of certain pathologies during the whole Anglo-Saxon period. Due to the different quality of osteological analysis performed within and between the four datasets (execution cemeteries, general population, Ridgeway Hill and Towton), the analysis below reflects the number of individuals in which these pathologies have been identified, rather than their frequency of occurrence (which takes into account each instance of a pathology on every individual). For example, no distinction has been quantitatively made between an individual with two caries and an individual with five caries.

Dental calculus is the build-up of mineralised bacterial plaque and is often caused by an imbalanced diet favouring protein. Dental caries are generally caused by an excess of sugar in the diet, which could mean sweeteners like honey or, more likely, it suggests a diet based on grains such as wheat, rye, barley, oats, flax and hemp (Hillson 1970, 149-50; Lieveise 1999, 219; Roberts and Cox 2003, 183). The interesting thing about trying to determine diet from calculus and caries is that the two are often mutually exclusive, because the correct balance of protein and sugar should cancel out the effects that cause disease (Hillson 1970, 150). For example, the burials at Ridgeway Hill present a much higher number of individuals with calculus than caries (88.6% versus 9.1%), indicative of a diet high in protein. This matches the stable isotope results performed on the Ridgeway Hill skeletons (Loe et al. 2014, 128-29). A higher percentage of individuals from the execution cemeteries had both calculus and caries (41.2 % of individual from execution cemeteries exhibited calculus and 26.8% exhibited caries) than from the average population of early medieval Britain (25.4% of adults exhibited calculus and 8.6% exhibited caries), which might suggest poor dental hygiene rather than a specific diet. This might also suggest a range of diets for those who were executed.

Table 7.8. A table comparing the percentage of certain cranial and dental pathological indicators found in individuals at the execution cemeteries with the average occurrence of these indicators in the overall population, found in Roberts and Cox (2003). The percentages in this table reflect the amount of occurrence in individuals rather than teeth.

Site	No. analysed individuals	Antemortem tooth loss	Calculus	Caries	Periodontal Disease	Enamel Hypoplasia	Cribriform Orbitalia
Chesterton Lane	7	1 (14.3%)	7 (100.0%)	2 (28.6%)	0 (0.0%)	4 (57.1%)	2 (28.6%)
Guildown	29	4 (13.8%)	6 (20.7%)	7 (24.1%)	1 (3.4%)	0 (0.0%)	0 (0.0%)
Meon Hill	8	1 (12.5%)	0 (0.0%)	3 (37.5%)	2 (25.0%)	0 (0.0%)	0 (0.0%)
Old Dairy Cottage	7	2 (28.6%)	6 (85.7%)	4 (57.1%)	3 (42.9%)	4 (57.1%)	1 (14.3%)
Staines	13	5 (38.5%)	6 (46.2%)	6 (46.2%)	0 (0.0%)	3 (23.1%)	1 (7.7%)
Sutton Hoo	19	0 (0.00%)	11 (57.9%)	2 (10.5%)	4 (21.1%)	9 (47.4%)	0 (0.00%)
Walkington Wold	14	2 (14.3%)	4 (28.6%)	2 (14.3%)	1 (7.1%)	3 (21.4%)	2 (14.3%)
Total	97	15 (15.5%)	40 (41.2%)	26 (26.8%)	11 (11.3%)	23 (23.7%)	6 (6.2%)
Roberts and Cox (2003, 185-95)	7, 122 (representative of overall population)	3.1%	13.2%	5.2%	10.1%	8.9%	5.7%
Roberts and Cox (2003, 185-95)	2,784 (sexed adults)	6.5%	25.4%	8.6%	19.5%	Not provided	Not provided
Ridgeway Hill	44	15.9%	88.6%	9.1%	70.4%	13.6%	13.5% (out of 37 individuals)
Towton	28	71.4%	100.0%	85.7%	88.0%	32.1%	32.1%

The ratio of calculus compared to caries was particularly high in individuals from Chesterton Lane, Old Dairy Cottage and Sutton Hoo, which might suggest a diet higher in protein. Of the individuals whose dentition was able to be analysed, 100% of the individuals from Chesterton Lane exhibited calculus, whereas only 28.6% exhibited caries. At Sutton Hoo 57.9% of the analysed individuals presented calculus and only 10.5% presented caries. Old Dairy Cottage presented the largest number of individuals with caries (57.1%) of all the execution cemetery sites, yet the number of individuals presenting calculus was higher still (85.7%). This probably indicates a diet slightly higher in protein, but overall poor tooth care. On the other hand, Meon Hill displays a higher rate of caries (37.5% show caries while there was a complete absence of calculus from the analysed sample), perhaps suggesting diets of primarily grains. Staines presented an equal amount of both (46.2%), which is what would be expected in a balanced diet. Overall the presence of calculus is higher than the presence of caries in both the normal and execution cemetery populations, which implies that most of the deviants and ‘normal’ individuals might not have had access to overly sweet items like

honey and dried fruits, which would have been available to nobility (Holst and Coughlan 2000, 80). The fact that the execution cemeteries provide higher numbers of individuals with both calculus and caries than the normative population could possibly indicate poorer hygiene among these deviants, although the amount of dental disease suggests otherwise.

From the execution cemeteries 15.5% of individuals displayed ante-mortem tooth, which is slightly higher than the 6.5% of adults from the Roberts and Cox's (2003) normal population and similar to the 15.9% of individuals from Ridgeway Hill. Fewer execution cemetery individuals exhibited periodontal disease than the general population or Ridgeway Hill interments. Only 11.3% of the individuals from execution cemeteries exhibited periodontal disease, whereas 19.5% of the individuals from the normal population and a large number of individuals (70.4%) from Ridgeway Hill exhibited periodontal disease. One young individual from Chesterton Lane (Inhumation 6), aged 7-12, who was bound and buried prone, exhibited an unusually high level of dental wear for such a young age (Cessford 2007, 210), but overall, the teeth of execution victims seem to have been moderately healthy, with minimal disease but varying wear and a significant presence of caries and calculus, indicating a varied diet which was slightly disposed toward protein.

Table 7. 9. A table comparing the percentage of certain postcranial pathological indicators found in individuals at the execution cemeteries with the average occurrence of these indicators in the overall population, found in Roberts and Cox (2003).

Site	No. of analysed individuals	Extra-Spinal Osteoarthritis	Spinal osteoarthritis	Schmorl's nodes	Spondylolysis	Ankylosis
Chesterton Lane	9	2 (22.2%)	1 (11.1%)	4 (44.4%)	1 (11.1%)	1 (11.1%)
Guiltdown	27	0 (0.0%)	2 (7.4%)	0 (0.0%)	0 (0.0%)	1 (3.7%)
Meon Hill	10	3 (30.0%)	4 (40.0%)	0 (0.0%)	0 (0.0%)	2 (20.0%)
Old Dairy Cottage	16	0 (0.0%)	0 (0.0%)	8 (50.0%)	0 (0.0%)	2 (12.5%)
Staines	22	1 (31.8%)	0 (0.0%)	7 (31.8%)	0 (0.0%)	1 (4.5%)
Sutton Hoo	7	1 (14.3%)	1 (14.3%)	2 (28.6%)	0 (0.00%)	0 (0.00%)
Walkington Wold	12	0 (0.0%)	0 (0.0%)	3 (25.0%)	0 (0.0%)	0 (0.0%)
Total	103	13 (12.6%)	8 (7.8%)	24 (23.3%)	1 (1.0%)	7 (6.8%)
Roberts and Cox (2003, 185-95)	7, 122 (representative of overall population)	8.8%	6.1%	2.9%	1.3%	Not provided
Roberts and Cox (2003, 185-95)	2,784 (sexed adults)	Not provided	9.5%	6.1%	Not provided	Not provided
Ridgeway Hill	52	10.0%	12.5%	82.5%	3.3%	Not provided
Towton	37	0.0%	8.1%	Over 80.0%	5.4%	Not provided

Enamel hypoplasia and cribra orbitalia indicate stresses during infancy or early childhood, such as illness or poor nourishment. Cribra orbitalia specifically indicates anaemia in childhood (Roberts and Cox 2003, 185). The rates of cribra orbitalia in execution cemeteries are not too much higher than the norm (6.2% of execution cemetery burials versus 5.7% of the overall normal population), which suggests that the individuals buried there did not have diets which were particularly deficient in iron. As was suggested by the calculus and caries, it seems possible that they had fairly balanced or regionally varied diets but moderately poor dental hygiene. The execution cemetery individuals were, however, markedly higher in the number of individuals exhibiting enamel hypoplasia than both the general population and the Ridgeway Hill burials.

The overall normal population exhibited enamel hypoplasia in 8.9% of individuals and Ridgeway Hill in 13.6% of individuals. At the execution cemeteries, 23.7% of the individuals exhibited evidence for enamel hypoplasia. Cribra orbitalia and enamel hypoplasia are both indicators of early childhood stress, so might be expected to occur in similar rates. This can be seen in the general population (8.9% and 5.7% respectively), as well as the individuals from Ridgeway Hill (13.6% and 13.5% respectively) and Towton (32.1% and 32.1% respectively), but the occurrence of enamel hypoplasia is much higher than that of cribra orbitalia in the execution cemetery individuals (23.7% to 6.2% respectively). Of the fourteen individual who exhibited enamel hypoplasia and the six individuals who exhibited cribra orbitalia, three demonstrated evidence for both conditions (Chesterton Lane Inhumation 5, Old Dairy Cottage Skeleton 576, and Walkington Wold Skull 9). Of these three, two were juveniles. Inhumation 5 from Chesterton Lane was probably male, aged between 15 to 18 years old at the time of death and had been decapitated. Skeleton 576 from Old Dairy Cottage was aged 10 to 12 years of age at the time of death and was buried prone. This individual also showed signs of periodontal disease.

Enamel hypoplasia is generally caused by a vitamin D deficiency or a high fever in early childhood. A vitamin D deficiency can occur in breast-feeding infants whose mothers are poorly nourished, but it can also result from a lack of sunlight or poor diet (Hillson 1970, 149-50). Vitamin D in the diet can be gained primarily from dairy products and fish. The high rate of enamel hypoplasia combined with the high numbers for calculus at some sites could suggest that the type of people who were prone to living outside the law came from inland areas of England, or non-dairying towns. It might be possible to argue this for the somewhat inland cemeteries at Chesterton Lane where 100% of individuals had calculus and 57.1% had enamel hypoplasia and Old Dairy Cottage where 85.7% of individuals had calculus and 57.1% had enamel hypoplasia. Sutton Hoo, which is located closer to the coast, had fewer individuals with calculus than Chesterton Lane and Old Dairy Cottage (57.9% of individuals) but almost 50% of the individuals exhibited enamel hypoplasia, which could suggest a marine protein and low dairy diet. For the argument that individuals buried at execution

cemeteries have a diet that reflect their locality to be made convincingly, however, it would benefit from a stable isotope analysis of the skeletons, which can help reconstruct diet and identify geographical origins of individuals.

The rates of degenerative diseases such as osteoarthritis and spondylolysis are roughly similar to those of the general population. The rate of spinal osteoarthritis is very slightly lower than the amount observed in adults of the general population (1% of execution cemetery individuals versus 1.3% of the normal population). A slightly higher rate of extra-spinal osteoarthritis might suggest a higher proportion of individuals buried in execution cemeteries undertook tasks requiring hard physical labour; however, in a demographic group younger than 45, osteoarthritis is more common in males (Moat et. al. 1995), and the execution cemetery is more skewed toward a male demographic than the general population. The presence of Schmorl's nodes, which are vertebral depressions resulting from pressure on spinal column, is more frequent in the execution cemetery population (23.3% versus 9.5% of adults from the normal population who show signs of Schmorl's nodes), which supports the notion that these men were more inclined toward a physically strenuous lifestyle than the Anglo-Saxon community on the whole. The frequency of osteoarthritis, spondylolysis, and particularly Schmorl's nodes is much lower and closer to the average than the individuals buried at Ridgeway Hill and Towton. Over 80% of the individuals at Towton and 82.5% of the individuals at Ridgeway Hill presented evidence for Schmorl's nodes.

Although the above analysis is somewhat limited by the varying amount and quality of information available in the published excavation reports, it has gone a sufficient distance to help provide an understanding of the sort of lives the individuals buried in execution cemeteries might have led. These individuals present a similar profile to the normative Anglo-Saxon population. As a whole group they seem to have slightly poorer dental hygiene, which may indicate particularly low social status and less access to resources or perhaps the type of lifestyle which disallows for regular hygienic routine. However, the dental hygiene was nowhere near as poor as the individuals buried at Ridgeway Hill and Towton, which suggests that the individuals buried at execution cemeteries were not soldiers by trade. The incredibly high amount of enamel hypoplasia likely indicates sickness or poor nutrition in childhood, which supports the idea that the individuals buried at execution cemeteries may have been of lower status. The individuals buried at execution cemeteries show slightly higher levels of joint degeneration disease, however this may also be affected by the high percentage of males represented in the execution cemetery group than would be represented in the overall population demographic.

As a whole, the group of execution cemetery victims are much closer to the overall Anglo-Saxon population than are the individuals from Ridgeway Hill and Towton. The Towton individuals present evidence for a fairly common diet, but extremely poor dental hygiene, which is not unexpected from a group of mobile soldiers (Holst and Coughlan 2000,

77-89). The Ridgeway Hill individuals show a distinctly different diet which was much higher in protein and similar rates of periodontal disease and calculus to the Towton individuals, which also suggest very poor hygiene (again, perhaps not unexpected from a group of Scandinavian raiders or sailors). While some of the individuals buried at the execution cemeteries may have been nobility executed for treason, the majority of them were probably members of the normative Anglo-Saxon community, at one point at least.

The limited information available from historical accounts seems to suggest similar variety in the criminal demographic. Due to the later medieval and post-medieval custom of decapitating nobility, it is often assumed that this would have been the case earlier as well. The reason nobility opted for decapitation over hanging is that it was generally quicker and, thus, more dignified. However, as discussed in Chapter 4, decapitation in early medieval England was certainly not dignified. The executioner was often excruciatingly inept or perhaps used a blade blunted by previous use, making the process messy and brutal. The historical examples of capital punishment being used, or at least threatened, seem to suggest that the method of execution was chosen based on the type and severity of crime. Decapitation and general slaying, which may very well have implied decapitation anyway, seem to have been used more frequently for treason against the king or theft of the king's property (see Table 7.10). Hanging may have been used for capital offences which were not directly against the king. There are so few examples, and a number which merely state that the criminal was 'put to death', that it is impossible to be certain of any distinction in the method of execution. What does seem clear is that the mechanism of death was not chosen solely based on the status of the offender. In the historical examples a cup-bearer and an ealdorman were both decapitated, and a slave faced decapitation if he did not pass the ordeal. In the Anglo-Norman period there was even less discrepancy in the method of execution. Hanging seemed to have been the preferred method; decapitation and slaying are no longer referred to as forms of punishment.

The aim of this section is to acquire a deeper understanding of the execution victim. Thus far I have discussed the identities of those victims to understand what type of person might have been facing the noose (so to speak). It seems they ran the gamut from runaway slave to common thief to nobility trying to usurp the king. From this point, it seems necessary to explore the situation around the moment of death, when their identities have been reduced to a symbol of justice. From the few sources that describe execution, and the location where the punishment occurred, it seems likely that the victim would have been paraded at least a short distance to the place of his death. What would this parade have been like for the victim? How would the victim have appeared to the onlooker as he or she was led to the *cwealmstow*?

Table 7.10. List of offenders, crimes and their prescribed punishments found in historical sources. For the full narratives see Appendix B.

Criminal	Crime	Proposed Method of Execution	Source
ANGLO-SAXON			
Specific Historical Examples			
Wulfbold	Theft of lands and disobedience to the king	Not specified	Anglo-Saxon Charter (S877)
Three men	Theft of church property	Not specified	<i>Waltham Chronicle</i>
Earl Uhtred of Northumbria	Treason	Not specified	<i>Anglo-Saxon Chronicle</i>
Cup-bearer to king Æthelstan	Treason (speaking out of turn)	Beheaded	<i>Gesta Regum Anglorum</i>
Slave	Not specified, but required the ordeal as proof	Beheaded	<i>Narratio Metrica de S. Swithuno</i>
A certain man	Theft (given the king's wheat without permission from the royal steward)	Beheaded (flogged first)	<i>Translatio et Miracula S. Swithuni</i>
Ealdorman Eadric <i>Streona</i>	Treason	Beheaded / Slain	<i>Encomium Emmae Reginae / Anglo-Saxon Chronicle</i>
Northman (son of ealdorman Leofwine), Æthelweard (son of Æthelmær the Stout) and Beorhtric (son of Ælfheah of Devon)	Treason	Slain	<i>Anglo-Saxon Chronicle</i>
Ealdorman Ælfhelm	Not specified, probably treason	Slain	<i>Anglo-Saxon Chronicle</i>
Two Danish warriors	Attacking the Isle of Wight	Hanged	<i>Anglo-Saxon Chronicle</i>
Eight thieves	Theft of church property	Hanged	Ælfric of Eynsham's <i>Vita Edmundi</i>
Two priests and their villain servants	Attempted murder of a clergyman	Tortured to death	<i>Asser's Life of Alfred</i>
A certain widow	Witchcraft	Drowned	An Anglo-Saxon Charter
General Historical References			
Thieves during the reign of Edgar	Theft	Not specified	William of Malmesbury's <i>Vita Dunstani</i>
Female poisoners during the reign of Edgar	Poisoning someone	Burned	William of Malmesbury's <i>Vita Dunstani</i>
Wives who murdered their husbands during the reign of Edgar	Murder	Burned	William of Malmesbury's <i>Vita Dunstani</i>
POST-CONQUEST			
Specific Historical Examples			
Earl Waltheof	Treason	Beheaded	<i>Anglo-Saxon Chronicle; Orderic Vitalis' Ecclesiastical History</i>
A smith	Theft	Not specified	<i>Domesday Book</i>
A certain thief	Theft in a church	Not specified	<i>Chronicle of Evesham Abbey</i>
A servant of St Egwine	Theft	Not specified	<i>Chronicle of Evesham Abbey</i>
Ralph fitz Walter	Theft	Not specified	<i>Abingdon Chronicle</i>

Criminal	Crime	Proposed Method of Execution	Source
William of Aldery, steward to William of Eu	Treason	Hanged	<i>Anglo-Saxon Chronicle; Gesta Regum Anglorum</i>
Leader of a gang of plunderers	Theft and disturbing the peace	Hanged	<i>Gesta Stephani</i>
Forty-four thieves	Theft	Hanged	<i>Anglo-Saxon Chronicle</i>
Robert fitz Hubert	Outlawry and disturbing the peace	Hanged	<i>Gesta Stephani</i>
Men who held the castle at Shrewsbury from king Stephen	Treason	Hanged	<i>Historia Anglorum</i>
A certain man accused of attempted murder	Attempted murder	Boiled in hot water	<i>William of Canterbury's Life of Thomas Becket</i>
General Historical References			
Thieves during the reign of Henry I	Theft or robbery	Hanged	John of Worcester's <i>Chronicles</i>

It has been posited by some of the excavators of execution sites, Bran Ditch in particular, that the corpses were stripped prior to burial (Lethbridge and Palmer 1928, 82; Reynolds 2009, 177). This might suggest that the individuals were executed clothed and only stripped once they were removed from the gallows. This may have been the case at Bran Ditch since no bound individuals were uncovered at that cemetery, but individuals from other sites were certainly buried with their bindings still in place from the execution, so would have had to have been buried with whatever clothing had been left on at the time of execution. For instance, Skeleton 560 from the site at Old Dairy Cottage was buried with the wrists crossed behind the back and prone, and under the pelvis an iron buckle was found in the correct position for a belt (Cherryson and Buckberry *forthcoming*). Skeleton No. 32 from the cemetery at Stockbridge Down was buried but also had the hands crossed behind the back and an iron buckle was found on the pelvis. Other examples of bound individuals found with buckles or remnants of leather belts indicating that they had been buried clothed are Bran Ditch Skeleton 1, Meon Hill Skeleton No. 7 and Stockbridge Down Skeleton Nos. 14, 20, and 28. Other un-bound skeletons were also uncovered with buckles, jewellery, and coins (see Table 7.11).

Since medieval Christians were commonly buried unclothed but shrouded, it is possible that it was a sign of disrespect or condemnation to leave a criminal clothed in burial. This would certainly explain some of the individuals having clearly remained clothed through death and burial. Another explanation for leaving the corpse clothed is a simple lack of concern for proper burial and a desire to complete the burial process as quickly as possible. Victoria Thompson (2004, 102-03) has argued that the corpse may have been viewed with disgust and fear in Anglo-Saxon society. She references the *Soul's Address to the Body*, a fragment of twelfth-century poem from Worcester Cathedral, in which it is stated that the

Table 7. 11. List of all of the grave goods found interred with individuals buried in the execution cemeteries.

Coins	<ol style="list-style-type: none"> 1. Guildown no 173: Silver halfpenny of Edward the Confessor found on the pelvis 2. Meon Hill no. 5: Coin of Edward the Confessor by the fingers of the right hand 3. Stockbridge Down no. 19: Six silver coins of Edward the Confessor wrapped in linen were found in the armpit
Buckles	<ol style="list-style-type: none"> 1. Guildown no. 93: D-shaped iron buckle dating to the 11th century on the pelvis 2. Guildown no. 127: D-shaped iron buckle dating to the 11th century on the pelvis 3. Guildown no. 173: D-shaped iron buckle dating to the 11th century on the waist 4. Guildown no. 180: D-shaped iron buckle dating to the 11th century on the left side of the pelvis 5. Guildown no. 196: Bronze buckle with iron tongue and plates 6. Guildown no. 208: Oval bronze belt buckle with a rectangular plate which has a rouletted design 7. Meon Hill no. 5: Small iron buckle at left hip 8. Meon Hill no. 7: Small oblong iron buckle just to the east of the feet 9. Old Dairy Cottage no. 519: Iron buckle found beside the left leg 10. Old Dairy Cottage no. 560: Iron buckle found in position at the front of the pelvis 11. Old Dairy no. 580: Bronze buckle in position on the pelvis 12. Stockbridge Down, disturbed bones between nos. 3 and 5: iron buckle found in disturbed remains between 13. Stockbridge Down no. 20: small annular bronze buckle lying near the skeleton 14. Stockbridge Down no. 28: bronze buckle on the skull which seems to have been attached to some leather 15. Stockbridge Down no. 31: Iron buckle found near the right hip 16. Stockbridge Down no. 32: Iron buckle in the pelvis
Weapons	<ol style="list-style-type: none"> 1. Bran Ditch no. 1: Iron Anglo-Saxon knife at right hip
Jewellery	<ol style="list-style-type: none"> 1. Meon Hill no. 4: Small bronze earring at the right side of the skull; 2. Meon Hill no. 9: Thin bronze earring at the right side of the skull
Misc Metal Objects	<ol style="list-style-type: none"> 1. Bran Ditch no. 1: Iron clip for a belt under the left femoral head 2. Bran Ditch no. 36: Two pieces of copper slag 3. Chesterton Lane no. 8: Bone on interior of mandible stained green, probably from an iron object 4. Meon Hill no. 4: Bronze 'wrist-fastener' beside right hand 5. Meon Hill no. 5: Bronze chape near left hip 6. Stockbridge Down no. 14: small bronze pins found with the leather making up the belt (see below) 7. Stockbridge Down no. 24: small bronze hook or 'wrist fastener', similar to that from Meon Hill, found near the right wrist 8. Stockbridge Down no. 28: three iron rings found near skeleton in positions suggesting they may have been attached to a belt
Animal Bones	<ol style="list-style-type: none"> 1. Stockbridge Down no. 19: decapitated dog skeleton lay between the left leg and severed head of 19 2. Stockbridge Down no. 37: hornless sheep skull by the left side of the face and neck
Organic Material	<ol style="list-style-type: none"> 1. Guildown no. 208: The remains of a leather belt on the waist with the buckle (see above) 2. Stockbridge Down no. 14: remains of a leather belt on the body 3. Sutton Hoo no. 18: coffin made of rectangular planks 4. Sutton Hoo no. 20: coffin with rounded corners 5. Sutton Hoo no. 23: short strip of wood running parallel to the right forearm 6. Sutton Hoo no. 27: 14 pieces of wood from unidentified objects, thought to be related to a spade or gallows 7. Sutton Hoo no. 35: plank grave lining and cover 8. Sutton Hoo no. 49: rope or collar around the neck 9. Sutton Hoo no. 53: plank grave cover and possible timber bottom lining
Stone Objects	<ol style="list-style-type: none"> 1. Guildown 183: small slate hone which was perforated at one end was found by the pelvis

dead man's relatives are anxious to see the corpse removed from their house, and his friends do not want to touch it – 'they do not want to put his head straight with their hands; it seems to them that their hands will become very foul if they handle the dead' (Thompson 2004, 103).¹⁰⁶ It is possible that fear of a fresh or decomposing corpse, especially that of a criminal

¹⁰⁶ *Nulleþ heo mid honden his heafod riht wenden; heom þuncheþ þet hore honden swuþe beoþ afuled gif heo hondleþ þene deade* (Thompson 2004, 103; her text is taken from Moffat 1987, 63-64, ll. 37-40)

or sinner, might have led to hasty and neglectful interment. Stripping the corpse would certainly not have been a priority.

The accounts of Earl Waltheof and William of Aldery, however, both detail that they went to their deaths disrobed. Both men were said to have given their rich garments to clergy and poor who were present (Chibnall 1990, 321-23; Caenegem 1990, 113-14), William of Aldery's naked knees bleeding from kneeling on the stone road during the parade to his place of execution (Mynors et al. 1998, 565). There are a number of possibilities for the discrepancy between these two accounts and some of the archaeological evidence in regard to clothing. It

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Figure 7.8. (Top left) Pierpont Morgan MS M.736 f. 19v from the Miscellany on the life of St Edmund (MS M.736). Bury St Edmunds, England, c. 1130, depicts eight thieves being hanged after attempting to rob Bury St Edmund's church. The thieves are clothed only in loincloths. ©Morgan Library, New York. (Top right) An illustration by Matthew Paris in Corpus Christi College, Cambridge, MS 16 f.64r, c. 1189 x 1253, depicts hangings during the mid-twelfth-century reign of King Stephen. The hangings take place within site of Bedford castle and the victims are clothed in loincloths. ©Corpus Christi College, Cambridge. (Bottom) BL MS Cotton Claudius BIV f. 59r, c. 1025 x 1150, depicts a baker being hanged by the orders of the pharaoh, appearing at the centre of the image with sword and staff. The victim is fully clothed with his hands tied behind his back. ©British Library, London.

is possible that stripping of clothing prior to death was a Norman influence. It is impossible to confirm this, due to the limited information from written evidence on the state of the Anglo-Saxon execution victim. As mentioned above, the most detailed event from the Anglo-Saxon period is the execution of Eadric *Streona*, and because Eadric did not receive a trial and official execution, but was killed at the whim of King Cnut, it is probable that he was clothed. However, because of the informal circumstances of his execution it cannot be assumed that this situation is representative of Anglo-Saxon capital punishment; on the other hand, it is a reminder that revenge slayings could be equally valid acts of justice as public executions, and were probably fairly common. Executions were not commonly depicted in manuscripts, but it is perhaps notable that in the Anglo-Saxon Cotton Claudius BIV f. 59r (Figure 7.8) the hanged victim is fully clothed, while in Pierpont Morgan MS M. 736 f. 19v, a twelfth-century illumination of Bishop Theodred's hanging of the thieves of Bury St Edmunds, as well as in Corpus Christi College, Cambridge, MS 16 f.64r, a thirteenth-century depiction of an event during the reign of King Stephen, the hanged victims are all in loincloths (Figure 7.8).

There is, however, another explanation for the seeming difference in the occurrence of clothing on executed individuals before and after the Conquest. Orderic Vitalis presented Waltheof as an innocent victim, who tried to stop the treasonous act against William I upon finding out about the plan, but was implicated with the group of traitors regardless. Not only was he innocent, but he was pious as well. He dies prostrated and weeping in prayer, and when the executioner beheads him before he finished saying the Lord's prayer, the severed head finishes saying the last line and the Amen. According to Orderic his body had not decayed when they dug it up to move it to a proper burial at Crowland, a common characteristic of saints' corpses. Orderic then proceeds to enumerate the miracles attributed to Waltheof following his death (Chibnall 1990, 320-51). William of Aldery was also specifically depicted as innocent by William of Malmesbury. He went to his death regretfully but dignified. He was confessed and then whipped as he was paraded naked 'from church to church' until he reached his place of execution. Even after this act of humility, or humiliation depending on the perspective, he was still said to have given 'an admirable display of courage, for he uttered no groan at the prospect of death, no sigh in the moment of it' (Mynors et al. 1998, 565).

Both of these men were specifically depicted in a similar fashion to martyrs, pious and innocent but succumbing with dignity to the orders of a cruel authority. Similarly, for much of the medieval period, drawings of executions often mimicked depiction of the most well-known execution, that of Christ (Bartlett 2004, 43; Merback 1999). It seems more probable that the loincloths were purely an homage to the crucifixion than a realistic portrayal of medieval practice. For a similar reason, the Pierpont Morgan MS M.736 f. 14v shows the Anglo-Saxon saint Edmund basically clothed when he is decapitated by the Danes,

yet in the next folio the East Anglians find his martyred body headless and naked, with a simple wrap around his lower half (Figure 7.9).

Neither Orderic Vitalis' account of Waltheof's beheading or William of Malmesbury's depiction of William of Aldery's hanging mention being bound while they were walked out to the location of execution. However, all of the roughly contemporary manuscript illuminations, few though they are, show the victims of execution hanging from the gallows with their hands bound, as do a number of images of decapitation. It is possible that Waltheof and William were spared the indignity of captivity in these depictions because they were aristocrats and resigned to their death sentences with quiet piety. A few other accounts mention the binding of hands prior to execution. For instance, the servant of St Ecgwine's who was caught in theft was carried in a cart with his hands behind his back to the place of his execution (Sayers and Watkiss 2003, 117-19; Appendix B no. 26). The slave of the man Flodoald, who was sent to the ordeal of hot iron for an unspecified crime, was kept in chains prior to the ordeal (Lapidge 2003, 309-11, 508-15; Appendix B no. 9). For a full discussion on binding see Chapter 5.

It seems likely that most criminals were bound while they awaited execution in imprisonment and probably on the way to their execution. While outlawry was essentially a death sentence in the eyes of the community (Thompson 2004, 51), when faced with execution most offenders would likely have viewed life in outlawry as preferable if they could escape. The archaeological evidence suggests that not all offenders were buried with their bindings intact. If they were placed in shackles rather than bound with ropes, the shackles

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Figure 7.9. Pierpont Morgan MS M.736 f. 14v (left) and f. 15v (right) from the Miscellany on the life of St Edmund, Bury St Edmunds, England, c. 1130, depict St Edmund clothed while being killed by Vikings but dressed only in a loincloth when his headless corpse is found. ©Morgan Library, New York

were likely removed before burial, to be reused. However, a tale in the Icelandic *Heimskringla* provides an example of another method of binding multiple captives together which would leave them unbound at the time of death and burial. Earl Hakon held a number of the Jomsborg Vikings captive following a battle. The text describes how the prisoners were held together with a single rope which bound all of their feet but left their hands free. Each was individually unbound for execution, where they were held still by the executioners (Laing 1889, 130).

In reality it is difficult to say whether the historical and pictorial sources correctly depicted actual events in terms of the appearance and demeanour of criminals or whether they are representative of the majority of executions. The likelihood is that the ritual varied depending on the type and severity of crime, the identity of the offender, and the location of crime and punishment.

The Executioner

It is unclear when the role of executioner became a profession in Britain. The first names recorded as being a member of this profession are from the seventeenth century (Webb 2011, 139-40). When William Cragh and Trahearn ap Hywel were hanged outside Swansea in 1290, Trahearn was hanged by the town executioners while Cragh was hanged by his own relatives (Bartlett 2004, 44). Oral testimonies of this hanging suggest that the ordering authority, William de Briouze, had a personal vendetta against Cragh, which explains the harshness of forcing family members to do the deed. However, this does suggest that by the end of the thirteenth century, some towns may have had regular, if not professional, executioners. These may have been men in professions for which they were accustomed to killing, such as a soldier or butcher. They may also have been associated with legal administrators, working for sheriffs or judges. On the other hand, Thomas Chobham, a subdean of Salisbury in the thirteenth century, wrote that England had no official executioners but that anyone at the execution might be forced to play the role of executioner (Bartlett 2004, 44). It seems that even in the thirteenth century the regularity of executioners, which probably reflects the regularity of capital punishment, seemed to differ depending on the town.

Early medieval literature rarely mentions the specific people who were directly involved with an execution. In fact, the only instance of the person physically performing the execution having been named was in the *Encomium Emmae Reginae*, when Cnut specifically orders his commander, Eric, to decapitate Eadric Streona (Campbell 1998, 32). More often the name of the judge or authority who orders the execution was specified. For instance, the Anglo-Saxon Chronicle states that in 1124 'Ralph Basset held a court of the king's thanes at Hundhoh in Leicestershire, and hanged there more thieves than ever before: forty four of them in all were dispatched in no time, and six had their eyes put out and were castrated'

(Garmonsway 1972, 254-55).¹⁰⁷ Here it is clear that Ralph Bassett was the judge who ordered the capital and corporal punishment, but it is not clear who actually performed the hanging. It is doubtful the Ralph would have done it himself, especially since forty four individuals were hanged at the same event (whether individually or simultaneously is also unknown).

It is crucial to consider what sort of person might have posed as an executioner because they may have been risking their own souls by taking the lives of the judicial offenders. Capital punishment was a complicated situation for Christian followers because a good Christian should not take another's life, yet, at the same time, grievous sinners must be punished. St Augustine felt that the executioner was merely the weapon of the law, and it was the law itself that killed the criminal, not the man physically committing the act. In this way, no one man but the ideal of justice was held accountable for the death (Foxhall-Forbes 2013, 139). However, Anglo-Saxon theology questioned the role and quality of the individuals who represented the law.

In his sermon on the Maccabees, Ælfric of Eynsham speaks of the saints saying, 'There was no holy servant of God after the Saviour's passion, that would ever defile his hands with fighting, but they bore the persecution of impious tormentors, and gave up their lives with harmlessness for God's belief, and they now live with God, because they would not even put to death a bird' (Skeat 1881b, 125).¹⁰⁸ Yet, as Nicole Marafioti (2009) points out, Ælfric distinguishes between the role of the clergy in capital punishment, and the role of everyone else. In his Life of St Edmund, when he recounts the story of Bishop Theodred hanging eight thieves who tried to steal from the church at Bury St Edmunds, Ælfric adds his own critique of Theodred's actions saying 'the holy canons forbid clerics, both bishops and priests, to be concerned about thieves, because it becometh not them that are chosen to serve God, that they should consent to any man's death, if they be the Lord's servants' (Skeat 1881b, 331).¹⁰⁹ This is not the only time he specifies that the clergy should not have any involvement in execution. In his first set of pastoral letters to Wulfstan, Ælfric wrote:

A bishop is not appointed so that he should be a judge of robbers and thieves... Christ, who knew everything, did not wish to judge concerning an inheritance, but you think that you are able to judge concerning robbers and thieves without fault. Beware, lest by chance Christ should say to you, 'Who appointed you to judge robbers and thieves?' For bishops are the apostles in these days. And Christ, sending the apostles forth to preach,

¹⁰⁷ '...held Raulf Basset 7 þes kings ðæines gewitenmot on Leþecæstrescire at Hundehoge 7 ahengen þær swa fela þefas swa næfre ær ne wæron: þæt wæron on þa little hwile ealles feower 7 feowerti manne, 7 six men spilde of here ægon 7 of here stanes' (Irvine 2004, 125).

¹⁰⁸ 'Næs nan halig godes þeowa æfter þæs hælendes þrowunga . þe æfre on gefeohte his handa wolde afylan . ac hi for-bæron ehthysse arleasra ewellera . and heora lif sealdon mid unscæþþignysse . for godes geleafan . and hi mid gode nu lybbað . forðan þe hi furþon noldon . ænne fugel acweallan' (Skeat 1881b, 125, ll. 857-62).

¹⁰⁹ 'and eac þa halgan canones gehadodum forbeodað ge bisceopum ge preostum . to beonne embe þeofas . for-þan-þe hit ne gebyraþ þam þe beoð gecorene gode to þegnigenne þæt hi gebwærlæcan sceolon . on æniges mannes deaðe . gif hi beoð drihtnes þenas' (Skeat 1881b, 330, ll. 220-24).

said to them, 'Behold, I am sending you forth like lambs among the wolves.' For a lamb is innocent and does not have an evil bite. But whoever is a judge or killer of thieves, he cannot be counted among the innocent lambs (Marafioti 2009, 43).¹¹⁰

In the another copy of the same letter, however, Ælfric adds,

We [the clergy] (*sic*) may not be involved in the death of a man. Even if he is guilty of manslaughter or a murderer or a great thief, nevertheless, we must not prescribe death for him. Nor may we ever make a judgement concerning that. But let a laymen (*sic*) assign him life or death, so that we do not destroy sweet innocence – we, who may not even kill a bird (Marafioti 2009, 44).¹¹¹

While there was a higher standard of Christian behaviour for the clergy, it seems difficult to imagine there were different rules regarding salvation. Essentially, Ælfric realises that capital punishment is necessary, or at least embedded in the judicial structure, so recommends that those laymen who have already sinned should be the ones to mark their souls with death, rather than the 'innocent' clergy. So what sort of person would be likely to risk his immortal soul to take on the task of executioner?

Later medieval and post-medieval periods often portray executioners as generally disliked and often abused during the execution, sometimes because they were unsavoury characters who took enjoyment from the task, but many times because they were symbols of a harsh judicial system (Gatrell 1994, 100; Webb 2011, 139-58). The one notable instance of this sort of behaviour is when Waltheof is beheaded early in the morning while most of the citizens are asleep, for fear that a crowd would amass and murder the royal guards to save Waltheof (Chibnall 1990, 323). Whether riotous crowds were typical, or whether this behaviour was the influence of political upheaval after the Norman Conquest is unclear. In general, the early medieval English executioners seem to be matter of fact about the task. Eric has no qualms about following Cnut's orders to behead Eadric, yet he takes no enjoyment from it either. He merely follows his orders (Campbell 1998, 32). In Wulfstan of Winchester's *Narratio Metrica de S. Swithuno*, it is implied that the 'enemies' (*hostes*) standing around to decapitate Flodoald's slave if he proved guilty at the ordeal were officers of the reeve holding the tribunal (Lapidge 2003, 508-15). For most of the Anglo-Saxon and

¹¹⁰ 'Non est episcopus constitutes ad hoc ut sit iudex furum latronum [...] Christus, qui omnia novit, noluit iudicare de una hereditate et tu estimas te posse sine culpa de furibus aut latronibus iudicare. Cave, ne forte dicatur tibi a Christo: "Quis e constituit iudicem furum aut latronum?" Nam episcopi apostolic sunt his diebus. Et Christus, mitten apostolos ad predicandum, dixit eis: "Ite: ecce ego mitto vos sicut agnes inter lupos." Nam agnus innocens est st non habet morsum malitiae. Qui very iudex aut occisor latronum est, non potest inter agnos innocents computari' (Marafioti 2009, 43).

¹¹¹ 'We ne moton beon ymbe mannes deað. Þeah he manslaga beo oþþe morðfremmende oþþe myel þeofman, swaþeah we ne scylan him deað getæcean. Na we ne motan deman ymbe þæt. Ac tæcean þa læwedan men him lif oþþe deað, þæt we ne forleosan þa liþan unscaþþignysse – we, þe furþon ne moton ænne fugel acwellan' (Marafioti 2009, 44).

Anglo-Norman periods, executioners were probably under the orders of their lord and firm in the belief that they were exacting justice.

The prevalence of the names of judges and authorities ordering executions over those actually performing the execution in the written sources might suggest that it was the judges who were held accountable for the decision to kill criminals. Perhaps, then, the stain of the death was thought to have gone on the judges' souls. It seems to have been the judges who were frequently chastised for their work in Anglo-Saxon society, rather than the executioners. In his sermon on Ahitophel and Absalom, Ælfric compares the sins of unrighteous judges to those of suicides and traitor:

Every man shall likewise be damned who killeth himself, and every suicide shall suffer everlastingly, and traitors shall perish in the end with the perfidious devil who incited them to treachery. So likewise those unrighteous judges who pervert their judgements, always for gain, and not for justice, and always offer their justice for sale, and thus sell themselves for the sake of money, then shall they have in the end, for their unrighteousness, eternal torments with the treacherous devil. (Skeat 1881a, 428-31)¹¹²

To Ælfric, it was the corrupt judge who punished innocents who would be eternally damned.

Nicole Marafioti (2014) considered the eternal fate of the unrighteous judge presented in the Old English translation of the *Consolation of Philosophy*. One of the messages in the *Consolation of Philosophy* seems to be that harming the innocent is evil and, thus, punishable, which suggests that judges who make poor decisions should be punished, whether in this life or in the afterlife. However, the *Consolation of Philosophy*, also presents an early version of the theological thinking behind the development of Purgatory, suggesting that while the evil will suffer in hell regardless, the suffering of the innocent who have been put to death will only shorten the temporary suffering they face in the afterlife before achieving salvation. Thus, the judge who knowingly condemns the innocent will suffer for his sins in the afterlife, but the judge who mistakenly condemns the innocent is only aiding their eternal salvation and so performing an act of Christian mercy (Marafioti 2014, 122-28).

The fate of the souls of all those involved in execution was an issue that would linger long after the Anglo-Saxon period, particularly in ecclesiastical debate. The ecclesiastical court formed by William I would never subject a clerical offender to any punishment resulting in bloodshed, although clerics who had committed serious offences might be tried in the royal courts for more severe punishments. A clause from the *Leges Henrici Primi* (72, 1c), suggests that the royal authorities may have taken a similar approach to that suggested

¹¹² 'Ælc man bið eac fordemed þe hine sylfne adyt . and ælc agen-slaga á on ecnyse ðrowað . and hlaford-swican losiað on ende . mid þam getrowleasan deofle þe hi tithe to ðam swicdome . Eall swa þa unriht-wisan deman þe heora domas awendað æfre be þam sceattum na be soðfæstnyse . and habbað æfre to cêpe heora soðfæstnyse . and swa hí sylfe syllað wið sceattum . þonne habbað hí on ende for heora unrihtwisnyse mid þam swicolan deofle þa ecan susle' (Skeat 1881a, 428-31, ll. 229-38).

by Boethius. 'If homicide is killing a man, it can sometimes happen without committing sin; for a soldier who kills his enemy, and a judge a criminal, and a person from whose hand a spear flies perhaps involuntarily or accidentally, do not seem to me to commit a sin when they kill a man' (Downer 1972, 229).¹¹³ The sin of killing a criminal was negated by the merit that that death brought to the community.

The Audience

The question of how public events of capital punishment were before the thirteenth century is one of the most important. While the death of a criminal was always aimed as a warning at the general community, an intimate death in an isolated location would have been very different from a public show. Was the actual spectacle part of the judicial suppression of crime, or was the fear of capital punishment enough of a deterrent?

Records of executions from the eighteenth and nineteenth centuries depict crowds at the scaffold as rowdy, brutal and depraved (Gatrell 1994, 56-70, 90-105). V.A.C. Gatrell proposed a number of reasons for the execution crowd adopting such a demeanour. He suggested that it might have been due to a crowd mentality, wherein the individual inhibitions are dissolved in a 'collective mind' of violence and destruction. Not only was the entire city population, distinguished and impoverished alike, encouraged to gather to witness the extinguishing of human life, but images of the murders and crimes sold at the event were often provided a sensationalist touch. He also suggests that some of this debased behaviour from the crowd members was a method of distancing themselves from the reality of the man, or woman, dying in front of them (Gatrell 1994, 70-80). Executions represented a threshold between life and death for the observer. Those who have not yet experienced death cannot really understand it, so the opportunity to watch someone die would have been approached with a mixture of curiosity and fear. However, for those individuals who had a stake in the life or death of the criminal, it would have been a sobering affair.

It seems that in the earlier medieval periods execution audiences had not already dissolved into debauched hysteria. The account of Flodoald's slave who faced the ordeal of hot iron, but was saved from death by the intervention of St Swithun, mentions that his family and friends were there to witness the event. There are, of course, emotions; their tears of sadness at his condemnation are said to turn to joy at the revelation that the judges could not see that his hand was burned and declared him innocent (Lapidge 2003, 311, 513-15). Yet they did nothing to thwart the execution. Those who were on the side of the reeve (*inimici*) were said to be laughing (*risus*), so clearly a certain amount of jeering was customary. A record of corporal punishment, which was also listed among St Swithun's miracles, in which

¹¹³ 'Sit homicidium est hominem occidere, potest aliquando accidere sine peccato nam miles hostem et iudex nocentem et cui forte inuito vel imprudenti telum manu fugit, non michi uidentur peccare cum hominem occidunt' (Downer 1972, 228).

a reportedly innocent man was mutilated for theft suggests corporal punishment was also a public event. He was blinded, and had his nose, ears, and hands cut off and was then left for dead. One of his eyes was completely torn out, but the other was left hanging from the socket. A woman from the crowd came up to him to put his eyeball back in its socket and then his friends helped him home (Lapidge 2003, 310-15, 508-15).

Barely anything is said about the crowd that watched William of Aldery hang. The text simply refers to the people following him to his place of execution (Mynors et al. 1998, 565). Little information is given about the audiences to the hangings during Stephen's reign, however it is specifically mentioned in the *Gesta Stephani* that the criminal Robert fitz Hubert was hanged 'before the eyes of all his men' (*in omnium suorum oculis*). Still the only account of judicial punishment which hints that the audience may have played an active role is Orderic Vitalis' version of the decapitation of Waltheof, in which the executioner was afraid that the citizens might wake and attack the royal guards, so he pre-emptively severs Waltheof's head (Chibnall 1990, 323). The fact that the detail of moving the execution earlier is provided suggests that rebellious behaviour from an execution crowd was unusual; it suggest that an audience was probably common at most executions and also that audience members were usually content to let justice take its course.

The impression given by the Anglo-Saxon texts is that audiences at events of judicial punishment may have been fairly small and mostly comprised of judicial administrators, friends, family and perhaps others from the community who might have known the condemned party. Viewers were not, however, flocking from miles around on a day out to see the executions, as they did in the eighteenth century. Witnessing an early medieval execution would have been fairly horrific and a small crowd would have been able to see all the gory details. Hanging meant death by strangulation which was slow and painful. After the initial drop, the spectators could find themselves watching the victim jerking at the end of the rope, struggling for breath, for whole minutes. They might not even immediately realise when the victim had finally died (Cohen 1989, 412). In the later Middle Ages, when hangings were more commonly recorded and discussed, it was not unknown for people from the crowd to have to pull on the victims' legs to hasten death. Decapitations would have been equally uncomfortable to watch, especially since the archaeological evidence suggests that the head was severed in only one blow somewhere between 43-64% of the time (see Chapter 5 for the full discussion). If the executioner missed on the first blow, the victim would probably have fought against the executioner's hold even more with their neck partially severed and would have continued to do so until they lost consciousness or the executioner accomplished the deed. Even if the blow was clean and quick, it would have been very bloody. Hearing the screams of someone being burned alive, and smelling the singed flesh would have been horrible as well, although this does not seem to have been as common a punishment. These would have been emotionally painful situations for friends and family to witness, and, at the

very least, probably unsettling for anyone else. Even if execution was generally accepted as the deserved punishment for certain judicial offences in Anglo-Saxon and Anglo-Norman England, it was still approached solemnly and respectfully – not as a spectacle for the intrigued viewer.

THE PERFORMANCE

The Execution

The previous sections of this chapter have endeavoured to piece together the individual elements of the execution performance. As we have seen, the evidence is limited and there are few certainties. In general during the early medieval period, offenders were probably bound, shackled or imprisoned in some manner prior to the event. They may have been paraded out to the place of execution, whether it was just outside of the settlement or on the farthest geographical extent of political jurisdiction. Any witnesses to the execution would probably have followed in the parade, namely friends, family, and royal or political officials. The most common method of execution was probably hanging. The gibbet may have been a purpose built gallows or may have just been a tree – both types of hanging devices seem to have been used at Sutton Hoo, with the gallows replacing the tree (Carver 2005, 331). The hanged offender may have stood under the gallows with the noose around his neck and been hoisted up as the executioner pulled on the other side of the rope which was strung over the central beam of the gallows. Alternatively, the hanged offender may have been pushed off a ladder or cart with the noose already around the neck.

There is historical evidence from the thirteenth century for traditions such as having the victim walk to the place of execution with the noose that is to kill him already around his neck, or blindfolding the victim before he is hanged (Bartlett 2004, 43-50). There is nothing in the historical literature to confirm or refute the occurrence of these practices in the early medieval period; however, the manuscript illustrations of hanging drawn after the Conquest do depict the hanged individuals with blindfolds (see Figures 7.8 above). None of the Anglo-Saxon depictions of execution show any sort of blindfold on the victims. This adoption of the blindfold could certainly be a post-Conquest adaptation to the execution process. It was perhaps a consequence of increasingly public executions, or might have been part of a more 'merciful' attitude toward capital punishment.

After the Norman Conquest, decapitation does not seem to have been a commonly used technique either for capital punishment or in battle (see Chapter 4 for a full discussion on this). It was, however, a well-known punishment in the Anglo-Saxon period – not a common punishment, but certainly used to punish severe crimes. Decapitation victims may have been bound and paraded to an execution cemetery, such as was done for Earl Waltheof,

but they were also more likely than hanging victims to have simply been executed on the spot where their guilt was determined, such as the execution of Eadric Streona and the near execution of Flodoald's slave. Based on historical texts and manuscript images, it does not appear that the Anglo-Saxon judicial decapitation used a block on which the victim would place their head, as was the case in the later Middle Ages. The victim might have been kneeling or standing, and was probably held still by at least the executioner, and possibly by additional men depending on whether the victim was bound or not. The executioner probably grabbed the offender by the hair to pull his head forward or backward, exposing the neck or throat respectively. It could then take multiple attempts to fully sever the head (see Chapter 5).

Other methods of execution are even less frequently discussed, and it is difficult to recreate their rituals. According to the laws of Æthelstan (IV Æthelstan 6), when a female slave was caught in theft she would be burned alive. To accomplish this, eighty slaves would bring three logs each to build her pyre. If a male slave was caught in theft he would be stoned by eighty slaves. Such execution of slaves may or may not have occurred in the usual execution locations. Under the same law, if a free female was caught in theft she would be thrown from a cliff or drowned. A number of execution cemeteries are in raised locations or near rivers, which would have made such a punishment possible, but this type of punishment may just as easily have been carried out elsewhere.

Overall, there does not seem to have been a definite ritual of execution in early medieval England. Anglo-Saxon execution rituals may have depended on regional customs, as well as circumstances. Anglo-Norman practices of capital punishment may have increasingly become more organised and public performances, although many executions ordered by Stephen seem to have been rather impulsive. Merback (1999, 132) has suggested that the public executions seen in the later Middle Ages became popular after the twelfth century with the shift from public trials and witness testimony to a closed-door inquisitorial judicial process: 'Because the community did not participate in the trial itself, the sentencing ritual was critical to the people's understanding of the crime, its circumstances, the evidence and the determination of guilt'. What truly distinguishes these early medieval executions from their later medieval counterparts, specifically those of traitors, is the fact that, aside from one of the early executions during the reign of Alfred, torture is never a part of execution. Although Anglo-Saxon and Anglo-Norman executions were signs of justice, they were not the horrific spectacles of torture that occurred when hanging, drawing and quartering became a regular punishment for traitors, which was certainly the case by the fourteenth century. There are occasional accounts of floggings before execution, which was certainly painful, but nothing that comes close to the public mutilation that occurred in the executions of William Wallace and Hugh Despenser, mentioned above.

Display

The other part of the execution ritual besides the manner of death which can be loaded with symbolism is the manner in which the body was displayed after the execution. After the executions of William Wallace and Hugh Despenser their heads were severed when their corpses were quartered, and they were sent to London to be displayed in prominent locations. However, the evidence for displaying corpses in the early medieval period is somewhat ambiguous.

The display of hanged victims is not discussed in any Anglo-Saxon or Anglo-Norman accounts of execution. The Anglo-Saxon fear of the decaying corpse might have made the hanging of executed corpses from the gibbet until they fell apart from decaying a ghastly sight; or the fear of corpses may have been so great as to completely prevent any such displays. There is only one historical reference to the display of the bodies of hanged execution victims, and it comes from the Anglo-Saxon poem *The Fortunes of Men*, found in the tenth-century Exeter Book, which lists the various fates to which a man may succumb. One passage describes the fate of a man who has been hanged on the gallows. His body decomposes and his soul is damned:

One shall ride the high gallows and upon his death hang until his soul's treasury, his bloody bone-framed body, disintegrates. There the raven black of plumage will pluck out the sight from his head and shred the soulless corpse - and he cannot fend off with his hands the loathsome bird of prey from its evil intent. His life is fled and, deprived of his senses, beyond hope of survival, he suffers his lot, pallid upon the beam, enveloped in the mist of death. His name is damned (Bradley 1982, 342).¹¹⁴

The reference to displaying an executed corpse in the same poem as death from famine, warfare, disagreement between drunks in the mead hall, and other fates which would not have been considered unusual, suggests that the sight of a decaying corpse hanging from a gibbet might not have been all that uncommon. All of the execution cemetery sites contain disarticulated material along with articulated burials. Chesterton Lane and Stockbridge Down present significant evidence for the regular intercutting of burials (Cessford 2007; Hill 1937). At these cemeteries, and possibly the others, it seems likely that the disarticulated material was a result of cutting into earlier graves; however, there is also a possibility that some of the material may have been the decomposed limbs of displayed execution victims. This was certainly suggested by the excavators of Bran Ditch:

Many of the bodies had been buried when decomposition was far advanced. Above the remains of 19 were the bones of a young and also of an old man, and four skulls. These

¹¹⁴ 'sum sceal on geapum galgan ridan seomian æt swylte oþþæt sawlhord bancofa blodig sbrocen weorþeð þær him hrefn nimeþ heafodsýne sliteð salwígpad sawelleasne noþer he þy facne mæg folmum biwergan laþum lyftaceapan biþ his lif acæcen ond he feleleas feores orwena blac on beame bideð wyrde bewegen wælmiste bið him werig noma' (Mackie 1934, 28).

could not have been displaced from a single grave cut in the chalk and must have been collected off the down in a disintegrated state and put in with the more complete body. This was noticed in several other places. The bodies seem often to have come apart at the waist (? when being carried). Nos. 9, 13, 30 and 33 (perhaps top and bottom halves of the same body), 46, 50 and 51 are instance of this. The last was evidently so decayed that the left tibia, right fibula, and all the bones of the feet seem to have fallen off as it was being buried. The tibia was replaced wrong way up, the fibula was in the right place but had slid down behind the heel, some of the toes were on or near the pelvis.... There cannot have been any disturbance by a subsequent burial for the nearest grave is 4 feet away (Lethbridge and Palmer 1929, 87).

Burials which present a single individual with disarticulated elements but no obvious disturbance, such as Skeleton 51 from Bran Ditch, are potentially evidence of decomposition prior to burial. Skeletons 13 and 30 were thought to have been decapitated, although this could not be confirmed by my own osteological analysis due to absent skeletal elements (see Appendix C), however it is very possible that the other individuals represent victims of an alternative method of execution, such as hanging, and then their corpses were displayed for a time. Unfortunately, at cemeteries with a large amount of intercutting as well, such as Stockbridge Down, it may not always be able to identify whether the disarticulated material was the result of decomposition or intercutting, particularly if the decomposition was well advanced or the intercutting occurred when the first burial was still partly fleshed.

There is tentative evidence that the severed skulls may have been displayed, perhaps on *heafod stoccan* or head-stakes. Skulls outnumber bodies and vice versa at certain sites, suggesting that the skulls and bodies were not always buried together. This may, in turn, indicate that the skulls were initially kept out of the graves for display purposes. This is reinforced by evidence of weathering on skulls. At Walkington Wold there were eleven skulls found isolated from the ten headless bodies. Only three of the isolated crania had associated mandibles and vertebrae still articulated, which could indicate that some of the skulls were displayed until they decayed and the mandibles and vertebrae became unseparated from the crania (Buckberry and Hadley 2007, 309-14). At Ridgeway Hill forty-seven skulls were uncovered, which were outnumbered by fifty-two post-cranial skeletons (Loe et al. 2014, 232-33). Since the severed heads and the bodies of the Ridgeway Hill victims were buried separately, the missing heads could have merely been overlooked during burial, resulting in their lack of interment; however, the site was on a prominent rise similar to the locations at which execution cemeteries have been found, and it is very possible that the missing heads were displayed at this prominent location. The excavators have also mentioned the possibility that the heads were carried away as trophies. Individuals were buried without their skulls at Bran Ditch (Lethbridge and Palmer 1929), Guildown (Lowther 1931), Old Dairy Cottage (Cherryson and Buckberry *forthcoming*), Sutton Hoo (Carver 2005) and, of course,

Walkington Wold (Buckberry and Hadley 2007). Isolated skulls were uncovered at all of the sites with headless bodies, as well as at Staines (Hayman and Reynolds 2005). Some instances of isolated skulls and headless bodies may have been due to intercutting, so this must be taken into consideration when analysing for display of severed heads.

Potential osteological evidence for the display of heads on stakes in Viking Age Ireland was uncovered in a recent excavation at St John's Lane and Fishamble Street in Dublin. Seventeen skulls dating to the tenth and eleventh centuries were scattered throughout this area of the city. The skulls were predominately adult males with evidence of violent deaths, four of which appear to have been decapitated. One skull displays traumatic injuries indicative of impalement upon an object such as a pike or pole. The wounds indicate that the object was rammed through the base of the cranium and continued through the top (O'Donnabhain 2010, 272-5). None of the severed or disarticulated skulls from Anglo-Saxon execution cemeteries present any such trauma. However, only this one skull out of the seventeen uncovered from the Dublin executions shows osteological evidence for the existence of headstakes. It may be that this one individual was singled out for display because he was someone of importance, perhaps a leader or noble.

It seems unlikely that the absence of traumatic injuries for headstaking on the rest of the Dublin skulls, and on the Anglo-Saxon execution cemetery skulls, could be due to poor preservation or limited osteological examination. The osteological damage done to the skull by ramming it on a sharp object should be blatantly apparent. It may be that the severed skulls of Anglo-Saxon execution victims were displayed in other ways. For example, Jo Buckberry (2008, 164) suggested that a large posthole on the Bronze Age barrow near Walkington Wold was a possible gibbet, and may have provided a means of exhibiting the severed heads of decapitation victims. Postholes potentially signifying gibbets were also found at Stockbridge Down and Sutton Hoo (near the gallows) (Carver 2005, 331; Hill 1937, 252). Old Dairy Cottage was a meeting point recognized by three sets of boundary clauses – Headbourne Worthy, Chilcomb and Easton – all of which mention *heafod stoccan* in the relative area (Reynolds 2009, 119). Although there is no archaeological evidence for the impaling of severed heads in Anglo-Saxon England, there seems to be a high probability of skulls having been separated from their associated bodies for postmortem display.

Despite the limited archaeological evidence for head-stakes, they are present in a variety of historical texts. Along with references in poems and histories, head-stakes are used as landmarks in sixteen charter boundary clauses (S309, S376, S417, S427, S462, S582, S611, S654, S695, S698, S713, S759, S850, S1588 and S115), dating from the end of the ninth century to the middle or third quarter of the eleventh century (Birch 1885-93; Earle 1888; Reynolds 2009, 273-4). Two of these, S376 and S1588, also mention *cwealmstowa*.

Displaying the head as a symbol of victory and power occurs frequently in the late Anglo-Saxon literary tradition. Grendel's head is placed on a *wælsteng*, a 'spear', or more

literally a ‘pole’ or ‘stake’ (*steng*) for the ‘dead’ (*wæl*) (Bosworth 2010; Swanton 1997, 113). Such display of the head of a conquered enemy is substantial proof of the feat that has been undertaken. Symbolically, it is a show of power, and often a statement of appropriation of authority (Cohen 1993). *De Obsessione Dunelmi*, an eleventh-/twelfth-century account of the life of Uhtred of Northumbria, depicts a scene following his suppression of a Scottish siege on Durham in which the heads of the deceased Scots are washed and their hair combed, and then ‘fixed on stakes round the walls’ of the city (*per circuitum murorum in stipitibus præfigi*) (Arnold 1882, 216; Morris 1992, 2). In the Old English text of the Seven Sleepers, generally attributed to Ælfric of Eynsham but recently argued by Hugh Magennis (1992) to belong to an anonymous author, seven Christians leave Ephesus because of persecution, fall asleep in a cave, and wake up to return hundreds of years later. During the persecution of Christians in the city, it is mentioned that,

they hung the headless on the town-walls, and set their heads, like those of others who were thieves, outside the town-walls upon head-stakes; and there immediately flew thither rooks and ravens and birds of many kinds, and hacked out the eyes of the holy martyrs, and flew again into the city over the town-walls, and rent in pieces the holy beloved ones of God, and in their bloody bills bare the flesh of the martyrs, the entrails and inward parts, and devoured them all (Skeat 1881a, 493).¹¹⁵

Here the martyred Christians’ headless bodies are hanged from the walls and the heads fixed upon head-stakes. However, a few lines later the reader is offered a rare glimpse at the distress and emotion caused by such a spectacle:

Behold! What can weeping or sorrow be, if that was not the greatest of both, or what can lamentation or bewailing be, if that was not the fullness of both... And kinsmen beheld how their kinsmen suffered and hung on the town-walls for a spectacle; and the brother beheld his sister in torment, and the sister beheld her brother in misery; the father forsook his child, and the child forsook the father, and at last every friend forsook the other, by reason of the great horrors which they saw there (Skeat 1881a, 495).¹¹⁶

¹¹⁵ ‘and ða heafod-leasan man henge on ða port-weallas . and man sette heaora heafda swilce oþra ðeofa buton ðam port-weallon on ðam heafod-stoccum . and ðær flúgon sona to brócas . and hremmas . and feala cynna fugelas . and þara haligra martyra Eagan út a-haccedon . and fulgon eft in-to ðære byrig geond þa port-weallas . and to-sliton ða halgan godes dyrlingas . and on heora blódigon bilon ðæra martyra flæsc bæron . ðearmas and inneward . and þæt eall fræton’ (Skeat 1881a, 492).

¹¹⁶ ‘Lá hwæt mæg beon wóp oððe sarignys . gyf þæt næs se mæsta ægðres . oþþe hwæt mæg beon geomrung and wánung gyf þæt næs se fulla ægðres... and ða magas beheoldon hu heora magas ðrowodon . and on ðam port-weallon to wæfersyne hangodon . and se broðor beheold his swuster on wite . and seo swuster beheold hire broðor on yrmðe . se fæder wið-sóc her bearne . and þæt bearn wið-sóc þone fæder . and æt nextan ælc freond wið-sóc oðres for ðam micclan egsan þe hi ðær gesáwon’ (Skeat 1881, 494).

The way in which the author of this text depicts the reactions of the onlookers demonstrates that Anglo-Saxons were not so accustomed to death and violence that they would not have been horrified to see the bodies or heads of their dead loved ones strung up for display.

A manuscript illustration from the eleventh-/twelfth-century Old English Hexateuch (BL MS Cotton Claudius BIV f. 15r) shows a severed head impaled on a stake on the prow of Noah's Ark (Figure 7.10). On top of the head sits the raven that Noah first sends off the boat to find land, before sending the dove which eventually returns to the ark bearing the olive branch which signifies their proximity to land. Milton Gatch (1975) questioned the illustrator's unusual choice to depict the raven on the ark, when it is usually depicted on the floating corpses of sinners who drowned in the flood, signifying the raven's failure to return to the ark. Gatch's puzzlement was around the position of the raven on the ark if the raven was never supposed to have returned to the ark, and his article investigates whether the raven was associated with a unique symbolism in Anglo-Saxon England. Gatch's investigation remained unsolved because his attention focused on the placement of the raven in the image, rather than the placement of the head. In the Old English Hexateuch depiction of Noah's Ark, the raven is in its normal location – pecking the eyes of the corpse of a sinner. It is the



Figure 7.10. BL MS Cotton Claudius BIV f. 15r, c. 1025 x 1150, provides a unique depiction of Noah's Ark with a severed head impaled on the prow. ©British Library, London

corpse that has transitioned from bloated and floating in the flood water to a severed head impaled on the prow of the boat. This depiction represented the corpse of an individual who died in the flood sent by God to wipe out the earth because of the sinful behaviour of human kind. In Anglo-Saxon England, decapitation was a punishment for the worst crimes and provided no hope for salvation. Thus, this is a distinctly Anglo-Saxon Christian image, depicting the ultimate sinner as the victim of decapitation. Although there is no correlation between the Flood and death by decapitation, Anglo-Saxons would have understood this image as a representation of the raven feasting on the corpse of one of many forsaken by God in this biblical story. This also suggests that the image of a head impaled on a head-stake was recognised, possibly even familiar, and that the symbolism behind it was understood.

There is conflicting evidence about the use of head-stakes. Literature, charters and illuminations suggest familiarity with the concept in the later Anglo-Saxon period, yet the archaeology provides limited evidence for their use. It seems likely that severed heads were displayed in some fashion, although perhaps on a gibbet or lashed to the head-stakes rather than impaled. It is also plausible that only the heads of certain individuals were displayed, those of the most notable criminals. The purpose of displaying corpses would have been for the crime and the associated punishment to have been recognised by the community in order to create a sense of fear. This would have been even more effective if the criminal himself were known within the community, either as a regular thief or as a respected member. It seems highly probable that at least some executed criminals were displayed for a time afterward in the Anglo-Saxon period, given the evidence for display and the prominent locations of execution cemeteries. To revisit the above discussion about the location of execution cemeteries, visibility for both locals and travellers was the main location characteristic of these sites; for what other reason would they be so visible if not to display the corpses of the deceased as a violent message of power and control? As Reynolds (2008, 44) points out, just as Oliver Cromwell's head remained publicly impaled for twenty-four years in the seventeenth century, a single hanged corpse or impaled severed head left rotting away for Anglo-Saxon communities and political rivals to observe may have lasted as an effective symbol for several years.

That execution may have been this rare an event is supported by comparison of the number of burials to the duration of use of the cemeteries. For instance if Old Dairy Cottage is considered to have been in use for the shortest possible time – 75 years (see Figure 7.4) – there would have been an average of one hanging or decapitation every 7.5 years and one burial, including the former executions, every 4.4 years; if it is considered to have been used for the longest possible time – 250 years – there would have been an execution every 25 years and a burial every 14.7 years. Old Dairy Cottage presents the most frequent amount of burial. If Chesterton Lane is considered at its shortest possible duration – 80 years – there would have been an average of one hanging or decapitation every 13.3 years and one burial every 6.7

years; if it is considered to have been used for its longest possible duration – 390 years – there would have been an execution every 55.7 years and a burial every 17 years. All of the other radiocarbon dated sites provide similar result between these two extremes. It is unlikely that any of the sites would have existed for exactly the shortest or longest possible lengths, but what is evident from both statistics is that execution was a very uncommon event but probably frequent enough for the judicial message and its significance to remain in the community memory.

There is very limited evidence to either corroborate or disprove the continuation of the practice of displaying hanged bodies into the Anglo-Norman period; however, the displaying of executed corpses was a powerful sign of judicial might which was used in the later Middle Ages and into the early modern periods, so it seems probable that it would not have been discontinued by the Normans.

CONCLUSION

There is a basic formula to public executions, which existed through the Middle Ages and beyond. There is usually some form of public parade to display the offender in submissive and humiliating circumstances, the execution itself, which was inevitably gruesome and witnessed by a small crowd, perhaps a display of the corpse or pieces of the corpse, and then finally the burial. Detailed aspects of this routine might have changed, but the purpose of public execution remained the same. Executions did not just aim to eradicate the actual criminal, but to eradicate the crime with him by presenting a fate so gruesome and fearful that no one else would attempt to challenge the authorities. In the early medieval period, however, not all executions were public or official. Community participation was encouraged in the capture and occasional slaying of offenders, and local customs will have certainly affected the specifics of capital punishment. Unfortunately, such details were not recorded on a local level.

There seems to have been a slight change in the location of execution after the Conquest – not in the type of location itself, but in its proximity to the community. Anglo-Saxon executions either took place immediately upon judgement or as far away from the community as jurisdiction allowed. The Anglo-Normans maintained the prominence of the location, but moved the execution to the outskirts of the settlement, although still probably within view of the community. This is possibly a result of the change in royal authority after the Norman Conquest. Anglo-Saxon justice relied on the involvement of the community, and everyone was encouraged to help monitor and execute justice. Execution cemeteries seem to be on regional boundaries, which would mean that the displayed corpses would have been viewed more often by travellers coming into the area than by the community itself. While

judicial punishment certainly would have been intended as a message for potential offenders within the community, it also seems to have been a warning to outsiders that crimes were punished in that area. Public execution in the Anglo-Norman period was aimed more within, at the community rather than outsiders. This is possibly because the Normans themselves were outsiders and were trying to assert their own legal authority over the communities they had just conquered. It seems probable that both Anglo-Saxon and Anglo-Norman public execution involved displaying the corpses of at least certain individuals, to emphasise the shameful fate of the criminal and the force of the authorities.

The biggest change involving the treatment of criminals, between the Anglo-Saxon and Anglo-Norman periods, however, is found in the burial of the corpses following execution and possible display. Anglo-Saxon sinners and judicial offenders were cast out of the community in death. They were pushed to the very limits of local jurisdiction and provided with a careless burial among other sinners. The locations of their burial were even associated with hell, emphasising their ultimate fate of damnation. Just after the Norman Conquest the transition to burying criminals with and like other members of the community is noticeable. This change has become evident over the last four chapters, and will be discussed in detail in Chapter 9.

This chapter also endeavoured to demonstrate that these executed criminals were people; the impact of their deaths on friends and family would not have been softened because of the pre-modern circumstances of their lives. It is often assumed that in a period where raids and battles were far from uncommon and cures for common illnesses were far less advanced than what citizens of the twenty-first century are used to, death was a regular and accepted occurrence. This does not mean that medieval people were desensitised to the death of their loved ones. Witnessing the judicially mandated murder of a loved one, or even neighbour, would have been difficult and probably horrible. Public executions were emotionally powerful tools, which could be hugely effective in dispelling crime, or could backfire causing disquiet amongst the people. It is because public executions were so loaded with emotion, pain and fears of the afterlife for everyone involved, that they were used only rarely in early medieval England and for the most depraved or dangerous criminals.

CORPORAL PUNISHMENT

Chapters 4 through 7 thoroughly discussed the use of execution in England c. 850-1150. The focus in this chapter moves to another type of punishment which was not intended to be lethal: corporal punishment. Although from a modern perspective there appears to have been two categories of corporal punishment – dismemberment, or the severing of limbs, and mutilation, which includes a number of torturous punishments including blinding, scalping, and removal of the ears and nose, among others – the occupants of early medieval England did not expressly distinguish between the two. It will be attempted not to impose a modern bias by creating categories of punishment which did not exist in the medieval period when using terms such as mutilation; thus the whole group of punishments will most often be referred to as corporal punishment (with the assumption that this means non-lethal bodily punishment, as opposed to capital punishment) or dismemberment, when the loss of a body part is involved. This chapter will examine the increased reliance on corporal punishment across the Norman Conquest, as well as highlight specific forms of dismemberment and changes in their implementation. A number of themes discussed previously arise in the discussion of corporal punishment, namely judicial punishment as a visual aid to reinforce good societal behaviour and issues of the effect of earthly punishment on the afterlife of the criminal. The relationship between political and religious motivations behind judicial punishment was equally as complicated in the use of corporal punishment as it was with capital punishment.

Understanding punitive corporal punishment in the Middle Ages relies heavily on the written historical sources, in particular, law codes and historical chronicles. Archaeological indicators of dismemberment are limited to amputation, which is osteologically evident by cutmarks left when the bone is severed; however, interpretation of amputation is usually hampered by the difficulty of distinguishing the intent behind the act. Simon Mays (1996) has noted that there are three primary reasons for severing a limb – to wound an opponent in the midst of battle, for medical purposes, or as judicial punishment – and while slight differences can be apparent from the different environments of the three contexts for severing a limb, for the most part all three amputations appear very similar on historic skeletons due to factors relating to preservation and the medieval tools used to sever limbs.

In the instances of amputation for medical or punitive reasons, the amputee would have been expected to survive the procedure. Indeed, as will be discussed in more detail later in this chapter, punitive dismemberment was specifically intended to ensure the continued life of the offender, both to increase his chances of eternal salvation and as a constant daily reminder to the community of the king's authority. Thus, the skeletons of most amputees should display healing, or bone growth at the severed end of the bone, which becomes rounded and smoothed over once the healing is complete, and occasionally bones such as the radius and ulna might become fused in the process. Osteophytes (bone spurs) are often noticeable along the severed joint, which can often lead to ankylosis (immobility of the joint) along with potential atrophy of the entire limb from lack of use (Mays 1996, 103; Buckberry 2014, 144). An individual from St Mary Spital cemetery in London, who was buried in the early thirteenth century, is thought to have died only a few years following the amputation of his leg, as the healing was complete, or very nearly complete, and the tibia and fibula had ankylosed, but the leg showed no signs of atrophy or long-term deterioration of muscle (Connell et al. 2012, 91). There may also be signs of infection following amputation, such as uneven growth of new bone or pus drainage holes (Mays 1996, 103; Buckberry 2014, 144; White and Folkens 2005, 419, 424). However, all of these indicators of amputation are equally likely in medical, violent, or judicial cases of dismemberment.

There is definite evidence for surgical amputation in the medieval period, from drawings of tools meant for the purpose (saws and knives) to documents such as the tenth-century English Leechbook of Bald which provides written instructions of the amputation process (Mays 1996, 109). Excavators of medieval skeletons with amputated limbs, from such sites as Verson, France (Dastugue and Gervais 1992), Odense, Denmark (Jacobsen 1978), and Roskilde, Denmark (Møller-Christensen 1961), have suggested that limbs severed at a right angle might be evidence of the precision only surgical or judicial amputation could create (citations from Mays 1996, 107-9). While it is thought possible that there were medieval incidences of amputation from violence, especially in the midst of battle, it is, in fact, arguable that the act of amputation was sufficiently difficult using medieval weaponry as to make it implausible that it occurred regularly. There are, however, a handful of examples. Excavations of mass graves from the 1361 Battle of Wisby, in Sweden, have uncovered many individuals with blade wounds despite their wearing various levels of protective armour. One individual had his right foot sheared off in one blow and another had both legs amputated through the tibiae (Inglemark 1939, 164).

There is also a chance that medieval amputation occurred as part of personal or family feud violence. An entry in the Calendar of Patent Rolls from 1327 tells of a man who was assaulted by a mob, tied to a tree, and left without a right hand (Mays 1996, 110). Most tales of feud from early medieval England end in the death of the enemy, but mutilation as a

form of revenge may have been practiced in early medieval Normandy. The *Gesta Normannorum Ducum*, originally written in the eleventh century and later extended in the twelfth century to include contemporary events, recorded the mid-eleventh-century event where William of Giroie was blinded and had his nose and ears cut off by the men of William Talvas for some undisclosed offence (Greenway et al. 1995, 109-11).

Buckberry (2014, 147) notes that, due to taphonomic (or excavation) destruction to the end of severed limbs, cases of amputation in general may be under-identified by osteologists. She remarks that she only knows of two identified Anglo-Saxon amputations. The first was an individual uncovered during excavations of Blackfriars Friary in Ipswich (Roberts and Cox 2003, 216). The right hand of an adult male had been amputated and had healed. However, the cemetery, originally thought to have been of tenth- or eleventh-century date, has now been dated (by unspecified means) to 1263-1584, pushing it later than both the Anglo-Saxon and Norman periods (Buckberry 2014, 146; Mays 1989; Mays 1996).

The second was an adult male, thought to date to the seventh century, from Tean in the Isles of Scilly. This individual's left hand was amputated just above the wrist and the bone had healed. His right foot had also been amputated through the lower leg. Brothwell and Møller-Christensen (1963, 24) suggest that this was judicial punishment, citing the instances of hand removal as punishment in the laws of Ine, Alfred, Æthelstan and Æthelred. Ine is the only king to mention both the hand and the foot in his law-code (Ine 18) and coincidentally,

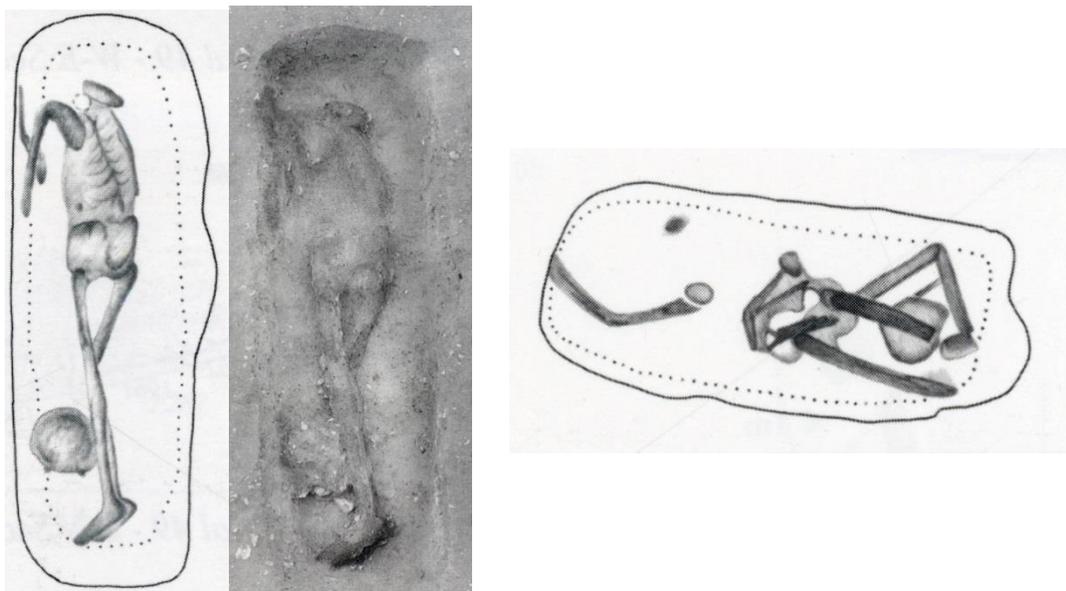


Figure 8.1. Burials 48 (left illustration and photograph) and 55 (right illustration) from the execution cemetery at Sutton Hoo (Carver 2005) both provide evidence for displaced limbs at the time of discovery (Carver 2005, 337, 340-41). Reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press.

or not, ruled in the seventh century; however it seems dubious that the Isles of Scilly would have referenced early Anglo-Saxon law, when Ine's royal authority would not have extended beyond Wessex and at that time his judicial control even within Wessex was probably still fairly limited. However, Brothwell and Møller-Christensen do raise the point that the clean amputation of both the hand and foot seems an improbable injury to receive in combat, or that surgery would be required for multiple limbs without evidence of some debilitating disease, such as leprosy.

Potential amputations have also been identified by the excavators of Sutton Hoo and Guildown execution cemeteries. Unfortunately the soil conditions at Sutton Hoo have completely decomposed any bone and left a sand form indicating the position of the body (see Chapter 4 for a complete discussion on Sutton Hoo preservation), making it impossible to perform an examination of pathology or trauma, which makes the identification of severed limbs problematic. Burial 48, was laid prone with the right arm separated from the shoulder and lying along the left arm on the left side of the body (Carver 2005, 339; Figure 8.1), which could have been the result of amputation or could have been due to decomposition starting prior to burial or post-mortem disturbance. That the arms have remained close together, which may indicate that they were tied at the time of burial, indicates that the incident occurred post-mortem, and it thus seems unlikely that this was intentional dismemberment. Similarly, Burial 55 was comprised of largely separated body parts (Carver 2005, 343; Figure 8.1). Without osteological information it is difficult to determine whether this individual was intentionally dismembered or was gathered and buried after extensive decay; however, the number of extant body parts suggests that this was a peri- or post-mortem act rather than the result of corporal punishment.

Nos. 167, 168 and 169 from the burials at Guildown were all thought to have been mutilated and buried together in a shallow grave (Lowther 1931, 31). No. 167 (the individual closest to the foreground in Figure 8.2) was recorded as having the 'legs doubled back on to [the] spine and cut off at the knees' (Lowther 1931, 42). Unfortunately a full osteological report of the Guildown skeletons was never published and it seems from Arthur Keith's notes (Appendix D) that he was only given a limited sample of the skeletons to examine which did not include these individuals, so there is no further information about the cutmarks on the legs which might help to deduce the manner of amputation. No. 168 is said to have the legs 'missing from the knees' (Lowther 1931, 42). No. 169 (the individual in the background of Figure 8.2) was recorded as having had the feet, arms and head severed and scattered over the grave.

The difficulty with interpretation of these individuals from Guildown is the poor standard of recording for early twentieth-century excavations; there is only one image of the entire group of individuals and it is of low quality and there is minimal information regarding



Figure 8. 2. Potentially mutilated individuals 167, 168 and 169 (front to back respectively) from Guilddown (Lowther 1931, Plate XXIII). Reproduced by permission of the Surrey Archaeological Society.

the actual mutilations. If Lowther had not used the phrase ‘cut off’ at any point, it would be tempting to suggest that these limbs were displaced by a means other than amputation, perhaps from depositional disturbance or post-mortem decay prior to burial. This seems especially plausible since No. 167 was buried with the hands behind the back, No. 168 had the hands crossed behind the back, and while the arms of No. 169 were displaced, the hands remained together, which suggests they all may have been bound. If they were hanged, they may have been left strung up for a time and all buried together as their limbs began to rot off. This is supported by the evidence that skeleton No. 168’s legs are stated to have been missing, implying a lack of cutmarks, as well as by the fact that No. 169 was not unbound before each shoulder was supposedly severed.

The only historical account from early medieval England, c. 700-1200 that has been uncovered of a body being intentionally so dismembered at the time of death or burial, is of the death of Harold in the *Carmen de Hastingae Proelio*. According to this poetic account of the Battle of Hastings, probably written in the eleventh century, Harold is pierced in the chest and body with spears, decapitated, and had his leg cut off. However, this is portrayed as a particularly vicious death, even in the midst of battle (Barlow 1999, 33). Without preserved bone at Sutton Hoo or more detail about the burials at Guilddown, there is limited information that can be surmised about the events leading to the chaotic state of the limbs of the individuals mentioned above.

If it is assumed that there were, indeed, cutmarks to show that these limbs were forcibly severed, the next question would be whether they were severed during life (ante-mortem), as a part of their death (peri-mortem), or as a part of their burial (post-mortem). As discussed above ante-mortem amputation would show evidence for healing in the form of new bone growth and the removed limb would be missing from the burial, which does not appear to have been the case for Burials 48 or 55 from Sutton Hoo or Nos. 167, 168 or 169

from Guildown. It is possible that mutilation was the means of death; however, death in that scenario would probably be the result of interpersonal violence rather than corporal punishment, as it was in the account of Harold's death. All evidence has pointed to the individuals buried at execution cemeteries not having died in battle and it seems very unlikely that this was the result of judicial dismemberment, because, as will become clear below, Anglo-Saxon corporal punishment was selective and specific in the body parts which were removed, and it was not usually intended to be lethal. Lowther does not count skeleton No. 169 among the two Guildown decapitations, which were declared to be skeleton Nos. 68 and 106 (1931, 32); the exclusion of No. 169 from the list of decapitated individuals might suggest a post-mortem element to both the displacement of the skull and the lower legs. This seems likely to have been the case for the displaced shoulder of Burial 48 from Sutton Hoo as well. An additional interpretation might be that the bodies were dismembered prior to burial to help fit them into the grave, which may also explain the recorded bending of the upper legs of the Guildown skeletons in unusual ways.

There were only two individuals from the Norman period who exhibited evidence of amputation. A skeleton (Burial 7), found buried in the cemetery at Malmesbury Abbey, was missing the tip of the fourth finger on the right hand (Hart and Holbrook 2011, 172). Fingers were not usually the focus of judicial punishment; it was far more common for the whole hand to be severed. Such a small and unassuming injury was most likely an accidental injury rather than any form of corporal punishment.

The second individual to show evidence for amputation was found at the cemetery of St Helen-on-the-Walls, Aldwark and was thought to have had his ear cut off (Dawes and Magilton 1980, 56). This may be the only plausible example of punitive corporal punishment, where the injury correlates with a legally mandated punishment. Many methods of corporal punishment are archaeologically invisible. Blinding or severing of the ear or nose has a slight chance of leaving a mark if the procedure is particularly gruesome and the implements used for the procedure scrape the bones of the skull; however, this is not likely to have been particularly common and both the preservation and archaeological excavation and examination would have to be of very high quality for any such marks to be identified. Unfortunately it is slightly unclear in the St Helen-on-the-Walls report which skeleton exhibited the injury since the skeleton number was not provided in the main text and details about the ear amputation were not explicitly mentioned in the catalogue of skeletons, hence it is difficult to know exactly how the excavators determined that an ear had been amputated.

Many other forms of corporal punishment – lashing, branding, scalping, castration – would only have been visible on soft tissue, and there is no sure way of identifying the injury on a skeleton. It is technically possible to identify skeletal changes in boys who have been

castrated before puberty, as the removal of testosterone makes the bones less robust and ultimately longer and more fragile, while leaving the skeleton largely identifiable as a male in the pelvis and skull (Reusch 2013, 37-38). For the majority of the Anglo-Saxon period in England a child could be executed as young as 12, which opens the possibility of archaeologically uncovering an individual who may have been castrated for a crime in his early teens. However, no such individuals have been found.

As a result of the aforementioned difficulties in identifying execution archaeologically, scholars of corporal punishment are reliant on historical data for understanding changes in corporal punishment around the Norman Conquest; while the contemporary written works do provide evidence of change - for instance there a stark increase in castration after the Norman Conquest - the fact that there is very little archaeological evidence with which to compare the historical results will always cast a shadow of uncertainty on just how common corporal punishment truly was in early medieval England.

ANGLO-SAXON ENGLAND

The range of corporal punishment is fairly limited in the Anglo-Saxon law-codes until the eleventh-century laws of Cnut. Prior to the reign of Cnut, at which point a shift in the penal connotation of corporal punishment becomes evident, as will be seen below, there were, in reality, very few recorded instances of the use of dismemberment as a form of punishment. The main corporal punishments used were the loss of the tongue for public slander or false accusation (Alfred 32 and III Edgar 4) and the loss of a hand for most crimes involving the making, or knowledgeable use, of false coin (II Æthelstan 14.1, IV Æthelred 5.3). Both of these punishments are maintained in the laws of Cnut and into the Norman period in the laws of Henry I.

The late seventh-century laws of Ine mandated the loss of a hand or a foot for theft (Ine 18 and Ine 37); however the early laws sometimes contradicted themselves, as Ine's do on the matter of theft. Ine 12 states that 'if a thief is taken he shall die the death, or his life shall be redeemed by the payment of his wergeld' (Attenborough 1922, 40-1).¹¹⁷ Alfred also requires the loss of a hand for theft, specifically from a church (Alfred 6). It is unlikely, however, that dismemberment was a common punishment for theft; in every other clause on theft, save one dealing with theft by slaves, the punishment is death (Whitred 26, II Æthelstan 20.3, IV Æthelstan 6, VI Æthelstan 1 VI Æthelstan 12.2, III Edgar 7.3, II Cnut 26). In III Edmund 4, if a

¹¹⁷ [*Be gefangenum ðeofum.*] *Gif ðeof sie gefongen, swelte he deaðe, oððe his lif be his were man aliese.* (Attenborough 1922, 40)

group of slaves commits a theft, only the leader received the death penalty. The other slaves were due a scourging (i.e. a severe whipping, usually with a multi-thonged instrument), scalping and the mutilation of their little finger. Slaves could also earn a scourging for homicide under Ine, and branding for failing the ordeal under Æthelred and Cnut.

There are a few historical sources that corroborate the lashing or scourging of disobedient slaves. It was unusual for historical sources to focus on slaves, and thus there is unfortunately little to elucidate the usual punishments for slaves. Lantfred's *Translatio et Miracula S. Swithuni*, and subsequent lives of St Swithun based on his text, tells of a slave girl who was to be flogged for an unspecified minor offence, before being saved by St Swithun (Lapidge 2003, 289-91; Appendix B, no. 8). It is possible that the lashes were to be administered in public, as she was not punished immediately but put into chains overnight to await her punishment. However, the few other examples of the punishment of slaves were for much more serious offences and involved execution rather than corporal punishment (see Appendix B, nos. 1, 9, 26). The only other clause mandating corporal punishment for slaves is that of Alfred 25.1, which prescribes castration for a slave who rapes another slave. This clause will be discussed in greater detail below, however it is necessary to say that this one reference is the only mention of castration in Anglo-Saxon literature that I know of.

Cnut, under the advice of Archbishop Wulfstan, is often credited with the shift to a greater use of corporal punishment as a legal sentence; however his use of corporal punishment largely follows the traditional protocol. His main focus with the additional clauses containing corporal punishment is largely directed toward crimes against the Church. Cnut decrees the loss of both hands for wounding someone in the process of withholding payments to God (II Cnut 48.1) and one hand for perjury (swearing falsely on the relics) (II Cnut 36); both of these offences are an affront to God, and are very likely to have been the result of input from Wulfstan. Nonetheless, Cnut maintains the loss of the tongue for slander (II Cnut 16), the loss of the hand for counterfeit coin (II Cnut 8.1, II Cnut 16) and the death penalty for theft (II Cnut 26), fighting in the king's house (II Cnut 59), treason against lord or king (II Cnut 26, II Cnut 57), and breach of the king's peace (I Cnut 2.1, II Cnut 61).

Notably, all of the punitive amputations are directly related to the crime. In fact, Alfred 6 and II Æthelstan 14 specifically state that it is the hand which committed the offence that shall be struck off (Attenborough 1922, 66, 134).¹¹⁸ The ability to link the punishment to the initial crime was particularly important to the judicial success of corporal punishment. Katherine O'Brien O'Keefe (1998, 217) refers to the Anglo-Saxon body as a text upon which mutilation is written and read: 'Such punishments ... take the form of mutilations which

¹¹⁸ 'slea mon þa hond of, ðe he hit mid [stæl] gedyde' (Alfred 6) and 'slea mon of þa hond, ðe he ðæt fúl mid worhte' (II Æthelstan) (Attenborough 1922, 66, 134).

enacted on the bodies of those convicted at once the penalty and the ineradicable memorials of their crimes. Their mutilated bodies became texts of their behaviour and its lawful consequences.' Punitive dismemberment was a punishment inflicted with an intended audience; the mark of royal justice would have been read daily upon the bodies of those victims of corporal punishment.

The Anglo-Saxon injury tariffs were a list of injuries to various body parts and the corresponding amount of monetary compensation that was due the victim for suffering that injury. There are only two of these lists, found in the seventh-century laws of Æthelberht and the ninth-century laws of Alfred. The tariffs provide information about what specific parts of the body were monetarily, and thus presumably ideologically, worth, and, further, how the body itself fit into both society and the judicial system (Jurasinski 2006, 51-2; Richards 2003; Gates 2013, 140). While the injury tariffs are intended to mediate interpersonal corporal injury by providing a system of monetary compensation, they reveal ideological concepts about the body which directly relate to the use of corporal injury as a punitive measure.

One of the most important ideological concepts of the injury tariffs was a primary focus on the visibility of an injury. For instance, Jurasinski (2006, 61) suggests that the noun *wlitewamm* used in Æthelberht 56, and often translated as 'disfigurement', actually suggests a greater level of public shame or disgrace.

56. For the slightest *disfigurement* [*wlitewamm*], 3 shillings, and for a greater 6 shillings [shall be paid as compensation] (Attenborough 1922, 11).¹¹⁹

Wlite generally translates to 'appearance', 'form' or 'countenance' (Bosworth 2010). *Wamm* is generally translated as 'injury', thus leading to an understanding of injury to the appearance, or usually taken to mean an injury to the face; however, *wamm* has alternate connotations of 'stain', 'disgrace' and 'defilement' (Bosworth 2010), which perhaps suggests that *wlitewamm* does not mean merely an injury to the face, but rather a shameful injury to the countenance of the victim. Æthelred 58 and 59 continues,

58. If it leaves a bruise, 1 shilling [shall be paid as compensation].

§1. If the blow is received with uplifted hand, a shilling shall be paid.

59. If it leaves a black bruise [showing] outside the clothes, 30 sceattas shall be paid (Attenborough 13).¹²⁰

The categorisation of *dynt* ('bruise') as a *wlitewamm* suggests that 'the predominant concern of Æthelberht's code [is] with injuries that are visible, and therefore capable of subjecting those

¹¹⁹ 'Æt þam lærestan *wlitewamm* III scillingas ond æt þam maran VI scill.' (Attenborough 1922, 10)

¹²⁰ '58. Gif dynt sie, scilling. § 1. Gif he heahre handa dyntes onfehð, scill' forgelde. 59. Gif dynt sweart sie buton wædum, XXX sceata gebete' (Attenborough 12).

who bear them to public censure... Marks or bruises need not be severe to merit compensation in Æthelberht's code; they need only be visible' (Jurasinski 2006, 63).

This cultural conception that the more visible a wound is the more humiliating it is seems to continue through the two centuries between the two written sets of injury tariffs. In Alfred's tariffs the compensation for an injury that is visible is double that of the compensation for the same injury when it is hidden (Richards 2003, 109):

66.1. For every wound in front of the hair, and below the sleeve and beneath the knee, the compensation shall be doubled. (Attenborough 1922, 91)¹²¹

Likewise injuries such as losing an eye received more compensation than the loss of hearing. Even the knocking out of the front teeth received more than the back teeth (Richards 2003, 105-06). The idea that personal shame in Anglo-Saxon culture is embedded in the concept of visibility and public knowledge would have enhanced the disgrace of judicial dismemberment. The criminal would have had to bear the mark of his shame visibly for the remainder of his life. This raises the question of the practicality of O'Keefe's metaphor: is it possible to distinguish punitive amputations from those caused by accidents or interpersonal violence? It is most likely that, on the body, it would be difficult to differentiate between a hand which was severed in a fight or as a judicial response to a crime. However, the outcome of the trial and any compensation which may have been exchanged would have been public knowledge. For this reason it appears that the compensation for a wound which may have been mistakenly interpreted as justice was a very specific amount: 66 shillings, 6 pence and a third of a penny. The amputation of the tongue, hand, foot or the knocking out of an eyeball by another man have all been assigned this same value (Attenborough 1922, 86-93; Richards 2003, 110-11; see Table 4.1 for a list of the Alfred's injury tariffs in order of expense). In this way the victim of such an injury would be well compensated for the potential humiliation of being mistaken for a criminal.

As previously mentioned, there is a slight difference between the practice of corporal punishment prior to the eleventh century and beginning in the codes of Cnut. Instead of merely the hands and tongue (limbs related to the crime), other dismemberment was added to the corpus of corporal punishments, including the removal of ears and noses. These new punishments were largely contained within a single clause: II Cnut 30.4 and 30.5. If a man fails the ordeal for a second time, instead of being beheaded as was ordained in the laws of Æthelred, Cnut's laws state that:

¹²¹ 'Æghelcere wunde beforan feaxe beforan sliefan beneoðan cneowe sio bot bið twysceatte mare' (Attenborough 1922, 90).

... there shall be no compensation possible to him but to have his hands or his feet cut off or both, according to the nature of the offence. And if he has wrought still greater crime, he shall have his eyes put out and his nose and ears and upper lip cut off or his scalp removed, whichever of these penalties is desired or determined upon by those with whom rests the decision of the case; and this punishment shall be inflicted, while, at the same time, the soul is preserved from injury (Robertson 1925, 191).¹²²

This last line is key to understanding the creation of such brutal punishments which do not necessarily call to mind the corresponding crime, as had previously been the aim of corporal punishments – ‘the soul is preserved from injury’. This is the logic of Archbishop Wulfstan who believed that ‘the culprits ought to be punished by various means, they ought to be charged and not immediately killed, but be saved through punishments, lest their souls, for which the Lord himself suffered, be undone in eternal punishment’ (O’Keefe 1998, 216).¹²³ This written passage, from Archbishop Wulfstan’s annotations on the BL Cotton Nero A. i. manuscript folio 157, continues to list all of the punishments the body may endure to save the soul, including flogging, starvation and exposure, losing skin, hair and beard, blinding, amputation of ears, hands, or feet, or other dismemberment. These punishments were intended to be more merciful because the mortal body only would suffer for the crime, but this pain would cleanse the soul for salvation. In this way, criminal punishment was being merged with the ecclesiastical idea of penance.

Archbishop Wulfstan’s influence is actually first apparent in the Anglo-Saxon law-codes in V Æthelred 3 (O’Keefe 1998, 216):

And it is the decree of our lord and his councillor, that Christian men shall not be condemned to death for too trivial offence, but, on the contrary, merciful punishments shall be determined upon for the public good, that the handiwork of God, and what he purchased for himself at a great price, be not destroyed for trivial offences (Attenborough 1922, 81).¹²⁴

This is the earliest of a number of clauses in the law-codes that call for punishments befitting the severity of the crime rather than execution. Æthelred, however, does not specify this

¹²² ‘4... buton ðæt man ceorfe him ða handa oððe ða fét of oððe ægðer, be ðam ðe seo dæd sy. 5.gyf h[e] ðonne gyt mare weorc geweorht hæbbe, ðonne do man ut his Eagan ceorfan of his nose éaran ða uferan lippa oððe hine hættian, swylc ðisra swa man wyle, oððe ðonne geræde ða ðe ðærto rædan sceolon; swa man sceal steoran eac ðære saule beorgan’ (Robertson 190).

¹²³ ‘Castigandi sunt enim rei diuersisque modis, arguendi et non statim necandi, sed per penas saluandi, ne anime pro quibus ipse dominus pasus [sic] est, in eterna penadispereant’ (O’Keefe 1998, 216).

¹²⁴ ‘ures hlafordes gerædnes his witena is, þæt man Cristene men for ealles to litlum to deaðe ne fordeme; ac ells geræde man fridlice steora folce to þearfe, ne forspille for litlum Godes hand geweorc his agene ceap þe he deore gebohte’ (Attenborough 1922, 80).

range of punishments in his written codes; the only mention of dismemberment is the above-mentioned clause regarding the amputation of moneyers' hands.

Dorothy Whitelock (1968) suggested that a greater range of dismemberment and mutilation may have been present in Anglo-Saxon justice well before the input of Archbishop Wulfstan, beginning in Æthelred's reign, based on a passage Wulfstan Cantor recorded in his *Narratio Metrica de Sancto Swithuno*, written 994 x 996, about the reign of King Edgar (also see Appendix B, no. 10):

At this time the just and excellent King Edgar orders—for the purpose of deterring criminals by means of threats—that the following law should stand throughout the broad expanse of England, whereby, if any thief or malicious robber were to be apprehended in this same country, he was to undergo cruel injuries: he was to be deprived of sight, wretchedly blinded in each eye; the executioner was then to cut off his nose and ears together, and was to lop off his hands and feet with the blow of an axe and likewise scrape off the hair of his head together with the scalp; and then the executioner would cast the man, barely alive and destroyed through this excruciating torture, to hungry dogs to be eaten, and to nocturnal birds and voracious ravens, and would scatter the mutilated trunk a piece at a time to the four winds. The aforementioned edict and sentence of the just king—which that good man promulgated for the common weal—is still in force, so that everyone may have peace of mind regarding his wealth and may be able to enjoy it in complete safety without the whisper of a threat concerning its loss (Lapidge 2003, 515).¹²⁵

The above passage spells out the various corporal punishments supposedly decreed by King Edgar for 'all evildoers', but especially thieves and robbers. The punishments of blinding, cutting off the nose, hands and feet, and scalping are those same mandated by Cnut in the aforementioned laws, II Cnut 30.4 and 30.5. Whitelock suggests that, although there is very little reference to dismemberment in the law-codes of Edgar, Wulfstan Cantor's writing, dated to within twenty years of Edgar's reign, may show that extensive amputation and mutilation probably preceded the political influence of Archbishop Wulfstan beginning with the reign of Æthelred (Whitelock 1968, 86). A similar passage is also found in Lantfred of Winchester's life of Saint Swithun, *Translatio et Miracula S. Swithuni*, written about twenty years before Wulfstan's version towards the end of Edgar's reign. Archbishop Wulfstan's

¹²⁵ 'Precipit interea rex iustus et inclitus Eadgar, quosque minis terrendo malos lex staret ut ista gentis in Anglorum diffuso limite, quo si fur aliquis seu predo ferox inuentus eadem adforet in patria, crudelia dampna subiret: lumine priuatus, miser et caecatus utroque; tortor eique simul nares precidat et aures truncaretque manus plantasque securibus actis, subtraheretque simul capitis cum pelle capillos, seminecemque uirum poena cruciante peremptum proiceret canibus rabidis exactor edendum, nocturnisque auibus, coruis et edacibus, atque membratim in uacuas caesum dispergeret auras. Stat praedicta pii lex et sententia regis in commune bonum quam sanxerat ille benignus, unusquisque suis securo ut Pectore lucris plena pace frui posset sine murmure damni' (Lapidge 2003, 114).

achievement may not have been entertaining novel notions of punishment, but overseeing their addition to the written legislation.

A document known as ‘the treaty between Edward and the Danish lord Guthrum’ is now known to have been written by Archbishop Wulfstan in the early eleventh century, which was roughly a century later than the reign of Edward the Elder (Whitelock 1941). The tenth clause in this law-code states:

If a criminal who has been mutilated and maimed is abandoned, and three days later he is still alive, after this time [has elapsed] he who wishes to have regard to his wounds and his soul may help him with the permission of the bishop.¹²⁶ (Attenborough 1922, 107)

This clause reveals that victims of judicial dismemberment were known to, and intended to, survive the punishment, adding credence to Archbishop Wulfstan’s belief that amputation and mutilation provide for the salvation of the soul, where execution does not. The aforementioned passage from *Narratio Metrica de Sancto Swithuno* is followed by a description of robbers, who suffered the mentioned penalties, hiding in the woods: ‘... and, with their limbs mutilated, present a spectacle to the people; and terror struck all hearts with dread ...’¹²⁷ (Whitelock 1968, 84). Combined, these two passages – the clause from the treaty of Edward and Guthrum and the passage by Wulfstan Cantor about the judicial practice of Edgar – highlight the notion of punitive dismemberment as a spectacle of judicial might, or, in keeping with O’Keeffe’s idea, a bodily text of the crime and the dreadful consequence which would have been translatable to the general Anglo-Saxon audience.

Hands and Tongues

The severing of the tongue is mainly a punishment for the offence of slander or false accusation (Alfred 32; III Edgar 4; Cnut 16). It is a punishment fitting the crime, and can be read as both a preventative measure and a statement of intolerance against public defamation. Oddly, the removal of the tongue is not used later for crimes which are punished by a combination of methods of corporal punishment (such as that in II Cnut 30.4, 30.5), but is reserved as an individual remedy for slander.

It is a common misconception that hands were regularly severed as a punishment for theft. As discussed above there are only a few unique instances in the Anglo-Saxon law-codes which prescribe the loss of a hand for theft. In Anglo-Saxon England, theft was an extremely severe crime, aimed against the king and the community at large (Lambert 2012a), and was most often punishable by death (though with the common provision that the king could

¹²⁶ ‘Gif limlæweo lama, þe forworht wære, weorþe forlæten, he æfter þam ðreo niht alibbe, siððan man mot hylpan be bisceopes leafe, se ðe wylle beorgan sare saule’ (Attenborough 1922, 106).

¹²⁷ ‘...et membris caesi prebent spectacula plebe. Perculerat terrorque animos formidine cunctos’ (Lapidge 2003, 514).

choose to save him or have him ransom his *wergild*). The main crimes for which the severing of hands was used involved the production of counterfeit coins, perjury, and the wounding of someone while forcibly attempting to withhold Church dues. The two crimes of a more ecclesiastical nature (perjury and the wounding of a man while withholding dues), were both first added in the laws of Cnut, and both continue into the Anglo-Norman laws with the same associated punishment (the loss of a hand or hands). While the punishment for both of these crimes could be avoided at the will of the bishop, there was never an alternative to the loss of a hand for the crime of creating counterfeit coin.

The severing of a hand may, in part, have been a preventative measure. By severing the hand which committed the crime the king was disabling the criminal from further similar acts. Indeed, Alfred 6, II Æthelstan 14.1, II Cnut 8.1, and II Cnut 8.2 specifically state that the hand that committed the crime shall be the hand that is removed. There are not very many literary examples of judicial amputation of hands or feet. One of the few is Wulfstan Cantor's above-mentioned passage on the mutilation of thieves and robbers. Most other amputations in historical sources occurred as a result of interpersonal violence. For instance, the Anglo-Saxon Chronicle F manuscript records the blinding and amputation of the hands of the king of Kent, Eadberht Præn, by Ceowulf the king of Mercia in 796/798 (Garmonsway 1972, 56). The fight between Beowulf and Grendel, in which Beowulf rips off Grendel's arm and hangs it in the mead hall, and the post-mortem decapitation and dismemberment of St Oswald, found in various texts including Bede's *Ecclesiastical History of the English People* (Sherley-Price 1990, 163), Ælfric's *Lives of Saints* (Skeat 1881b, 135-37), and a number of twelfth-century histories, are two of the most commonly discussed literary examples of amputation, often in conjunction with II Æthelstan 14.1 (see Hill 2003, Damon 2001, O'Gorman 2014). The legal clause II Æthelstan 14.1 states:

And if a moneyer is found guilty [of issuing base or light coins] the hand shall be cut off with which he committed the crime, and fastened up on the mint (Attenborough 1922, 135).¹²⁸

This clause, and the similarly phrased IV Æthelred 5.3, are the only mention of display, in regard to either a severed limb or an executed corpse, in the entire set of law-codes. *Beowulf* and the account of the martyrdom of King Oswald in Bede's *Ecclesiastical History of the English People* both describe the severing and display of a right arm. In *Beowulf*, it is the arm of Grendel which was displayed, after being torn off during their fight:

The loathsome creature felt great bodily pain; a gaping wound opened in his shoulder-joint, his sinews sprang apart, his joints burst asunder... It was a clear sign, when the

¹²⁸ 'Gif se mynetere fúl wurðe, slea mon of þa hond, ðe he ðæt fúl mid worhte, sette up on ða mynetsmiððan' (Attenborough 1922, 134)

battle-brave one laid down the hand, arm and shoulder – there all together was Grendel's claw – under the curved roof (Luizza 2000, 78).¹²⁹

Here a great enemy is bested by the separation of his arm from his body, demonstrating the great strength and skill of the hero, Beowulf. In the martyrdom of Oswald, it is Oswald himself, the hero and warrior, who is mutilated. 'The king who slew him [Penda of Mercia] ordered that his head and hands with the forearms be hacked off and fixed on stakes', where they remained for a year until Oswald's brother collected them for burial (Sherley-Price 1990, 163).¹³⁰

John Damon (2001, 403-05) is concerned with the fact that both Oswald and Grendel were also decapitated post-mortem, and the 'trophification' of the severed limbs in both cases. He argues for a framework originally noted in Germanic literature by Bruce Lincoln (1988, 200), in which wounds to certain body parts correspond with social hierarchy: a wound to the head denotes a sovereign, a wound to the arms marks a warrior, and lower body wounds denote those of lower status. Thus the decapitated and amputated Oswald is both a leader and a warrior (Damon 2001, 421); unfortunately this theory is not as easily reconciled with either the injuries to Grendel or the dismemberment of criminals, in part because the acts of dismemberment are performed in very different contexts and the display of the severed limb aimed at different audiences. Beowulf displays the severed arm of an enemy within a hall of his friends as a boast of his success. Penda ties to poles the severed limbs of an enemy, Oswald, so that Oswald's people would know how Penda had conquered and disrespected their king. The law-codes reference the dismemberment of one of the king's own people, albeit a rebellious one, with the display of the hand to emphasise, once again, to his own people, that he is in control. Although temptingly comparable, these three sources have contexts different enough that they cannot adequately inform upon each other. Daniel O'Gorman (2014, 164), however, raised the important point that Anglo-Saxons may have been accustomed enough to reading both amputation and the display of bodies and body parts, that the message of a severed limb above the doorways of the mint would have been generally symbolically comprehensible: 'As in later cases of drawing and quartering, it need not have happened often to have served as a powerful deterrent'.

¹²⁹ *Licsar gebad atoll æglæca; him on eaxle wearð syndolh sweotol; seonowe onsprungon, burston banlocan... Bæt wæs taken sweotol, syþðan hildedeor hond alegde, earm ond eaxle – þær wæs eal geador Grendles grape – under geapne hrof* (Swanton 1997, 72-74).

¹³⁰ *'Porro caput et manus cum brachiis a corpore praecisas iussit rex, qui occiderat, in stipitibus suspendi'* (Plummer 1898, III. 12).

Amputation appears to have been more of a personal form of justice than a spectacle of retribution. The humiliation would have been daily and regular, as members of society would likely have recognised the nature of the punishment, but it was not detrimental to the ultimate fate of one's soul. However, the addition of a public spectacle would likely have been a logical amendment to such a punishment for a king who felt he was losing judicial control, a king such as Æthelstan who had a clear problem with at least theft, based on the number of theft focused clauses in his laws (see Chapter 2 for the initial discussion of Æthelstan and theft).

Nose, Ears and Eyes

The amputation of noses or ears is first mentioned in II Cnut 30, along with hands and feet, as well as scalping and blinding. The loss of the nose and ears is also prescribed in II Cnut 53 for adultery committed by a woman. It is notable that this is one of the few clauses which specifically mentions a crime committed by a woman, however more important to the issue of judicial punishment is that fact that the punishment does not actually represent the crime, although it arguable disfigurement might prevent future adultery. Both II Cnut 30 and II Cnut 53 are the first instances of prescribed mutilation which is not directly translatable to an offence, which suggests that Anglo-Saxon law was moving away from the traditional emphasis on the legibility of the body as a text. As general dismemberment and mutilation became more commonly used as punitive measures, with concern for the immortal soul at the core of this progression, the text of the body legal begins to blend with ecclesiastical motives. Although the Church always had a place in early medieval English law, it is at this point that Christian beliefs began to dominate judicial designs.

Lantfred of Winchester's *Translatio et Miracula S. Swithuni* and Wulfstan Cantor's *Narratio Metrica de S. Swithuni* both continue the discussion of Edgar's use of corporal punishment with a particular miracle story of St Swithun's. Ælfric of Eynsham's *Life of St Swithun* also relates this miracle, horrifically depicting the post-mutilation state of the (innocent) man accused of theft:

A certain man was accused of stealing, who however was innocent, and they at once seized him, and according to the sentence, put out his eyes, and cut off his ears; then the blood ran into his head, so that he could not hear; then for seven months he thus continued blind, and without his hearing, until he went in faith to the holy Swithun, and sought his bones, praying the saint that he would hear his petition, and at least grant that he might hear, because he did not believe that he could ever again see; and said that he had been unjustly so punished. Then God's wonder was wrought in that man through Swithun's intercession, that he saw clearly with perfect eyes, though they had before been thrust out of the eye-rings [sockets] and one apple [ball] was removed, and the

other hung down whole, at his cheek. It was also granted him that he could hear well, he who formerly had neither eyes nor hearing (Skeat 1881a, 459).¹³¹

There are two aspects of the passage which really stand out. The first is the state in which the criminal is left following the punishment. He is left bleeding all down his face from the cuts in his ears, one eye was completely removed and the other hangs from the eyes socket at the level of his cheek. Lantfred and Wulstan's version even mention that a woman who felt pity for the man came up to him and put the dangling eyeball back in his socket for him (Lapidge 2003, 517). The second is that this account is a strong reminder that these punishments were horrific and painful, and most likely performed by the same sort of person who would have played the part of executioner (a soldier, a member of the crowd, another criminal), rather than any form of physician. Although victims of judicial mutilation were intended to live, it is likely that a number of them died from the punishments, and this was probably seen as an equally fitting punishment for their crimes against men and sins against God.

Blinding was never prescribed as an isolated punishment in Anglo-Saxon law. In fact, II Cnut 30 is the only mention of blinding in the law-codes (whereas even scalping is mentioned more than once). In literary references of a judicial nature, blinding is generally grouped with other mutilations, but there are a few literary examples of interpersonal blinding, where blinding is the main goal of the mutilation. It has already been mentioned that in 796/798 Ceowulf, king of Mercia, had Eadberht Praen, king of Kent, blinded and amputated. The Anglo-Saxon Chronicle records the blinding of Ælfgar by king Æthelred in 993, and the blinding of Wulfeah and Ufgeat, sons of Ealdorman Ælfhelm, in 1006 (Garmonsway 1972, 127). Little detail is provided about most of these events, although this is typical of the Anglo-Saxon Chronicle. Two similarities between all of the records, however, are that all of the victims are elite members of society (kings or sons of ealdormen) and all of the blindings were personally, rather than judicially, motivated. It seems that blinding, while not a common punishment in the law-codes, was a punishment occasionally used by the king to send a message to other nobles.

There was another recorded blinding, in 1036, of Alfred, the son of King Æthelred, as he was returning to England after his father's death. He was captured by Earl Godwine and brutally mutilated. The event is recorded in both the *Encomium Emmae Reginae* and the

¹³¹ 'Sum wer wæs betogen þæt he wære on stale, wæs swa ðeah unscyldig, and hine man sona gelæhte and æfter woruld-dome dydon him up þa Eagan, and his earan forcurfon, þa arn him þæt blod into þam heafde, þæt he gehyran ne mihte. Þa wæs he seofon monðas wunigende swa blind, and his hlyst næfde, oþþæt he mid geleafan ferde to þam helgan swyðune, and gesohte his ban biddende þone halgan þæt he his bene gehyrde, and him huru gearnode þæt he gehyran mihte forþan ðe he ne gelyfde þæt he onliht wurde, and cwæð þæt he wurde wolicc swa getucod. Þa wearð godes wundor geworht an þam men þurh swyðunes þingunge þæt he geseah beorhte ansundum eagum, þeah ðe hi ær wæron ut adyde of þam eah-hringum, and se oðer æppel was ge-emptigod, and se oðer hangode gehal æt his hleore. Him wæs eac forgifen þæt he wel mihte gehyran, se ðe ær næfde ne eagan, ne hlyst' (Skeat 1881a, 458).

Anglo-Saxon Chronicle. The *Encomium Emmae Reginae* focuses strictly on Alfred, detailing the blinding event:

When these men had been set up as judges, they decreed that first of all both his eyes should be put out as a sign of contempt. After they prepared to carry this out, two men were placed on his arms to hold them meanwhile, one on his breast, and one on his legs, in order that the punishment might be more easily inflicted on him... For he was held fast, and after his eyes had been put out was most wickedly slain (Campbell 1998, 45).¹³²

The account in the usually brief *Anglo-Saxon Chronicle C*, however, is far more grisly:

But then Godwine prevented him, and placed him in captivity,
 Dispensing his followers besides, slaying some in various ways;
 Some of them were sold for money, some cruelly murdered
 Some of them were put in chains, and some of them were blinded,
 Some were mutilated, and some were scalped.
 No more horrible deed was done in this land
 After the Danes came, and made peace with us here.
 We can now but trust to the dear God
 That they who without guilt were so pitiably killed
 Rejoice joyfully in the presence of Christ,
 Threatened with every kind of injury, the prince still lived,
 Until the decision was taken to convey him
 To the city of Ely, in chains as he was.
 As soon as he arrived, his eyes were put out on board the ship,
 And thus sightless he was brought to the monks.
 And there he remained as long as he lived (Garmonsway 1972, 158, 160).¹³³

In this account, not only are all of Alfred's company also brutally mutilated, but Alfred survives the torture and lives out his life, however long this may have been, in a monastery with his wounds.

O'Keefe (1998, 212-17) notes that both texts, but particularly the *Anglo-Saxon Chronicle*, express a surprising amount of horror and anger at this deed. She notes that the

¹³² 'Qui iudices constitute decreuerunt, illi debere oculi utriusque ad contemptum primum erui. Quod postquam parant perficere, duo illi super brachia ponuntur, qui interim tenerent illa, et unus super pectus unusque super crura, ut sic facilius illi inferretur poena.... Namque east ab inpiis tentus, effossis etiam luminibus inpiissime est occisus' (Campbell 1998, 44-46).

¹³³ 'Ac Godwine hine þa gelette 7 hine on hæft sette 7 his geferan he todraf 7 sume mislice ofsloh. Sume hi man wið feo sealed, sume hreowlice acwealde, sume hi man bende, sume hi man blende, sume hamelode, sume hættode. Ne wearð dreorlice dæd gedon on þison eared syþþan Dene comon 7 her frið namon. Nu is to gelyfenne to ðan leofan Gode þæt hi blission bliðe mid Criste þa wæron butan scylde swa earmlice acwealde. Se æþeling lyfode þa gyt; ælc yfel man him gehet, oð þæt man gerædde þæt man hine lædde to Eligbyrig swa gebundenne. Sone swa he lende on scype man hine blende 7 hine swa blindne brohte to ðam munecon, 7 he þar wunode ða hwile þe he lyfode' (O'Keefe 2001, 106).

lack of sight makes Alfred's body ineligible for the role of king, even though he was previously in the line of succession (O'Keefe 1998, 214). However, the textual anger seems more directed at the extrajudicial use of such a severe and socially damning punishment.

Castration

There is only one instance of castration in the Anglo-Saxon laws, in Alfred 25.1. The law states that

If anyone rapes the slave of a commoner, he shall pay 5 shillings to the commoner, and a fine of 60 shillings.

§ 1. If a slave rapes a slave, castration shall be required as compensation (Attenborough 1922, 75).¹³⁴

Castration was perhaps deemed a fitting punishment for a slave who had committed a sexual offense or possibly even transgressed property laws by assaulting another man's slave; castration would have been gruesome and permanent, but would not have hindered the slave's ability to work or function.

Aside from this one reference, there are no other examples of punitive castration in either legal documents or literature. There is, however, mention of the genitals in both Æthelberht's and Alfred's injury tariffs, and scholars have looked to these references for enlightenment on genital mutilation in the Anglo-Saxon kingdom. The Laws of Æthelberht state (Æthelberht 64):

If anyone destroys the generative organ, he shall pay for it with three times the wergeld.

§ 1. If he pierces it right through, he shall pay 6 shillings compensation.

§ 2. If he pierces it partially, he shall pay 6 shillings compensation (Attenborough 1922, 13).¹³⁵

This Anglo-Saxon law is generally interpreted in the same way that medieval laws about castration are often interpreted – that the excessively large compensation (three times the worth of the man) is suggestive of the utter shame and emasculation caused by castration (see for instance Adams 2013). However, Jay Paul Gates (2013) has proposed a different interpretation, suggesting that the clauses referring to genital injury in the seventh-century tariffs of Æthelberht and the ninth-century tariffs of Alfred demonstrate the changing role of the individual man within Anglo-Saxon society.

¹³⁴ '25. [Be ceorles mennenes nydhemedde.] Gif mon ceorles Mennen to nedhæmde geðreatað, mid V scill. gebete þam ceorle; LX scill. to wite. §1. Gif ðeowmon þeowne to nedhæmde genede, bete mid his eowende' (Attenborough 1922, 74).

¹³⁵ 'Gif man gekyndelice lim awyrdeþ, þrym leudgeldum hine man forgelde. §1. Gif he þurhstinð, VI scill' gebete. §2. Gif man in bestinð, VI scill' gebete' (Attenborough 1922, 12).

Gates highlights the distinction between *bot* (or compensation paid to the victim) and *wergild* (compensation paid to the family). The use of *wergild* rather than *bot* in Æthelberht's laws implies that the monetary compensation is not intended for the injury done to the individual, under which category social shame and emasculation would fall, but as remittance to the family, presumably for the loss of future generations (Gates 2013, 139-42). This concept of payment for future offspring is also found in late Medieval Frisian law; although the compensation is not as steep, the law specifies that the nine marks of compensation are for the nine children the injured man might have had, nine being the number of children a man was thought to be able to produce in his lifetime.

91. Wherever a man is wounded here [in the Emsingo territory] through his genital organs, so that he cannot engender children: 9 marks compensation for the nine children that he could have engendered.

92. If he has engendered children, then one should take that from the born and give it to the unborn (Oliver 2014, 68).¹³⁶

This is essentially compensation for murder, rather than injury.

The laws of Alfred (Alfred 65) drastically decrease the amount of compensation owed for injury to the genitals (from three times the *wergild* to a standard fee of 80 shillings): 'If a man is so badly wounded in the testicles that he cannot beget children, 80 shillings shall be paid to him as compensation for it' (Attenborough 1922, 91).¹³⁷ The replacement of *bot* for *wergild* in Alfred's law is an important amendment in these later laws. Gates (2013) sees the transition to *bot* at a lower monetary value as representative of a broader change in Anglo-Saxon social structure. In a kin-based society, where a man's obligation is to his family, the inability to produce children is detrimental to the entire family, and as the laws exist largely to mediate feuds, a large amount of compensation to the family is necessary. However, in the ninth-century social structure with a regal power at the top and a punitive judicial system, a man was accountable firstly to his lord; thus the man was compensated for his injury, but no more so than for other severe injuries (Gates 2013, 140-47; Fruscione 2014, 34-47). Genital mutilation so severe as to cause infertility was also worth 80 shillings, as was a shoulder wound (Alfred 68), losing an arm from the elbow (Alfred 66) and losing a leg at the knee (Alfred 72). Severing the tendons in a man's neck such that he remained alive but completely lost all control of his neck, was worth 100 shillings with the provision that the judge could assign a higher compensation if he saw fit (Alfred 77) (see Table 4.1).

¹³⁶ '91. *Huorsa hire en mon thruch sine mechte vundad werth, thet hi nauuet tia ni mughe: nioghen mark to bote for a tha nioghen bern hi tia machte.* 92. 'Het hi ac bern etein, se nime ma hit of ta berena and retze hit tha vneberene' (Oliver 2014, 68).

¹³⁷ 'Gif mon sie on þa herðan to ðam swiðe wund, þæt he ne mæge bearn [gestrienan], gebete him ðæt mid LXXX scill' (Attenborough 1922, 90).

More importantly, there is one aspect of the two legal clauses that does not change over the two centuries. Both codes focus on procreation. Æthelberht's law uses the term 'gekynðelice lim' (generative member), and Alfred's specifically states that the injury would be to the 'herðan' (testicles). While the clauses display a transformation in the societal value of the common man's heir, they do not suggest any change in attitudes to the member itself, or hint towards any compensation for metaphysical injury brought on by emasculation. The main issue with the injury is the inability to reproduce, rather than there being a focus on any form of social shame.

Nonetheless, it has been suggested by some scholars, such as Juranski (2014, 88) and Richards (2003, 105), that an element of unmanliness and humiliation to castration should not be ruled out. It is conceivable that the inability to produce an heir might have caused a certain amount of humiliation, which would support Gate's argument that the role of an heir played more importance in the time of Æthelberht. Yet there is no evidence in the Anglo-Saxon historical sources that shame was associated with either the lack of a male member or the inability to procreate (Gates 2013, 141-2). Neither can the idea of castration being conceived of as shameful be reconciled with the Anglo-Saxon connection between visibility and shame. Anglo-Saxon punishments were legible on the text of the body. Even when more torturous punishments were added, they were visible to the audience of the Anglo-Saxon public (for instance, the thief whose eyeball was left dangling from his skull). Castration does not fit in with this cultural concept of shame, and although it seems unfathomable to a modern, post-Freudian mind, it is arguable that there was no special significance ascribed to the Anglo-Saxon genitalia, particularly in a judicial context, other than as part of the procreative process. Thus the laws compensated for the loss of the future children, and possibly any humiliation that may have been directly associated with not being able to produce an heir, but this loss and humiliation were not strong enough or perhaps personal enough for castration to have been used effectively as a judicial punishment.

ANGLO-NORMAN ENGLAND

After the Conquest, William I issued an extreme decree in his *Ten Articles of William I* (article 10).

I likewise prohibit the slaying or hanging of anyone for any offence, but his eyes shall be put out and he shall suffer castration; and this decree shall not be violated under pain of incurring the full fine for insubordination to me (Robertson 1925, 242).¹³⁸

Table 8. 1. Table displaying the corporal punishments and associated crimes specified in Anglo-Norman legislation.

	William I	Henry I	Henry II (ie. Glanvill)
Theft		Death, loss of limb or money (LHP 49,7; LHP 59,21)	(Robbery) life or limb
Homicide in the house of the king		Loss of limbs (LHP 80,7)	
Homicide in the house of a clergyman		Loss of limbs or compensation in money (LHP 80,8)	
Plotting against the life of the king		(if killed) scalping, disembowelling, or other harsh tortures which bring death (LHP 75,1)	Life or limb
Killing a relative of one's lord		Mutilation or compensation in money (LHP 80,9a)	
Killing someone by witchcraft, sorcery or spell		No compensation (LHP 71, 1)	
Murder and homicide			Life or limb
Violation of the king's <i>mund</i> or breaking the king's peace		Loss of limb (LHP 79,3)	Life or limb
Killing a man while in the army or breach of peace in the army		Death (LHP 13,8)	Life or limb
Making or dealing with false coin		Loss of hand (LHP 13,3), loss of hand and castration (Decrees 2.1, 3)	Life or limb
Fraudulent concealment of the treasure trove			Life or limb
Falsifying charters or measures			Life or limb
Incendiaries and arsonists			Life or limb
Wounding a man while forcibly resisting paying ecclesiastical dues		Loss of hands or redeem them from the bishop (LHP 11,11)	
Perjury		Loss of hand or compensation of half his wergeld (LHP 11,6)	
Public slander or false accusation		Loss of tongue or payment of wergeld (LHP 34,7), for a false charge against his lord or king, loss of tongue (LHP 59,13)	
Deserting the king's army, or one's lord or comrade in combat		Death (LHP 13,12)	Life or limb
Rape or assaulting a woman	Castration (William 18)		Life or limb
Adultery (by the woman)		(persistent adultery)physical mutilation (LHP 82,9)	

¹³⁸ *'Interdico etiam ne quis occidatur aut suspendatur pro aliqua culpa, sed eruantur oculi et testiculi abscondantur; et hoc praeceptum non sit violatum super forisfacturam meam plenam'* (Robertson 1925, 242).

To a modern mind, the outlawing of execution seems startlingly merciful for the Middle Ages, while the simultaneous replacement of execution with blinding and castration is unsettlingly horrific and almost contradictory to the main idea of the clause. The Normans do seem to have favoured corporal punishment more than the Anglo-Saxons (Tabuteau 2003). The *Gesta Normannorum Ducum* records a number of instances in which hands and feet are cut off as punishment. Count Rodulf, ruling while Richard II of Normandy came of age, quashed a rebellion by capturing envoys sent from various regions of Normandy to a general assembly, cutting off their hands and feet, and sending them back home (Greenway 1995, 9). A story of a certain Etruscan philosopher who dressed up like a peasant and pretended to try to shoot Duke Richard II in order to obtain an audience demonstrates that the initial reaction to punishing a rebel was to cut off his hands and feet and hang his body on the gibbet as a spectacle (Greenway 1995, 29, 31). Much earlier Duke Rollo, great-great-grandfather of William I, reportedly blinded the wife of a ploughman for theft after she stole her husband's plough iron knowing that the Duke would give him money to replace it (Greenway 1995, 289). It may not be far-fetched to consider the possibility that corporal punishment was a large part of the Norman penal vocabulary and that this was implemented into English justice after the Conquest.

William I, for the most part, followed the declaration made in Article 10. While he certainly killed a number of men in battle, there are few references to criminals being put to death during his reign. The only high profile execution was that of Waltheof shortly after the Conquest, and Orderic Vitalis intimates that the decision to behead Waltheof is based on Anglo-Saxon tradition. It would appear that article 10 (or alternatively article 17 of the *Willelmi Articuli Retracti*) was not strictly enforced after the death of William I, based on the number of hangings recorded by chroniclers (see Chapter 5), however this sentiment written into the laws by William remained symbolic of a progression in English law toward more 'merciful' punishments. The idea of merciful punishments for trivial offences, first established in the laws of Æthelred (V Æthelred 3), was reiterated by William in his laws (*Leis Willelme* 40):

That no-one be condemned to death for a trivial crime. We forbid the practice of condemning a man to death for a trivial offence, but, for the correction of the public, another penalty [shall be devised] according to the nature and magnitude of the crime; for that which God made in his own image and redeemed at the cost of his own blood should not be destroyed for a trivial matter (Robertson 1925, 271).¹³⁹

¹³⁹ *'Ne quis pro parvo delicto morti adiudicetur. Prohibemus ne pro parvo forisfacto adiudicetur aliquis homo morti; sed a plebis castigationem al[i]a pena secundum qualitatem et quantitatem delicti plectatus. Non enim debet pro re parva deleri facture, quam ad ymaginem suam Deus condidit et sanguinis sui precio redemit'* (Robertson 1925, 270).

Dismemberment became embedded in the new Anglo-Norman laws; however *Leges Henrici Primi* and later *Glanvill* began to discontinue detailing specific punishments for crimes, but rather tended to stipulate that the crime would merit either monetary compensation, the removal of limbs or death, depending on the severity of the crime itself. The final chapter of *Glanvill*, which deals with the severest crimes, essentially details a long list of crimes (fraudulent concealment of the treasure trove, murder and homicide, arson, robbery, rape, and the falsifying of charters, measures and money) for which ‘the judgement both as to his life and limbs depends on royal clemency’ (Hall 1965, 171).¹⁴⁰ Thus, rather than being used as a specific statement, as in the Anglo-Saxon laws, dismemberment became part of a definite

hierarchy of punishment, greater than fines but lesser than death (see Table 8.1).

Many of the specified uses of corporal punishment in the Anglo-Norman laws are a continuation of Anglo-Saxon punishments: the loss of the tongue for slander (*Leges Henrici Primi* 34,7 and 59,13), the loss of the hand for false coinage (*Leges Henrici Primi* 13,3), perjury (*Leges Henrici Primi* 11,6), and wounding someone in the process of withholding payments to God (*Leges Henrici Primi* 11,11a). Henry’s second and third decrees, however, add castration to the Anglo-Saxon punishment of striking off the right hand for forging false money. Other crimes in the *Leges Henrici Primi* for which the general loss of limb is a penal option include theft (*Leges Henrici Primi* 59,21), homicide (*Leges Henrici Primi* 68,1), breaking the king’s peace (*Leges Henrici Primi* 79,3) and homicide in the home of the king or a clergyman (*Leges Henrici Primi* 80,1; 80,7; 80,8). However, only Henry’s laws on false coinage and breaking the king’s peace leave no other option but amputation of limbs. All of the other clauses provide an alternative punishment, be it death, monetary compensation or both, leaving the ultimate decision to the king, or probably more realistically the courts.

William of Malmesbury suggests that the king was, indeed, responsible for some of these decisions on punishment, and, at least in the case of Henry I, reveals that the severity of the crime was not the only factor considered when the judgements were made. William writes of Henry:

At the beginning of his reign, in order to set a fearful example and make a lasting impression on evildoers, he was more inclined to exact loss of limb and later to require monetary payments; and by this characteristic prudence, as is the way of human nature, he won the respect of his nobles and the affection of his countrymen. If any of the more important lords, forgetting their oath of allegiance swerved from the narrow path of loyalty he used at once to recall the strays by prudent counsel and unremitting efforts,

¹⁴⁰ ‘*ex regie dispensationis beneficio tam uite quam membrorum suorum eius pendet iudicium*’ (Hall 1965, 171).

bringing the rebellious back to toeing the line by the severity of the wounds he inflicted on them (Mynors et al. 1998, 743-45).¹⁴¹

Although the Normans did not use the exact translation of crime to punishment as the Anglo-Saxon royalty, their judicial language was legible as a more general reflection of regal power.

A later variation on Article 10 by William I suggests that the visibility of mutilation was still an important aspect after the Conquest (*Willelmi Articuli Retracti* 17).

We likewise forbid that anyone be slain or hanged for any offence, but his eyes shall be put out and his feet or his hands cut off, or he shall suffer castration, so that the trunk remains alive as a sign of treachery and wickedness; for the penalty inflicted on malefactors should be in proportion to the crime committed (Robertson 1925, 251).¹⁴²

The phrase '*ita quos truncus vivus remaneat in signum prodicionis et nequiciae suae*' does not imply that the criminal is allowed to live for his own benefit, but rather as a political message to the community. The criminal is reduced to a nameless 'trunk', no longer a person but merely a 'sign' of justice. The body is still a text in Norman England; it is merely a less subtle text. To a certain extent, it no longer matters what specific crime was committed, only that the consequences of the crime were visible.

Loss of Limb

As stated above, the Laws of Henry I decreed the loss of a hand for creating false coin (*Leges Henrici Primi* 13,3), killing a man while forcibly resisting paying church dues (*Leges Henrici Primi* 11,11) and perjury (*Leges Henrici Primi* 11,6). These laws also stipulate the loss of the tongue for false accusation or public slander (*Leges Henrici Primi* 34,7; *Leges Henrici Primi* 59,13). All of these punishments are continuations of Anglo-Saxon legislation. There was only one instance in which an Anglo-Saxon punishment was altered. Henry's Decrees Nos. 2 and 3 specify that not only would counterfeiters lose their right hands, but that they should be castrated as well.

And if anyone has been discovered with false money, and has vouched a warrantor for it, the prosecution shall be directed against the latter, and if he [the original defendant]

¹⁴¹ '*Principio regni, ut terrore dexempli reos inureret, ad membrorum detruncationem, post as pecuniare solutionem proliuor. Pro morum prudential, ut fere fert natura mortalium, optimatibus venerabilis, prouintialibus amabilis habebatur. Quod si qui maiorum, iurati sacramenti immemores, a fidei tramite exorbitarent, continuo et consiliorum efficaciam et laborum perseuerantia erroneus reuocabat ad lineam, per asperitatem uulnerum detreetantes reducens ad sanitatem animorum*' (Mynors et al. 1998, 742-44).

¹⁴² '*Interdicimus eciam ne quis occidatur vel suspendatur pro aliqua culpa, sed eruantur oculi et abscondantur pedes vel testiculi vel manus, ita quos truncus vivus remaneat in signum prodicionis et nequiciae suae, secundum enim quantitatem delicti debet pena maleficis infligi*' (Robertson 1925, 250).

succeeds in proving him guilty, justice in accordance with my laws shall be executed upon the warrantor himself.

§1. If, however, he does not succeed in proving him guilty, justice in accordance with my laws shall be executed upon the forger himself, namely, he shall lose his right hand and suffer castration (Robertson 285).¹⁴³

This Norman addition to a standard Anglo-Saxon punishment is exemplified in the *Anglo-Saxon Chronicle* account of the amputation and castration of English moneyers under Henry II in 1124.

In this year [1124] before Christmas King Henry sent from Normandy to England and gave instructions that all the moneyers who were in England should be deprived of their members, namely the right hand of each and their testicles below: the reason for this was that anyone who had a pound found it would not buy a penn'orth in a market. Bishop Roger of Salisbury sent over all England, and commanded them all to assemble at Winchester by Christmas. When they came thither they were taken one by one, and each deprived of the right hand and the testicles below (Garmonsway 1972, 255).¹⁴⁴

The main distinction between the Anglo-Saxon laws and the Anglo-Norman legislation lies in the number of instances when the loss of a limb or general mutilation is prescribed. The Anglo-Saxon kings never failed to specify the exact corporal punishment mandated for a specific crime. Table 8.1 is a chart showing those crimes for which the punishment is some form of corporal punishment in the Anglo-Norman period. Both the frequency of corporal punishment and the progression to a hierarchical system of penal severity can be clearly observed.

It is possible that this increase in generalised 'loss of limb', rather than dismemberment which provided a message about specific crimes, developed from the continuation of clerical input regarding fears about the death penalty. It may also, however, have been a method of punishment carried over from Normandy. The eleventh-century chronicler William of Jumièges wrote in his *Gesta Normannorum Ducum* that, when Duke of Normandy, William once severed the hands and feet of the townsmen who did not wish him to take the town of Alençon (Hollister 1978, 123-25). Although this act of dismemberment was one arising from battle, to the mind of a ruler it was probably considered justice.

¹⁴³ 'Et si quis cum falso denario inventus fuerit, si warant inde revocaverit, ad eum ducatur, et si illum inde conprobare poterit, fiat iusticia mea do ipso warant. §1. Si vero non poterit illum probare, de ipso falsionario fiat iusticia mea, scilicet de dextro pugno et testiculis' (Robertson 1925, 284).

¹⁴⁴ 'Millesimo.cxxv. On þis gær sende se king Henri toforen Cristesmesse of Normandi to Englalande 7 behead þet man scolde beniman ealla þa minetere þe wæron on Englelande heora liman, þet wæs here elces riht hand 7 heora stanen beneðan; þet wæs for se man ðe hafde an pund he ne mihte cysten ænne peni at anne market. 7 se biscop Roger of Særesbyrig sende ofer eall Englalande 7 behead hi ealle þet hi scolden cumen to Winceastre to Cristesmesse. Þa hi ðider coman, ða nam man an 7 an 7 benam ælc ðone riht hand 7 þa stanes beneðan, Eall þis wæs gedon wiðinnon þa twelf niht, 7 þet wæs eall mid micel rihte, forði þet hi hafden fordon eall þet land mid here micele fals þet hi ealle abohton' (Irvine 2004, 126).

Mutilation

The Anglo-Norman legislation differentiates between the loss of limb and mutilation. Nothing in the laws details the distinction, but it is clear that they are two separate categories of corporal punishment. There are two crimes which state mutilation (*diffactio*). This is likely a variation of *diffractio* (from *diffringo*), meaning 'break in pieces' or 'shatter' (Downer 1972, 258; Lewis and Short 1891). *Leges Henrici Primi* 80,9a decreed mutilation for killing a relative or official of one's lord in his presence. *Leges Henrici Primi* 82,9 decreed mutilation for persistent female adulterers:

Pecuniary compensation has however been provided by the laws if a married woman commits fornication and she is of the rank of ceorl or belongs to the six-hundred-shilling class or the twelve-hundred-shilling class, and physical mutilation has been prescribed for those persisting in the offence (Downer 1972, 259).¹⁴⁵

This latter clause is reminiscent of II Cnut 53, which states that a woman who commits adultery shall give all that she possesses to her husband and shall lose her nose and ears. As the mutilation in the laws of Henry I is so rarely detailed, it is difficult to know whether Henry's clause was a continuation of Cnut's or an embellishment. It is possible that the mutilation prescribed in *Leges Henrici Primi* 82,9 took the form of the severing of the woman's ears and nose. If *diffactio* was intended to cover punishments such as the removal of noses and ears, rather than the amputation of limbs, this would be the category under which the individual with the amputated ear from St Helen-on-the-Walls, Aldwark would fall, if the injury was judicially motivated, which is far from certain. Perhaps he was guilty of killing his own kinsman.

Instances of general mutilation of criminals or supposed traitors to the king have been recorded. In 1096 the *Anglo-Saxon Chronicle* mentions a group of men close to the king having been accused of treason. The leaders were blinded and castrated or killed, but the entry states that 'others were taken to London and there mutilated' (Garmonsway 1972, 232).¹⁴⁶ This mutilation may have been a recognised ritual for traitors, or it may have been the judgement of an angry William Rufus, with the mutilation ritual left to the whim of those performing the mutilations.

A passage from the *Leges Henrici Primi* (75, 1) demonstrates that corporal punishment was not always intended as mercy from death, however:

If anyone kills his lord, then if in his guilt he is seized, he shall in no manner redeem himself but shall be condemned to scalping or disembowelling or to human punishment

¹⁴⁵ *'Peccunialis autem emendation legibus inuenta est, si desponsata femina fornicetur et cyrlisca uel syxhinda uel tþelfhinda sit, et corporalis diffactio persistentibus instituta'* (Downer 1972, 258).

¹⁴⁶ *'sumne man to Lundene lædde 7 þær spilde'* (Irvine 2004, 107).

which in the end is so harsh that while enduring the dreadful agonies of his tortures and the miseries of his vile manner of death he may appear to have yielded up his wretched life before in fact he has won an end to his sufferings, and so that he may declare, if it were possible, that he had found more mercy in hell than had been shown to him on earth (Downer 1972, 233).¹⁴⁷

This passage suggests that there was a degree of punitive mutilation which became akin to torture and execution in the Anglo-Norman period. Whether an extension of Wulfstan's advancements in dismemberment in the Anglo-Saxon codes, or an extension of the legal customs from Normandy, the Anglo-Normans adapted the concept of keeping the mortal body alive to provide the chance for salvation to keeping the body alive to provide a level of suffering worse than that of hell. This may be a very specific case, reserved for the worst possible crime – killing one's own lord. The clause continues,

For in the case of every extravagance of human wickedness the comforting alleviations of a healing legal remedy have been made available, except in the case of betrayal of one's lord and blasphemy against the Holy Ghost (that is, impenitence of heart), which, according to the word of the Lord, shall not be forgiven to anyone, either in this world or in the world to come (Downer 1972, 233).¹⁴⁸

It should be recognised that this is the only reference to mutilation as, or associated with, a method of execution.

Castration and Blinding

Blinding is quite frequently mentioned in the Anglo-Norman texts, and usually in conjunction with castration. Only two pieces of legislation specifically mention blinding, both of which have been previously discussed. Article 10 of the *Articles of William I* states that offenders should be blinded and castrated rather than executed. Article 17 of the *Willelmi Articuli Retracti* follows similar lines, suggesting that an offender should be blinded and have his hand and feet amputated, or should be castrated rather than executed. However, in the Anglo-Norman historical documents, while there are limited examples of criminals having their hands and feet severed, there are a number of references to blinding and castration. It must be qualified that such practices were still not daily occurrences – they were rare and severe punishments; however there is a marked increase in examples of castration and blinding after the Conquest.

¹⁴⁷ 'Si quis dominum suum occidat, si capiatur, nullo modo se redimat, set decimatione uel e[viscer]atione uel ita postremo seuera gentium animaduersione dampnetur, ut diris tormentorum cruciatibus et male mortis infortuniis infelicem prius animam exalasse quam finem doloribus excepisse uideatur et, si posset fieri, remissionis amplius apud inferos inuenisse quam in terra reliquisse protestetur' (Downer 1972, 232).

¹⁴⁸ 'In omnibus enim humane prauitatis excessibus medicine salutaris fomenta prolata sunt preter traditionem domini et blasphemiam Spiritus Sancti, id est habere cor inpenitens quod iuxta uerbum Domini non remittitur alicui uel in hoc seculo uel in futuro' (Downer 1972, 232).

Blinding seems to have been occasionally used as a punishment in its own right. After the conspiracy for which Waltheof was beheaded, other French members of the party involved were blinded or exiled, according to the *Anglo-Saxon Chronicle*, Florence of Worcester's *Chronicon ex Chronicis*, The *Ecclesiastical History* of Orderic Vitalis, and Henry of Huntingdon's *Historia Anglorum* (Garmonsway 1972, 212; McGurk 1998, 25-27; Chibnall 1990, 311-19; Greenway 1996, 399; Appendix B, no. 23). The *Anglo-Saxon Chronicle* also stated that William I would blind anyone who slew a deer in the royal forests, and recorded an event where William II (Rufus) threatened both eyes of the earl of Northumbria to be put out after Bamburgh castle surrendered to him (Garmonsway 1972, 221, 231; Appendix B, no. 28, 31). The twelfth-century ecclesiastical historian Eadmer, in his *Historia Novorum*, wrote of a particular occasion in which William Rufus threatened to tear a messenger's eyes out if he did not make haste (Bosanquet 1964, 114-15; Appendix B, no. 34). There seems to have been a good deal of blinding ordered, seemingly for traitors or those who had displeased the king personally.

Castration was favoured not just by William I, but by all of the Norman kings. The origin of castration in Norman law is somewhat difficult to identify; Klaus van Eickels (2004, 593-4) argues that the Normans adopted the legal punishment of castration from the Norse, who favoured it over execution due to the importance of kinship ties and the taboo on killing a blood relative. Most scholars of medieval corporal punishment have accepted this explanation (in particular see Tracy 2013). However, it seems unlikely that Scandinavians would bring castration to Normandy, but not to England where they had resided since the ninth century. Anthony Adams (2013) suggests that castration was not as embedded in Scandinavian society as scholars generally believe. While castration is found in Scandinavian law codes, it is most often a punishment for slaves and those of the lowest class, and in later Norwegian law it is used specifically to punish bestiality (Adams 2013, 199-200); these codes do not promote the type of judicial castration of political enemies ascribed to the Norman kings by van Eickels.

Adams examines the only three references to castration in the Icelandic *Sturlunga saga*. The first castration, that of Hrafn, was only threatened; however, Hrafn was nevertheless emasculated by his surrender and submission to his enemies. The last, that of two priests, was only mentioned in passing. The castration of Órækja, however, was described in excruciating detail. What is remarkable about the account is the lack of familiarity with the punishment – the offenders struggle to find the suitable tools and method to castrate him – and an ultimate sense of discomfort rather than pleasure at the cruel deed. It is this discomfort of the witnesses which leads Adams to his conclusion that castration was an uncommon and horrifying event in medieval Scandinavia:

Despite the presence of castration as a punishment in the law codes, and in spite of its popularity as a motif when males insult one another, actual castration was rare in Icelandic literature. Contemporary sagas such as *Sturlunga saga* are an exception to the rule, and the mutilation of Órækja thus offers a unique opportunity to see how actors within the saga react to extreme cases of real violation. Even for Icelanders accustomed to violence and brutality, the scene in Surtshellir would seem to have gone beyond acceptable standards of aggression and punishment, and seems to have had a traumatizing effect upon the viewers as well as the victim (Adams 2013, 208-09).

It is interesting, in light of this, that William of Malmesbury mentions an episode of mutilation performed by Cnut during the Danish conquest of England.

There, in defiance of law human and divine, he took the hostages whom he had with him, boys of high birth and elegant upbringing, cut off their ears and noses, and even castrated some of them. After this outrageous attack on the innocent, boasting as though he had done some great exploit, he returned to his native land (Mynors et. al. 1998, 311).¹⁴⁹

William was appalled at such an act of mutilation of the innocent, once again emphasising the difference between the Scandinavian use of castration as a part of battle or interpersonal violence and the Anglo-Norman perception of it as a reasonable and necessary punishment. Interestingly, there is no account in any Anglo-Saxon sources which references extrajudicial mutilation, including castration, on Cnut's part, nor does William of Malmesbury record any further instances of such behaviour once Cnut is crowned king in England.

Regardless of the exact circumstances of the introduction of castration into Norman law, it does appear to have been a punishment inserted with gusto into post-Conquest English law, from which castration had previously been virtually absent. William II used blinding and castration in response to the treason of William of Eu. William of Malmesbury wrote of the event, 'William of Eu, when accused of treachery in the king's presence, challenged his traducer to a duel, and being sluggish in justifying himself, was deprived of his eyes and testicles' (Mynors et al. 1998, 567; Appendix B, no. 33).¹⁵⁰ The *Anglo-Saxon Chronicle* records that in 1124 Henry I hanged 'more thieves than ever before: forty-four of them in all were dispatched in no time, and six had their eyes put out and were castrated' (Garmonsway

¹⁴⁹ *'Ibi, humano et diuino iure contempto, obsides quos habebat, magnae nobilitatis et elegantiae pueros, naribus et auribus truncos, quosdam etiam euirauit; sic in insontes grassatus, et magnum quid egisse gloriatus, patriam petiit'* (Mynors et al. 1998, 310).

¹⁵⁰ *'Willelmus de Ou, prodicionis apud regem accusatus delatoremque ad duellum prouocans, dum se segniter expurgate, cecatus et extesticulatus est'* (Mynors et al. 1998, 566).

2004, 254-55; Appendix B, no. 38).¹⁵¹ The castration and amputation of the hands of moneyers in 1125 by Henry was discussed above.

Klaus van Eickels argues that for Norman men, the accusation of effeminacy was one of the worst insults, and could quickly fell a ruler or a noble (2004, 590). However even this argument is largely based on Scandinavian sources and an assumption that ideas of manliness were adopted from the Vikings (in particular see Sørensen 1983, Clover 1993, Bliese 1989). However, it is still possible that castration may have affected a sense of deep private shame for the Normans. John Gillingham (2000, 163-86, 209-32) has argued that the Normans introduced 'chivalry' into England, in the sense that they followed a code of values which involved limiting 'the brutality of conflict by treating prisoners in a relatively humane fashion'. The essence of his argument, which is focused on the aristocracy, is that while nobles in the Anglo-Saxon period had cause to fear for their lives if caught by enemies or accused of treason, the Normans made a point of preserving the lives and limbs of captured nobles. Gillingham introduces this concept as a change in military strategy which occurred after the Conquest based on Norman traditions, partly based on a paper by Matthew Strickland (1992). Both have suggested that castles affected the value of captive prisoners, in that their lives could be exchanged for control of centres of authority. However, Gillingham argues that this concept of mercy toward aristocrats in battle permeated the royal justice system. This thesis has raised a number of historical examples demonstrating that capital punishment was still practiced in the Anglo-Norman England. Gillingham argues that despite the occasional execution of nobles, there are many more examples preserving aristocratic lives through imprisonment and exile; however the same can be said for Anglo-Saxon England (Wormald 1988). In both of these periods execution and corporal punishment were rare and politically charged manoeuvres.

Gillingham's (2000, 209-32) suggestion that the Normans were 'chivalrous' does seem to be apt in regards to warfare and personal violence. The disgust at 'barbarian' brutality implicit in the 'chivalrous' Norman approach to warfare limited bold statements of masculine military prowess (see Chapter 4; Gillingham 2000, 41-58). Beowulf's tearing the arm off of Grendel and hanging it in the mead hall as a display of his conquest was a bold display of his abilities as a warrior and a man; however Norman masculinity was forced to be defined in subtler ways, focused on the individual man alone. Gillingham (2000, 210) states that 'a new reluctance to kill or mutilate each other would suggest that nobles were beginning to value their bodies in new ways'. This new appraisal of their physical bodies may have been the force behind the significance of castration. The punishment was a private shame which was

¹⁵¹ *'ahengen þær swa fela þefas swa næfre ær ne wæron: þet wæron on þa litle hwile ealles feower 7 feowerti manne, 7 six men spilde of here ægon 7 of here stanes'* (Irvine 2004, 125-26).

unreadable on the text of the body but of which affected offenders would have been very aware. Yet castration alone was not a sign to the public of the individual's crimes; thus it was often paired with visible dismemberments, such as blinding or, occasionally, the amputation of hands. The outward mutilation was a public sign, possibly even a penance, but castration was an additional emasculating blow which was a personal reminder of the severity of the crime and the misfortune of offending one's king.

CONCLUSION

The Anglo-Saxons understood the benefit of visible marks of justice on the bodies of criminals early on in their legal system. From the late seventh-century laws of Ine, the amputation of hands and feet was a practiced punishment. Alfred added the cutting out of the tongue as well. There was a direct correlation between the crime and the amputation, so that amputations on the body were translatable to the public consciousness. The criminal thus became a living sign among the community of the performance of justice.

Over the tenth through twelfth centuries, however, there was a trajectory toward the increasing use of non-lethal corporal punishment. Christian English kings had always been heavily advised by the clergy, and there was a growing ecclesiastical concern for the preservation of the soul during this period. There were great debates among the clergy regarding the use of capital punishment, specifically between Abbot Ælfric of Eynsham and Archbishop Wulfstan of York (see Marafioti 2009). Ælfric was of the opinion that execution was an appropriate punishment for certain sins, however the clergy must never be directly involved in condemning anyone to death. In a letter to Wulfstan he writes,

We [the clergy] may not be involved in the death of a man. Even if he is guilty of manslaughter of a murderer or a great thief, nevertheless, we must not prescribe death for him. Nor may we ever make a judgement concerning that. But let a laymen assign him life or death, so that we do not destroy sweet innocence – we who may not even kill a bird (Marafioti 2009, 44).¹⁵²

He uses this line about those who may not even kill a bird again in his sermon on the Maccabees, to describe the saints who were given salvation and dwell with God, 'because they would not even kill a bird' (Skeat 1881b, 125).¹⁵³ For Ælfric those who were purist in heart and closest to God should not ruin themselves by condemning the soul of another, but

¹⁵² *'We ne motoa beon ymbe mannes deað. þeah he manslaga beo oþþe morðfremmende oþþe mycel þeofman, swaþeah we ne scylan him deað getæcean. Ne we ne motan deman ymbe þæt. Ac tæcean þa læwedan men him lif oþþe deað, þæt we ne forleosan þa liþan unsceaþþignysse – we, þe furþon ne moton ænne fugel acwellan'* (Marafioti 2009, 44).

¹⁵³ *'forðan þe hi furþon noldon ænne fugel acwellan'* (Skeat 1881b, 124).

should not stop others from making such necessary judgements. Archbishop Wulfstan, on the other hand, was strongly against the use of capital punishment by any man, as has been discussed in the above chapter and evidenced in both his writings and the laws of Æthelred and Cnut.

The difference in opinion on execution between these two contemporaries was representative of a larger ecclesiastical movement regarding the condemnation of the souls of sinners. As Ælfric and Wulfstan were two of the most prolific homilists in the later Anglo-Saxon period, it is easiest to continually reference their views on the matter; yet other clerics were clearly struggling with the idea of capital punishment. In both Abbo of Fleury's and Ælfric's lives of St Edmund, there is an account of eight thieves who are caught in attempted theft of Bury St Edmund's church, and are hanged as punishment by a certain Bishop Theodred (Winterbottom 1972; Skeat 1881b, 328-31; Appendix B, no. 3). After the hanging, Theodred is chastised by St Edmund for taking their lives: 'the holy canons forbid clerics, both bishops and priests, to be concerned about thieves, because it becometh not them that are chosen to serve God, that they should consent to any man's death, if they be the Lord's servants' (Skeat 1881b, 331).¹⁵⁴ It seems that Theodred may have taken this experience to heart, because in Æthelstan's sixth law-code (VI Æthelstan 12.1), Theodred is named as being instrumental in raising the age at which offenders could be hanged, from 12 to 15:

Now again the king has been addressing his councillors at Whittlebury, and has sent word to the archbishop by Bishop Theodred, that he thinks it cruel to put to death such young people and for such slight offences, as he has learnt is the practice everywhere. He has declared now that both he himself and those with whom he has discussed the matter are of opinion that no one should be slain who is under fifteen years old' (Attenborough 1922, 169).¹⁵⁵

Bishop Theodred, like Archbishop Wulfstan, used his political influence to embed ideas of mercy into Anglo-Saxon legislation (Foxhall Forbes 2013, 146-96).

Clergy were increasingly concerned about their role in the damnation of souls, even the most sinful souls. That thoughts along these lines probably led to the eventual formation of Purgatory will be discussed in the next chapter; however, long before Purgatory was established as an official doctrine, English clerics, in particular Wulfstan, were influencing judicial punishments by vying for penal dismemberment along similar lines to ecclesiastical

¹⁵⁴ *'þa halgan canones gehadodum forbeodað . ge bisceopum ge preostum . to beonne embe þeofas . for-þan-þe hit ne gebyraþ þam þe beoð gecorene gode to þegnigene þæt hi gefwærlæcan sceolon . on æniges mannes deaðe . gif hi beoð drihtnes þenas'* (Skeat 1881b, 330).

¹⁵⁵ *'Þæt se cyng cwæð nú eft æt Witlanbyrig to his witan 7 het cyðan þam arcebiscope be þeodrede biscop, þæt him to hreowlic þuhte, þæt manswa geongne man cwealde oððe eft for swa lytlan, swa he geáxod hæfde, þæt man gehwær dyde. Cwæð þa, þæt him þuhte 7 þam þe he hit wiðrædde, þæt man nænne gingran mann ne sloge þonne XV winter man'* (Attenborough 1922, 168).

penance. The body would suffer excruciating pain, but the chance to continue living with this suffering would provide the opportunity to begin cleansing the criminal of his sins before death, and perhaps allow for the salvation of the criminal's soul.

As a result of this movement, additional and more seemingly torturous punishments were added to the laws. The amputation of the tongue continued to be associated with slander, and the amputation of the hand continued to be mandated for creating counterfeit coin and, later, perjury across the Norman Conquest and into the laws of Henry I; however mutilations such as blinding, scalping, and cutting off the nose and ears were added as a replacement for execution for certain crimes by at least the tenth century. For instance, the discussed passage from *Narratio Metrica de Sancto Swithun*, shows that, although the mandated punishment for theft was usually death, thorough dismemberment was not an uncommon replacement.

Blinding, scalping, and amputation of the ears, nose, hands and feet were not unprecedented tortures in Anglo-Saxon literature. Similar tortures were often performed on Christian saints and martyrs before their deaths. It is possible that the mutilation of criminals was intended to mirror some of the punishments suffered by saints. Catherine Royer (2003, 330-332) argued that the later medieval executions were intended to present a spectacle of pain, not merely as a political statement, but also to present a comparison to the suffering of Christ. The similarity in the execution of criminals and Christ highlighted how far from the Saviour those criminals were. 'One was innocent, the other not; one provided mankind's salvation, the other represented a threat to its safety ... The son of God suffered willingly, the criminal was compelled' (Royer 2003, 331). Perhaps there was a similar intention behind Anglo-Saxon and Norman corporal punishment.

It must also be questioned how driven the Norman legislators were by the religious ideals of mercy and penance and how much they merely took advantage of a system of corporal punishment which was already put in place by influential Anglo-Saxon clergy to continue Norman penal traditions. The *Gesta Normannorum Ducum* relates the use of corporal punishment as a purely judicial tactic with no religious motivation behind it. Even after the Conquest clauses such as that in *Leges Henrici Primi* 75, 1, which prescribes corporal punishment essentially as a method of execution, indicate that the Norman authorities continued to view corporal punishment from a purely judicial perspective, just as the Church continued to vie for mercy.

One of the more well-known later medieval punishments is hanging, drawing and quartering, or a variation on this theme. There is no evidence that any form of dismemberment was ever combined with capital punishment to enhance the political statement of execution in the Anglo-Norman period (or for that matter the Anglo-Saxon period); death was a terrible enough fate on its own. While a gradual replacement of

execution with increasingly more brutal dismemberment can be observed through the ninth through twelfth centuries, capital and corporal punishment largely remain two distinct forms of punishment.

Chapter 9

EARTHLY AND HEAVENLY JUDGMENT

As has been shown in the previous chapters, a number of changes were made to the treatment of capital offenders in England after the Norman Conquest: decapitation was no longer used as a method of execution, extensive corporal punishment was encouraged instead of death by both the high-ranking clergy and the political authorities, and the phenomenon of the execution cemetery fell out of use and was replaced by more publicly located executions and by uniform Christian burial, indistinguishable from the burials of the rest of the community. The problem in identifying the impetuses behind these changes is that every aspect of the treatment and punishment of criminals was affected by intermingled political and religious values. In a society led by a Christian king and where the legislation was created with clerical counsel, criminals and sinners were one and the same concept. The punishment of judicial offenders is, thus, inspired by both political concerns for societal welfare and religious concerns for personal welfare. This chapter aims to delve deeper into the changes surrounding the burial of criminal offenders around the time of Norman Conquest, in hopes of discerning the effects of transitions occurring in Christianity both in England and throughout Europe from changes affected due to Norman leadership.

THE LOCATION OF BURIAL

The execution cemetery

Most executed Anglo-Saxon criminals, even those displayed for a time, seem to have been given burial. It is impossible to know how many may have been left to rot away and be ravaged by carnivores and carrion birds. The number of individuals displaying evidence for decapitation and burial with the hands bound at Anglo-Saxon sites, and especially those with evidence of weathering or decomposition prior to interment, suggests that most of the bodies of execution victims were probably interred. It seems unlikely that there would have been much variation in this practice. The importance of proper burial in early medieval England cannot be overstated, and if the effort was made to inter some of the executed offenders it seems likely that most would have been interred. We can only guess at who might have been responsible for burying these individuals. It is possible that the family members who had

witnessed the execution might have been charged with burial. Yet the unusual positions of many of the bodies indicates that that these individuals were likely not buried by someone concerned for their immortal welfare. With this in mind, it was probably the executioner or those in charge of seeing the punishment through who were also responsible for burying most corpses, especially considering that some of those executed were probably outlaws and strangers to the area with no family present at their deaths. Waltheof's body was flung 'unceremoniously into a ditch and hastily covered with fresh turf' by the royal officers present at his execution, until his wife had his body translated to a Christian cemetery in Crowland (Chibnall 1990, 323; Appendix B, no. 24).

In Chapter 6, a few methods of how the bodies might have been 'flung' into the grave by the executioners, or gravediggers, were postulated. One gravedigger on his own would most likely have had to roll or drag the corpse to the grave. Two gravediggers would have been able to pick up the corpse at both ends and place or toss the body into the grave. All of these techniques could account for a number of the unusual burial positions, such as tilting onto one side (see Appendix A, Graves 108, 148, 161, 175, 207, and 209 from Guildown; Skeleton No. 5 from Meon Hill; Skeletons 562 and 577 from Old Dairy Cottage; Skeletons S442 and S452 from Staines; Skeleton No. 4 from Stockbridge Down; Burials 27, 34, 40, 41, 46, 50 and 54 from Sutton Hoo; Skeletons 1 and 10 from Walkington Wold) or having one or both legs flexed (see Appendix A, Inhumation 6 from Chesterton Lane; Graves 108, 134 and 207 from Guildown; Skeleton Nos. 1, 5 and 7 from Meon Hill; Skeletons 562, 575 and 577 from Old Dairy Cottage; Skeletons S277, S419, S442 and S452 from Staines; Skeleton Nos. 4, 17, 19, 25, 28 and 34 from Stockbridge Down; Burials 18, 19, 25, 27, 34, 37, 40, 41, 43, 46, 48, 50, 53 and 54 from Sutton Hoo; Skeletons 1, 10 and 11 from Walkington Wold). Decapitated Skeleton No. 9 from the cemetery at Meon Hill was buried with the legs straight but turned outward and the feet flexed as if it had been dragged by the shoulders into the grave (Liddell 1933, 136). That the bodies uncovered at the execution cemeteries had not been shrouded before burial is evident by both the complete absence of shroud pins in any of the graves and variety of leg positions. Arm positions can vary to a certain degree within a shroud, but any position in which the limbs are not tight against the body would not have been possible if the body had been shrouded prior to burial.

The main issue presented in picking out specific influences on the burial treatment of criminals is that Christianity and legal justice seemed to have worked so closely together in the phenomenon of the Anglo-Saxon execution cemetery. The use of visible hills outside the bounds of populated settlements as locations for execution was not at all unusual in the medieval period, or even into the seventeenth century. It was the regular burial of criminals in this same location which was unique to late Anglo-Saxon England. It even seems that not only executed offenders but possibly other offenders who died of natural causes and grievous

sinners were brought to execution cemeteries for burial (see Chapter 6 for a discussion of non-deviant burials in execution cemeteries). That a criminal would be buried in the place of his execution hints at a belief that the mortal and immortal fates were linked. As discussed in Chapter 7, it seems likely that execution cemeteries were monitored on a regional level, rather than mandated by the central authorities. The execution cemetery was, thus, not necessarily a direct statement of cooperation of the Church and king in punishment, but of a deeper assumed belief that the rules of behaviour and punishments suffered on earth are a reflection of the eternal judgement a person will face after death.

It has been previously mentioned that execution cemeteries may have been thought to represent the liminal world between earth and hell. In one respect, a place renowned for killing, judicial or not, is going to have a certain atmospheric sense of being closer to death, as if the boundary between life and the afterlife is thinner. Yet Sarah Semple (2003b; 2013, 193-223) and Andrew Reynolds (2009) have previously suggested that the burial mounds were thought to represent gates to hell, and, therefore, the condemnation of the souls of those buried within them. However, this argument relies heavily on Reynolds' claim that execution cemeteries were associated with prehistoric monuments. It has been suggested that fears of the supernatural may have been projected onto prehistoric barrows by the Anglo-Saxons. The tale of *Beowulf* presents a burial barrow inhabited by a greedy dragon, hoarding the riches which were buried with the deceased (Luizza 2000, 120-21). The mound on which saint Guthlac chose to build his residence was frequented by grotesque demons which he was forced to fight off and send back to hell (Bradley 1982, 250-68). Sarah Semple (1998, 112, 115-16) has pointed out the number of later barrow names which were derived from supernatural elements, such as Shuckburg, which might have been *scucca beorg* meaning goblin hill or haunted hill, or Ailey Hill which might have been *Elushou* or *Elushouhowe* meaning elf barrow. Semple suggests that these names and associations of the supernatural may stem from pagan rituals which were known to have taken place there, such as gatherings at shrines or temples (Semple 1998, 121-23).

Semple (1998) also proposes that gatherings at prehistoric sites might explain the contradiction between Christian Anglo-Saxons' fear of barrows associated with the supernatural with their use of barrows for administrative hundred meetings. Perhaps these meetings were a continuation of pagan Anglo-Saxons gathering in the prehistoric places for worship. However, not only were barrows used for judicial gatherings from the ninth century up to the Conquest, but they were also commonly used as landmarks in land charters. These were locations that were still apparent in the landscape and remained in the community memory, perhaps because of ancestral associations, but also because they were regularly passed by travellers and used as measurements for land boundaries and traversed by those gathering in assemblies. There may have been an underlying folklore of the supernatural, but

they were not places which were avoided out of fear. It must also be highlighted that these associations seem to have been predominantly with round barrows (Semple 2008, 412; Williams 1997, 6, 14; Williams 1998, 92), and, of the firmly dated execution sites, only Walkington Wold was associated with prehistoric round barrows (Bartlett and Mackey 1972, 1; Buckberry and Hadley 2007, 309-10) and only Sutton Hoo was associated with Anglo-Saxon-made barrows (Carver 2005). In fact, as discussed in Chapter 7, it seems that there is no consistent association between execution cemeteries and prehistoric monuments; rather, the locations were chosen for their proximity to boundaries and height for visibility from roadways, and possibly settlements.

Reconsideration of Sarah Semple's (2003b) convincing argument that barrows represented the Anglo-Saxon ideal of hell, which correlated nicely with the profile of the burial location for executed criminals proposed by Andrew Reynolds (2009) (see Chapter 2 for a more detailed discussion on this topic), is required. If barrows were thought by Christians to have been a physical representation of hell in the natural landscape, then those individuals buried near or in such burial mounds would essentially have been buried in hell, and therefore metaphysically condemned to damnation. Semple suggests that these are burial mounds rather than mere earthen barrows in part because of her own work on the supernatural associations of round barrows (see Semple 1998) as well as Reynolds' suggestion that prehistoric barrows were the burial location of criminals. Semple's argument is largely based on the early eleventh-century Harley Psalter, and in particular image f. 67 (Figure 9.1 – leftmost image). This image depicts decapitated men buried within a mound, which is clearly meant to represent Hell based on the accompanying text and comparison with the drawings in the original Carolingian Utrecht Psalter, from which the Harley Psalter was transcribed. However, there is no actual evidence that this drawing depicts a prehistoric burial mound rather than a natural geographical feature. Semple (2013, 197) herself has noted the possibility that some of the hills and mounds associated with Anglo-Saxon execution cemeteries may have been purpose built for increased visibility.

Semple's (2003b) key argument was that the Harley Psalter artist F's drawings highlights the unique relationship that the Anglo-Saxons had with the natural landscape. The England inhabited by the Anglo-Saxons was already covered with Bronze Age burial mounds, Iron Age hillforts, and Roman stone buildings, walls and roads. There may have been preconceived beliefs about some of these features and the people who built them, but, regardless, the features were part of the landscape as the Anglo-Saxons understood it and were used and manipulated just as the natural landscape was. Roads were used; the foundations of collapsed buildings were improved; hills and mounds, whether man made or natural, were often used to mark boundaries, even for churchyards. The illuminators of the Harley Psalter demonstrated just this sort of manipulation of the landscape by merging the

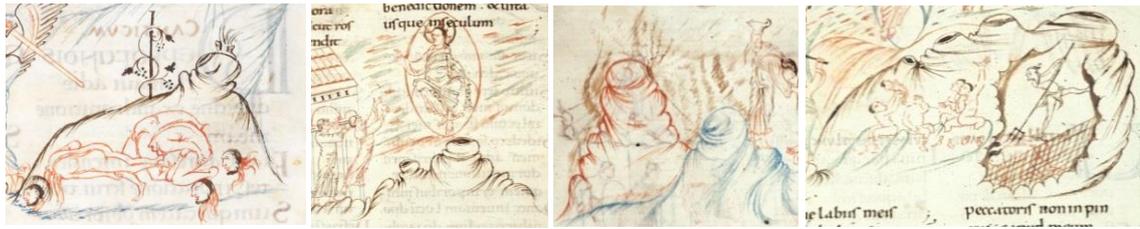


Figure 9.1. Four images from the Harley Psalter (MS Harley 603 f. 67, f. 68v, f. 68v, f. 72 in order) showing hell mouths in the form of mounds as depicted by Artist F. ©British Library, London

Christian image of hell as deep underground with the prominent barrows and hills dotted around the country with which they would have been familiar (Figure 9.1). The mounds depicted in the Harley Psalter do not have to have been burial mounds prior to the interment of executed criminals, but could have represented prominent natural hills as well, which is exactly the type of location on which an execution cemetery might have been placed.

Semple (2013, 204-06) has recently refined her argument about the association of execution cemeteries, prehistoric monuments and damnation. She emphasised that executed offenders and deceased sinners were not necessarily buried in prehistoric locations because of their association with the supernatural but that burial of deviants in such places merely enhanced the aura of evil assigned to them after the conversion to Christianity. She argued that late Anglo-Saxons grouped social deviants with earlier heathens as generally unchristian:

Just as the late AS writers imagined such landscape features to be haunted by ghosts and demons, the physical appropriation of these monuments and old cemeteries as locations of execution and deviant burial attests to their role as suitably evil and desolate places, synonymous with past heathenism and pagan potency, where sinners could be condemned to eternal torment... (Semple 2013, 206).

Even when execution burials were associated with monuments such as hillforts, she noted that were still interred in liminal areas such as in the ramparts and ditches of the fortification, accentuating their exiled status. Therefore, it seems we should continue to understand the burial locations of executed criminals as having been viewed by Anglo-Saxons to be closer to hell than elsewhere in the landscape.

There is certainly evidence that the souls of executed offenders were thought to have been sent directly to Hell. An abrupt and undignified death, such as execution, was the very worst death imaginable for a Christian (Thompson 2004, 60-1). If Christians did not have time to repentant and make confession before death, then they died with sins still weighing on their souls, which did not bode well for their eternal judgement. Decapitation in particular seems to have been ultimately damning. Ælfric's homily on Ahitophel and Absalom states that

It is now also to wit that we very often punish wicked robbers and treacherous thieves, but that they shall have no reward from Almighty God, but rather the everlasting torments for their cruelty, because they lived by rapine, like savage wolves, and oftentimes snatched away from the righteous their subsistence' (Skeat 1881a, 425).¹⁵⁶

He discusses the thief who should confess his sins as he is led bound to his death just as did the thief who hung on the cross next to Christ. Ælfric then discusses the robber who is decapitated:

The robber will be slain now, and ignominiously punished, and his miserable soul afterwards shall journey to hell to the everlasting torments, in swart chains. We ween nevertheless that the Allruling Saviour will compassionate the wicked robber, if he, with all his heart and inward lamentation, crieth to the Almighty God, and beseecheth his mercy before the sharp sword may sway to his neck (Skeat 1881a, 427).¹⁵⁷

This passage seems to suggest that decapitation is so abrupt that the individual might not have time for confession and is therefore eternally damned (Marafioti 2009, 47-49). If the criminal is truly pious, he perhaps still has a chance for salvation, but the chance appears slim, especially considering that it seems that decapitation may have been reserved for the worst sinners and crimes. The eleventh-century poem *Judith* emphasises this association with decapitation and eternal damnation in the death of Holofernes. Following Judith's severing of Holofernes' head, his soul flees directly to hell for a tortured eternity (Bradley 1982, 499). In the above-mentioned Harley 603 f. 67 manuscript image, the deviants buried within are noticeably decapitated. The blood is still streaming from their severed heads as if the wounds were fresh upon their burial, suggesting an immediate association between the torture and decapitation occurring to the left of the image, and residence within the Hell-mound.

There are a handful of decapitated martyrs in Anglo-Saxon literature who certainly were not damned to Hell by the manner of their death. God's authority and the power of Christianity is demonstrated when these most faithful followers receive the most damning and humiliating death and are ultimately saved, their souls resurrected regardless. Their salvation is a testament to the appropriateness of their fealty in God. Yet, it is notable that, although they are saved by God despite the manner of their death, decapitation is the always the final act of a series of tortures. It is the only method of torture or execution from which

¹⁵⁶ 'Is nu eac to witenne þæt man witnað foroft ða arleasan sceaðan and þa swicolan ðeofas . ac hi nabbað nan edlean æt þam ælmihtigan gode . ac swyðor þa ecean witu for heora wælhreownysse . forðan þe hi leofodon be reaflice swa swa reðe wulfas . and þam rihtwisum ætbrudon heora bigleofan foroft' (Skeat 1881a, 424).

¹⁵⁷ 'Se sceaða bið nu ofslagen and to sceame getucod . and his earme sawl syððan syðað to helle to ðam ecum suslum on sweartum racenteagum . We wenað swaðeah þæt se eall wealdendea hælend wille ge-miltsian þam manfullan sceaðan . gif he mid eallre heortan and incundre geomerunge clypað to ðam ælmihtigan gode and his arfæstnysse bit ærðan þe þæt scarpe swurd swege to his hneccan' (Skeat 1881a, 426).

God cannot resurrect the mortal bodies of the saints – he can only save their immortal souls. For instance St Eugenia, a Roman who disguised herself as a man to become an abbot, had a stone tied to her neck and was thrown in the river, thrown in boiling water, imprisoned without sustenance for twenty days, and only by the hand of the executioner could death come to her.

St Julian, another Roman martyr, was burned alive, and brought before lions and bears to be eaten, before finally being beheaded. St George, a Roman soldier who would not disavow his Christian faith, was hung on a gibbet, had his limbs torn with iron claws, burned, poisoned, bound to a wheel with swords on either side of him and lain in a cauldron full of burning lead, but only decapitation could finally take his life. Possibly even more extensive than the tortures of George, St Denis, Bishop of Paris in the third century, was scourged, imprisoned in darkness, lain on an iron bed with burning coals, hanged on a cross/gibbet, beaten with rods and only after all of this was his beheaded, and thereby killed. Denis miraculously remained alive long enough to gather his own severed head and chose his place of burial, but still after this his body died and he was not bodily resurrected (Skeat 1881a, 24-51, 90-115, 306-319; Skeat 1881b, 168-91).

There are two Anglo-Saxon kings who became very popular saints following decapitation: Oswald and Edmund. Oswald was a Northumbrian king who was beheaded in battle by the still pagan King Penda of Mercia in 642. According to Ælfric, his severed head was displayed on a stake, along with his right arm, but was eventually removed by his brother to Lindisfarne Church to be reunited with his body, where his soul was able to find salvation regardless of his violent and demeaning death (Skeat 1881b, 173). Edmund, king of East Anglia, was killed by an invading Danish fleet in 869, when he refused to fight them. His martyrdom was recorded in detail by both Abbo of Fleury and Ælfric of Eynsham (Winterbottom 1972; Skeat 1881b). In more traditional martyr style, he was tortured before his eventual death; he was tied to a tree and whipped, pierced with javelins and then finally beheaded, ‘and with one blow struck off his head; and his soul departed joyfully to Christ’ (Skeat 1881b, 323).¹⁵⁸ The Danes hid his head so that his men had to search the woods, but the head itself called out to the searchers so as to be found.

The fact that God gave Edmund’s severed head the ability to call out and thus be reunited with the body highlights the severity of the separation between head and body at the time of death. Stories of Edmund’s martyrdom place a great deal of emphasis on the reuniting of the head with the body, at which point the wound almost completely heals. Ælfric writes, ‘Then there was a great wonder, that he was all as whole as if he were alive, with clean body, and his neck was healed which before was cut through, and here was as it

¹⁵⁸ ‘and mid anum swencge slogon him of þæt heafod . and his sawl siþode gesælig to criste’ (Skeat 1881b, 322).

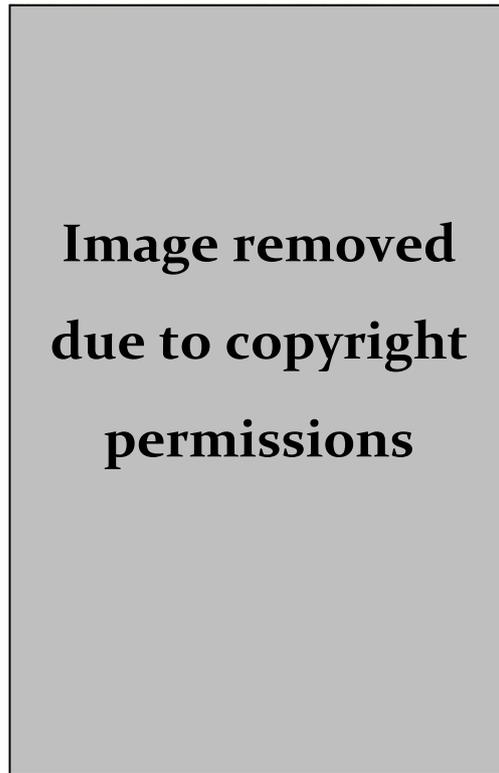


Figure 9.2. Pierpont Morgan MS M.736 fol. 17r from the Miscellany on the life of St Edmund, Bury St Edmunds, England, c. 1130, illustrates the replacement of St Edmund's severed head on his body. The injury is marked only by a thin red line around his neck. ©Morgan Library, New York

were a silken thread about his neck, all red, as if to show men how he was slain' (Skeat 1881b, 327).¹⁵⁹ Pierpont Morgan MS M.736 fol. 17r, dating c. 1130, depicts this reunification of Edmund's head and body with the thinnest of red lines around his neck (Figure 9.2). The physical healing of Edmund's body reflects God's ability to heal his soul, but also implies that God is making a conscious choice to save Edmund by erasing the damning effect of decapitation.

Why was decapitation in particular so damning? Ælfric seems to imply that it is because of the suddenness of the punishment and the inability to repent in time. It is also possible that, because the punishment seems to have been used for more serious crimes such as treason and failing the ordeal not just once but twice, decapitation is associated with those criminals who were thought more likely to be eternally damned for the severity of their sins. As Ælfric said at the end of the passage cited above from Ahitophel and Absalom

But the false devil, who deceived the robber, and ever seduced him until his life's end, will in no wise easily permit him, at his ending, to turn them, with true repentance, and with inward weeping, to the benevolent Saviour; but will try with all his craft to draw

¹⁵⁹ *'þa wæs micel wundor þæt he wæs eall swa gehal swylce he cucu wære mid clænum lichaman . and his swura wæs gehalod þe ær wæs forslagen . and wæs swylce an seolcen þræd embe his swuran ræd mannum to sweotelunge hu he ofslagen wæs'* (Skeat 1881b, 326).

him away from Christ, So likewise will traitors perish, in the end, even as books verily tell us everywhere (Skeat 1881a, 427).¹⁶⁰

It may also have something to do with the removal of the head itself. Traditional Christian belief was that fragmentation of the body at the time of death would not prohibit the soul from re-joining the body and rising on the Day of Judgement (Bynum 1991). There is nothing in early medieval theological texts that gives the impression that the head may have been an exception to this rule. However it is notable that, although every saint who was fully decapitated could not be resurrected, St Lucy, a young Roman best known for distributing her mother's wealth to the poor, was only wounded in the neck due to the incompetence of her executioner and was brought back to life after her burial (Skeat 1881a, 278). This was only possible because her head was not fully severed from her body.

Anglo-Saxon texts, such as the *Body and Soul* poem, give the impression that the corpse retained a certain amount of consciousness while it lay in the grave awaiting the Last Judgement (Thompson 2002; Thompson 2004, 50). The body existed after death without its soul, and although not alive in the typical sense it was aware of its existence; but perhaps it could not exist in its dead but conscious state during the interim period between death and the final Judgement without its head. According to a mid-11th-century manuscript (BL MS Cotton Tiberius A. III ff. 40b-41a) from Christ Church, Canterbury, it is noted that by the third month of a pregnancy the foetus is still viewed as 'a man without a soul' (Bonser 1963, 265). However the brain is the first part of the foetus formed within the womb, and this happens as early as the sixth week of pregnancy. The brain is crucial to the body's formation and existence. Separating the head from the body may have been viewed as fully killing the body, which might have meant that the soul could not re-inhabit it to rise at the Last Judgement. Essentially, decapitation was not in itself damning, but caused the body and soul to skip to the interim, and be sent directly to heaven or hell. Thus Christian martyrs would be raised to paradise and criminals sent to eternal damnation. As will be discussed later, even before the doctrine of Purgatory was made official the living could assist the souls of the dead in their quest for salvation during this interim period when the body and soul await resurrection. Bypassing this opportunity disallows any second chances at salvation after death.

The belief that severing the head would remove any life still remaining in the soulless corpse, if indeed this was an Anglo-Saxon belief, might also have been related to folkloric beliefs that severing the head of a revenant risen from the grave was a method of killing it.

¹⁶⁰ 'Ac se swicola deofol þe beswac ðone þeof . and æfre forlærde oð his lifes ende . nele naht eaðe on his ende geðafian þæt he þonne gecyrre mid soðre behreowsunge . and mid incundum wope . to þam wel-willendan hælende . ac cunnað mid eallum cræfte hu he hine criste æt-brede . Eac swylce hlaford-swican losiað on ende swa swa us bec secgað soðlice gehwær' (Skeat 1881a, 426).

There is little evidence that this was a method of laying to rest the risen dead in Anglo-Saxon England, but there are references to it in the Scandinavian sagas, namely the killing of the *draugars* Glam and Kar in the Saga of Grettir the Strong (Hight 1972, 44, 99), and occasionally in Eastern European folklore (Barber 1988, 61, 175). There is an Anglo-Norman tale in the *Miracles of St Modwenna*, which tells of two exiles who arrive at the village of Drakeslow (Derbs), die shortly after, and are seen the following night wandering around the village causing havoc and bringing death to many of the inhabitants. In order to lay the revenants to rest, they are exhumed from their graves, their heads are severed from their bodies and placed at their feet and their hearts are cut out of their chests and burned (Bartlett 2002, 193-99). While the burning of body parts or whole bodies is a common method of dispatching a revenant in Anglo-Norman stories, this is the only tale which involves severing the head of the revenant as well. Walter Map wrote in the twelfth century of a revenant who returned nightly to his village in Wales. Bishop Gilbert Foliot recommended exhuming the body and cutting through the neck with a spade. This, however, did not work. The following night the revenant was chased back into his own grave and there had his head cut vertically in twain, and this finally stopped the revenant. While severing the head from the body had no effect, wounding him in his own grave did. Thus, the use of decapitation in eleventh-century Derbyshire to stop revenants seems to be unique among Anglo-Norman tales of the walking dead. It is possible that the decapitation of the revenants in Geoffrey of Burton's *Miracles of St Modwenna* was not based on popular Anglo-Norman folklore, but rather older Anglo-Saxon beliefs about Christian resurrection: severing the head from the body will remove any life left in the corpse enabling it to rise again, in this case as a revenant but more traditionally for Judgement Day.

All execution seems to have been harmful to the fate of the soul, but no other form of execution seems to have been written about with such fatal immortal consequences in the histories and chronicles. The hanged man in *The Fortunes Men* is described as a 'soulless corpse', 'beyond hope of survival', and most importantly it is stated that 'his name is damned' (Bradley 1982, 342). This description leaves no doubt about the horrors of death by hanging; however the ultimate fate of the soul is left somewhat ambiguous (Thompson 2004, 192). His name is damned because of the shameful manner of his death. His soul has fled his corpse in death, but it is not clear whether this is a permanent separation. He is also said to be beyond hope of survival, yet whether this refers to survival in this life or the next as well is also left uncertain. References to hanging, or other methods of death, do not mention the fleeing of the soul directly to hell with the clarity or frequency as references to decapitation. However, the laws make clear the influence of fears about the Christian afterlife on judicial punishment. As discussed in Chapter 8, execution was gradually replaced mutilation for

many crimes beginning in the eleventh century. The reasoning behind this change was indeed fear for the souls of executed criminals. VI Æthelred 10 states:

And the decree of the councillors is, that Christian men shall not be condemned to death for too trivial offences, but on the contrary, merciful punishments shall be determined upon, for the public good, that the handiwork of God and what he purchased for himself at a great price be not destroyed for trivial offences.

§ 1. But every deed shall be carefully distinguished and judgement meted out in proportion to the offence, as shall be justifiable in the sight of God and acceptable in the eyes of men. (Robertson 1925, 95)¹⁶¹

V Æthelred 3 and II Cnut 2 are nearly identical clauses to VI Æthelred 10. The theme of merciful punishment was carried into the twelfth century, and may have influenced changes in the physical burial of deceased criminals, or very possibly both were the result of deeper theological trends.

Churchyard burial

Shortly after the Norman Conquest, when the execution cemeteries fell out of use, there is suddenly very limited evidence for the burial of criminals. Five decapitated skeletons have been found in cemeteries dating to the eleventh century. Three of these, found at the cemetery at St Andrew's, Fishergate in York (Stroud and Kemp 1993), appeared to have resulted from battle rather than judicial execution. The other two, from All Saints' Church, Barton Bendish (Rogerson et. al. 1987) and the church in Thetford of unknown dedication (Dallas et. al. 1993), showed no signs of battle trauma, and were buried supine, extended and orientated west-east within a Christian churchyard. If these were executed criminals, which seems plausible given the absence of other traumatic injuries, they were certainly not marked out in burial.

Only one potentially bound individual was identified as possibly belonging to this period. The individual was buried in the cemetery of St Helen-on-the-Walls, Aldwark. The hands were stated to have been crossed specifically at the wrists, although the excavators did not seem to think this was an unusual position (Dawes and Magilton 1980). Found at the same site was also an individual whose ear had been severed. This may have been part of judicial punishment, but it may also have been an accidental injury or the result of infection. These two individuals from St Helen-on-the-Walls and the two decapitated individuals from Barton Bendish and Thetford present the only possible funerary indication of capital punishment. Yet, it is clear from historical sources that capital punishment did continue. It,

¹⁶¹ ' 7 witena gerædnes is, þæt man Christene men for ealles to lytlan to deaðe ne forræde. Ax ells geræde man friðlice steora, folce to þearfe, 7 ne forspille for lytlum Godes agen handgeweorc 7 his agene ceap þe he deore gebohte. §1. Ac æghwilce dæde toscade man wærlice 7 dom æfter dæde medemige be mæþe, swa for Gode sy gebeorhlic 7 for worolde aberendlic' (Robertson 1925, 94).

thus, seems likely that most executed individuals were given proper Christian burial after being removed from the gallows.

Unfortunately, most accounts of execution in this period do not mention burial. One of the very few Anglo-Norman executions to have the funerary details provided was that of Waltheof. All accounts state that Waltheof was buried at Crowland; the accounts by Orderic Vitalis and Florence of Worcester provide the extra detail that his body was initially buried unceremoniously near the place of execution, and was later translated to Crowland. While there is no mention of the term *cwealmstow*, this treatment of burying the executed body at the site of the execution is very much in the Anglo-Saxon tradition. This might suggest that the move toward burying criminals in consecrated churchyards occurred during the late eleventh and twelfth centuries, which would indicate a change during this period in the social perception of criminals or in the religious outlook on the condemnation of the souls of sinners. However, it is heavily emphasised by at least Orderic that Waltheof was purposefully executed in the fashion of Anglo-Saxon traitors, and it is possible that his disreputable burial was a part of this same ritual. If this was true, then it is possible that separating deceased sinners and criminals from the rest of the community was simply not a Norman custom and so was not continued under Norman rule in England.

The move from field cemeteries to churchyards and the adoption of consecration rites occurred in similar fashion and at a similar time in France as it did in England (Zadora-Rio 2003, 9-19). Churchyards were not primarily used until the later ninth and tenth centuries. The first references to consecrated land appear in the tenth century, just like in England. Yet for all that Elisabeth Zadora-Rio's study of the French transition to burial in churchyards and parish cemeteries emphasises these similarities between English and French conversion, she makes one point which shows a glaring difference: references to consecrated burial were rare in French records before the end of the eleventh or twelfth centuries. Not only were there few references, but there seems to have been debate about the importance of burial in sacred land (Zadora-Rio, 2003, 13). This is in stark contrast to the theological texts from tenth- and eleventh-century England, where there was a firm belief in burial in consecrated ground.

Anglo-Saxon references to exclusion of the right to burial in consecrated land for sinners, criminals and non-Christians can be found in ecclesiastical discussions and pastoral sermons, but also in the laws issued by royal mandate. Archbishop Wulfstan's Canons of Edgar, an early eleventh-century document falsely attributed to the reign of Edgar, declares unconsecrated burial to those who do not make an effort to learn and follow Christian values:

And it right that every man study so that he learns his pater-noster and creed if he wishes to lie in a consecrated grave or be worthy to receive the sacrament; for he is not truly a

Christian who will not learn it, nor may he who does not know it lawfully sponsor another at baptism or confirmation until he learn it (Rabin 2015, 91).

It must always be questioned to what extent the consequence of unconsecrated burial was largely a theological ideal and whether consecrated burial would have been so important to the average layman (Foxhall-Forbes 2013, 1-17, 263-64). There is, however, some evidence that the issue of consecrated burial may have been in the beliefs of the general community as well. A will dating to 992 x 995, preserved in a cartulary from Bath, tells of three brothers who were involved in theft and two were killed trying to escape. The deceased brothers were given Christian burial. The case was then taken before King Æthelred by the local ealdorman who argued that their Christian burial was illegal (Whitelock 1955a, 525-26). Orderic Vitalis also records the Anglo-Saxon case of an ex-clergyman who receives burial outside of the churchyard because of his many sins, two of which were certainly leaving the church and fornicating with multiple women outside of marriage (Chibnall 1990, 45-47). Orderic does not seem to have any stories of such burial dating to after the Conquest though.

Helen Gittos (2002) argues that consecration rituals may have originated, or at least been more quickly developed, in England than on the Continent. If this was indeed the case, it could be that the Anglo-Saxons were particularly scrupulous about the rite of consecrated land. There are few references to excluding anyone from appropriate burial during the Anglo-Norman period in ecclesiastical writings. There is only one mention of unconsecrated burial in the Anglo-Norman laws, and it is focused on the way in which kinsmen can clear a man who was unjustly slain for an offence and have his body reburied in consecrated land (*Leges Henrici Primi* 74, 1c; Downer 1972, 231). This may suggest that unconsecrated burial for offenders was still common; yet, it also seems to indicate that the focus in the Anglo-Norman period was on clearing offenders, and allowing as many people consecrated burial as deserve it.

The archaeological evidence agrees with the suggestion that the Anglo-Normans tried to provide as many people as possible with consecrated burial. Some isolated burials, discussed in Chapter 6, were found which date to this period. A woman was buried on her own in a slightly awkward position near the floodbank in Coppergate, York (Hall 1984, 45-47). Three individuals were buried together in Westgate, Southampton. Two were buried supine, but the third was in a crouched position (Webster and Cherry 1980, 251). An adult male was also buried on the Wiltshire-Gloucestershire country boundary, in Doncombe Bottom Marshfield (Reynolds 2009, 216). These may have been victims of murder or a sudden death far from home, but they could just as easily have been the victims of local justice and provided unconsecrated burial. Even if consecrated burial for sinners was not a tradition of the incoming Normans, it would likely have been a difficult belief to immediately or completely dispel from the general community mentality. The overall archaeological pattern

suggests that for the most part after the Conquest, however, criminals were unbound and treated in death like everyone else.

THE AFTERLIFE OF THE CRIMINAL

Damnation through unconsecrated burial

The importance of consecrated burial to the Anglo-Saxons by the tenth century has been clearly demonstrated; yet, as Helen Foxhall Forbes points out, there is nothing that actually equates unconsecrated burial with damnation. It is often assumed that exclusion from the Christian community in burial is a metaphor for exclusion from the Christian community in the afterlife as well. Yet most ancient and medieval theologians, going back to Augustine in the fourth/fifth century, maintained that the location or manner of a person's burial cannot have a negative effect on their immortal salvation (Foxhall Forbes 2013, 265-67; Zadora-Rio 2003, 12-13). Augustine's sentiments on burial were repeated in Anglo-Saxon homiletic works, especially those of Ælfric of Eynsham. Perhaps Augustine's views were misunderstood, or went unheeded, but there is also a possibility that the Anglo-Saxon penchant for exclusion was influenced by other factors. Before pursuing this possibility any further, it is necessary to ask a related question which applies to both the unconsecrated burial and, more specifically, execution cemeteries, which is, why the Anglo-Saxons would purposefully wish to condemn anyone to Hell in the first place?

In a Christian society, Hell is the thing that is most feared. It is the worst punishment. It is eternal torture. It seems extraordinarily cruel that anyone in Anglo-Saxon England would be guaranteed such a fate by the hands of others, especially by members of the Church. Penitential and homiletic texts continually reaffirm that everyone should have the opportunity of confession and repentance just before death. This will, of course, not guarantee access to heaven, but it will help to cleanse the person's soul of some of his sins. The eleventh-century Old English Penitential states that 'Concerning the one who wished to turn his sins to repentance on his last day, that one not deny that to him' and also that 'The man who is bound by multiple crimes and a resisting mind (but who), for the love of this eternal life, wishes to confess to his confessor and to repent as he prescribed for him: we believe that he may have forgiveness from God' (Frantzen 2003-2015, OE Penitential Y41.02.00, Y41.14.01). The Old English Introduction, another late Anglo-Saxon penitential implies that there was no sin so great that it should not be confessed, 'whether manslaughter, or murder, or fornication, or any of those things with which one may sin against God' (Frantzen 2003-2015, OE Introduction S35.02.01). The right of a condemned man to

confession before his death was even included in the later law-codes (Edward and Guthrum 5; II Cnut 44).

Ælfric's homily about Ahitophel and Absalom, mentioned above, discussed how the souls of criminals, namely thieves and robbers, were doomed to a terrible fate. Even so, he emphasises that if the offender were to confess his sin 'with true contrition' he might yet be forgiven and allowed into the kingdom of heaven. He does however add:

But the false devil, who deceived the robber, and ever seduced him until his life's end, will in no wise easily permit him, at his ending, to turn them, with true repentance, and with inward weeping, to the benevolent Saviour; but will try with all his craft to draw him away from Christ. So likewise will traitors perish, in the end, even as books verily tell us everywhere' (Skeat 1881a, 427).¹⁶²

While Ælfric believes that even the worst sinners can be saved in the end if they earnestly repent their crimes, he thinks such contrition unlikely, which implies that he also believed that the souls of most executed criminals would have burned forever in the fires of Hell. It is worth considering that perhaps criminals were not buried in the location of their execution because the place was associated with Hell, but that mounds on which executions were performed took on such a damned and fearful connotation because of the execution rituals in which they were involved. If executed offenders were assumed to have been damned, not because they were executed or because of their burial location but because it was assumed that they did not repent their sins, and then buried together in the same location, it seems plausible that the place of burial might take on associations of the wretched fate of those interred there.

Exclusion from the Community

The stance of the clergy and seemingly the king as well was that every person deserved the chance for eternal salvation, no matter what crimes were committed – although certain legal texts maintain that certain crimes, such as treason against one's lord or king, were unforgivable. Perhaps the purpose of unconsecrated burial, and especially burial in execution cemeteries, was more focused on exclusion from the community than condemnation in the afterlife.

The fact that the community had a significant role to play in the practice of justice has been raised many times over the last few chapters. Although officially justice was administered by the king, earls, and appointed regional reeves, there is a sort of community

¹⁶² 'Ac se swicola deofol þe beswac ðone þeof . and æfre forlærde oð his lifes ende . nele naht eaðe on his ende geðafian þæt he þonne gecyrre mid soðre behreowsunge . and mid incundum wope . to þam wel-willendan hælende . ac cunnað mid eallum cræfte hu he hine criste æt-brede . Eac swylce hlaford-swican losiað on ende swa swa us bec secgað soðlice gehwær.' (Skeat 1881a, 428, ll. 188-195)

mentality that was built into the early English judicial system. As seen particularly in II *Æthelstan* 20, 'the chief men of the borough' (*þa yldestan men*) could be called out to assist in the capture of offender (Attenborough 1992, 136-39). Community members as well as kin also served as witnesses in trials. Tom Lambert (2012a, 9) has noted that while royal law dealt with offences against the king, offences against the individual person were handled by individuals within the community and thereby by an unofficial community law, so to speak. The involvement of the members of town or vill communities in administering and executing justice meant that they also had a stake in the outcome. This is what made punishments such as exile so effective: an exile was not only beyond the protection of the law, but was also socially shunned and cast out from his home.

Just as communities took part in local justice and had a stake in the outcome, they were also very much involved in the funerary ritual. The problem with examining burial traditions on the local level throughout England, is that there were no clear or binding rules regarding Christian burial; Anglo-Saxon Christian doctrine provided a basic template for burial that was easily manipulated and merged with local traditions. However, it is clear that some sort of phenomenon was happening in southern England where certain types of people were being excluded from churchyard burial and buried together at specific locations. This could only have happened if it was supported on the local level, if there was general agreement within communities that these people should be excluded. Victoria Thompson (2004, 63) astutely wrote that 'burial practice is often a locus of expression of individual and group anxieties'. There were clear anxieties about burying offenders in minster churchyards with other Christians. The question is whether their exclusion and burial near prehistoric monuments was purely social exclusion from the community or did indeed have deeper connotations of damnation.

It seems somewhat harsh to knowingly condemn someone to eternal damnation in the fires of hell. It is easier to believe that burial at what we refer to as execution cemeteries may have been purely a way of excluding sinners, criminals and exiles from the community even in death. Perhaps the gathering of these deviants together in one location was a way of still according them some funerary ritual. However, while not every layman would have been well learned in Christian theology, for the clergy and the more devout it would have been hard to ignore the damning connotations associated with burial outside of consecrated ground. Whether initially intended or not, exclusion from the normative Christian community in death went hand-in-hand with spiritual condemnation. As Victoria Thompson (2004, 178) has argued, in Anglo-Saxon England, Christian burial was not a given right; it had to be earned.

After the Conquest, communities were certainly restructured with the invasion and settlement of Normans. Although the greatest social upheavals were at the top social levels,

amongst earls and bishops, middle and lower class Anglo-Saxons fell under the administration of new Norman landowners and middle class Normans were integrated into the urban community life (Thomas 2003, 105-37, 161-99). That there were social tensions in the merging of these two peoples is overtly apparent, particularly in developments such as the *murdrum* fine, which held the entire community responsible for making financial amends for the death of a Frenchman or for turning in his murderer. This law intentionally pitted individuals within the community against each other. Yet, despite unease within the social community, burial within the Christian community became much more inclusive, as evidenced by the absence of criminals in the funerary record.

Charles West (2016) has recently recognised that the tale of the two revenants in Geoffrey of Burton's *Miracles of Saint Modwenna* is evidence of social tensions due to changes in landownership. West has connected the story to a land ownership entry in the Domesday Book, which demonstrates that the lands neighbouring those of the Abbey of Burton changed hands shortly after the Conquest. The two villagers who ran from Stapenhill were branded as exiles for leaving their lord, the abbot of Burton, to reside under the jurisdiction of the new Norman lord, Count Roger, in Drakeslow. West has suggested that the running of these men from one lord to another may demonstrate that hostility between the new Norman land owner and the monastery at Burton can be seen to have a 'trickle-down' impact on the lower classes. Notably, despite any tensions between powerful land owners or the fact that these two runaways were technically exiles, they were still buried in the churchyard in Stapenhill (Bartlett 2002, 195). However, they did not stay there for long, which will be discussed further on.

Increased social tensions would be expected to lead to even further social exclusion; this was certainly not the case in death. The inclusion of criminals in the community of the deceased after the Conquest was probably partly due to a lesser emphasis on the importance of both consecrated burial in early medieval France; however, the conquered Anglo-Saxon community followed suit in adjusting the burial location of their most grievous sinners. There is nothing in the literature to suggest that consecrated burial for all was imposed by the Anglo-Norman authorities. The fact that there were so few references to unconsecrated burial in the Anglo-Norman ecclesiastical histories or laws suggests that it was not something the clergy worried about or enforced. It is possible that greater theological changes were taking place which effected both the Norman and Anglo-Saxon beliefs about the burial of sinners.

Church structure was also undergoing transitions during this period. During the eleventh and twelfth centuries the Anglo-Saxon minster system was replaced by monasteries and parish churches (Blair 2005, 291-512). Boundaries were redefined into parishes with local churches, and religious communities were once again separated in monasteries. A result of

this shift was easier access to members of the clergy for the secular community. During the ninth and tenth centuries the religious communities of minsters had gradually become more integrated with the secular communities, but the development of parish churches meant that priests lived among the secular community and were more regularly available to individuals in that community. Victoria Thompson (2004, 45) has suggested that this led to ‘a more rigorously penitential approach to dying’. With smaller parishes, community members could more regularly expect a priest to be present at their deathbed to provide them confession and to be present and lead the funeral. The whole process of death became more structured according to Christian ideals. Thompson also points out that as more local churchyards developed throughout the later Anglo-Saxon and post-Conquest periods, people would have more regularly come into contact with the buried dead and been more aware of the graves of their kinsman. It may have been this heightened sense of death and concern for the proper rituals of penitence and confession combined with an increase in clerical interest in local burial which led to the increased inclusion in the Christian community of the dead.

At the same time as local communities were gaining increasing access to the proper Christian death-bed rituals, there was a growing trend toward increased concern for clerical impact on the fate of the soul and belief in a second chance to do penance for one’s sins. Ultimately, the clerical reticence to negatively impact the immortal fate of any individual supported the allowance of Christian burial to everyone, even the worst criminals. This movement would be theologically justified with the idea that only God could make the final judgement regarding the fate of the soul, and it was not the place of man, clerical or secular, to make this decision for him; of course, this concept is in complete opposition to the use of capital punishment by secular authorities. Anglo-Saxon legislation conveys the impression that the Church and royal authorities were cooperating in the formation of judicial punishment, although this may be entirely constructed through the fact that higher members of the clergy were responsible for the physical writing down of the laws. Still, after the Norman Conquest there seems to be underlying tensions between the Church and kings in the use of judicial punishment which were not apparent in the Anglo-Saxon period.

The Normans continue the trend of corporal punishment begun in the late tenth century, but its use seems to have more strictly judicial connotations without the additional penitential characteristics put forth by the Anglo-Saxon royal authorities (see Chapter 8). Neither of William’s clauses on replacing execution with corporal punishment (*Articles of William I* no. 10 and *Willelmi Articuli Retracti* no. 17) mention being merciful, but *Willelmi Articuli Retracti* no. 17 specifically states that the criminal would act as a symbol of ‘treachery and wickedness’ (Robertson 1925, 251). Meanwhile the clergy continued to believe that execution was harmful to the souls of both the condemned and the condemner. This difference of opinion was emphasised by the creation of a separate ecclesiastical court by

William I, which handled offences committed by the clergy and matters pertaining to the Church. The ecclesiastical court could not assign capital punishment or any corporal punishment which shed blood. Clergy had always been prescribed less harsh punishments than secular offenders (see Appendix B, no. 20), but the full separation of the legal process and the development of Canon law seem to have been an acknowledgement of a certain lack of cooperation. English judicial punishment and ecclesiastical views of penance seemed to grow in different directions, leading to, on the one side, increasingly spectacular executions in the later Middle Ages, and on the other, the effortless adoption of the doctrine of Purgatory.

Purgatory

Key to understanding Christian burial and views of the afterlife is the interim period between death and the Last Judgement. The Anglo-Saxon view on what this interim consisted of is somewhat vague. A great deal of emphasis is placed on the Day of Judgement in Christian texts, especially those from the Anglo-Saxon period. When a person dies, their soul and body are separated until the Day of Judgement, when all souls and bodies will be reunited and risen from the grave, at which point their ultimate fate – heaven or hell – will be decided (Bynum 1991). Early Christianity assumed salvation for all Christian followers, but by the time of the Anglo-Saxon conversion this had already been replaced by extensive concern about sin and fear for the soul's fate (Foxhall Forbes 2013, 111). Due to this fear, a great deal of attention is placed on readying the soul for death.

Rituals were recorded for the sick and dying which were meant to ease the passing of their souls into the next world (Foxhall Forbes 2013, 112; Thompson 2004, 57-131). Confession and repentance at the time of death was recommended. Most Anglo-Saxon homilies and penitentials emphasise that the sins a person died with were the sins he would carry with him to the Last Judgment (Foxhall Forbes 2013, 202), which suggests that nothing can happen during this interim period to affect the state of the soul's salvation. The third Blickling Homily implies this when it states:

Let us perform for our Lord true repentance and amendment, so that we hereby earn remission of our sins, and eternal life after this world, in eternal blessedness. Let us earnestly consider that we should keep ourselves at this and every time from deadly sins, for each man who dieth in these shall be doomed to everlasting torment (Morris 2000, 18).

The tenth-century poem *Soul and Body II* also presents this idea in its opening lines:

Of this, certainly, every man has need: that he should give attention to the fate of his soul and how grave it will be when death comes and cleaves those kinsmen who were before joined together – the body and the soul. It will be long afterwards that the spirit received

from God himself either torment or glory exactly as that earthly vessel previously prepared for it in the world before (Bradley 1982, 359).¹⁶³

The poem proceeds to present the soul returning to the lifeless body in the grave to berate it for committing sins during its life, for which they will both ultimately suffer.

I dwelt within you – I could not get out from you, being engrossed in flesh – and your wicked lusts oppressed me ... but what shall we two do when he [the Lord] has regenerated us for a second time? We shall then have to enjoy together thereafter such miseries as you domed us to before (Bradley 1982, 360-61).¹⁶⁴

This poem implies that the body and soul remain separated and resting during the interim until they are reunited and judged.

Provisions were also made for prayers and masses for individual's souls after their deaths. Names of dead community members were recorded and read out at weekly masses from as early as the sixth century. Donations to churches were often made with the provision that prayers were to be said for the individual after his or her demise (Foxhall Forbes 2013, 211-62). In part this was a way to ensure the dead were remembered by the community, but it was also a form of regular prayer for the deceased. These prayers for the dead, which were encouraged by the Church, suggest that the views implied in penitentials and *Soul and Body II* about the interim were not actually that clear.

The concept of prayers for dead kinsmen and neighbours requires the belief that the living can help the dead during the interim and affect the ultimate salvation of the dead person's soul. The positive effect of prayers, alms, offerings and masses for the dead can be seen in Bede's *Vision of Drythelm*, included in his *Historia Ecclesiastica Gentis Anglorum*. Drythelm's guide in the otherworld tells him that 'many are helped by the offering of Masses, and are therefore set free before the Day of Judgement' (Sherley-Price 1990, 288). The place from which they might be set free is essentially the fires of purgation, but this will be discussed momentarily; for now, it is important to recognise that prayers from the living could ease the otherworldly suffering of souls.

Examples of donations and requests for prayers in laymen's wills and guild records suggest that the concept of aiding the dead during the interim was not merely an ecclesiastical notion but a belief put into practice by all members of the community in early medieval England. For instance, King Edmund made a grant to the New Minster in 940, and

¹⁶³ 'Huru Dæs behofaþ hæleþa þæt he his sawle sið sylfa bewitige hu þæt bið deoplic þonne se deað cymeð asundrað þa sibbe þa þa ær somund wæron lic ond sawle long bið siþþan þæt se gæst nimeð æt gode sylfum swa wite swa wuldor swa him in worulde ær efne þæt eorðfæt ær geworhte' (Mackie 1934, 74, ll. 1-8).

¹⁶⁴ [eardode] ic þe in innan no ic þe of meahthe flæsce bifongen ond me firenlustas þine geþrungon ... ac hwæt do wit unc þonne he unc hafað geedbyrded oþre siþe sculon wit þonne ætsomne siþþan brucan swylcra yrmþa swa þu unc ær scrife' (Mackie 1934, 76-78, ll. 30-32, 93-96).

stipulated that the money was for forgiveness of his deceased father's, King Æthelstan's, sins (S470; Foxhall Forbes 2013, 228). In such grants of land or money, it is often stipulated that daily prayers must be said or masses held with their name and memory in mind until Judgement Day. This, thus, ensured that prayers were said for the deceased on a regular basis. Living members of the community were all too willing to pray for the dead, because the ritual ensured that they too would be prayed for after their deaths.

The concept that the state of the soul can change during the interim period relies on the implication that there was an individual judgement at the time of a person's death as well as the final judgement which is supposed to happen to everyone, living and dead, at the same time (Foxhall Forbes 2013, 204-6). The individual judgement determines the location and state of the soul during the interim period. This would have theoretically allowed the souls of certain sinners to have been condemned immediately to Hell upon their death and martyred saints to be raised directly to Heaven, rather than awaiting the Last Judgement. The allowance for individual judgement at the time of death is also crucial to development of Purgatory (Goldhammer 1981, 5).

Helen Foxhall Forbes (2010; 2013) has argued that there was a concept of Purgatory in the later Anglo-Saxon period. Purgatory was made official by the Church as a concept and a realm in 1274 at the Second Council of Lyon. Jacques Le Goff (Goldhammer 1981), who completed what is still probably the most influential study on the development of Purgatory, argues that the most crucial points in its 'birth' were the application of the word *purgatorio*, accompanied by the concept of the purging of sins in the otherworldly cleansing fires, and the conception of a metaphysical space in which this purging occurred. Le Goff freely admits that the foundations of purgatory were laid down by Augustine and his contemporaries. Augustine in particular made the connection in the similarity between earthly penance and otherworldly purgation, divided sins on a scale from very serious to quotidian with the implication that they deserved different levels of punishment, and conceived of the idea of a temporary hell in which sinners would encounter a painful, penitential fire (Goldhammer 1981, 61-85). Le Goff refers to this as 'pre-purgatory', a concept which, according to him, seems to have been discussed and modified for centuries, but without much forward progress until the late twelfth-century. He emphasises the role of changes brought by a feudal social structure and the development of a sophisticated penal system (Goldhammer 1981, 5, 130-31, 211). Yet much of what Le Goff attributes to twelfth-century social and legal systems was already in place by the early eleventh-century. From at least the eleventh century there is clear evidence for the belief in both an individual judgement just after death and the Last Judgment of everyone as well as an intricate legal and penal system which accounted for the fate of both body and soul and which could be applied in understanding the heavenly court with both God as authority and judge.

There are two difficulties in identifying purgatory in Anglo-Saxon theology. The first, discussed above, is that very few writers discussed the interim period at all, preferring to focus on the Last Judgement (Foxhall Forbes 2013, 202). The two visions of Drythelm from Bede and Ælfric are really the only explicit historical evidence of how the interim was envisioned. Returning to Bede's *Vision of Drythelm*, it is immediately apparent that the belief in a third realm for those who were not so good as to enter immediately into heaven and for those who were not so bad as to be condemned straight to hell was present in eighth-century England.

Drythelm first enters an area with burning flames to the left side and bitter snow and hail on the right side, where sinners leapt back and forth between the two extremes, attempting, but failing, to soothe the pains caused by the elements. Drythelm thinks this is hell, but he is informed that hell is much worse. It is explained to him that,

The valley that you saw, with its horrible burning flames and icy cold, is the place where souls are tried and punished who have delayed to confess and amend their wicked ways, and who at last had recourse to penitence at the hour of death, and so depart this life. Because they confessed and were penitent, although only at death, they will be admitted into the Kingdom of Heaven on the Day of Judgement (Sherley-Price 1990, 287-88).¹⁶⁵

He also encounters a flowery field, brightly lit and full of happy people in white robes. This is not heaven, but another area of the third realm, for those people who were mostly good in life, but not saintly enough to enter heaven directly. They too wait for the Day of Judgement to enter heaven, but without undergoing torture. Yet this is not a strict divide either, because those who are permitted to leave the fire and ice early go to the flowery field to continue waiting. This may not be Purgatory exactly as it was established in the thirteenth century, but it certainly has all of the main elements, aside from the use of the word *purgatorio*.

Orderic Vitalis, however, in Book VIII of his *Ecclesiastical History*, written 1133 x 1135, does refer to *purgatorio*:

So all unseemliness of which base humanity is guilty is burned away in purgatorial (*purgatorio*) fire and soul is purified by every kind of purgation that the eternal judge deems right. And just as a vessel, cleansed from rust and well-polished, is placed in the treasury, so the soul, purified from the stain of every sin is led into paradise, where it

¹⁶⁵ 'Uallis illa, quam aspexisti flammis feruentibus et frigoribus horrenda rigidis, ipse est locus, in quo examinandae et castigandae sunt animae illorum, qui differentes confiteri et emendare scelera, quae fecerunt, in ipso tandem mortis articulo ad paenitentiam confugiunt, et sic de corpore exeunt; qui tamen, quia confessionem et paenitentiam uel in morte habuerunt, omnes in die iudicii ad regnum caelorum perueniunt.' (Plummer 1986)

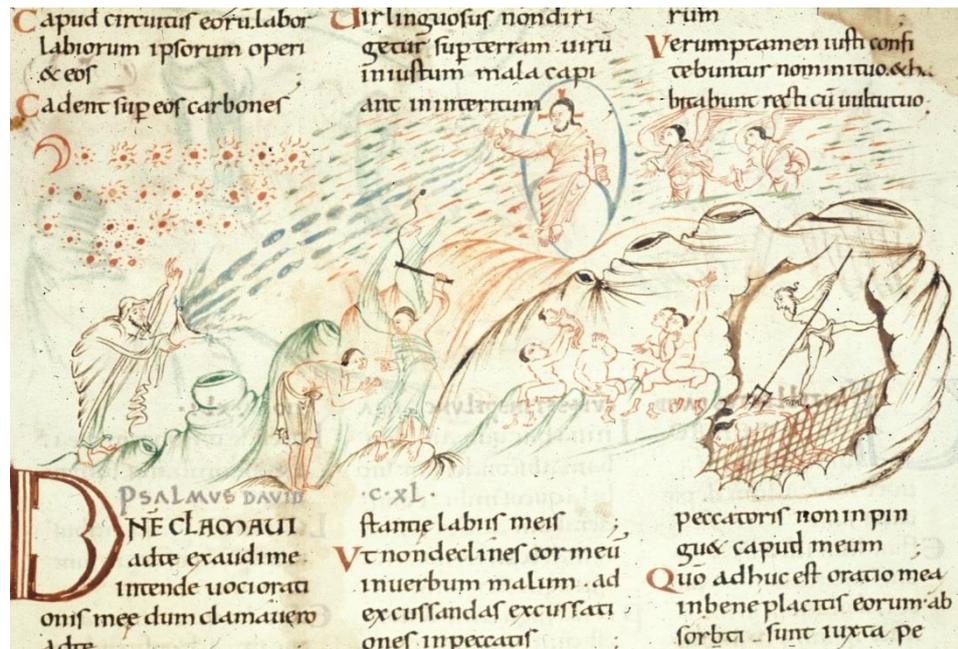


Figure 9.3. MS BL Harley 603 f. 72, c. 1000 x 1050, depicts four figures with amputated feet seemingly sitting inside the mound, while a devil tortures sinners in hell. ©British Library, London

enters into perfect blessedness and the joy that knows no fear or shadow (Chibnall 1973, 240-241).¹⁶⁶

In this passage Orderic refers to ‘purgatorial’ fires, which cleanse the soul and allow its entry into Paradise.

The second difficulty is that Purgatory is not always to easily distinguishable from Hell, particularly since fire was a common motif for both. Fire was thought to be cleansing for sins, which is why it was used throughout the middle ages for execution; yet it is rarely clear if otherworldly fires were cleansing or eternally painful. Helen Foxhall Forbes (2013, 96) has suggested that some of the depictions scholars assume to be Hell might actually represent Purgatory. MS BL Harley 603 f. 72 was one of a number of depictions in the early eleventh-century Harley Psalter which inspired Sarah Semple to argue that Anglo-Saxons had a very landscape driven perception of Hell, and that barrows might have been perceived as the entrance to Hell (Figure 9.3). The human figures within the mound are more lightly drawn, similar to some of the other ethereal beings in the manuscript, perhaps representing them as otherworldly or dead. Foxhall Forbes takes this idea even further, suggesting that the mound might represent both Hell and a third purgatorial realm. The artist has made a clear distinction between the pit where a demon torments evildoers and the area of the mound

¹⁶⁶ *Vnde quicquid inconueniens fœx carnalis commisit purgatorio igne decoquitur, uariisque purgationibus prout æternus censor disponit emundatur. Et sicut uas excocta rubigine mundum et diligenter undique politum in thesaurum reconditur sic anima omnium uitorum a contagion mundata paradysum introducitur, ibique omni felicitate pollens sine metu et cura lætatur* (Chibnall 1973, 240).

where the ethereally drawn figures reside. Their feet have been cut off, which probably means that they are criminals, but perhaps they have atoned through corporal punishment and still await final Judgement. The leftmost figure even raises his soul, typically represented as a miniature man, to the heavens, as if imploring God to accept it into Heaven.

To differentiate Purgatory from Hell it is crucial to understand the distinction between punishment and penance. In theory, punishment was purely retribution by or for the wronged party, whereas penance was an attempt at atonement by causing the sinner to suffer an amount that is deemed to have been equal to the sin. In practice, the lines between the two were often blurred. In part this is due to such a subtle distinction which very much relies on the intent of the person prescribing the physical suffering and the acceptance of the victim. For example, the flogging of a slave by his owner because he was caught in the act of theft is a punishment, because the owner is getting revenge for the wrong committed against him, and the slave is most likely opposed to the suffering; however, the self-flagellation of a priest for impure thoughts is penance because the punishment was self-imposed with atonement in mind and the victim accepts the punishment with contrition.

The main reason for the overlap in punishment and penance, however, is the involvement of clergy in the formation of laws and a shared penal vocabulary between the Church and royal authorities (Hough 2000, 134-35). II Edmund 4 is a perfect example of this:

Further, I declare that I forbid anyone [who commits homicide] to have right of access to my household, until he has undertaken to make amends as the church requires, and has made – or set about making – reparation to the kin, and has submitted to every legal penalty prescribed by the bishop in who diocese it is (Robertson 1925, 11).¹⁶⁷

This clause refers to two different types of reparation – penance as ordained by the Church and monetary compensation to the family of the slain man as prescribed in royal legislation. Yet, the same term – *bot* – is used to refer to both of these acts. While *bot* was a somewhat indiscriminate term for compensation, the fact that it is used to refer to both the monetary compensation paid as amends for the family's loss and the means of individual spiritual atonement, which was not necessarily monetary, suggests that there may have been an implied penitential aspect to legal compensation. Stefan Juranski (2014) has argued for a similar implication of penance in the injury tariffs; he suggests that the prescribed payments for injuries in the tariffs are intended as sick-maintenance payments for the souls of the offenders rather than for the care of the actual injury.

The close relationship between penitential texts and secular law has long been acknowledged in scholarship, the work of J.P. Oakley (1932) having been one of the

¹⁶⁷ '[Be blodgeote.] Eac ic cyðe, þæt ic nelle socne habban [þone ðe mannes blod geote] to minum hirede, ær he hæbbe g[od]cunde bote underfangen 7 wið ða mægðe gebet – on bote befangen – 7 to ælcum rihte gebogen, swa biscop him tæce ðe hit on his scyre s'y (Robertson 1925, 10).

foundational studies on this subject. Oakley's argument that penance was found in legislation as early as the law-code of Æthelstan is debated, but his proposal for an association between legislation and penitentials has greatly added to scholars' understanding of the close relationship between king and Church. Hough (2000) highlights the distinction between the concept of the laws having been informed by the penitentials and the inclusion of penance as part of secular punishment, arguing that there is little evidence for the former. References to penance and confession are a reflection of ecclesiastical motive and influence on law-making rather than a direct association with penitential texts. However, the fact that law-makers were not simply copying ecclesiastical penalties from penitential manuals but adding specific penance to accompany judicial penalty emphasises its natural place alongside secular justice.

There were, of course, huge differences between the two written forms in the application of penance, namely that penitentials proceed with the assumption that no sin was too great to be forgiven with the proper atonement, whereas there are certain legal offences which were *botleas*. However, it is not a far leap from a secular legal system which prescribes certain punishments but allows the offender to make some amends through penance and monetary compensation to a spiritual system which threatens fearful punishments but allows the sinner to atone through suffering and the monetary payments of living kin before facing the ultimate judgement. Purgatory is, to a certain extent, a mirror of the late tenth- and early eleventh-century English legal system, in which the soul is the accountable offender before a heavenly court with God in the throne.

C. S. Watkins (2002; 2007) has also argued that purgatory has a pre-thirteenth-century presence in England in ghost stories and visions of the dead appearing to the living. While it seems that Anglo-Saxons thought the corpse retained a certain amount of sentience, enough to be aware of its existence in the grave, Anglo-Saxons do not seem to have worried too much about the walking dead; rather Anglo-Saxon ghost stories were visions or dreams of the dead visiting loved ones to warn them about their own deaths (Schmitt 1998, 8, 33). Such visions continued, but began to introduce purgatorial landscapes in the twelfth century where the 'gloom of sin and punishment was balanced by the hope of escape' (Watkins 2002, 10). However, even more suggestive of purgatorial sympathies is the sudden appearance of revenants in twelfth-century historical chronicles and how these undead are dealt with (Watkins 2002, 22-33; 2007, 170-201).

Most traditional tales of revenants, once the corpse has risen from the grave, require the destruction of some part of their anatomy, whether this was severing the head, burning the heart, or a stake through the chest (Barber 1988). One tale in particular, from William Newburgh's late twelfth-century *Historia Rerum Anglicarum*, provides a completely different take on getting rid of revenants. In Buckingham a man died and was buried, but his corpse

rose from the dead every night after his burial and tried to climb into bed with his wife, harassed his brothers, and generally wreaked havoc in the town. Many people said that the villagers should exhume his body and burn it, but the case was sent to Bishop Hugh of Lincoln, who wrote a letter of absolution and had it pinned to the dead man's chest. After this he never rose from his grave again (Stevenson 1996, 656-57). A similar story can be found in Walter Map's *De Nugis Curialium*, written in the second half of the twelfth century. One night a knight was visited in his home by the corporeal ghost of his father. The ghost of the father asked his son to call a priest, because he had been excommunicated prior to his death and required absolution. The priest absolved the revenant and he went back into his grave, which closed over his and he never rose again (James et al. 1983, 207).

Watkins sees both of these stories as examples of the dead needing help from the living to obtain absolution; however he raises the issue that while Bishop Hugh was aware that this was the right course of action, there were many people who were ready to burn the body. This distinction between clerical and lay understanding of the situation highlights that purgatorial ideas were beginning to circulate within higher religious circles as early as the twelfth century, but they had not yet permeated the beliefs of rural communities (Watkins 2002, 22-25). Still, explicit notions of a second chance for absolution of sins after death was something fairly new to post-Conquest writings, and demonstrates that Christian belief and practice was progressing ever closer to the fully fleshed concept of Purgatory which was adopted in the later thirteenth century.

The provision of all individuals with a Christian burial demonstrates the same acknowledgement that death was not the deadline for salvation and that there is still a chance for souls to be redeemed beyond the grave. However, just as tales of revenants seem to display some discord between ecclesiastical convictions of absolution and lay traditions, these tales also demonstrate uncertainty in the transition of burying sinners in consecrated land. Most of the people who return from the dead in Anglo-Norman ghost stories were sinners who were given Christian burial: the two revenants in Geoffrey of Burton's story had run away from the jurisdiction of their lord (Bartlett 2002, 193-99), the father of the knight had been excommunicated from the Church, the other revenant from Walter Map's *De Nugis Curialium* who had its head cut down the middle died an 'unchristian' death (James et al. 1983, 202-07), and of the four revenants in William of Newburgh's *History* one was said to have been a rogue, one was a priest who kept a mistress, one was a 'man of evil' who received Christian burial even though he was 'unworthy of it', and in the tale discussed above the dead man certainly required absolution for some misdeed (Stevenson 1996, 656-63).

The idea that revenants rose from the dead because they were sinners or because something was improper about their burial is not novel to Anglo-Norman England (Barber 1988, 29-38). What may be significant, however, is that in none of these tales does the dead

man return because he was not given consecrated burial when he should have been; these are all grievous sinners who were buried among other Christians. It is, thus, not a coincidence that the sudden development of tales of revenants coincided with the transition to burying sinners in churchyards instead of unconsecrated execution cemeteries. These stories of the corpses of sinners physically rejecting hallowed burial encompassed the fears and unease of rural communities about changing funerary traditions within Christianity.

CONCLUSION

What will have become very clear in this chapter is that there are a number of factors that influence burial custom, and secular burial traditions were integrated with Christian beliefs on a local and regional level. Particularly with the development of parish churches, priests became regular members of the rural community. On a more elite level, the relationship between the clerical and royal authorities had a great impact on Christian practice and judicial legislation. During the Anglo-Saxon period royal justice and Christian theology seems to have worked together in the development of the fearsome phenomenon that was the execution cemetery. These places where criminals and sinners were buried adopted connotations of damnation and the notion that they were the gateway into hell itself. This may have been due to a supernatural understanding of their prehistoric use as 'pagan' burials, but it seems more likely to have been a result of their frequent use for the burial of those individuals whose souls were damned at the time of their deaths and an overall stigma of these locations as places of death.

After the Conquest the growing inclusiveness of churchyard burial seems fairly abrupt. In reality merciful punishment and the opportunity for second chances had been a theme growing among the clergy since the tenth century. It is not a far leap from creating second chances for penance and the cleansing of the soul in life, to the opportunity for the same thing after death. It is clear from Anglo-Saxon wills and charters that the concept that the living could help the souls of the dead was already pervasive in the lay community before the Conquest; however the idea had not permeated ecclesiastical theology. Since most of our historical evidence comes from ecclesiastical sources, it is often difficult to separate what were higher theological ideals and what was actually practiced on a local level. The move to inclusive churchyard burial may have been an idea of clergy which was imposed upon the rural population after the development of parish churches when priests had more involvement and influence over local communities. Tales of revenants demonstrate a certain amount of trepidation about including sinners among the Christian burial community. However, the opinion that consecrated burial was a privilege to be earned may not have been

so firm with the lay community as it was with clerical elites, and it may be those clerical elites who were most resistant to this change, which is why it feels so distinct. Most likely, the reality is somewhere in between.

Although Le Goff has firmly argued that Purgatory was the invention of twelfth-century Parisian theologians, there is evidence for all of the pieces of the doctrine in late Anglo-Saxon through Anglo-Norman England. Le Goff stated that Purgatory required a second chance to reach the hoped for afterlife, two judgements – one at the time of death and one at ‘the end of time’, and the concept of a ‘sophisticated’ heavenly court system with God as the head authority and judge (Goldhammer 1981, 5). A steady progression toward increasing the amount of opportunities for the salvation of the soul by atoning for one’s sins through suffering is evident from the tenth through thirteenth centuries. Bede and Ælfric had attempted to define a physical location for otherworldly penance between hell and paradise, although this was not picked up by other ecclesiastical writers. Finally, by the eleventh century the Anglo-Saxons had developed a complex centralised judicial court system, which was inherited by the Normans who further increased its centrality, and which they would have been able to project onto the concept of a heavenly court. Essentially, although the Anglo-Normans did not have a place they called Purgatory, where souls ventured after death, the foundations of a third realm and opportunity for salvation after death were already in place by the later twelfth century. Purgatorial beliefs were practiced on a local level in England long before the doctrine was made official by the Council of Lyons.

CONCLUSION

A number of themes have been discussed in the last eight chapters: political changes associated with the Norman Conquest, transformations in beliefs about the Christian afterlife, the perception of both the treatment of criminals and the criminals themselves within the community, the relationship between mortal and spiritual punishment, the attempt to understand the use of different execution methods using historical evidence and funerary evidence, how the use of corporal punishment relates to both capital punishment and larger contemporary ideologies. To sum up these themes, let us return, once again, to the execution of Earl Waltheof, which seems emblematic of the changes occurring in punishment between the tenth and twelfth centuries. His actual beheading embodies the awkwardness of the coming together of two cultures and merging of different penal traditions, while his burial and subsequent translation demonstrates the transition in the funerary treatment of criminals occurring around the time of the Conquest.

THE EXECUTION OF WALTHEOF

Among the leaders of the conspiracy to remove William I as king of England staged in 1076, Earl Waltheof was alone in being subsequently executed. The others, all Frenchmen, were exiled or imprisoned for life. Orderic Vitalis, writing roughly a century after the event, implies that the distinction in punishments had to do with penal tradition: exile and imprisonment were common Norman penalties, whereas ‘the law of England punishes the traitor by beheading’ (Chibnall 1990, 315). Chapter 1 asked whether these were genuine distinctions at the time of the Conquest and whether the subtleties of traditional punishments would have been understood by a foreign culture.

Anglo-Saxon law, from the reign of Alfred, did punish treason with death. Although capital punishment was practiced rarely, it was mandated for serious offences against the king, the Church, or the community. It is difficult to link methods of execution to types of crime; the Anglo-Saxon law-codes most often refer to death in a very ambiguous sense, and the histories and hagiographies usually specify only one or the other in detail. Hanging would probably have been the most common method of execution. It is mentioned in the codes as a punishment for thieves and slaves (Ine 24, VI Æthelstan 6.3, VI Æthelstan 12, III

Edmund 4). There are not many historical references to hanging in the Anglo-Saxon period, but those that exist do not imbue the practice with any special meaning or ritual. It was a fierce punishment for a serious offence. Other methods of execution were mentioned even more rarely in law-codes and historical sources. It is possible that drowning, stoning, and being burned alive may have been mechanisms of death used for judicial punishment, but there is no osteological evidence to confirm this.

Decapitation does not seem to have been used for a specific type of person, but rather a specific calibre of crime. There are only a few historical records which mention decapitation as a judicial punishment: a cup-bearer to Æthelstan was beheaded for treason (Mynors et al. 1998, 227-29; Appendix B, no. 4), a man who took four sheaves of wheat without permission from the royal steward was to be beheaded but was saved by the intervention of St Swithun (Lapidge 2003, 314-17; Appendix B no. 11), a slave whose crime was unspecified but was sent to the ordeal and was to be decapitated if found guilty (Lapidge 2003, 508-15; Appendix B no. 9), and the beheading of Eadric Streona ordered by king Cnut for treason (Campbell 1998, 30-32; Appendix B no. 19). These accounts reveal that decapitation was, indeed, used for very serious crimes – treason against the king, theft of the king's property, and failing trial by ordeal, a challenge faced only if all other means of trial were impossible because the criminal had no surety or witnesses (Bartlett 1986, 1-2, 25-31). Decapitation seems to have been an exceptionally significant form of punishment in Anglo-Saxon England. On top of the statement of judicial authority regularly associated with execution, decapitation had further connotations of shame, emascularity, and damnation.

Although it was not the main focus of this thesis, a theme which arose and reoccurred throughout the work was the centralisation of justice in Anglo-Saxon England over the eighth through eleventh centuries. The laws demonstrate kings successively assuming more authority and using punishment as a means of demonstrating and protecting that authority. From Æthelbert to Alfred there was a leap from purely monetary fines for offences in order to maintain social peace to placing the king at the head of the community and severely punishing offences against him. Kings following Alfred embraced this concept and continued to move away from the kin-based social structure with collective punishment to a hierarchical system with the king administering justice through regional and local representatives. The growth of execution cemeteries supports this theme. Seventh- and eighth-century isolated deviant burials, particularly those with evidence of a violent death, may represent either local collective justice or the initial funerary trend which developed into the execution cemetery; either way the development of regularly used execution cemeteries demonstrates a more organised treatment of criminals and the need for the powerful displays of justice that accompany centralised authority. This centralised royal administration was

adopted by William I, who was accustomed to a much more limited judicial system in Normandy.

There were no written laws in Normandy before the second half of the eleventh century, but the limited historical sources that discuss tenth- and eleventh-century Normandy, such as *Gesta Normannorum Ducum*, mostly agree with Orderic's assertion that the Normans preferred remittable punishments such as exile and imprisonment. It also seems that corporal punishments, particularly blinding, were fairly common (Greenway et al. 1995; Tabuteau 2003). After the execution of Waltheof, in the last article of his ten articles written before 1095, William first proposes that no man should be executed, but rather blinded and castrated (Robertson 1925, 243); although this ordinance banning capital punishment does not last beyond his reign in either the legislation or in practice, there is an enduring predilection for the use of penal dismemberment.

The decapitation of Waltheof occurred only ten years after the Conquest, at a point when the two penal traditions had not yet begun to merge. In a later account of treason which occurred in 1096 under William Rufus, both corporal and capital punishments were used. William Eu was blinded and castrated and his steward, William of Aldery, was hanged (Appendix B no. 33). Of course the temperaments of each king must be taken into consideration – William I was loathe to take a man's life while William Rufus was notably less concerned with such matters – but this also demonstrates the effect of the two penal systems integrating. The Anglo-Norman judicial system was more inclined toward dismemberment than execution, but did generally use punishment for severe crimes such as theft and treason on a scale more similar to Anglo-Saxon laws than Norman traditions. Hanging seems to have become the primary method of execution, if execution was ordered, but decapitation, with its underlying tones of damnation, was discontinued (until at least the reign of Henry II). Corporal punishment was used more often and for a wider range of offences during the Anglo-Norman reign that it had been before, but whether this was due to native Norman penal traditions or growing concern with merciful punishment is difficult to entirely separate. However, Anglo-Saxon and Norman penal systems do seem to have merged by the end of the twelfth century, combining the tactical use of execution from the Anglo-Saxons with the use of corporal punishment as a bold symbol of authority from the Normans.

THE BURIAL OF WALTHEOF

Most of the sources that record Waltheof's execution, such as the *Anglo-Saxon Chronicle* (Garmonsway 1972, 213), Henry of Huntingdon's *Historia Anglorum* (Greenway 1996, 399), and William of Malmesbury's *Gesta Regum Anglorum* (Mynors et al. 1996, 469-71), mention

only his final burial at Crowland; however Orderic Vitalis (Chibnall 1990, 323) and John of Worcester (McGurk 1998, 26) provide the detail that he was initially buried without ceremony near the location of his execution and then later moved to Crowland. Orderic Vitalis and John of Worcester were both justifying the saint cult which developed around Waltheof shortly after his death: they proclaimed him innocent of the crime for which he was sentenced to death, they describe his many acts of penance, and they depict the Normans as treating him cruelly to make his suffering all with more pious. However, although it may not have been Orderic's purpose, the depiction of Waltheof's headless body being roughly thrown into a ditch and hastily covered over, only to have it exhumed days later and moved to the consecrated cemetery at Crowland represents, in a single event, the dilemma that was occurring in ecclesiastical minds regarding the burial of executed criminals.

The Anglo-Saxons buried judicial offenders and sinners in locations far from the rest of the Christian community, in liminal yet visible locations. These places also appear to have been the location of judicial executions, which provided them an overall connotation as a place of death and enhanced the idea that the boundary between earth and Hell was thinner there. It seems probable that the burial of individuals in these unconsecrated locations near to Hell was thought to have been eternally damning. However, through the later eleventh century, everyone – sinners and pious Christians alike – began to be buried in consecrated churchyards. Christian burial was no longer an earned privilege but a given right. The motive behind this transition was a growing concern for everyone to be allowed the chance to achieve salvation.

Prior to the Norman Conquest, the theme of merciful punishment was beginning to weave itself into legislation. There is some debate about when the concept of penance first appears in Anglo-Saxon England (see Oakley 1932 and Hough 2000 for two differing perspectives), but it seems to have been a regular ecclesiastic fixture by the mid-tenth century; because sin and crime were not distinct concepts, an offence against the king was an offence against God, penance slowly merged into the legal system. By the twelfth-century laws of Henry I, punishments for homicide involved both monetary compensation to the state and prescribed penance (Downer 1972). However, the introduction of a penitential approach to punishment appeared much earlier, in the eleventh century law-codes written by Archbishop Wulfstan. II Cnut 2 states:

And we enjoin that, even if anyone sins and commits grievous crime, the punishment shall be ordered as shall be justifiable in the sight of God and acceptable in the eyes of men.

2a. And he who has authority to give judgement shall consider very earnestly what he himself desires when he says thus: "And forgive us our trespasses as we forgive [them that trespass against us]."

§ 1. And we forbid the practice of condemning Christian people to death for very trivial offences. On the contrary, merciful punishments shall be determined upon for the public good, and the handiwork of God and the purchase which he made at a great price shall not be destroyed for trivial offences (Robertson 1925, 175-77).¹⁶⁸

This same sentiment was previously found in the late tenth-century laws of Æthelred as well (V Æthelred 3, VI Æthelred 10). These laws do not explicitly favour corporal punishment, but the idea of merciful and justifiable punishments leans away from capital punishment. Around this time there is also a change in the perception of corporal punishment. Initially corporal punishment was introduced in legislation as its own punishment which was used for very specific crimes. This does not overtly change in the law-codes, yet there is a sense in late tenth- and eleventh-century ecclesiastical writing that corporal punishment is beginning to be viewed as a preferable alternative to capital punishment rather than as a separate message.

The Normans, or at least William, arrived in England with an inclination toward penal dismemberment, but they would have imposed it on an administrative audience which was largely clerical and already receptive. The application of penance had been growing, and corporal punishment was a version of imposed penance for grievous sinners. Corporal punishment allowed the offender to suffer for the remainder of their mortal lives, thus helping them to atone for their sins before the event of their death, giving them an extra chance at eternal salvation. This is one of the key themes surrounding changes in the treatment of criminals during the eleventh century: that the Church began to feel uncomfortable with the idea of knowingly condemning sinners to eternal damnation.

The burial of criminals in consecrated churchyards with and like other Christians rather than isolated and in unholy ground reflects the second chance provided by corporal punishment and the hesitation of the Church to condemn even the worst criminals to immortal damnation. I have argued that this is a symptom of purgatorial thinking. While there was no official space imagined for Purgatory, the concept of a second chance at eternal salvation by atoning for your sins through punishment and suffering was very much present in eleventh- and twelfth-century religious beliefs. As Helen Foxhall Forbes (2013) has shown, the foundations of a third realm were present in the works of the Venerable Bede and Ælfric of Eynsham, and regular provision for prayers for the dead demonstrates a belief that the

¹⁶⁸ ‘2. 7 we lærað þæt, þeah hwa agylte 7 hine sylfne deope forwyrce, ðonne gefadie man ða steore, swa hit for Gode sy gebeorhlic 7 for worulde aberendlic. 2a. 7 geðence swiðe georne se ðe domes geweald ágo hwæs he sylf gyrnne, ðonne he ðus cweðe: “Et dimitte nobis debita nostra sicut et nos dimittimus.” §1. 7 we forbeodað þæt man Cristene men for ealles to lytlum huru to deaðe ne forrénde, ac ells geræde man friðlice steora folce to ðearfe 7 ne forspille ma for ytlum Godes handgeweorc 7 his agene ceap ðe he deore gebohte.’ (Robertson 1925, 176)

soul can still be aided after death. The clerical reticence to execute even the worst criminals (with the apparent exclusion of traitors), the implications that corporal punishment has a penitential element, and movement of criminal burial from exclusive unconsecrated locations thought to be physically near Hell to within the boundaries of both consecrated churchyards and the Christian community shows further development throughout the eleventh century in the fear for the state of the soul and growing ecclesiastical mercy that ultimately leads to the creation of Purgatory.

Overall it appears that the change in burial was less a consequence of the Norman Conquest and more the result of trends in Western Christianity which had been developing, and continued to develop, for many centuries. It is arguable both that burial would have become more inclusive and that judicial punishment might have continued toward more 'merciful' methods without any Norman influence. However, Norman traditions of corporal punishment and inclusive burial certainly secured, and possibly hastened, these changes. Remarkably, while maintaining the progression of allowing everyone the right to Christian burial and including even more corporal punishments in the judicial system, the greatest influence of the Normans was to break apart the close relationship between the Anglo-Saxon clergy and judicial authorities which led to those changes in the first place. The late Anglo-Saxon execution cemetery was a result of Christian and judicial motives collaborating in the punishment of offenders to the community at large. While there were still powerful ecclesiastics in Anglo-Norman England, ecclesiastical and royal authorities diverged in their methods for improving society, and with it established the end of the complex phenomenon of the execution cemetery.

DECAPITATION AROUND THE CONQUEST

It is coincidental, or more likely apt, that Waltheof was decapitated, because it is the form of punishment which was most deeply embedded in and affected by the ideological changes of the eleventh century. Decapitation symbolised the cooperative relationship between Anglo-Saxon royal justice and the Christian Church in trying to improve society by encouraging fear of penal consequences. Decapitation was an utterly shameful punishment, even more so than other methods of execution. In Anglo-Saxon poems of battle and heroics as well as in most hagiographical tales, decapitation was a punishment reserved for the enemy, whether that enemy was a supernatural beast, such as Grendel in *Beowulf*, a proponent of an opposing religious faction, such as Holofernes in *Judith* or many martyred saints, or a political enemy, such as in the battle between Penda of Mercia and Oswald of Northumbria or in the death of Edmund of East Anglia by the horde of invading Vikings. The hero decapitated the monster

and the evil pagan kings decapitated the pious Christians; decapitation was not used by one side over another, but it was primarily used (in literature) by one side against another. When this method of death, best known for harming the enemy or the 'other', was used to punish someone from within one's community, it was not only degrading but also a symbolic way of denouncing the victim as a part of the community. This shame may have been added to by humiliating details such as grabbing the hair or beard in the process of the beheading.

Decapitation was not just a disreputable way to die, it was also spiritually ruinous. There are a number of references to decapitation which imply disastrous consequences for the soul. As soon as Holofernes' head is severed by the Christian heroine Judith, 'his spirit departed elsewhere beneath the ground and was there prostrated and chained in torment ever after'; he is described as being entwined in snakes and suffering hellfire, without any hope of ever escaping his dark prison, 'but there he shall remain for ever to eternity henceforth without end' (Bradley 1982, 499). Ælfric, in his homily on Ahitophel and Absalom, described the judicial decapitation of a robber as ignominious, adding 'his miserable soul afterwards shall journey to hell to the everlasting torments, in swart chains' (Skeat 1881a, 427). The image on folio 67r of the Harley Psalter (BL MS Harley 603 f.67r) shows a direct association between decapitation and residence in Hell, and the Old English Hexateuch image of Noah's Ark (BL MS Cotton Claudius BIV f. 15r) symbolically depicts the sinner who was damned by God's cleansing flood as a severed head impaled on the prow of the Ark rather than the more traditional corpse floating in the water.

There are a number of possibilities as to what makes decapitation in particular so horrible. It is possible that the condemnation of the soul is merely an assumption because the type of person who was likely to suffer judicial decapitation would have committed such a grievous sin that there was no hope for God's forgiveness; Ælfric also implies that the actual beheading takes place so quickly that the victim has only the briefest moment before the blade falls to silently prove himself contrite and penitent before God, if he is even willing to do so; I have also argued that rather than separating the body and soul to await reunification on the Day of Judgement, decapitation removes all consciousness from the body, in effect killing it, leaving the soul without a vessel to return to, at which point it must immediately enter Hell or Heaven.

Decapitation was simultaneously the worst mortal punishment and a vehicle for the most feared immortal punishment; it was the ultimate death. But this complicated ideology surrounding beheading may have seemed somewhat foreign to the conquering Normans. If the extreme message of decapitation was indeed understood by the Normans, it would then be logical that in the increasing effort to provide second chances, decapitation would be all but abandoned as a judicial punishment. Anglo-Saxon royal justice and the Christian belief system were able, largely because the amount of ecclesiastical influence and council in the

formation of legislation, to work together in making the significance of decapitation and the phenomenon of the execution cemetery effective. However, after the Conquest this relationship appears to breakdown somewhat – this is not to suggest a complete separation of Church and ‘state’, but rather that their goals and values for the betterment of society began to differ. The unease that had begun to surround the use of capital punishment in the Anglo-Saxon period was realised in the practical application of Anglo-Norman royal and ecclesiastical punishment.

Although both the royal administration and the eleventh- and twelfth-century Church utilised corporal punishment, they appear to have done so for different reasons. In the seventeenth article of *Willelmi Articuli Retracti* the king repeats his ordinance that ‘We likewise forbid that anyone be slain or hanged for any offence, but his eyes shall be put out and his feet or his hands cut off, or he shall suffer castration,’ but he adds ‘... so that the trunk remains alive as a sign of treachery and wickedness’ (Robertson 1925, 243). This sentiment suggests that the Norman use of corporal punishment may have been influenced more by judicial motives than out of Christian mercy. Corporal punishment was a repeated visual reminder of Norman judicial power; rather than a singular traumatic event, the offender and the community were faced daily with the consequences of crime. While the Church was growing ever more concerned about the welfare of the soul and the provision for further atonement and penance, the Norman royal court seemed to focus on how best to secure their authority over their own and a foreign people. The Normans did not just continue corporal punishment when they came to England, but may have also increased the amount of execution traditionally practiced in Normandy with the adoption of the Anglo-Saxon legal system.

It, therefore, seems probable that the Normans did not discontinue the use of judicial decapitation for spiritual reasons. The Normans did not even need to have understood the complexities of the tradition for it to disappear; the Normans merely had to dislike the practice and the Anglo-Saxons who remained in judicially administrative roles, even if at the regional and local levels, had to have been receptive to its suspension. Advising clergy would have certainly approved of limiting decapitation in light of their increasing approval of less spiritually harmful punishment. It also seems fairly clear that the Normans did not approve of decapitation. Historical accounts of its use by England’s ‘pagan’ neighbours reveal that beheading was thought to have been a cruel and barbaric practice by the twelfth century.

The Normans also had a ready replacement for the socio-political role that decapitation played. While all execution was gruesome and demeaning, decapitation was particularly shameful and, I would argue, emasculating. Manuscript images of victims’ heads being pulled by the hair or beard, both of which were features of immense pride and manliness to an Anglo-Saxon, and humiliating details in accounts of decapitation, such as

Judith using Holofernes' own sword to sever his head, attest to this shameful aspect. For the Anglo-Normans, castration played a very similar role. Castration was not a punishment that could be seen by the community as a sign of justice; it was a very personal and intimate punishment. Penal castration was never practiced on its own by the Anglo-Normans, but always as an addition to some other form of corporal punishment, such as blinding. Like decapitation, castration was an extra level of shame and emasculation imposed upon the victim of royal justice. Since the Anglo-Norman kings and legislators do not seem to have been overly concerned about how the fate of the soul was associated with judicial punishment, and because castration easily filled the role of an extra level of degradation to already demeaning treatments, the need for decapitation and the complex underlying beliefs associated with it became unnecessary.

FURTHER STUDY

This is not the conclusive study on early English execution. There is much more information to be gleaned about the execution cemetery. Andrew Reynolds (2009) put together a profile for the Anglo-Saxon execution cemetery which appears valid, but would be helped by further radiocarbon dates for many more of the cemeteries he has included. South Acre provided both Roman and late Anglo-Saxon dates (Wymer 1996); unfortunately a limited number of dates were taken, making it impossible to separate the earlier interments from the Anglo-Saxon use of the cemetery. Yet this hints at a potential association between Romano-British burial and execution cemeteries. A number of other cemeteries, such as Wor Barrow and Bokerly Dyke, which were demarcated by Reynolds as Anglo-Saxon execution cemeteries, were initially dated to the Roman-British period (Pitt Rivers 1892; Pitt Rivers 1898). Walkington Wold was one of these cemeteries, but subsequent radiocarbon dating showed it to be Anglo-Saxon in date (Buckberry and Hadley 2007). Given the funding and the appropriate preservation of any archived skeletons from these twentieth-century excavations, obtaining radiocarbon dates for the further cemeteries fitting Reynolds' profile would be invaluable to more fully understanding the origins and extent of the Anglo-Saxon execution cemetery.

Even without further radiocarbon dates, there is more work that can be performed to better understand the role of the execution cemetery within the community. Chapter 7 endeavoured to shed some light on this subject, by examining some of the personal actions and reactions associated with the actual act of execution. While in some areas we are limited by the resources available to us, such as who might have played executioner and exactly who might have witnessed the event, there are certainly areas that deserve more research. A fuller

paleopathological comparison could be performed to create a profile of the lifestyles of those interred at execution cemeteries. I performed a comparison based on the available data, however the dataset was incomplete for all of the execution cemeteries and the comparison was based on the analyses of different osteologists with individual perceptions and differing methods of examination. For a proper comparison to be made the skeletons from each site must be reanalysed within the parameters and aims of the study and those that were never analysed using modern osteological methods must be added to the data set.

This study focused on the phenomenon of the execution cemetery in England on the whole, because the aim was to examine political and religious trends on a national scale, but some of the more recently excavated and well dated sites might benefit from a more local examination. Chapter 7 went to some lengths to speculate about community perceptions of the treatment of grievous offenders, however a few case studies which looked at how the execution cemetery fits into the surrounding area, from both a landscape and a social perspective, might reveal further information on this theme. Andrew Reynolds has thoroughly catalogued the execution cemeteries' proximities to boundaries and towns, but taking this even further and continuing to look at when the towns were occupied and the use of normative cemeteries associated with these towns might lead to some helpful discoveries. It might also be interesting to recreate the actual landscapes as closely as possible to envision accessible routes to the place of execution and how visible these locations would actually have been.

The continental execution cemetery is also a subject which requires further research. This thesis only briefly touched on continental burial when it looked at Elizabeth Zadora Rio's study of consecrated burial in France, yet it seems as if the Anglo-Saxon execution cemetery may have been a rarity in early medieval Europe. However, in the later Middle Ages, a similar phenomenon appears in numerous locations across the continent (Hansson 2012; Meurkens 2010). These are most likely not linked to the English execution cemeteries which had long gone out of use by that time, but its late origins are intriguing. Coolen (2013) highlighted the overt similarities in the location of execution across medieval Europe, yet on closer examination he argued that there are subtle but important differences in location which may suggest different meanings. Even if the continental execution cemeteries were not inspired by or had no relation to English execution cemeteries, perhaps whatever changed political, social or religious ideology that sparked their existence in late medieval continental Europe might also have been present, or even the driving force behind their use, in Anglo-Saxon England.

There is also further research to be done on the punishments themselves. For instance, the main study on Anglo-Norman castration was performed by van Eickels in 2004, and there do not seem to be any further or contradictory studies; yet there is much more to

be understood about its use. Decapitation fell out of use during the Anglo-Norman period, but it was clearly resumed and became the main method of punishment for European nobles into the early modern period. It would be useful to examine exactly when the practice was resurrected and for what reason. Similarly, at some point corporal punishment and execution become combined as a grand spectacle for a community audience, yet when this occurred has not been studied in any sort of detail.

An underlying theme of this thesis was also the centralisation of Anglo-Saxon authority through the medium of punishment. Through exploring the treatment of criminals, the development of royal justice and the shift from local penal customs in the eighth century to more consistent and widespread patterns of justice by the Conquest became evident. As this was not the main focus of the thesis, further exploration of the role of punishment in the development of royal authority and power is necessary and would reveal more about the growth of kings and kingdoms in late Anglo-Saxon England and, in particular, the rise of Wessex.

CONCLUSION

I hope that this study has contributed to early medieval English scholarship by highlighting that the treatment of deviant members of society, or the 'other', can reveal significant ideological trends running through society on the whole. It can be seen that there were some very far-reaching changes occurring around the time of the Conquest, some directly related to the merging of Anglo-Saxon and Anglo-Norman cultures, others part of larger trends occurring across all of Western Europe at the same time. As noted above, there is still further work to be done of the topic of early English execution and burial of criminals, however I believe this study has made great strides in using a truly interdisciplinary approach to examine Anglo-Saxon crime and punishment. I also hope this study has also demonstrated that there were subtle yet distinct and important differences in the use of judicial punishment at different points in the medieval period, and also that these sorts of punishments were layered with a complex ideology. Twenty-first-century scholars or public should not ascribe blanket terms such as 'rudimentary' or 'barbaric' to medieval punishment on the whole. When this is done, the elegance of the Normans perceiving decapitation as barbaric and horrible but introducing castration as an acceptable punishment is lost. Judicial punishment in any period must be appreciated in its specific historical context.

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Appendix A

CATALOGUE OF EXECUTION CEMETERIES

This is a catalogue of the deviant individuals from the execution cemetery sites. The details of deviants from non-execution sites and Anglo-Norman sites are provided in full detail within the text; however the individuals from the execution cemeteries are largely handled as a group, so it seemed necessary to provide further details for individuals who were decapitated, bound, and buried in unusual positions here. Multiple burials without any other deviant characteristics are not mentioned, nor are burials without the above mentioned characteristics. It is fair to suggest that all of the individuals at execution cemeteries display some form of deviance; however the individuals provided with further details below were those who were specifically discussed in Chapters 4-6 because they exhibited specific indicators of possibly having an unnatural death.

BRAN DITCH (CAMBS)

Date: Late Saxon

No. of inhumations: around 50 (not all of the individuals were discussed so it difficult to ascertain exactly how many individuals were found)

No. of deviants: 18

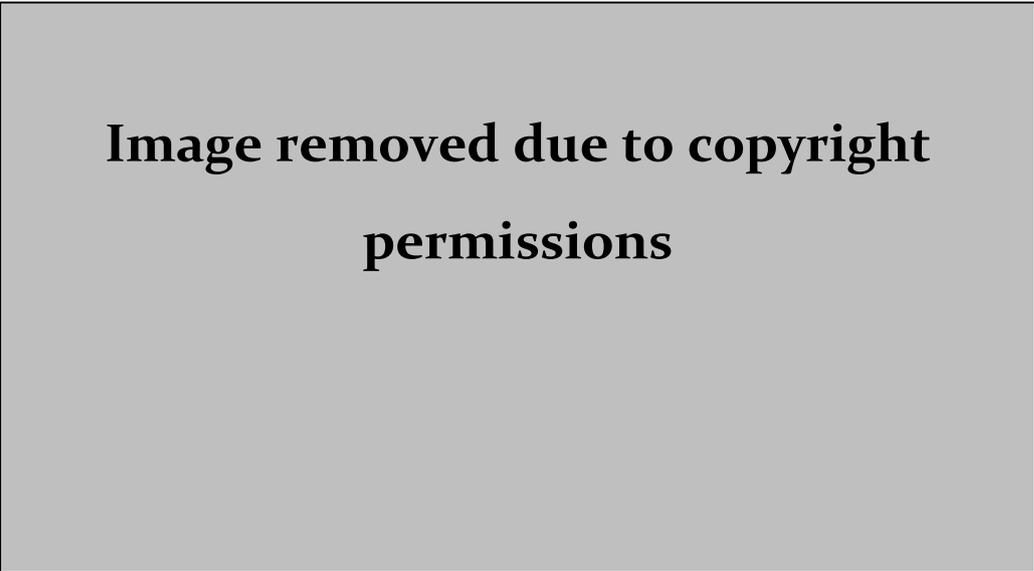
Decapitations	13, 14, 16, 19, 21, 26, 29, 30, 31, 36, 38, 39, 41, 45, 47, 48
Unusual Position	4, 7

Landscape monuments: post-Roman earthwork

Boundaries: the earthwork of Bran Ditch runs between Heydon and Fowlmere parishes and along the parish boundary of Melbourn and Chishall; the earthwork intersects the Ickwield Way, an old Roman road; the site is one kilometre from the intersection of Cambridgeshire, Hertfordshire and Essex counties.

Bran Ditch is a military earthwork of seemingly Anglo-Saxon construction, first excavated in 1923. In 1927 around 50 shallow graves were uncovered in the chalk rock layer of the ditch on one side of the earthwork. Individual identification was difficult as many of the skulls and limbs were displaced within the graves. It seems that the bodies were either ignored for a period after death or displayed which resulted in advanced decay prior to burial, leading to

the disarticulated state of the bodies. Lethbridge and Palmer (1929) suggested that this may have been the site of a massacre, probably of the Anglo-Saxons or Danes who would have been defending the earthwork barrier. They thought that perhaps the bodies were returned much later and given Christian burial. However, Hill (1976) disagrees with this scenario for several reasons. While the majority of the victims were adult males, with a few male youths over the age of twelve, it seems that there were a couple women present as well as a newborn or possible miscarriage. Women and infants would not likely have been present at the scene of a battle. He also points out that Christian burial would normally have occurred in a churchyard, as burial in consecrated ground was part of the Christian funerary ritual. Thirdly, there is a great deal of intercutting and displacement due to secondary burial. The burial of massacre victims should have happened contemporarily. Thus Hill makes the claim for an execution cemetery, due to the association with a mound or dyke, the corpses having evidently been stripped prior to burial and the advanced decomposition which may indicate display. His opinion is supported by the seeming lack of defensive wounds or other trauma evidence indicative of battle. The uncovered skeletons were supposedly analysed by Dr WLH Duckworth, however this analysis was never published and limited notes survive. I was able to gain access to the skeletal collection currently stored at Cambridge University and a brief analysis is included as Appendix C.



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Figure A.1. Plan of Bran Ditch burials (from Lethbridge and Palmer 1929).

Sources: Fox and Palmer 1926; Lethbridge and Palmer 1929; Hill 1976; Reynolds 2009, 106-8

<p>No: 4 Sex: Not identifiable Age: 14-15 (Adolescent: 12-17)</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was 'bent back at an angle suggesting a cut throat' (Lethbridge and Palmer 1929, 84).</p>
	<p>Arm Position: Not specified, but it is assumed that the arms were extended by the sides.</p>
	<p>Body Position: The body was 'carefully arranged' and position supine (Lethbridge and Palmer 1929, 84).</p>
	<p>Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).</p>
	<p>Grave Goods: None</p> <p>Excavator Comments: None</p>

<p>No: 7 Sex: Female Age: Prime to Mature Adult: 26-45</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Drawing from Lethbridge and Palmer 1929, Plate III)</p> <div style="border: 1px solid black; padding: 10px; text-align: center; width: fit-content; margin: 10px auto;"> <p>Image removed due to copyright permissions</p> </div>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was 'thrown back' (Lethbridge and Palmer 1929, 84).</p>
	<p>Arm Position: The hands were 'clasping the neck' (Lethbridge and Palmer 1929, 84).</p>
	<p>Body Position: The body was 'much twisted' but probably positioned supine (Lethbridge and Palmer 1929, 84).</p>
	<p>Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).</p>
	<p>Grave Goods: None</p> <p>Excavator Comments: None</p>

<p>No: 13 Sex: Not provided Age: Not provided</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. As a whole the group was thought to have been primarily composed of young adult and adult males. No information on health was provided. This skeleton was not provided a catalogue number in Duckworth's notes, and it proved impossible to associate it to a skeleton in the collection.</p>
	<p>Decapitation Trauma: None</p>
	<p>Head Position: No skull</p>
	<p>Arm Position: Not specified</p>
	<p>Body Position: [The body is assumed to have been supine.]</p>
	<p>Grave: The grave was too short, appearing to have been cut for a headless body. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81). The grave was orientated W-E.</p>
	<p>Grave Goods: None</p> <p>Excavator Comments: The body seemed to have 'come apart at the waist' as if carried in decomposed state (Lethbridge and Palmer 1929, 87)</p>

<p>No: 14 Sex: Male Age: Adult: 18+</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: (personal photographs from the Duckworth</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: Potential cutmarks were apparent on the axis and cervical vertebrae. It is possible that a blade maybe have sheared off the inferior surface of the vertebral body and the right inferior articular facet of the axis. Probably a second cut may also have affected the superior</p>

<p>Collection at Cambridge University)</p> <div style="border: 1px solid black; padding: 10px; text-align: center; width: 100%;"> <p>Image removed due to permissions</p> </div>	<p>articular facet of what is probably the C4. (see Appendix C) [Two blows probably to the front left and at a bit of an upwards angle]</p> <p>Head Position: No skull (two loose skulls in the grave)</p> <p>Arm Position: Not specified.</p> <p>Body Position: The body is assumed to have been supine.</p> <p>Grave: Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81). The grave was orientated W-E and contained two loose skulls (nos. 15 and 16).</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 16 (skull) Sex: Male Age: Prime to Mature Adult: 26-45</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: (personal photographs from the Duckworth Collection at Cambridge University)</p> <div style="border: 1px solid black; padding: 10px; text-align: center; width: 100%;"> <p>Image removed due to permissions</p> </div>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p> <p>Decapitation Trauma: There is a possible cutmark on the inner left gonial angle (see Appendix C). It is possibly, though not necessarily, the result of decapitation. [One+ blow (it is likely full decapitation would have required a second blow but only the mandible was available for examination) to the left]</p> <p>Head Position: Loose skull in the grave of No. 14</p> <p>Arm Position: n/a</p> <p>Body Position: n/a</p> <p>Grave: This was a loose skull in the grave of No. 14. No. 14 was headless and displays evidence for decapitation. This skull may have belonged to No. 14. However since another loose skull (No. 15) was also found in the grave, it must be considered a possible separate decapitated individual.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 19 Sex: Male Age: Adult: 18+</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Drawing from Lethbridge and Palmer 1929, Plate III)</p> <div style="border: 1px solid black; padding: 10px; text-align: center; width: 100%;"> <p>Image removed due to copyright permissions</p> </div>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p> <p>Decapitation Trauma: None. The neck ends at C5.</p> <p>Head Position: The body was found headless with three disarticulated skulls in the grave.</p> <p>Arm Position: The right arm was extended by the side and the left flexed outward.</p> <p>Body Position: The individual was supine with the legs extended.</p> <p>Grave: The grave was orientated W-E. Loose skulls and disarticulated bones were found in the grave; however it seems as if they may have been disturbed by the burial of 19 rather than the other way around. The body was fully articulated except for the head which suggests that the head was removed before burial and is one of the three disarticulated skulls in the grave.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 21 (skull) Sex: Possible male Age: Mature to Senior Adult: 36+</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Only the skull and three cervical vertebrae survive.</p> <p>Images: (Drawing from Lethbridge and Palmer 1929, Plate III; personal photographs from the Duckworth Collection at Cambridge University)</p> <div style="border: 1px solid black; padding: 20px; text-align: center; background-color: #cccccc;"> <p>Image removed due to permissions</p> </div>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: 'The 3rd vertebra had been cut through horizontally and a slice had been sheared off the bottom of the right ramus of the lower jaw' (Lethbridge and Palmer 1929, 84). [One or two blows but the direction is difficult to determine, and not all of the vertebrae were present]</p>
	<p>Head Position: Disarticulated skull in grave of No 19. The excavators suggest that it may have been interred at the same time as the headless body of No. 19 but hesitate to associate it with 19.</p>
	<p>Arm Position: n/a</p>
	<p>Body Position: n/a</p>
	<p>Grave: Found in the grave of No. 19, next to the right tibia of No. 19. It may have been associated with No. 19, who was headless; however there were two other disarticulated skulls in the grave (nos. 17 and 20) which could also have belonged to 19.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'This skull had apparently been buried with the flesh on it at the same time as skeleton 19. Most of the other skulls and bones in the grave must have been put in without flesh.' (Lethbridge and Palmer 1929, 84)</p>

<p>No: 26 (skull) Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. As a whole the group was thought to have been primarily composed of young adult and adult males. No information on health was provided.</p>
	<p>Decapitation Trauma: The base of the skull was 'cut away' (Lethbridge and Palmer 1929, 84). It proved impossible to confirm this injury due to the fragmentary condition of the catalogued skull (see Appendix C). [At least one blow from unknown direction]</p>
	<p>Head Position: Disarticulated skull</p>
	<p>Arm Position: n/a</p>
	<p>Body Position: n/a</p>
	<p>Grave: It is not stated in which grave skull 26 was uncovered, but it is possibly associated with No. 29 by the excavators so it is likely it was found near the grave of 29.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: The skull possibly belongs to No. 29.</p>

<p>No: 29 Sex: Male Age: Adult: 18+</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: The last surviving articulated vertebra (C4) was 'cut through horizontally' (Lethbridge and Palmer 1929, 84). It proved impossible to confirm the injury because only the pelvis and a femur survived in storage (see Appendix C). [One blow from unknown direction, but not all the vertebrae were present]</p>
	<p>Head Position: No skull</p>
	<p>Arm Position: Not specified</p>
	<p>Body Position: The body was 'curiously hunched and twisted.'</p>
	<p>Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum).'</p> <p>(Lethbridge and Palmer 1929, 81)</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 30 Sex: Not identifiable Age: 9-14 [Adolescent: under</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: None</p>

<p>i8]</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: The vertebrae are 'missing from the lower dorsal upwards.'</p> <p>Images: None</p>	<p>Head Position: The skull was 'arranged at [the] place where [the] head should be. [It] has two vertebrae attached and is upside down with no lower jaw' (Lethbridge and Palmer 1929, 84).</p>
	<p>Arm Position: Not specified</p>
	<p>Body Position: The body is assumed to have been supine.</p>
	<p>Grave: Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 31</p> <p>Sex: Possibly male</p> <p>Age: Prime Adult: 26-35</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. As a whole the group was thought to have been primarily composed of young adult and adult males. No information on health was provided.</p>
	<p>Decapitation Trauma: One of the 8 cervical vertebrae was 'cut through horizontally and only half remained' (Lethbridge and Palmer 1929, 84). This proved impossible to confirm (see Appendix C). [One blow from unknown direction]</p>
	<p>Head Position: Anatomical position</p>
	<p>Arm Position: Not specified</p>
	<p>Body Position: The body is assumed to have been laid supine.</p>
	<p>Grave: Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'The body appeared normal until taken up when there seemed to be eight neck vertebrae' (Lethbridge and Palmer 1929, 84).</p>

<p>No: 36</p> <p>Sex: Indeterminate</p> <p>Age: Adolescent to Young Adult: 12-25</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Drawing from Lethbridge and Palmer 1929, Plate III; personal photographs from the Duckworth Collection at Cambridge University)</p> <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px 0;"> <p>Image removed due to copyright permissions</p> </div> <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px 0;"> <p>Image removed due to permissions</p> </div>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.</p>
	<p>Decapitation Trauma: 'Head separated from vertebral column by cut on C₄' (Lethbridge and Palmer 1929, 84). The cut skimmed the superior surface of C₄, slicing the top of the left articular facet, some of the vertebral body and the superior surface of the spinous process. The same cut may also have removed the right transverse process of C₃ (Appendix C). [One blow probably from the left]</p>
	<p>Head Position: As it is not noted otherwise, the head is assumed to have been in anatomical position.</p>
	<p>Arm Position: Not specified. According to the illustration they lay across the abdomen.</p>
	<p>Body Position: The body was 'carefully straightened' (Lethbridge and Palmer 1929, 84). It is assumed this implies that the body was supine and extended.</p>
	<p>Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).</p>
	<p>Grave Goods: None are discussed in the excavation report, however two pieces of copper slag were found stored with the body, and it is assumed they were found in the grave.</p>
	<p>Excavator Comments: None</p>

<p>No: 38</p> <p>Sex: Not provided</p> <p>Age: Not provided</p>	<p>General Pathology and Trauma: No osteological analysis was published for specific individuals. As a whole the group was thought to have been primarily composed of young adult and adult males. No information on health was provided.</p>
	<p>Decapitation Trauma: 'Head apparently severed at C₂' (Lethbridge and Palmer 1929,</p>

<p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided Images: None</p>	84, 87). It proved impossible to confirm this injury (see Appendix C). [One blow from unknown direction]
	Head Position: The head was 'replaced on [the] trunk at burial' (Lethbridge and Palmer 1929, 84, 87).
	Arm Position: Not specified
	Body Position: The body is assumed to have been laid supine.
	Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81). A disarticulated skull (Skull 39) was also found in the grave.
	Grave Goods: None
	Excavator Comments: None

<p>No: 39 (skull) Sex: Male Age: 30-40 [Middle to Mature Adult: 26-45]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Only a disarticulated skull and mandible survive.</p> <p>Images: (personal photographs from the Duckworth Collection at Cambridge University)</p> <div style="border: 1px solid black; padding: 10px; text-align: center; width: fit-content; margin: 10px auto;"> <p>Image removed due to permissions</p> </div>	General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.
	Decapitation Trauma: A 'deep cut from the back on the left ramus' was found on the mandible (Lethbridge and Palmer 1929, 87). This may have been the result of an attempted decapitation blow which missed its aim; however without the cervical vertebrae, decapitation could not be confirmed (Appendix C). [At least one blow to the back of the skull and neck and probably on the left side]
	Head Position: Disarticulated cranium and disarticulated mandible.
	Arm Position: n/a
	Body Position: n/a
	Grave: Found in the grave of No. 38.
	Grave Goods: None
	Excavator Comments: None

<p>No: 41 Sex: Male Age: Senior Adult: 46+</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided Images: None</p>	General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.
	Decapitation Trauma: 'Head apparently cut off at C6' (Lethbridge and Palmer 1929, 87). The C6 was missing from the collection. It is possible that it disintegrated when cut through and was never discovered (see Appendix C). [One blow from unknown direction]
	Head Position: The head was 'replaced with [the] trunk at burial' (Lethbridge and Palmer 1929, 87).
	Arm Position: Not specified
	Body Position: The body is assumed to have been laid supine.
	Grave: Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).
	Grave Goods: None
Excavator Comments: None	

<p>No: 45 Sex: Male Age: Mature to Senior Adult: 36+</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided Images: (personal photographs from the Duckworth Collection at Cambridge University)</p>	General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.
	Decapitation Trauma: The projection of axis vertebra sliced off. It is thought to be 'doubtful if head was completely severed from trunk' (Lethbridge and Palmer 1929, 87). [1 blow from unknown direction, the head might not have been fully severed]
	Head Position: The head is assumed to have been in anatomical position.
	Arm Position: Not specified
	Body Position: The body is assumed to have been laid supine.

Image removed due to permissions	Grave: The grave appears to have been orientated NW-SE. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).
	Grave Goods: None
	Excavator Comments: None

No: 47 Sex: Male Age: Middle to Mature Adult: 26-45 Deviance: Decapitated Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.
	Decapitation Trauma: 'Vertebral column ends with half of C4, which is cut through' (Lethbridge and Palmer 1929, 87). It proved impossible to confirm this injury (see Appendix C). [One blow from unknown direction, but not all of the vertebrae were recovered]
	Head Position: No skull
	Arm Position: Not specified
	Body Position: The body is assumed to have been laid supine.
	Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' Lethbridge and Palmer 1929, 81).
	Grave Goods: None
Excavator Comments: None	

No: 48 Sex: Possible male Age: Mature Adult: 36-45 Deviance: Decapitated Skeletal Completeness and Preservation: Not provided Images: (Illustration from Lethbridge and Palmer 1929, Plate III)	General Pathology and Trauma: No osteological analysis was published for specific individuals. No information on health was provided.
	Decapitation Trauma: 'Vertebral column ends was a cut fragment of the C3' (Lethbridge and Palmer 1929m 87). It proved impossible to confirm this injury (see Appendix C). [At least one blow from unknown direction.]
	Head Position: No skull
	Arm Position: Nor specified
	Body Position: The body is assumed to have been laid supine.
	Grave: The grave was orientated W-E. Most were 'shallow graves dug into the chalk rock (some of which ... were completely or partially under the chalk vallum)' (Lethbridge and Palmer 1929, 81).
	Grave Goods: None
Excavator Comments: None	

CHESTERTON LANE (CAMBS)

Date: 7th - 9th centuries (radiocarbon dated)

No. of inhumations: 8 + disarticulated material

No. of deviants: 6

Decapitations	1, 4, 5, 8, Group 13
Bound Arms	6
Prone	6

Landscape monuments: associated with 4th-century earthen rampart and bank; above a middle Saxon cemetery

Boundaries: near a crossroads along the Roman road running from Godmanchester to Cambridge; close to the boundary of the Domesday hundred of Cambridge and the hundred of Chesterton; near the parishes of St. Giles and St Clement

Chesterton Lane Corner was excavated in 2000, resulting in finds from the Roman to post-medieval periods. Eight graves were uncovered as part of an Anglo-Saxon execution cemetery. Only two of individuals were fully excavated, but enough of the other six was uncovered for diagnostic purposes. All individuals who were able to be sexed were male, many of them adults between nineteen and forty-four years of age. The graves were shallow and narrow with evidence of intercutting for later interment. Based on the fact that five individuals display evidence of decapitation and one individual was both bound at the wrists and prone, Cessford (2007) has labelled this an execution cemetery. Radiocarbon dates place the cemetery beginning at 640-830 (95% probability) or 690-780 (68% probability) and ending between 730-890 (95% probability) or 770-860 (68% probability). Unfortunately the

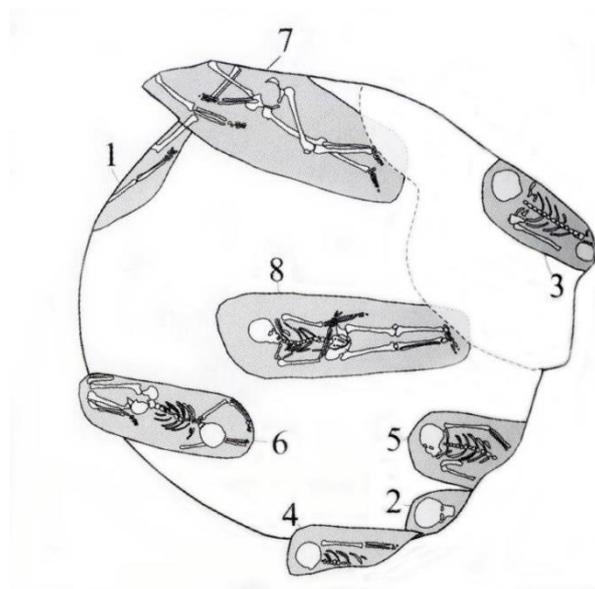
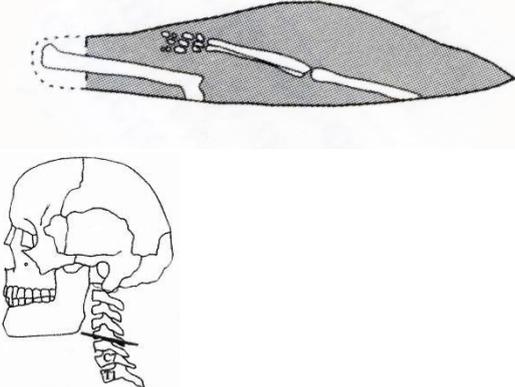


Figure A.2. Plan of Chesterton Lane burials (from Cessford 2007)

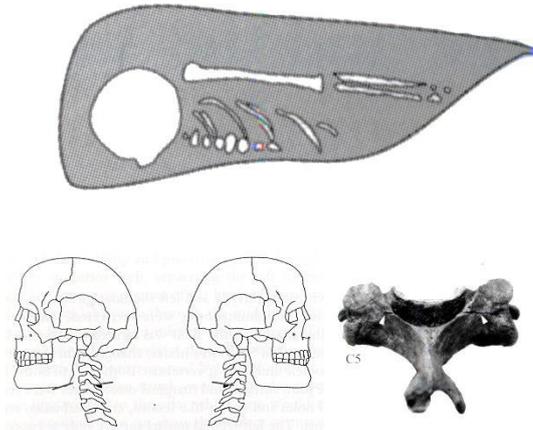
continuity is unknown; the cemetery could have been used for a short interval of twenty years or persisted as long as 200 years. In general it seems likely to have existed largely during the eighth century.

Sources: Cessford 2007; Reynolds 2009, 109-12; images reproduced by permission of the Royal Archaeological Institute.

<p>No: 1 Sex: Male Age: Young adult (19-25) [young adult: 18-25]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: 'The skull and the left side of body, including the torso, lay beyond the limit of excavation and while most of this could be retrieved, the left arm had to be left.' (Cessford 1007, 205)</p> <p>Images: (Illustrations from Cessford 2007, Illustrations 6 and 7)</p> 	<p>General Pathology and Trauma: The individual's height was estimated to have been 1.70 m. 'Changes characteristic of osteoarthritis were recorded in the left ankle. Lines of enamel hypoplasia were recorded on the maxillary central incisors and slight to medium deposits of calculus were recorded on the surviving teeth' (Cessford 2007, 205-6).</p> <p>Decapitation Trauma: 'Cut marks were recorded on the C5 and C6 vertebrae and suggest a single clean blow from behind. The cut on the C5 vertebra slices through the lower 5 mm of the body and the spinous process; the inferior articular processes have not been damaged. The surface of the cut through the body is smooth; except for the anterior few millimetres which are slightly roughened suggesting the bone may have snapped here rather than been cut. On the vertebra below, C6, the cut slices the superior part of both left and right articular processes and the lamina but misses the posterolateral lips of the body. The roughened, slightly raised area of bone on the anterior of the cut suggests that the blow did not completely remove the head' (Cessford 2007, 206). [One blow to the back of the neck, may not have completely severed the head]</p> <p>Head Position: The excavation report is unclear regarding the position of the head compared to the body. It is thought that the head may not have been completely severed, so it might be assumed that it was in anatomical position, however the diagrams show that the head was initially beyond the limit of excavation, so it is unknown whether its placement was taken into account upon recovery. Thus it is considered in unknown position.</p> <p>Arm Position: Not specified. They are assumed to have been extended by the sides.</p> <p>Body Position: The body was laid supine. The excavators suggest that the body may have been weighed down due to the stone placed on the pelvis and arm.</p> <p>Grave: The grave was oriented SW-NE, with the head in the SW. All of the graves were narrow and shallow, roughly 0.3-0.6 m deep.</p> <p>Grave Goods: 'Possibly deliberately placed material includes a fragment of quernstone and two stones from around the left pelvis/lower arm' (Cessford 2007, 206).</p> <p>Excavator Comments: Radiocarbon dated: 720-880 (68% probability)/690-900 (95% probability)</p>
<p>No: 4 Sex: Male Age: Older middle adult [mature adult: 35-44]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: 'Only the</p>	<p>General Pathology and Trauma: 'Marginal osteophytes, porosity in the vertebral bodies and Schmorl's nodes, changes indicative of osteoarthritis, were recorded in the lower thoracic and lumbar vertebrae. Both ends of both clavicles exhibited an increase in porosity on the joint surfaces and marginal osteophytes were recorded around</p>

skull, vertebrae, sacrum, pelvis, right clavicle and left shoulder girdle, arm and elements of the hand and the right clavicle of Inhumation 4 were recovered.’ (Cessford 2007, 208)

Images: (Illustrations from Cessford 2007, Illustrations 6 and 7)



the head of the humerus. Small holes and worm-like lesions, cribra orbitalia, recorded on the left orbit are indicative of anaemia. The left second molars survive only as roots. Slight to medium deposits of calculus were recorded of the anterior teeth, particularly on the mandible.’ (Cessford 2007, 208)

Decapitation Trauma: ‘Cut marks were recorded on the C4 and C5 vertebrae and on the inferior part of the mandible, suggesting one or two blows from behind. On C4 only the body and right transverse process and pedicle survive. The inferior part of the surviving pedicle has been shaved off, presumably by the same blow that inflicted the wound on the vertebra below. On C5 a transverse cut mark (38 mm long) just below the superior articular processes does not completely penetrate the pedicles and left no mark on the vertebral body. A small radiating fracture runs inferior to the cut towards the right inferior articular process. Small nicks of bone on the pedicles superior to the cut are missing and were probably displaced as the weapon was withdrawn. Two less convincing but possible cut marks were recorded on C7 and T1; although very straight they are fresher and more ragged than the higher cuts. On C7, the very end of the spinous process had snapped off and a transverse cut through the spinous process of T1 clips the left inferior articular facet, removing the lower part of the right facet. On the left side of the posterior base of the mandible a cut has sliced off a frag of bone at the angle of the mandible. The surface of the cut is smooth and then breaks with a jagged hinge where the angle flares. An old post-mortem (possibly peri-mortem) break has sheared the left neck of the mandible from the main body.’ (Cessford 2007, 208) [Probably two blows to the C4/5 from behind and to the left one of which may have cut the mandible, and a possible cut to the C7/T1]

Head Position: ‘The skull was twisted sideways’ (Cessford 2007, 208). The skull is assumed to have been in approximately anatomical position, above the shoulders.

Arm Position: ‘The body was extended with the right arm tight against the body’ (Cessford 2007, 208).

Body Position: The body was placed supine.

Grave: The grave was orientated W-E. Disarticulated bone and semi-articulated bone was recovered from the grave fill. This includes the decapitation from Group 13. All of the graves were narrow and shallow, roughly 0.3-0.6 m deep.

Grave Goods: None

Excavator Comments: Radiocarbon dated: 770-890 (68% probability)/680-940 (95% probability)

No: 5

Sex: Possible male

Age: Older sub-adult [Adolescent: 12-17]

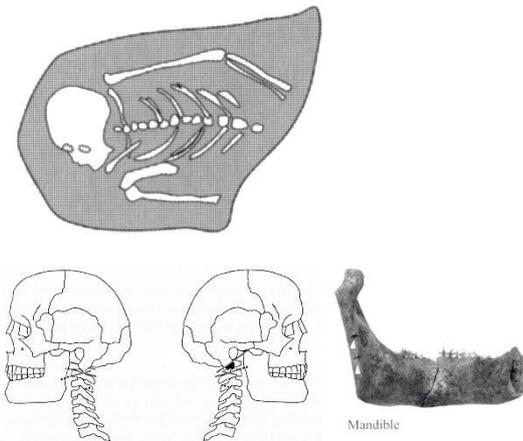
Deviance: Decapitated

Skeletal Completeness and Preservation: ‘Only the upper body, including the pelvis and the proximal epiphyses of the femora of Inhumation 5 were recovered. There is some disturbance of bone in the grave; loose epiphyses were recovered from the ribcage and the right half of the atlas was found above the right humerus.’ (Cessford 2007, 209)

General Pathology and Trauma: ‘Both orbits exhibit worm-like lesions and an increase in porosity, cribra orbitalia, indicative of anaemia. Flecks and slight deposits of calculus were recorded on the surviving dentition. Lines of enamel hypoplasia were recorded on the surviving incisors and canines. The metopic suture is retained.’ (Cessford 2007, 209)

Decapitation Trauma: ‘Cut marks were recorded on the C1-C3 vertebrae, the mandible and the skull, representing a minimum of three blows from behind, probably from the right side. An oblique cut has removed the very top and posterior part of the right superior articular facet of C1, and has bisected the posterior arch, separating the left inferior articular facet from the rest of the vertebra. The posterior

Images: (Illustrations from Cessford 2007, Illustrations 6 and 7)



portion of C2 has been separated from the anterior portion by a single cut, which passes obliquely through the middle of the right superior articular surface, down through the left pedicle and inferior articular facet. This cut also penetrates 2.4 mm into the posterior of the vertebral body at the same oblique angle. In addition to this cut, the superior part of the dens has been removed by an oblique cut (almost 90 degrees to the inferior bisecting cut). This may have been struck once the head was partially or wholly dispatched; there is no corresponding wound to the atlas which one would expect if the vertebrae were in correct anatomical position. The cut through the dens is smooth on the inferior right side and ragged on the left, as if broken or snapped here. Another cut, more horizontal than the higher wounds was recorded on the posterior of C3. It does not bisect the vertebrae, but penetrates to a depth of c. 4mm. It measures 33.7 mm and extends from 4 mm below the right superior articulating facet to the left of the spinous process. A radiating fracture extends from this point so that the posterior of the vertebrae including the spinous process separated. This break could be peri- or post-mortem.

Four cut marks, the result of either two or three blows from behind were recorded on the posterior of the mandible. Two shallow, near horizontal cuts, 1.5 mm apart, were recorded on the left posterior border of the ramus. On the right, the head has been completely sliced through at an oblique angle. The surface of the cut is smooth. At a more horizontal angle 25 mm below the first cut there was a second cut, penetrating 1.5 mm into the bone that is likely to have been inflicted by the same blow that inflicted the uppermost cut on the left side of the mandible. The mandible is in two halves; a radiating fracture runs through the corpus of the jaw. It may be an old post-mortem fracture and result from the pressure of the overlying stratigraphy, but it could be a peri-mortem fracture, secondary to and a result of the blade trauma to the jaw and neck.

On the skull, a single cut has removed the mastoid process and the inferior portions of the zygomatic process and the occipital groove of the right temporal bone. The cut surfaces are smooth and the angle suggests that this is probably the same blow, which removed the right head of the mandible. In addition, a cut slices through the right condyle of the occipital bone removing the most posterior portion of it. Here the cut surface is smooth, but the blade did not continue all the way through the condyle; the bone towards the anterior of the articulating facet is jagged as if the bone has snapped. The blow that inflicted this wound is probably the same as that which inflicted the wounds to the right temporal bone and the head of the mandible.' (Cessford 2007, 209) [3 or more blows from the right and behind]

Head Position: 'The skull was in the correct anatomical position, although slightly displaced' (Cessford 2007, 209).

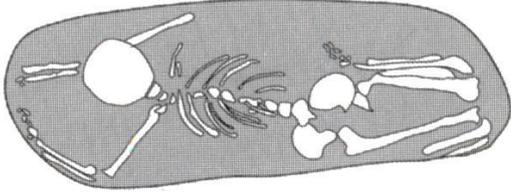
Arm Position: Not specified. It is assumed the arms were extended by the sides.

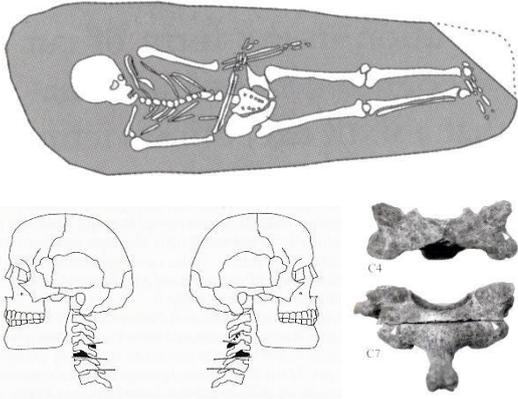
Body Position: The body was placed supine.

Grave: The grave was orientated W-E. All of the graves were narrow and shallow, roughly 0.3-0.6 m deep.

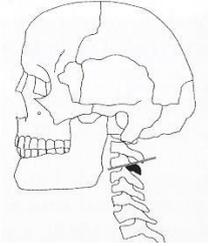
Grave Goods: None

Excavator Comments: Radiocarbon dated: 690-860 (68% probability)/680-890 (95 % probability)

<p>No: 6 Sex: Not identifiable Age: Older juvenile [older child: 6-11]</p> <p>Deviance: Bound and prone Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Illustrations from Cessford 2007, Illustration 6)</p> 	<p>General Pathology and Trauma: 'Slight to medium calculus were recorded on the anterior teeth and a small caries lesion on the occlusal aspect of the right second mandibular molar. The wear on the teeth is severe given the age of the individual; the dentine is exposed on the anterior permanent dentition and the first molars.' (Cessford 2007, 210)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was in anatomical position.</p> <p>Arm Position: 'The arms were extended above the head, which rested on the right arm, and the hand was clenched; the position of the hands suggests that they may have been tied' (Cessford 2007, 210).</p> <p>Body Position: 'Inhumation 6 was buried prone with the head to the east... The legs were flexed back on themselves; the knees were together and the feet rested beside the hips' (Cessford 2007, 210).</p> <p>Grave: The grave was orientated ESE-WNW, and was too short for the body (1.15m long). All of the graves were narrow and shallow, roughly 0.3-0.6 m deep.</p> <p>Grave Goods: 'A large tile and a flint cobble on the pelvis may have been deliberately placed' (Cessford 2007, 210).</p> <p>Excavator Comments: None</p>
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<p>No: 8 Sex: Male Age: Older middle adult [mature adult: 36-45]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The skeleton was completely recovered.</p> <p>Images: (Illustrations from Cessford 2007, Illustrations 6 and 7)</p> 	<p>General Pathology and Trauma: The height was estimated at 1.68m. 'Osteoarthritic changes including a small patch of eburnation were recorded in the right foot. Marginal osteophytes, an increase in porosity and Schmorl's nodes were recorded in the lumbar and lower thoracic vertebrae. There is ankylosis of L1 and L2; the bodies have fused neatly and there is a proliferation of bone, with an appearance similar to dripping candle wax on the left and right sides of the bodies. There is spondylolysis (separation of the neural arch from the vertebral body) of L5, and the body is also slightly pinched at the anterior suggestive of a compression fracture. Slight to medium deposits of calculus were recorded on the surviving teeth.' (Cessford 2007, 210)</p> <p>Decapitation Trauma: 'Cut marks were recorded on the C3, C4, C6 and C7 vertebrae and suggest five blows to the neck. One blow has cut through the right transverse process of C3 leaving a shallow nick on the right superior process of C4. A second blow has left a shallow cut on the lamina of C4 below the right superior process and third has cut off its spinous process. No cut marks were observed on C5. C6 is represented only by the inferior body and a loose spinous process, which has been detached from the rest of the body by a cut. This fourth cut passed horizontally through the lamina and superior articular processes, leaving a smooth surface, on through the vertebral body. The cut through the body is smooth at the posterior becoming ragged at the anterior margin, as though the bone may have snapped. A fifth cut sliced horizontally through the inferior articular processes and lamina of C7, detaching this from the rest of the vertebrae and leaving a shallow mark on the posterior of the vertebral body.</p> <p>All these blows were struck from behind. It is unclear if the head would actually have been detached from the rest of the body; although the cut through C6 passes completely through the vertebra the skull appeared in the correct anatomical position although slightly awkwardly aligned.</p>
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	<p>As with Inhumation 5, the mandible is in two halves with a radiating fracture running from the right mental tubercle to the alveolar at the second molar. The edges of the break are ragged, not smooth and are either as old post-mortem fracture or a peri-mortem fracture, related to the trauma of the blade injuries to the neck.' (Cessford 2007, 210) [5 blows from behind and possibly slightly to the right, the head might not have been completely severed]</p>
	<p>Head Position: The head was in anatomical position. The excavators have commented that, although there are a number of cutmarks on the vertebrae, it is unknown of the head was fully severed from the body.</p>
	<p>Arm Position: 'The left arm was extended, the right arm flexed so that the hand rested on the left forearm' (Cessford 2007, 210).</p>
	<p>Body Position: The body was placed supine.</p>
	<p>Grave: The grave was orientated W-E. All of the graves were narrow and shallow, roughly 0.3-0.6 m deep.</p>
	<p>Grave Goods: 'The bone on the anterior of the mandible is stained green, indicating contact with a copper alloy object' (Cessford 2007, 210).</p>
	<p>Excavator Comments: Radiocarbon dated: Right femur dated 660-890 (68% probability)/660-960 (95% probability), left femur 690-860 (68% probability)/680-890 (95% probability), combined 690-860 (68% probability)/680-890 (95% probability) It is unknown if the head was fully severed.</p>

<p>No: Group 13 Sex: Male Age: Young or middle adult (19-44) [young to mature adult: 18-45]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: 12 bones survived, including 6 articulated vertebrae and a disarticulated mandible.</p> <p>Images: (Illustrations from Cessford 2007, Illustration and 7)</p> 	<p>General Pathology and Trauma: Only 12 bones were represented, and none provided any pathological information.</p> <p>Decapitation Trauma: 'C2-C4 display cut marks suggesting a single blow from behind. On C2 the inferior of the bifid spinous process has been removed at an angle. On C3 the cut has removed the spinous process and the lower portions of both inferior articular processes (the body is not damaged). On C4 approximately 3 mm of the upper portion of the superior articular processes has been removed and a miniscule amount of the posterolateral lips of the body are also missing. No cut marks were recorded on the disarticulated mandible.' (Cessford 2007, 208) [One blow to the back of the neck]</p> <p>Head Position: Disarticulated bones.</p> <p>Arm Position: n/a</p> <p>Body Position: Disarticulated bones recovered from the grave of Inhumation 4.</p> <p>Grave: This individual is represented by semi-articulated elements found with Inhumation 4.</p> <p>Grave Goods: n/a</p> <p>Excavator Comments: None</p>
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GUILDOWN (SURREY)

Date: The cemetery is later than the 6th-century cemetery under the execution burials and was certainly in existence in the mid-11th century, but the extent of its existence is unknown

No. of inhumations: around 136 later burials

No. of deviants: 44

Landscape monuments: associated with an earlier Anglo-Saxon cemetery; on the summit of Hog's back ridge

Boundaries: along a possible Roman road running through Guildford

Decapitations	68, 106, 207
Bound Arms	141, 148, 149, 151, 159, 164, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 178, 179, 181, 182, 183, 187, 190, 192, 193, 194, 198, 199, 200, 203, 205, 209, 211, 212, 217
Prone	152, 159, 167, 168, 204
Dismembered or Mutilated	167, 168, 169
Unusual Position	88, 108, 134, 161

The cemetery at Guildown was discovered in 1929, by the gardener for the Kempsters, owners of the land upon which the Surrey Archaeological Society quickly began excavation. The site is located on the summit of Hog Back ridge, overlooking the town of Guilford. Forty-four individuals of sixth-century date were found with some other 187 skeletons of later date. Some of these date as late as the 1040's, dated by a 1043 coin of Edward the Confessor buried in a multiple burial of three skeletons. The later skeletons display evidence of decapitation, binding and mutilation, along with prone and multiple burial. Lowther (1931) suggests that at least some of these individuals were the victims of the Guilford Massacre in 1036, when the Earl of Godwin supposedly captured and executed Prince Alfred and his party. The rest he justifies as 'malefactors and prisoners put to death for their crimes and not considered worthy of a churchyard burial.' It is difficult to prove direct evidence for such a specific historical event; it is much more likely that these were all the executions of criminals denied consecrated burial. The presence of a gallows was hinted at by Lowther and suggested by the osteological summary of Keith, who notes that the rupture at the base of one skull is a characteristic often occurring from hanging; however, as was discussed in Chapter 4 there is no further detail about this individual and the presence of a lesion from short-drop or running noose hanging seems improbable. He also notes that the cemetery includes are men, women and children of all ages, but does not provide specific demographic data so it is difficult to know whether this applies mostly to the earlier local cemetery or to the probable execution victims as well.

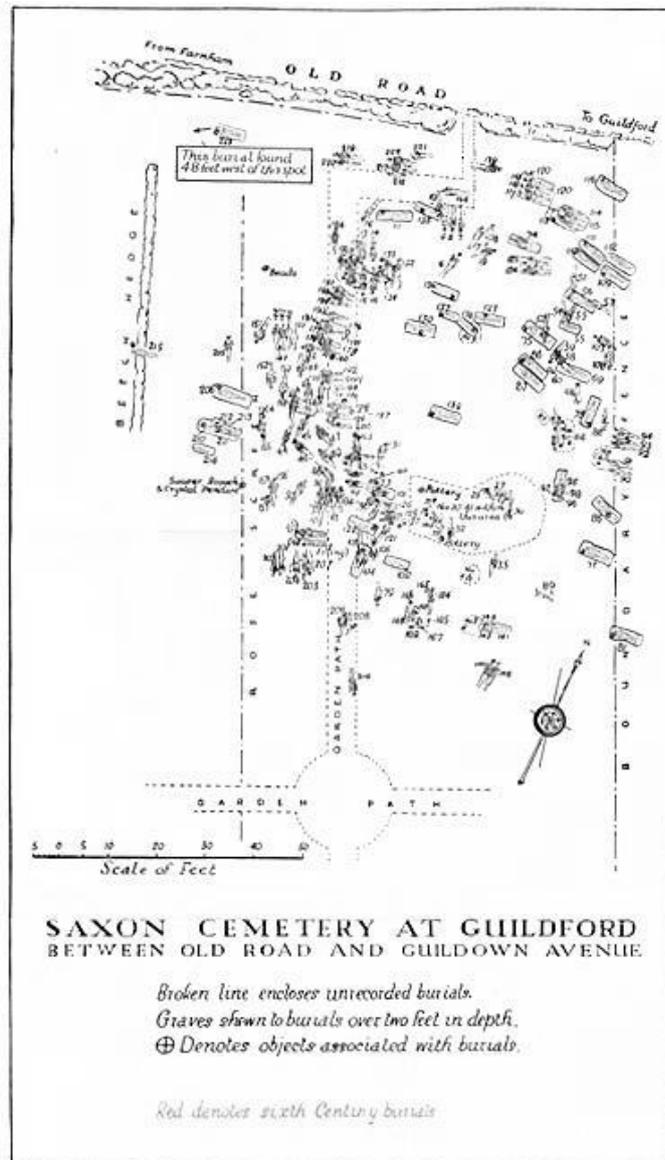


Figure A.3. Plan of the Anglo-Saxon cemetery at Guilddown, including both pagan and execution burials (Lowther 1931)

Source: Lowther 1931; Reynolds 2009, 139-42; images reproduced by permission of the Surrey Archaeological Society.

No: 68 Sex: Not provided Age: Not provided Deviance: Decapitated Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 68 was never analysed.
	Decapitation Trauma: None, however the trauma analysis was not published.
	Head Position: The head was placed between the legs.
	Arm Position: Not specified
	Body Position: There is no other information about the position of the body in the grave although it is assumed to be supine.
	Grave: The grave was 16 inches deep and orientated N-S.
	Grave Goods: None Excavator Comments: None

No: 88 Sex: Not provided	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 88 was never analysed.
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<p>Age: Not provided</p> <p>Deviance: Unusual position</p> <p>Skeletal Completeness and Preservation: The lower legs and feet were missing, possibly ploughed away.</p> <p>Images: None</p>	Decapitation Trauma: n/a
	Head Position: The head was in anatomical position but raised.
	Arm Position: The arms were bent with the hands near the neck and the elbows upward.
	Body Position: The individual is assumed to have been supine, and the legs were said to have been raised.
	Grave: The grave was 1' 5" deep and orientated S-N.
	Grave Goods: None
	Excavator Comments: None

<p>No: 106</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 106 was never analysed. The individual was thought to have been 5'10" tall.
	Decapitation Trauma: There was a 'clean cut' through one of the vertebrae, showing 'distinct evidence of having been beheaded' (Lowther 1931, 37). [One blow from unknown direction]
	Head Position: It is not clearly stated but the head is assumed to have been placed between the legs based on the statement that 'two others (graves 68 and 106), were lying S.-N., and had been decapitated, the head being found placed between their legs, and a neck vertebra of No. 106, severed with a clean cut' (Lowther 1931, 37).
	Arm Position: The hands lay across the waist 'as though folded' (Lowther 1931, 37).
	Body Position: The body is assumed to have been laid supine.
	Grave: The grave was orientated N-S and 1 foot 8 inches deep. The grave was described as shallow.
	Grave Goods: None
	Excavator Comments: None

<p>No: 108</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Unusual position</p> <p>Skeletal Completeness and Preservation: The skull was broken and the bones were much decomposed.</p> <p>Images: None</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 108 was never analysed. The individual was thought to have been 5' 7 1/2" tall.
	Decapitation Trauma: None
	Head Position: The skull was broken and scattered.
	Arm Position: The left arm lay under the pelvis and the right arm was raised above the head.
	Body Position: The body was on its side with the knees drawn up in a crouched position.
	Grave: The grave was orientated S-N and 2' deep. The grave was described as shallow. The feet were over the pelvis of 107 (although the graves were orientated in different directions suggesting the burial of 108 cut the grave of 107).
	Grave Goods: None
Excavator Comments: None	

<p>No: 134</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Unusual position, Multiple burial (132, 133, 134)</p> <p>Skeletal Completeness and Preservation: The skeleton was fragmentary</p> <p>Images: None</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 134 was never analysed.
	Decapitation Trauma: n/a
	Head Position: Not specified, but assumed to have been in anatomical position.
	Arm Position: The individual was stated to have been in a crouching position, so presumably the arms were together and flexed with the hands by the head.
	Body Position: The individual was in a crouching position.
	Grave: The grave was shallow, at about 1' deep and contained the burials of 132, 133 and 134. The body of 134 was orientated NE-SW.
	Grave Goods: None
Excavator Comments: None	

<p>No: 141</p> <p>Sex: Female</p> <p>Age: 25-30 [Middle Adult: 26-35]</p>	<p>General Pathology and Trauma: The individual was thought to have been 5'8" tall. Wormian bone was present in the lambdoid suture. The maxillary M3s were just piercing through the gum. The mandibular M3s were fully erupted. The I2 was</p>
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<p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: Almost complete (only the first ribs were present, the others were missing)</p> <p>Images: (Lowther 1931, Plate XVIII)</p> 	<p>malplaced. There were slight caries in the mandibular left molars. The skull was typically female. There were traces of epiphyseal lines on iliac crests, the ischio-pubic rami, the vertebral bodies, sacrum, and scapulae. The scapulae also show bilateral independent ossification of the tip of the acromion. The 5th lumbar vertebra presented bilateral sealisation(?) by diarthrosis. (Keith's notes, Appendix D)</p>
	Decapitation Trauma: n/a
	Head Position: The head was turned to the right.
	Arm Position: The hands were 'together behind the back' (Lowther 1931, 41).
	Body Position: The body is assumed to have been buried supine.
	Grave: The grave was orientated W-E. Two crania (142 and 143) were found beside the body, from earlier graves disturbed by 141. The grave was 2' deep and the width tapers in by the feet.
	Grave Goods: None
	Excavator Comments: None

<p>No: 148</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Bound, Double Burial (with 149)</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, Plate XIX (foremost))</p> 	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 148 was never analysed. The height of the individual was estimated at 5' 7".</p>
	Decapitation Trauma: n/a
	Head Position: The head was turned to the right.
	Arm Position: The hands were behind the back.
	Body Position: The body was lying on its right side with the head to the right. The right leg 'appears to have been dislocated at [the] pelvis at [the] time of burial' (Lowther 1931, 41).
	Grave: The grave was orientated S-N and was 1' 8" deep. The grave contained the bodies of 148 and 149.
	Grave Goods: None
	Excavator Comments: None

<p>No: 149</p> <p>Sex: Female</p> <p>Age: 30-35 (Prime Adult: 26-35)</p> <p>Deviance: Bound, Double Burial (with 148)</p> <p>Skeletal Completeness and Preservation: The skull and postcranial skeleton examined may belong to different individuals. The skull was examined as 149. The lower part of the postcranial skeleton was missing when sent for examination.</p> <p>Images: (Lowther 1931, Plate XIX (backmost))</p> 	<p>General Pathology and Trauma: The height of the individual was estimated at 5' 8". The maxillary M3s were present. The mandibular M3s were present and unworn, although there was some tartar. There was a great amount of crown wear, but no periodontal disease. A number of epiphyses remained unjoined (which is why Keith suggested the postcranial skeleton belonged to a much younger individual). (Keith's notes, Appendix D)</p>
	Decapitation Trauma: n/a
	Head Position: The head was in anatomical position.
	Arm Position: The hands were behind the back.
	Body Position: The body was positioned straight
	Grave: The grave was orientated S-N and was 1' 8" deep. The grave contained the bodies of 148 and 149.
	Grave Goods: None
	Excavator Comments: None

<p>No: 151 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: The face was sheared off post-mortem by a plough</p> <p>Images: None</p>	<p>General Pathology and Trauma: The right tibia presented a healed fracture which set straight. The height of the individual was estimated at 5' 4".</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was tilted slightly to the left.</p>
	<p>Arm Position: Both hands were behind the pelvis.</p>
	<p>Body Position: It is assumed that the body was supine and extended as no further comment was made.</p>
	<p>Grave: The grave was orientated S-N and was very shallow.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 152 Sex: Not provided Age: Not provided</p> <p>Deviance: Prone</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, Plate XX)</p> 	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 152 was never analysed. The height of the individual was estimated at 5'6".</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head is assumed to have been in anatomical position.</p>
	<p>Arm Position: The arms were extended along the sides.</p>
	<p>Body Position: The body was lying face down. The spine was thought to have been 'distinctly dislocated before burial' (Lowther 1931, 41).</p>
	<p>Grave: The grave was orientated S-N and 2' deep.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 159 Sex: male Age: 40+ [Mature to Senior Adult: 36+]</p> <p>Deviance: Bound, Prone</p> <p>Skeletal Completeness and Preservation: The skull was present and the postcranial skeleton was fairly complete.</p> <p>Images: (Lowther 1931, Plate XXII)</p> 	<p>General Pathology and Trauma: The height of the individual was estimated at 6'3". The individual was big boned. The teeth presented much tartar, crown wear and the mandibular M1s were obliquely worn down to the gum. The M2s were less severely worn. There was some crowding in the anterior mandibular teeth and destructive crown wear in the PMs, M1s and M2s. The right mandibular M3 had not cut the gum. Small inionic(?) exostosis was present. There was slight lipping of the lumbar vertebrae. The sacral canal was open dorsally. The humerus exhibited a pronounced muscular spinal groove. (Keith's notes, Appendix D)</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was in anatomical position.</p>
	<p>Arm Position: The hands were together behind the back.</p>
	<p>Body Position: The body was placed face down.</p>
	<p>Grave: The grave was orientated W-E and was 2'8" deep. The grave was coffin-shaped.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 161 Sex: Not provided Age: Not provided</p> <p>Deviance: Unusual position, double burial (with 160)</p> <p>Skeletal Completeness and Preservation:</p>	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 161 was never analysed.</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was in anatomical position.</p>
	<p>Arm Position: Not specified.</p>
	<p>Body Position: The body was laid on the right side.</p>
	<p>Grave: The grave was orientated W-E and was 1' 3" deep..</p>
<p>Grave Goods: None</p>	

Preservation: The legs were removed by 'previous digging' (Lowther 1931, 41).	Excavator Comments: None
Images: None	

No: 164 Sex: Not provided Age: Not provided Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: (Lowther 1931, Plate XXII) 	General Pathology and Trauma: The height of the individual was estimated at 5'10". Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 164 was never analysed.
	Decapitation Trauma: n/a
	Head Position: The head was bent forward onto the chest.
	Arm Position: The arms were behind the back.
	Body Position: It is assumed that the individual was supine.
	Grave: The grave was orientated N-S. A disarticulated skull (165) was lying on the right arm.
	Grave Goods: None
	Excavator Comments: None

No: 166 Sex: Not provided Age: Not provided Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: The height of the individual was estimated at 5'5". Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 166 was never analysed.
	Decapitation Trauma: n/a
	Head Position: The head was positioned straight, but slightly inclined to the left.
	Arm Position: The hands were together on the pelvis (this is considered a possible bound victim because the report specifies that he hands were together, not just on the pelvis).
	Body Position: It is assumed that the individual was supine.
	Grave: The grave was orientated W-E at a depth of 1'9". A pair of disarticulated legs was found at the head.
	Grave Goods: None
	Excavator Comments: None

No: 167 Sex: Not provided Age: Not provided Deviance: Bound, Triple Burial (with 168 and 169), Prone, Possibly mutilated prior to burial Skeletal Completeness and Preservation: Not provided Images: (Lowther 1931, Plate XXIII (foremost))	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 167 was never analysed.
	Decapitation Trauma: n/a
	Head Position: The head was twisted to the left.
	Arm Position: The hands were 'behind the pelvis' (Lowther 1931, 42).
	Body Position: The body was lying face down and the legs double back on to the spine. The legs appeared to have been cut off at the knees prior to burial.
	Grave: The grave was orientated S-N. The bodies of 167, 168 and 169 were all confused within the grave.
	Grave Goods: None
Excavator Comments: None	



<p>No: 168 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burials (with 167 and 169), prone, possibly mutilated prior to burial Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, Plate XXIII (centre))</p> 	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 168 was never analysed. The excavators noted small holes on the pelvic bones, 'as though caused by some pronged implement' (Lowther 1931, 42).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was turned to the left.</p> <p>Arm Position: The hands were crossed on the back.</p> <p>Body Position: The body was lying face downwards and the 'legs turned back on to [the] spine' (Lowther 1931, 42). The legs are missing from the knees.</p> <p>Grave: The grave was orientated S-N. The bodies of 167, 168 and 169 were all confused within the grave.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 169 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burial (with 167 and 168), possibly mutilated prior to burial Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, Plate XXIII (backmost))</p> 	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 169 was never analysed.</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was separated from the body and lay between and behind nos. 167 and 168.</p> <p>Arm Position: The arms were separated from the body at the shoulders, but the hands remained together. The arms and shoulder blades were by the legs of 168, with the right shoulder on the pelvis of 167 and the left on the pelvis of 168.</p> <p>Body Position: The legs were bent upwards with the feet missing. The body is assumed to be supine.</p> <p>Grave: The grave was orientated S-N. The bodies of 167, 168 and 169 were all confused within the grave. The body was positioned up against the side of the grave.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 170 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burial (with 171 and 172) Skeletal Completeness and Preservation: The left leg was broken post-mortem when the grave was cut by the burial of 173, 174, and 175. The leg was found in the filling of the later grave.</p>	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 170 was never analysed.</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was pillowed and turned slightly right.</p> <p>Arm Position: The hands were behind the back.</p> <p>Body Position: It is assumed that the individual was supine.</p>
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<p>Images: (Lowther 1931, Plate XXIII (foremost of the bottom burial))</p> 	<p>Grave: The grave was orientated N-S. The depth was 2'2". The grave contained multiple bodies (170, 171, and 172). It was cut through by the later burial of 173, 174, and 175.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 171 Sex: Male Age: 25-30 (Prime Adult: 26-35)</p> <p>Deviance: Bound, multiple burial (with 170 and 172)</p> <p>Skeletal Completeness and Preservation: The skull was present and but the postcranial skeleton was somewhat incomplete.</p> <p>Images: (Lowther 1931, Plate XXIII (centre of the bottom burials))</p> 	<p>General Pathology and Trauma: The tooth enamel was worn. The third trochanters appeared to have been weak. (Keith notes, Appendix D)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was turned to the right.</p> <p>Arm Position: The arms were behind the back.</p> <p>Body Position: It is assumed that the individual was supine.</p> <p>Grave: The grave was orientated N-S. The depth was 2'2". The grave contained multiple bodies (170, 171, and 172). It was cut through by the later burial of 173, 174, and 175. 171 lay beside 170.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 172 Sex: Male Age: 30-40 (Middle to Mature Adult: 26-45)</p> <p>Deviance: Bound, multiple burial (with 170 and 171)</p> <p>Skeletal Completeness and Preservation: The skeleton was nearly complete. The left femur was displaced when the grave was cut by the burial of 173, 174, and 175. The leg was found in the filling of the later grave.</p> <p>Images: (Lowther 1931, Plate XXIII (backmost of the bottom burials))</p>	<p>General Pathology and Trauma: The height was estimated at 5'10". The first coccygeal was fused with the sacrum and there was a slight mushroom deformity at the head of the femur. (Keith notes, Appendix D)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was pillowed and turned right.</p> <p>Arm Position: The arms were behind the back.</p> <p>Body Position: It is assumed that the individual was supine.</p> <p>Grave: The grave was orientated N-S. The depth was 2'2". The grave contained multiple bodies (170, 171, and 172). It was cut through by the later burial of 173, 174, and 175. 172 lay beside 171.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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No: 173
Sex: Male
Age: Elderly [Senior Adult: 46+]

Deviance: Bound, triple burial (with 174 and 175)
Skeletal Completeness and Preservation: It can be assumed that the postcranial skeleton was present at the time of discovery, but only the skull was sent for analysis.

Images: (Lowther 1931, Plate XXIII (leftmost of the top burials))



General Pathology and Trauma: The skull presented an obelion gutter. All maxillary teeth were present. There was oblique destruction to the crown of the M1 and PMs. The Enamel was denuded on the M2. (Keith's notes, Appendix D)

Decapitation Trauma: n/a

Head Position: The head was turned slightly to the right with the mouth open wide.

Arm Position: The hands lay across the pelvis.

Body Position: The body is assumed to be supine and extended. The left arm was under the right arm of 174.

Grave: The grave was orientated W-E and contained skeletons 173, 174, and 175. The grave was 2" deep and the upper part of the grave 'displaced the leg bones of an earlier N-S triple burial,' (that of 170, 171, and 172) (Lowther 1931, 42).

Grave Goods: A silver halfpenny of Edward the Confessor (dated AD 1043) was found on the pelvis. 'There were bones and pieces of pottery in [the] filling of the grave, also signs of bronze and beads' from the earlier burials through which the grave cuts (Lowther 1931, 42).

Excavator Comments: None

No: 174
Sex: Not provided
Age: Not provided

Deviance: Bound, triple burial (with 173 and 175)
Skeletal Completeness and Preservation: Not provided

Images: (Lowther 1931, Plate XXIII (centre of the top burials))



General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 174 was never analysed.

Decapitation Trauma: n/a

Head Position: The head was straight, with the mouth wide open.

Arm Position: The arms were across the pelvis.

Body Position: The body is assumed to have been supine and extended.

Grave: The grave was orientated W-E and contained skeletons 173, 174, and 175. The grave was 2" deep and the upper part of the grave 'displaced the leg bones of an earlier N-S triple burial,' (that of 170, 171, and 172) (Lowther 1931, 42).

Grave Goods: A silver halfpenny of Edward the Confessor (dated AD 1043) was found on the pelvis of 173. 'There were bones and pieces of pottery in [the] filling of the grave, also signs of bronze and beads' from the earlier burials through which the grave cuts (Lowther 1931, 42).

Excavator Comments: None

<p>No: 175 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burial (with 173 and 174) Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, Plate XXIII (rightmost of the top burials))</p> 	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 175 was never analysed.</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was laid straight.</p> <p>Arm Position: The arms were across the pelvis.</p> <p>Body Position: The body was turned slightly to the left.</p> <p>Grave: The grave was orientated W-E and contained skeletons 173, 174, and 175. The grave was 2" deep and the upper part of the grave 'displaced the leg bones of an earlier N-S triple burial,' (that of 170, 171, and 172) (Lowther 1931, 42).</p> <p>Grave Goods: A silver halfpenny of Edward the Confessor (dated AD 1043) was found on the pelvis of 173. 'There were bones and pieces of pottery in [the] filling of the grave, also signs of bronze and beads' from the earlier burials through which the grave cuts (Lowther 1931, 42).</p> <p>Excavator Comments: None</p>
<p>No: 178 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burial (with 179 and 180) Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, Plate XXIV (backmost))</p> 	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 178 was never analysed. The individual was estimated to have been 5'8" tall.</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was tilted back and slightly left</p> <p>Arm Position: The arms were behind the back.</p> <p>Body Position: The body is assumed to have been supine. The toes were up.</p> <p>Grave: The grave was orientated W-E, and contained the skeletons 178, 179, and 180.</p> <p>Grave Goods: An iron buckle was found on the left side of the pelvis of 180. The D-shaped buckle dates to the 11th century.</p> <p>Excavator Comments: None</p>
<p>No: 179 Sex: Male Age: 20? [Young Adult: 18-25]</p> <p>Deviance: Bound, triple burial (178 and 180) Skeletal Completeness and Preservation: Skull and postcranial skeleton recovered</p> <p>Images: (Lowther 1931, Plate XXIV (centre))</p>	<p>General Pathology and Trauma: The individual was estimated to have been 5'8" tall. Maxillary M3s and mandibular PM3 were not present. The enamel was denuded in places on the crown of the PMs and Ms. The epiphyses were unjoined at the vertebral bodies, spines and transverse processes. The epiphyses of the iliac crest, rami, distal end of the femur, proximal end of the humerus, distal end of the radius and ulna, tip of acromion and both ends of the clavicles and fibulae were unfused. The sacral vertebrae were discrete. There was vigorous marking of the greater trochanter. (Keith's notes, Appendix D)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was turned left and was slightly pillowed.</p> <p>Arm Position: The arms were behind the back.</p> <p>Body Position: The body is assumed to have been supine.</p>

	The toes were up.
	Grave: The grave was orientated W-E, and contained the skeletons 178, 179, and 180.
	Grave Goods: An iron buckle was found on the left side of the pelvis of 180. The D-shaped buckle dates to the 11 th century.
	Excavator Comments: None

<p>No: 181 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: The bones of the skeleton were well preserved.</p> <p>Images: (Lowther 1931, XXIV (backmost running under the heads of top burials))</p> 	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 181 was never analysed. The individual was estimated to have been 6' tall.
	Decapitation Trauma: n/a
	Head Position: The head was straight.
	Arm Position: The hands were together on the pelvis.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated S-N. It was around 1'10" deep. The body is under the heads of 177, 178 and 179.
	Grave Goods: None
	Excavator Comments: None

<p>No: 182 Sex: Male Age: 35-40 [Mature Adult: 36-45]</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: The skull was broken post-mortem by a plough. The skeleton was fairly complete.</p> <p>Images: none</p>	General Pathology and Trauma: The individual was estimated to have been 5'6" tall. The teeth were healthy overall. The mandibular M3 was unerupted. Large wormian bone was present on the right lambdoid suture and two small wormian bones were present in the coronal suture. The sacral canal was open dorsally. The greater trochanter was moderate and there was a stout ligature tubercle on the femur. (Keith notes, Appendix D)
	Decapitation Trauma: n/a
	Head Position: The head was straight.
	Arm Position: The arms were behind the back
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E It was 1'8" deep. The grave was narrow and shallow.
	Grave Goods: None
Excavator Comments: None	

<p>No: 183 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: The skull was broken post-mortem by a plough.</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 183 was never analysed. The individual was estimated to have been 5'3" tall.
	Decapitation Trauma: n/a
	Head Position: The position of the head was not specified, but the skull was broken by later ploughing so it may not have been obvious.
	Arm Position: The hands were together on the pelvis.
	Body Position: [The body is assumed to have been supine].
	Grave: The grave was orientated S-N. It was round 1' deep.
Grave Goods: A small slate hone which had been perforated at the broad end and	

Images: none	tapered to a narrow end was found by the pelvis.
	Excavator Comments: None

<p>No: 187 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, multiple burial (188, 189) Skeletal Completeness and Preservation: not specified</p> <p>Images: (Lowther 1931, XXV (foremost))</p> 	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 187 was never analysed. The individual was estimated to have been 5'4" tall.
	Decapitation Trauma: n/a
	Head Position: The head was straight but bent slightly to the left.
	Arm Position: The hands were together on the pelvis. The right arm lay over the left arm of 188.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained the bodies of three individuals (187, 188, 189)
	Grave Goods: None
	Excavator Comments: None

<p>No: 190 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burial (with 176 and 177) Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, XXIV (foremost))</p> 	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 190 was never analysed. The individual was estimated to have been 6' tall.
	Decapitation Trauma: n/a
	Head Position: Not specified, but assumed to have been in anatomical position.
	Arm Position: The hands were together on the pelvis.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained skeletons 176, 177, and 190. It was round 1' deep.
	Grave Goods: None
	Excavator Comments: None

<p>No: 192 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, triple burial (with 193 and 194) Skeletal Completeness and Preservation: The head and shoulders were missing, probably disturbed by the burial of 43.</p> <p>Images: none</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 192 was never analysed.
	Decapitation Trauma: n/a
	Head Position: The head was missing.
	Arm Position: The hands were across the pelvis. The right arm was over the left arm of 193.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained skeletons 192, 193 and 194. It was very shallow, around 1' deep.
	Grave Goods: None
	Excavator Comments: None

<p>No: 193 Sex: Not provided Age: Not provided</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 193 was never analysed.
	Decapitation Trauma: n/a

<p>Deviance: Bound, triple burial (with 192 and 194)</p> <p>Skeletal Completeness and Preservation: The head and shoulders were missing, probably disturbed by the burial of 43.</p> <p>Images: none</p>	Head Position: The head was missing.
	Arm Position: The hands were across the pelvis. The left arm was under the right arm of 192, and the right arm was under the left of 194.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained skeletons 192, 193 and 194. It was very shallow, around 1' deep.
	Grave Goods: None
	Excavator Comments: None

<p>No: 194</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Bound, triple burial (with 193 and 194)</p> <p>Skeletal Completeness and Preservation: The head and shoulders were missing, probably disturbed by the burial of 43.</p> <p>Images: none</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 194 was never analysed.
	Decapitation Trauma: n/a
	Head Position: The head was missing.
	Arm Position: The hands were across the pelvis. The left arm was over the right arm of 193.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained skeletons 192, 193 and 194. It was very shallow, around 1' deep.
Grave Goods: None	
Excavator Comments: None	

<p>No: 198</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Bound, triple burial (with 199 and 200)</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, XXVI (foremost))</p> 	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 198 was never analysed. The individual was estimated to have been 5'6" tall.
	Decapitation Trauma: n/a
	Head Position: The head was turned left.
	Arm Position: The heads were together behind the back.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained skeletons 198, 199, and 200. It was round 1'10" deep.
	Grave Goods: None
	Excavator Comments: None

<p>No: 199</p> <p>Sex: Not provided</p> <p>Age: Not provided</p> <p>Deviance: Bound, triple burial (with 198 and 200)</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Lowther 1931, XXVI (centre))</p>	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 199 was never analysed. The individual was estimated to have been 6' tall.
	Decapitation Trauma: n/a
	Head Position: Not specified. The head appears to have been in anatomical position.
	Arm Position: The hands were together behind the back.
	Body Position: The body is assumed to have been supine.
	Grave: The grave was orientated W-E and contained skeletons 198, 199, and 200. It was around 1'10" deep.
Grave Goods: None	

	<p>Excavator Comments: None</p>
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<p>No: 200 Sex: Male Age: 20-25 [Young Adult: 18-25]</p>	<p>General Pathology and Trauma: The individual was thought to have been 5'5" tall. The teeth were unworn. (Keith notes, Appendix D)</p>
<p>Deviance: Bound, triple burial (with 198 and 199) Skeletal Completeness and Preservation: It can be assumed that the postcranial skeleton was present at the time of discovery, but only the skull was sent for analysis.</p>	<p>Decapitation Trauma: n/a</p>
<p>Images: (Lowther 1931, XXVI (backmost))</p>	<p>Head Position: Not specified. The head is assumed to have been in anatomical position.</p>
	<p>Arm Position: The hands were together behind the back.</p>
	<p>Body Position: The body is assumed to have been supine.</p>
	<p>Grave: The grave was orientated W-E and contained skeletons 198, 199, and 200. It was around 1'10" deep.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 203 Sex: Not provided Age: Not provided</p>	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 203 was never analysed.</p>
<p>Deviance: Bound Skeletal Completeness and Preservation: The skeleton was 'fragmentary', probably due to ploughing.</p>	<p>Decapitation Trauma: n/a</p>
<p>Images: None</p>	<p>Head Position: The head was slightly turned right.</p>
<p>Deviance: Bound</p>	<p>Arm Position: The arms were behind the back.</p>
<p>Skeletal Completeness and Preservation: The skeleton was 'fragmentary', probably due to ploughing.</p>	<p>Body Position: [The body is assumed to have been supine.]</p>
<p>Skeletal Completeness and Preservation: The skeleton was 'fragmentary', probably due to ploughing.</p>	<p>Grave: The grave was orientated N-S and was around 1' deep. The legs of the skeleton were ploughed away.</p>
<p>Skeletal Completeness and Preservation: The skeleton was 'fragmentary', probably due to ploughing.</p>	<p>Grave Goods: None</p>
<p>Skeletal Completeness and Preservation: The skeleton was 'fragmentary', probably due to ploughing.</p>	<p>Excavator Comments: None</p>

<p>No: 204 Sex: Male Age: 30-35 [Middle Adult: 26-35]</p>	<p>General Pathology and Trauma: The height of the individual was estimated at 5'5". All of the teeth were present. The crowns were extremely worn, but otherwise there was no dental disease. There were signs of osteoarthritis in the C7. The individual displayed a strong gluteal ridge. (Keith notes, Appendix D)</p>
<p>Deviance: Prone Skeletal Completeness and Preservation: The feet the top of the cranium were ploughed away.</p>	<p>Decapitation Trauma: n/a</p>
<p>Deviance: Prone</p>	<p>Head Position: The head is assumed to have been articulated to the post-cranial skeleton and in anatomical position.</p>
<p>Skeletal Completeness and Preservation: The feet the top of the cranium were ploughed away.</p>	<p>Arm Position: The elbows were bent upwards.</p>
<p>Skeletal Completeness and Preservation: The feet the top of the cranium were ploughed away.</p>	<p>Body Position: The body was lying face down.</p>
<p>Skeletal Completeness and Preservation: The feet the top of the cranium were ploughed away.</p>	<p>Grave: The grave was orientated S-N and was 1'6" deep in the centre.</p>

Images: None	Grave Goods: None
	Excavator Comments: None

<p>No: 205 Sex: Male Age: 25-30 (Middle Adult: 26-35) Deviance: Bound Skeletal Completeness and Preservation: Only the skull was sent for osteological examination. The preservation of the bones in situ was not specified. Images: None</p>	<p>General Pathology and Trauma: Periodontal disease was present on the maxillary teeth. The left M₂ and M₃ exhibited caries and all teeth exhibited tartar. There appeared to be an extra cusp on one of the canines. (Keith notes, Appendix D)</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was 'bent up from the shoulders' and turned left (Lowther 1931, 44).</p>
	<p>Arm Position: The hands were together on the pelvis</p>
	<p>Body Position: It is assumed that the body was supine.</p>
	<p>Grave: The grave was orientated N-S and was shallow at 1'1" deep.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 207 Sex: Male Age: 30-40 [Middle to mature adult: 26-45] Deviance: Decapitated Skeletal Completeness and Preservation: The skull and postcranial skeleton were nearly complete Images: None</p>	<p>General Pathology and Trauma: The teeth were moderately worn. Evidence of osteoarthritis was present on vertebrae 10, 11, 3, 4, and 5. Ossification was present in both hip joints. Some mushrooming was present in the right femoral head. (Keith notes, Appendix D). The height of the individual was estimated at 5'8".</p>
	<p>Decapitation Trauma: The individual was beheaded through the atlas. The incised wound was on the left side, towards the back. (Keith's notes, Appendix D) [One blow to the left side towards the back]</p>
	<p>Head Position: The head was recorded as straight but 'raised up from the shoulders' (Lowther 1931, 44).</p>
	<p>Arm Position: The left hand rested on the waist and the arms was 'raised upwards' (Lowther 1931, 44).</p>
	<p>Body Position: The body was supine but turned slightly left. The left knee was slightly flexed.</p>
	<p>Grave: The grave was orientated S-N and was 2'7" deep.</p>
	<p>Grave Goods: None Excavator Comments: None</p>

<p>No: 209 Sex: Not provided Age: Not provided Deviance: Bound, multiple burial (with 208) Skeletal Completeness and Preservation: Not specified Images: None</p>	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 209 was never analysed. The skeleton was 5' 5 1/2" tall.</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head is assumed to have been in anatomical position.</p>
	<p>Arm Position: The arms were behind the back. The left arm and shoulder were over the right arm and shoulder of 208.</p>
	<p>Body Position: The body was slightly tilted onto the left side and bent forward at the hips.</p>
	<p>Grave: The grave was orientated N-S and was 1'11" deep. It contained the bodies of both 208 and 209.</p>
	<p>Grave Goods: None Excavator Comments: None</p>

<p>No: 211 Sex: Not provided Age: Not provided Deviance: Bound, double burial (with 212) Skeletal Completeness and Preservation: Not provided Images: None</p>	<p>General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 211 was never analysed. The individual was estimated to have been 5'3.5" tall.</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was turned left</p>
	<p>Arm Position: The arms were behind the back.</p>
	<p>Body Position: [The body is assumed to have been supine.] The body was slightly bent left at the hips. The left shoulder was over the right shoulder of 212, and the head was pillowed on the pelvis of 212. The toes were up.</p>
<p>Grave: The grave was orientated W-E and was 2'10" deep.</p>	

	Grave Goods: None
	Excavator Comments: None

No: 212 Sex: Male Age: 26-40 Deviance: Bound, double burial (with 211) Skeletal Completeness and Preservation: The postcranial skeleton was incomplete Images: None	General Pathology and Trauma: The individual was estimated to have been 5'5" tall. The individual was of medium build. The maxillary M ₃ and the left mandibular M ₃ was absent. Tartar was present. There was lipping of the dorsal bodies. The left hip joint was excessive. Mushrooming of the femoral head was present. (Keith notes, Appendix D)
	Decapitation Trauma: n/a
	Head Position: The head was turned slightly to the left and the mandible was displaced.
	Arm Position: The arms were behind the back.
	Body Position: It is assumed that the body was laid supine. The right shoulder lay under the left shoulder of No. 211.
	Grave: The grave was orientated W-E and was 2'10" deep. 212 was slightly lower in the grave than 211.
	Grave Goods: None
Excavator Comments: None	

No: 217 Sex: Not provided Age: Not provided Deviance: Bound, triple burial (with 218) Skeletal Completeness and Preservation: The skull was badly broken 'as if sheared away by plough'. Images: None	General Pathology and Trauma: Sir Arthur Keith analysed only 48 skeletons from the sixth-century cemetery and the execution victims. Individual 217 was never analysed.
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed to have been articulated to the post-cranial skeleton and in anatomical position.
	Arm Position: The hands were together over the spine.
	Body Position: [It is unclear whether the body was supine or prone. The description of the arm position is confusing, however the left arm of 218 is said to be over the right arm of 218, implying 217 was in the supine position.]
	Grave: The grave was orientated SW-NE and was 1' deep. No 217 lay between 218 and 222. The left arm of 217 lay under the left arm of 218.
	Grave Goods: None
Excavator Comments: None	

MEON HILL (HANTS)

Date: 10th or 11th century

No. of inhumations: 10

No. of deviants: 7

Decapitations	1, 5, 6, 7, 9, 10
Bound Arms	1, 4, 7, 9
Prone	4, 7

Execution features: none

Landscape monuments: iron age fort; on a summit above the river Test

Boundaries: the main Stockbridge-Salisbury road runs over Meon Hill, along the Roman road from Winchester to Old Sarum, on the boundary between the parishes of Longstock and Houghton

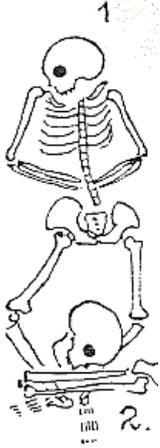
The ring-fort that is Meon Hill was first discovered in 1924, although excavation to confirm its Iron Age date did not begin until the autumn of 1932. The tenth- or eleventh- century date is derived from an analysis of the skulls and the few objects found in the burial pit, including a coin of Edward the Confessor associated with individual no. 5. The bodies were laid out extended with their feet to the north. Six instances of decapitation and four occurrences of binding, two of these prone, led to their interpretation as execution victims.



Figure A.4. Photograph of the excavated Meon Hill cemetery (Liddell 1993, Plate V)

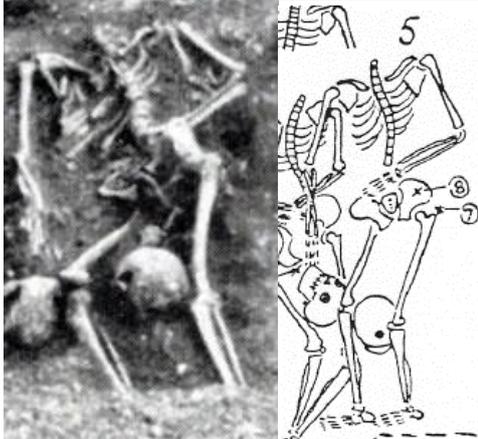
Source: Liddell 1933; Reynolds 2009, 115-8; images reproduced by permission of the Hampshire Field Club.

<p>No: 1 Sex: Male Age: 40-45 [Mature adult: 36-45]</p> <p>Deviance: Decapitated, bound Skeletal Completeness and Preservation: 'The spine [was] slightly dislocated from subsidence of the ditch filling. The lower jaw lay 2in. above the upper jaw (probably disturbed by rabbits of which there were abundant traces on the south side of the cutting.) The left side of [the] skull was cracked.' (Liddell 1933, 133)</p> <p>Images: (Liddell 1933, Plate V)</p>	<p>General Pathology and Trauma: 'The left side of the skull was cracked... All the teeth were present at death and all the 24 that still remain are quite healthy.' (Liddell 1933, 133, 138)</p> <p>Decapitation Trauma: 'All the cervical vertebrae are present but the 2nd and 4th give evidence of decapitation. A blow aimed from the left side had cut into the right transverse process of the 5th cervical vertebra but had not detached it. A second blow, aimed from the same side, has made a slanting cut passing through the lower part of the left transverse process of the 5th and through the upper part of the body and of the right transverse process of the 6th, taking also a bit of the right transverse process of the 7th vertebra.' (Liddell 1933, 138) [Two blows to the left]</p> <p>Head Placement: The head was turned to the right over the right shoulder.</p> <p>Arm Placement: The hands were 'crossed at the wrists behind the lumbar vertebrae and were probably bound.' (Liddell 1933, 133)</p> <p>Body Position: The body was placed supine, with the feet to the north. The left leg was slightly flexed and the right was 'flexed and rotated outwards, [the] knee raised on a heap of stones.' The left foot was flexed and lay underneath</p>
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 	<p>the lower leg of No. 2, which was 'projecting from the face of the cutting.' (Liddell 1933, 133)</p>
	<p>Grave: All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

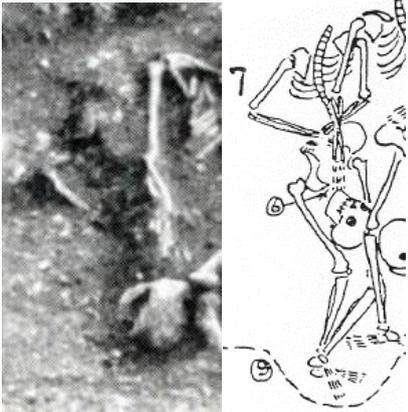
<p>No: 4 Sex: Male Age: 20-23 [Young adult: 18-25]</p> <p>Deviance: Bound, prone Skeletal Completeness and Preservation: The skeleton was complete.</p> <p>Images: (Liddell 1933, Plate V)</p>  	<p>General Pathology and Trauma: 'Teeth all present and all health. Cervical vertebrae all present and none cut.' (Liddell 1933, 138)</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The 'head [was] bent slightly backward and turned to right, the left side resting on a stone' (Liddell 1933, 135)</p>
	<p>Arm Position: The hands were 'bound behind [the] back touching at [the] wrists - left on top - fingers half flexed towards the palm.' (Liddell 1933, 135)</p>
	<p>Body Position: The body was lying on its face ... [The] legs and feet [were] fully extended side by side.' (Liddell 1933, 135)</p>
	<p>Grave: All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders. The burial of No. 4 cut through No. 3.</p>
	<p>Grave Goods: 'A large flint boulder lay on the centre of the back, which at first suggested stoning, but when lifted it was found that a little humus and a scapula, probably of No. 3, lay between it and the body, and it was probably placed there during burial... A small bronze earring was found 3in. from the right ear of No. 4, and the bronze wrist fastener lay beside the right hand.' (Liddell 1933, 135)</p>
<p>Excavator Comments: None</p>	

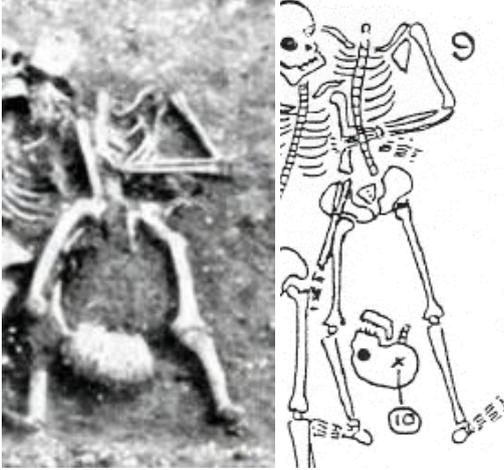
<p>No: 5 Sex: Male Age: 20-23 [young adult: 18-25]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The skeleton was complete.</p> <p>Images: (Liddell 1933, Plate V)</p>	<p>General Pathology and Trauma: The teeth were all present and healthy.</p>
	<p>Decapitation Trauma: 'The first five cervical vertebrae were present and showed that a blow delivered from the right side of the victim had hit the neck between the 4th and 5th vertebrae.' (Liddell 1933, 138) [One blow from the right]</p>
	<p>Head Position: The head was 'placed between [the] knees, face down touched [the] left knee; the atlas is articulated with the skull.' (Liddell 1933, 135)</p>
	<p>Arm Position: The 'right arm [was] extended and [the] hand pronated.' The left arm was flexed and the fingers rested on the right pelvis. (Liddell 1933, 135)</p>
	<p>Body Position: The body was 'lying on [its] back slightly turned towards the right.' The right leg was 'slightly flexed, the knee raised and resting on [the] skull of No. 7.' The left leg was 'extended and rotated inwards.' Both feet were 'lying</p>

	<p>on [the] side of [the] ditch, toes pointing east. (Liddell 1933, 135)</p>
	<p>Grave: All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders.</p>
	<p>Grave Goods: 'Beside the left hip was a small iron buckle and 5in. below this a bronze chape or strap-tag. Just beyond the extended fingers of the right hand was the coin.' The coin was of Edward the Confessor and dated to the eleventh century. (Liddell 1933, 135)</p>
	<p>Excavator Comments: None</p>

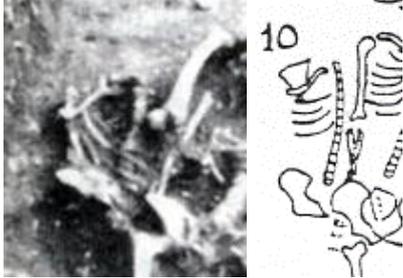
<p>No: 6 Sex: Male Age: Over 50 [senior adult: 46+]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The individual was cut through the torso by the burial of No. 7, so only the upper arms, chest and cranium survive. 'Loose bones in the humus above practically completed this skeleton.' (Liddell 1933, 135)</p> <p>Images: (Liddell 1933, Plate V)</p>  	<p>General Pathology and Trauma: 'His teeth were in much worse condition. At death five stumps of upper teeth were left in the upper jaw, of which only the left upper canine remains. It had an abscess at the root and the sockets of the others showed signs of disease. In the lower jaw only the right first molar and one root of the left first molar had been lost at death but most of the other teeth had been badly worn... The right wrist and the lower part of the spinal column show signs of arthritis. The 5th lumbar vertebra articulates with the sacrum on the left side.' (Liddell 1933, 138)</p>
	<p>Decapitation Trauma: 'The man had been decapitated. The cervical vertebrae were all present and so provide complete evidence that the head had been cut off with a single clean blow between the 4th and 5th vertebrae which took a little off each.' (Liddell 1933, 138) [One blow from unknown direction]</p>
	<p>Head Position: 'The head of No. 6 is bent forward and rotated to [the] left, the lower jaw forced up and to [the] right outside the upper teeth.' (Liddell 1933, 135)</p>
	<p>Arm Position: Not specified</p>
	<p>Body Position: [The individual is assumed to have been buried supine.]</p>
	<p>Grave: All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders. The thorax and humera of No. 6 had been cut through by the burial of No. 7.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 7 Sex: Male Age: About 45 [mature to senior adult: 36+]</p> <p>Deviance: Decapitated, prone, bound Skeletal Completeness and Preservation: The skeleton was nearly complete.</p> <p>Images: (Liddell 1933, Plate V)</p>	<p>General Pathology and Trauma: 'Teeth were all present at death and the thirty now preserved are all healthy... The man shows considerable signs of arthritis, the 3rd and 4th thoracic vertebrae being ankylosed. Also the right hip-bone shows signs of arthritis above the hip-joint.' (Liddell 1933, 138-9)</p>
	<p>Decapitation Trauma: 'The first three vertebrae and the 7th have been preserved. A blow has taken a slice of bone from the under surface of the 3rd vertebra and either this blow or one aimed lower down cut into the right collar-bone. This bone was hit by two blows - one cut off its mesial end and the other was rather more lateral.' (Liddell 1933, 138) [2-3 blows to the right]</p>
	<p>Head Position: 'The head [was] lying between the thighs above the right femur and beneath the right knee of No. 5;</p>

	<p>[the] skull lies on [the] base and [the] right side of [the] lower jaw, looking south.' (Liddell 1933, 135)</p>
	<p>Arm Position: The wrists were crossed in the front, 'level with [the] crest of [the] ilium – probably bound.' (Liddell 1933, 135)</p>
	<p>Body Position: The body was placed face down and slightly to the right, 'exaggerating the dorsal curve of the spine.' The legs were slightly flexed and almost touching and the right foot was 'placed on top of the left'. (Liddell 1933, 135)</p>
	<p>Grave: All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders. 'The body is not quite in the centre of the ditch, and a hollow 1.5ft wide by 0.75ft deep has been cut in the chalk on the north side to accommodate its feet.' (Liddell 1933, 135) The burial disturbed the grave of No. 10 and lay partly underneath No. 5.</p>
	<p>Grave Goods: 'A small iron buckle lay on the edge of this recess.' (Liddell 1933, 135)</p>
<p>Excavator Comments: None</p>	

<p>No: 9 Sex: Male Age: Youth of about 20 [young adult: 18-25]</p>	<p>General Pathology and Trauma: The 'teeth were all present at death but the second lower milk molar had been retained, no pre-molar having erupted in its place. This milk tooth is carious.' (Liddell 1933, 139)</p>
<p>Deviance: Decapitated, bound</p>	<p>Decapitation Trauma: 'All his cervical vertebrae are preserved and show that he was decapitated by a blow which struck the neck between the 5th and 6th cervical vertebrae.' (Liddell 1933, 139) [One blow from unknown direction]</p>
<p>Skeletal Completeness and Preservation: No information provided</p>	<p>Head Position: 'The head is between the knees, the top vertebrae being articulated with the skull, which lies on [the] left side, facing west. The lower maxilla is articulated but has fallen open.' (Liddell 1933, 136)</p>
<p>Images: (Liddell 1933, Plate V)</p> 	<p>Arm Position: The 'arms [were] flexed and [the] wrists crossed above the upper lumbar vertebrae and probably bound – the fingers of [the] left hand rest on the humerus of No. 8.' (Liddell 1933, 136)</p>
	<p>Body Position: The body was placed supine with the 'feet turned out and flexed, the heels lying inwards and downwards.' (Liddell 1933, 136)</p>
	<p>Grave: All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders. The burial of No. 9 disturbed the grave of No. 10.</p>
	<p>Grave Goods: 'A small bronze earring lay near the right ear of this skull.' (Liddell 1933, 136)</p>
	<p>Excavator Comments: None</p>

<p>No: 10 Sex: Male Age: 35 or more [mature to senior adult: 36+]</p>	<p>General Pathology and Trauma: 'Ankylosis of the 5th and 6th thoracic vertebrae and many other signs of vertebral arthritis were in evidence, while the astragalin showed the same disease to have been at work at the back of the heels.' (Liddell 1933, 139)</p>
<p>Deviance: Decapitated</p>	<p>Decapitation Trauma: 'Of the cervical vertebrae all but the 1st and 7th are preserved. He had been decapitated by a clean cut through the upper part of the body of the atlas.' (Liddell 1933, 139) [One blow from unknown direction]</p>
<p>Skeletal Completeness and Preservation: No. 10 was 'part of a skeleton much disturbed by the interment of Nos. 7 and 9. The left side of the thorax, scapula, clavicle, ribs and vertebrae and left half of pelvis are undisturbed. The femora had been thrown back on top of No. 8, one lying along the left radius, its distal end just below the elbow joint, and the other with [the] distal end and part of</p>	<p>Head Placement: The skull is fragmentary.</p>
	<p>Arm Placement: Not specified.</p>
	<p>Body Position: [The body position was not detailed,</p>

<p>[the] pelvis resting on the right temple. The tibia was articulated and flexed back along the right humerus' (Liddell 1933: 136). 'Only fragment of skull are left. The condition of the bone seems different from that of the others, being rather more metallic' (Liddell 1933: 139).</p>	<p>possibly because of the amount of disturbance. The body is assumed to have originally been buried supine.]</p>
<p>Images: (Liddell 1933, Plate V)</p>	<p>Grave: The grave was cut through by the burial of Nos. 7 and 9. All of the burials were 5-6' below the surface and orientated N-S. They were covered with chalk rubble and occasional large flint boulders.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'The fact that [the disturbed] limbs remained articulated in spite of being strongly flexed, indicates that the joints were still supported by some flesh or sinew, at the time of their disturbance.' (Liddell 1933, 136)</p>

OLD DAIRY COTTAGE, LITTLETON (HANTS)

Date: 8th – 11th centuries (radiocarbon)

No. of inhumations: 16 + disarticulated material

No. of deviants: 12

Decapitations	525, 528, 531, 560, 562, 565, 575, 580, Disarticulated Material from 128
Bound Arms	553, 560, 575
Prone	560, 576, 577

Execution features: none

Landscape monuments: none

Boundaries: adjacent to Roman road between Winchester and Mildenhall, on parish boundary of Littleton and Harestock, Headbourne Worthy and the city of Winchester, on boundary between the hundreds of Falemere and Barton

Inhumations were discovered at Old Dairy Cottage during the second year of excavations running from 1989 to 1994. Evidence for decapitation, prone burial and bound limbs combined with the radiocarbon date placed within the later Anglo-Saxon period has led Cherryson and Buckberry to determine this an execution cemetery. The demography includes juveniles and women but is heavily skewed toward young and middle adult males. The large number of decapitations and the mention of *heafod stocc* in related charter boundary clauses have led to the suggestion of skull display, possibly on head-stakes.

Sources: Cherryson and Buckberry, *forthcoming*; Reynolds 2009, 118-20

<p>No: 525 Sex: Probable male Age: Middle adult (26-45) [prime to mature adult: 26-45]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The skeleton was 55% complete and the bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Skeleton 525 had caries on three pre-molars and one molar, and had lost another three molars and one pre-molar prior to death. There was dental calculus on 60% of the teeth. Osteophytes and enthesophytes were observed on the right olecranon process of the right ulna and osteomyelitis on the left tibia. The L5 was congenitally fused to the sacrum and the S1 and S2 were fully fused on the right side and partially fused on the left. Schmorl's nodes were found on T9-10, marginal osteophytes on T3, 7-12 and L2-5. There was also calcification of cartilage in ribs.</p>
	<p>Decapitation Trauma: 'Exhibited sharp force trauma to the base of the body of C3, removing the anterior margin' (Cherryson and Buckberry <i>unpublished</i>). [One blow from unknown direction]</p>
	<p>Head Position: The head was placed by the right knee. The cranium was found with the mandible. The head was severed in one blow.</p>
	<p>Arm Position: The left arm was missing and the right was alongside the body.</p>
	<p>Body Position: The body was buried supine and extended.</p>
	<p>Grave: The grave was orientated S-N. The grave number was 111.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 528 Sex: Male Age: Young adult: 18-25</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The skeleton was 60% complete and the bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Skeleton 528 had a sixth sacral vertebra and spina bifida occulta. A development defect was observed on the articular surface for the left second cuneiform on the first cuneiform. A Schmorl's node was observed on T12.</p>
	<p>Decapitation Trauma: No cervical vertebrae were found.</p>
	<p>Head Position: The cranium was placed above the right arm, but the mandible was not present.</p>
	<p>Arm Position: The left arm was across the chest and the right alongside the body.</p>
	<p>Body Position: The body was buried supine. The position of the legs is unknown.</p>
	<p>Grave: Grave 112 was orientated S-N.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'Although lacking any osteological verification due to the absence of any cervical vertebrae, contextual evidence indicates that ... skeleton 528... had also been decapitated' (Cherryson and Buckberry <i>unpublished</i>)</p>

<p>No: 531 Sex: Male Age: Young adult: 18-25</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The skeleton was 65% complete and the bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Periostitis was found on the left tibia, although the infection was healed before death. Dental calculus was found on 18.8% of the teeth and enamel hypoplasia on two canines.</p>
	<p>Decapitation Trauma: 'Sharp force trauma was present on the second and third vertebrae and mandible. Cutmarks with radiating fractures were also present on the lower margin of the right side of the mandible. There is some recent damage in this area but there is underlying older peri-mortem damage. The orientation of the cutmarks indicated that there were at least two separate blows to the neck and that one came from the left and in an upward direction.' (Cherryson and Buckberry <i>unpublished</i>) [At least two blows to the left in an upwards direction]</p>
	<p>Head Position: The head was found to the side of the left knee.</p>
	<p>Arm Position: Most of the arms are missing, but the left hand was found above the left shoulder.</p>
	<p>Body Position: The body was buried supine and extended.</p>
	<p>Grave: Grave 113 was orientated N-S.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 553 Sex: Indeterminate Age: Young adult: 18-25</p> <p>Deviance: Bound Skeletal Completeness and Preservation: The skeleton was 30% complete (the legs remaining) and the bone</p>	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: n/a</p>
	<p>Arm Position: 'The bones from both hands lie crossed between the upper femurs and may have been bound, probably in front of the body' (Cherryson and Buckberry <i>unpublished</i>)</p>
	<p>Body Position: Only the lower body of the skeleton survived, but the legs lay supine and extended.</p>
	<p>Grave: Grave 121 was orientated S-N.</p>

<p>preservation was good.</p> <p>Images: None</p>	<p>Grave Goods: None</p> <p>Excavator Comments: None</p>
<p>No: 560 Sex: Probable male Age: Young adult (18-25)</p> <p>Deviance: Decapitated, bound, prone</p> <p>Skeletal Completeness and Preservation: The skeleton was 80% complete and the bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Caries were found on one molar, dental calculus on one molar, and enamel hypoplasia on 23 teeth. The right femur exhibited an oblique fracture which was well healed by the time of death. Schmorl's nodes were observed on T12 and porosity on T10.</p> <p>Decapitation Trauma: There was 'a possible peri-mortem cut to the neural arch of C5' (Cherryson and Buckberry <i>unpublished</i>). The head was severed in one blow. [One blow from unknown direction]</p> <p>Head Placement: The skull was placed by the lower right leg, with the mandible attached.</p> <p>Arm Position: The arms were crossed at the wrists behind the back.</p> <p>Body Position: The body was buried prone, with both legs extended.</p> <p>Grave: Grave 123 was orientated S-N.</p> <p>Grave Goods: An iron buckle was found on the front of the pelvis.</p> <p>Excavator Comments: Radiocarbon dated 780-955 (68.2% probability) / 775-965 ((95.4% probability)</p>
<p>No: 562 Sex: Male Age: Young middle adult (26-35) [Prime Adult: 26-35]</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: The skeleton was 75% complete and the bone preservation was very good. The grave, however, had been badly disturbed.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Caries were found on one molar and two molars had been lost before death. There was evidence of periodontal disease and dental calculus on 67.9% of the teeth. Schmorl's nodes were present on T6 and T10-12, porosity on T7, 9, 11 and L5, and osteophytes on T7-10, 12 and L5. Enthesophytes were present on the attachment site of the Achilles tendons on both calcanei.</p> <p>Decapitation Trauma: 'Sharp force trauma cutting through the right neural arch and body of the C4... The orientation of the cut suggests the blow came from the posterior right' (Cherryson and Buckberry <i>unpublished</i>). [One blow from behind and to the right]</p> <p>Head Position: The skull was found below the left knee, with the mandible attached.</p> <p>Arm Position: The lower right arm crosses behind the back. The burial had been disturbed, so the position of the left arm is unknown.</p> <p>Body Position: The body was buried supine 'but slightly twisted on the right side with the lower right leg crossed below an extended left leg' (Cherryson and Buckberry <i>unpublished</i>).</p> <p>Grave: Grave 124 was orientated S-N.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
<p>No: 565 Sex: Male Age: Young adult (18-25)</p> <p>Deviance: Decapitated, double burial (with 577)</p> <p>Skeletal Completeness and Preservation: The skeleton was 85% complete and the bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Dental calculus was found on 26% of the teeth. Periostitis was present on the left and right tibia, and the infection had healed before death. The C3 and C4 were congenitally fused, and a sixth lumbar vertebra was fused to the sacrum, which had six instead of five segments.</p> <p>Decapitation Trauma: The individual had 'three separate blade injuries to his cervical vertebrae. One blow had completely transacted the C6 vertebra. Another had removed the superior surface of the body of C7 while a 3rd blow also to the C7 vertebra but at a more upward orientation had removed more of the anterior part of the body. It was not possible to determine the order of the cuts' (Cherryson and Buckberry <i>unpublished</i>). There appear to have been at least 3 blows, coming from the front. [At least three blows to the front]</p> <p>Head Position: The skull was inverted on the neck. The mandible was present.</p> <p>Arm Position: The left arm was crossing the stomach and the lower right arm crossing the chest.</p> <p>Body Position: The body was buried supine and extended.</p> <p>Grave: Grave 125 was orientated S-N and contained individuals 565 and 577. Skeleton 577 'appears to have been pushed to the right side of the grave to fit 562 [the report means 565]', who was 'slightly twisted from supine and this is probably the result of a lack of care in the deposition of the body' (Cherryson and Buckberry <i>unpublished</i>).</p> <p>Grave Goods: None</p>

	Excavator Comments: None
<p>No: 575 Sex: Male Age: Older middle adult (36-45) [Mature adult: 36-45]</p> <p>Deviance: Decapitated, bound</p> <p>Skeletal Completeness and Preservation: The skeleton was 95% complete and the preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: The individual had caries on two molars, evidence of periodontal disease, dental calculus on 41.9% of the teeth and enamel hypoplasia on eight teeth (four incisors and four canines). Schmorl's nodes were evident of the on T6-8 and T10-14, and osteophytes on C2-4, C7-L5. Osteophytes were also observed on the glenoid fossa, the proximal left fibula, the facet for the fibula on the left tibia, the head of three left and three right ribs, and the articular part of the tubercle of one left and four right ribs. There was also ossification of cartilage in the ziphoid process. Porosity was also noted on the left fibula. The distal and medial phalanges on the right 5th toe were ankylosed, which was probably the result of an ante-mortem joint dislocation. There was also a major cortical defect on the right humerus.</p> <p>Decapitation Trauma: The individual 'exhibited evidence for multiple blows to the C4 and C5 vertebrae. Sharp force trauma from the posterior had removed the base of the spinous process of C4. The same blow had also transacted the body and neural arch of the C5 vertebra. Peri-mortem sharp force trauma was also observed on the superior surface of the left clavicle, approximately 3cm from the sternal end' (Cherryson and Buckberry <i>unpublished</i>). [Possibly two or more blows from behind]</p> <p>Head Position: The head was found by the knees, with the mandible attached.</p> <p>Arm Position: The arms were crossed at the wrists behind the back.</p> <p>Body Position: The body was buried supine. The right leg was flexed and crossed below the left leg, which was also flexed.</p> <p>Grave: Grave 128 was orientated S-N.</p> <p>Grave Goods: None</p> <p>Excavator Comments: Radiocarbon dated 895-955 (68.2% probability) / 890-1020 (95.4% probability)</p>
<p>No: 576 Sex: Indeterminate Age: 10-12 [Older Child: 6-12]</p> <p>Deviance: Prone</p> <p>Skeletal Completeness and Preservation: The skeleton was 30% complete and the bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Evidence of periodontal disease was observed, as was enamel hypoplasia on 7 teeth (four canines and three pre-molars). No dental calculus was found. The individual exhibited signs of cribra orbitalia.</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The cranium, with the mandible attached, was in anatomical position.</p> <p>Arm Position: The upper left arm extended 45 degrees from the torso. The position of the right arm is unknown.</p> <p>Body Position: The body was buried prone. The position of the legs is unknown.</p> <p>Grave: Grave 129 was orientated E-W.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
<p>No: 577 Sex: Probable female Age: Middle adult (26-45) [prime to mature adult: 26-45]</p> <p>Deviance: Prone, double burial (with 565)</p> <p>Skeletal Completeness and Preservation: The skeleton was 60% complete and bone preservation was very good.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Periostitis was observed on the left and right tibia, but the infection had healed prior to the individual's death. Osteophytes were observed on the head of one left rib, and the articular part of the tubercle of 2 left and 3 right ribs.</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: Not specified. The head is assumed to have been articulated to the post-cranial skeleton and in anatomical position.</p> <p>Arm Position: The arm position is unknown.</p> <p>Body Position: The body was buried 'lying on their left side with the torso tipping towards a prone position' (Cherryson and Buckberry <i>unpublished</i>). The legs were slightly flexed.</p> <p>Grave: Grave 125a was orientated S-N. Skeleton 577 'appears to have been pushed to the right side of the grave and on to its side to accommodate the second burial,' that of 565 (Cherryson and Buckberry <i>unpublished</i>).</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>

<p>No: 580 Sex: Indeterminate Age: Young adult (18-25)</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: The skeleton was 70% complete and the bone preservation was fair.</p> <p>Images: None</p>	<p>General Pathology and Trauma: Periostitis was apparent on the left and right tibia, showing that the infection had healed prior to the individual's death. Osteophytes were observed on the head of three right ribs, and the articular part of the tubercle of 2 left and 3 ribs and calcification of cartilage was seen in the ribs. Schmorl's nodes were observed on T6-9, and osteophytes on T3 and 7-9.</p>
	<p>Decapitation Trauma: 'A cut mark was observed across most of the superior surface, but not all of the body, of C6' (Cherryson and Buckberry <i>unpublished</i>). The head was severed with one blow. [One blow from unknown direction]</p>
	<p>Head Placement: The skull was not present.</p>
	<p>Arm Position: The arms were extended alongside the body.</p>
	<p>Body Position: The body was buried supine and extended.</p>
	<p>Grave: Grave 117 was orientated W-E.</p>
	<p>Grave Goods: A bronze buckle was found at the centre of the pelvis</p>
	<p>Excavator Comments: Radiocarbon dated 780-900 (68.2% probability) / 770-970 (95.4% probability)</p>

<p>No: Disarticulated material from grave 128 Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Disarticulated material from grave 128</p> <p>Images: None</p>	<p>General Pathology and Trauma: There was not enough associated material to perform pathological examination.</p>
	<p>Decapitation Trauma: The 'presence of a transacted cervical vertebra, possible C3 or C4,' was observed (Cherryson and Buckberry <i>unpublished</i>). Apparently there was only one blow from behind. [One blow to the back of the neck, but the skull and some vertebrae were missing]</p>
	<p>Head Position: The disarticulated material did not include a skull.</p>
	<p>Arm Position: n/a</p>
	<p>Body Position: Unknown – disarticulated material</p>
	<p>Grave: The disarticulated bones were found in Grave 128, but represented a separate individual from Skeleton 575.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

STAINES (MIDDX)

Date: 8th – 12th centuries (radiocarbon)

No. of inhumations: 30 + disarticulated material

No. of deviants: 15

Decapitations	277, 451, 452, 454
Bound Arms	226, 286, 366, 395, 432, 439, 441
Prone	277, 286, 419, 454
Unusual Position	431, 442, 452
Multiple Burials	215, 432, 433, 434, 440, 441, 442, 451, 452

Execution features: none

Landscape monuments: none

Boundaries: along the Roman road from London to Silchester, just outside of Staines (a former Roman town)

The proposal for an office building and underground parking garage near Staines prompted excavation in 1999. Out of the thirty-seven skeletons uncovered, fifteen are interpreted as

execution victims on account of evidence for beheading, prone or multiple burials, and bound limbs. The majority of the individuals buried are male, in all ranges of adulthood. There is strong support for the opinion that some of the individuals are execution victims.

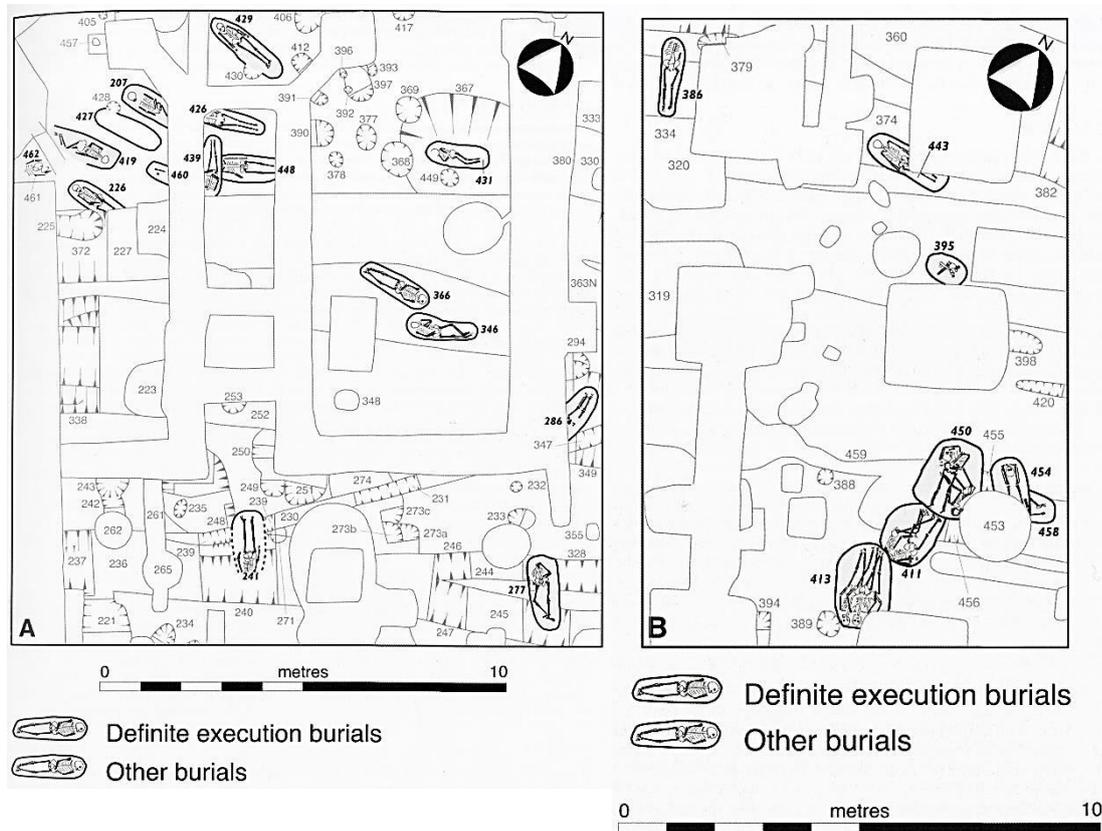


Figure A.5. Plans of execution burials at Staines (Hayman and Reynolds 2005, 221, 224)

Sources: Hayman and Reynolds 2005; Reynolds 2009: 123-5; Coward, F. and J. Robb, 2000; images reproduced by permission of the Royal Archaeological Institute.

<p>No: 226 Sex: Indeterminate Age: Adult [18+]</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: 'The bones were in reasonably good condition and the skeleton is relatively complete' (Hayman and Reynolds 2005, 220). The feet and some of the lower legs were missing, having been cut by feature 372.</p> <p>Images: (Hayman and Reynolds 2005, Illustration 4)</p>	<p>General Pathology and Trauma: 'The dentition was very well worn and presented widespread moderate calculus' (Brothwell, 1981). 'Only one tooth, the right maxillary M1, was carious; however, the lesion (on the mesial cervico-enamel junction) was extremely large and had destroyed most of the tooth.'</p> <p>One right rib presents a simple, well-healed fracture. In addition, the distal articular surface of the right radius displays considerable remodelling which has significantly extended the surface posteriorly. This is probably the result of a fracture of this area. However, fragmentation and surface erosion make it difficult to assess the region as a whole - the corresponding region of the ulna is missing and so the state of the joint as a whole cannot be assessed.' (Coward and Robb 2000, 15)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was articulated with the postcranial skeleton and it is assumed that it was laid fairly</p>
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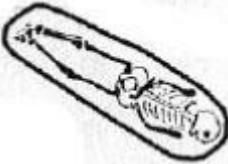
	straight.
	Arm Position: The hands lay across the pelvis.
	Body Position: The body was positioned supine, with the head at the north-west end of the grave.
	Grave: The legs of the burial were cut by ditch 360 ('human leg bones, possibly from this burial, were recovered from ditch segment 372') (Hayman and Reynolds 2005, 220). The grave was orientated NW-SE.
	Grave Goods: 'The gravefill contained a sherd of prehistoric pottery and two pieces of struck flint' (Hayman and Reynolds 2005, 220).
	Excavator Comments: Radiocarbon dated 694-879 (68% probability) / 684-893 (95% probability)

<p>No: 277 Sex: Male Age: Young adult (roughly 20-30) [young to prime adult: 18-35] Deviance: Decapitated, prone Skeletal Completeness and Preservation: The bones were in generally good condition. 'The left humerus, clavicle, scapula and ribs were absent, as were cervical vertebrae C3-C7 and thoracic vertebrae T1-T6.' (Coward and Robb unpublished, 18) Images: (Hayman and Reynolds 2005, Illustration 6)</p> <div style="text-align: center;">  </div>	<p>General Pathology and Trauma: The height was estimated at 182.36cm. 'Dental health is generally good, with no caries, abscesses or hypoplasia, although there is some slight to moderate calculus present on both maxillary and mandibular dentition. There is also slight chipping to the left maxillary canine's buccal edge...' The superior part of the left ulna and radius also display potentially suspicious marks; these warrant closer analysis and may shed some light on the pre-depositional treatment of the body. All of the vertebral body surfaces between T7 and L5 display Schmorl's nodes (depressions in the vertebral bodies caused by herniation of the intervertebral disc, probably resulting from excessive compression of the spine during demanding physical activity. These are especially severe in the lumbar region. In addition, there is considerable evidence of other degenerative changes in the spinal column (all surfaces of T7, T8, T11, T12, L1 and L2), with osteophytes on many bodies. Elsewhere, the talar/navicular articular surfaces are extended and slightly lipped bilaterally, with some remodelling and porosity of the surface. This condition is bilateral, but is more developed on the left, where the cuboid/calcaneal articulation is also significantly osteophytic, with the calcaneal side of the articulation angled slightly caudally. This might reflect ankles which were relatively 'turned out' during life. In addition, the left hallucial/interphalangeal joint is also arthritic, displaying osteophytic growths, and the distal articular surface of the corresponding proximal phalanx is significantly remodelled and distorted, although the distal phalanx is absent and so the corresponding articulation cannot be compared. Although the aetiology of osteophytosis and osteoarthritis is not entirely clear, it is apparent that mechanical stress and long-term minor trauma are highly significant in the degeneration of the cartilage between the joints which eventually results in macroscopic changes to the bone surfaces. There is a small resorbed pit to the inferior articular surface of the left tibia, reminiscent of those observed in cases of osteochondritis dissecans. However, since these are not observed elsewhere, it seems more likely that this is a localised occurrence and not diagnostic of this condition. The sacrum is comprised of six segments rather than the usual five, and the metopic suture has been retained into adulthood and is still visible. These are relatively common non-metric traits.' (Coward and Robb 2000, 19)</p>
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	<p>Decapitation Trauma: ‘The left side of the second cervical vertebra/atlas presents a large angled chopmark which removes the left lateral part of the body, the left inferior articular facet and shaves the inferior part of the neural arch and spinous process. The cut is probably associated with the cut or cuts that removed the corner of the left gonion (this happened either via one cut which changed its direction midway or, more probably, through two overlapping cuts)’ (Coward and Robb 2000, 19) [At least two blows to the left]</p>
	<p>Head Position: The head was placed on the right side next to the pelvis.</p>
	<p>Arm Position: The lower right arm was beneath the body and the shoulder of the right arm was missing ‘(either due to some post-depositional disturbance or because it was not buried with the rest of the body, but not because of disturbance during site clearance)’ (Hayman and Reynolds 2005, 222). [The lower arm appears to lay extended by the right side of the body, although with the skull between the arm and the hip.]</p>
	<p>Body Position: ‘The body of S277 was laid prone with the head end to the north, but the decapitated head had been placed beside the pelvis on the western side of the grave where it was damaged during excavation. ... the upper vertebrae were missing (either due to some post-depositional disturbance or because it was not buried with the rest of the body, but not because of disturbance during site clearance). The ankle of the fully extended right leg overlay the ankle of the left leg which was bent at the knee. The close proximity of the two ankles might indicate that the feet were tied, but equally could be the result of coincidence.’ (Hayman and Reynolds 205, 222)</p>
	<p>Grave: The grave was too short, having been cut without room for the head. This might imply that the grave was knowingly dug for a decapitation body. ‘Some of the burials were extremely shallow, lying at, or just below the surviving level of the natural geology, and a number of these sustained damage during the machining of the site, or had been damaged prior to excavation.’ (Hayman and Reynolds 2005, 217). The grave orientated N-S.</p>
	<p>Grave Goods: None</p> <p>Excavator Comments: Radiocarbon dated 1040-1209 (68% probability)/1024-1222 (95% probability)</p>

<p>No: 286 Sex: Probable male Age: young adult (maybe 25-35) [middle adult: 26-35]</p> <p>Deviance: Bound, prone Skeletal Completeness and Preservation: ‘The upper part of S286 (approximately all bones above the right hip) was lost; part of the left femur was also missing.’ (Hayman and Reynolds 2005, 222)</p> <p>Images: (Hayman and Reynolds 2005, Illustration 4)</p>	<p>General Pathology and Trauma: The height was estimated at 174.05 cm. ‘There is an impact mark present on the superior surviving part of the left femur, probably dating from whenever the upper part of the skeleton was disturbed and removed. No other pathological or non-pathological variations were observed.’ (Coward and Robb 2000, 20)</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The upper part of the body and the skull was lost prior to excavation.</p>
	<p>Arm Position: The hands were ‘tied behind the back.’ Robb notes that ‘a number of phalanges were recovered from the pelvic region’ (Coward and Robb 2000, 20).</p>
	<p>Body Position: The body was buried face down.</p>
	<p>Grave: ‘The southwestern end of the grave was cut by the foundations of the former office,’ which also cut parts of the skeleton. (Hayman and Reynolds 2005, 222). ‘The grave may have cut through a layer containing medieval pottery which in turn overlay a possible Roman ditch (context 322),</p>

	<p>although it is difficult to be certain' (Coward and Robb 2000, 20) The grave was orientated S-N.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 366 Sex: Male Age: Mature adult [36-45]</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: 'The individual is relatively complete and well preserved, including the skull which, was fragmented but which could be reconstructed - with the exception of the more delicate basal and facial structures. The sternum and sacrum are heavily fragmented and distal parts of the left ulna and radius as well as both patellae are missing. The left acromion and neck of the left femur have both been sliced off, probably not peri-mortem but during (ancient or modern) excavation.' (Coward and Robb 2000, 25)</p> <p>Images: (Hayman and Reynolds 2005, Illustration 4)</p> <div style="text-align: center;">  </div>	<p>General Pathology and Trauma: The height is estimated at 170.38 cm. 'Although many of the teeth, especially mandibular, were lost postmortem, the remaining dentition is generally poor, with three abscesses observed on the right mandible (I2, P2 and M1, all recorded as presenting buccal/labial drainage channels). Calculus was present only on the maxillary dentition, slight on the left premolars and right I2, and moderate on the right canine. A number of carious lesions are noted, on the occlusal surface of the right P2 and interproximal of both right P2 and P1, and as extremely large for both the maxillary left canine and the mandibular right M1. There was also some antemortem loss, of both maxillary first molars and the right mandibular M2.</p> <p>In addition, Schmorl's nodes are present from the fifth thoracic to the second lumbar vertebrae, and osteophytosis is displayed throughout the lumbar region. These pathologies probably reflect age-related degeneration as much as physical activity, given the relatively advanced age of this individual.' (Coward and Robb 2000, 25-26)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: Not specified. It is assumed that the skull was articulated to the post-cranial skeleton and laid fairly straight.</p> <p>Arm Position: 'The right wrist crossed over the left wrist' in the front (Hayman and Reynolds 2005, 223).</p> <p>Body Position: 'Both legs were fully extended with the feet close together' (Hayman and Reynolds 2005, 223). The body is assumed to have been laid supine.</p> <p>Grave: The grave was orientated E-W.</p> <p>Grave Goods: None. Some Roman material was part of the fill.</p> <p>Excavator Comments: 'It is conceivable that the arms and leg were tied together at the time of burial, though there was no certain evidence' (Hayman and Reynolds 2005, 223).</p>
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<p>No: 395 Sex: Probable male Age: Adult [18+]</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: 'The skeleton is very fragmented; the upper body and legs were apparently removed by modern foundations. All that survives are the right femur head and fragments of the right pelvic girdle as well as the left ischial tuberosity/acetabular region and left femur head and greater trochanter. There are some fragments of sacrum, right ribs and vertebrae. In addition, most of the right ulna, the diaphysis of the radius and most of the hand have survived although the left arm is represented only by fragments of the left hand.' (Coward and Robb 2000, 29)</p>	<p>General Pathology and Trauma: 'No maximum length measurements were obtainable from the long bones, and stature could not, therefore, be calculated. No pathological or non-pathological variations were observed.' (Coward and Robb 2000, 29)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: n/a</p> <p>Arm Position: The hands were possibly tied behind the back.</p> <p>Body Position: Only the arms and pelvis remain.</p> <p>Grave: 'Graves 395 and 398 lay approximately 1.5m apart, cutting, and just to the south of, ditch 322. Both were extremely shallow features and most of the bones had been disturbed prior to the excavation... Both graves contained a fill of mid-grey-brown clay soil.' (Hayman and Reynolds 2005, 223). The grave would have been orientated with the head to the west.</p>
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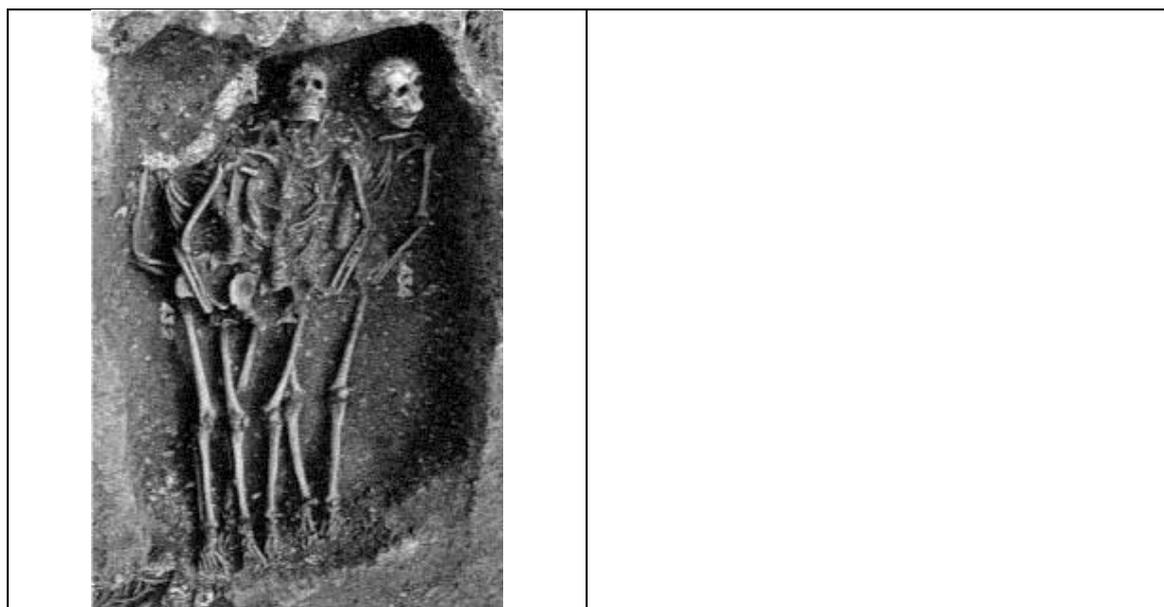
<p>Images: (Hayman and Reynolds 2005, Illustration 5)</p> 	<p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 419 Sex: Male Age: Old middle age (50-59) [senior adult: 46+]</p> <p>Deviance: Prone</p> <p>Skeletal Completeness and Preservation: 'The bones were in fairly good condition, but the skull, at the eastern end of the grave, was damaged during machining' (Hayman and Reynolds 2005, 226). The right femur is missing.</p> <p>Images: (Hayman and Reynolds 2005, Illustration 9)</p> 	<p>General Pathology and Trauma: This individual exhibited a large depressed fracture in his frontal bone, which had fully healed by the time of death. This was thought to be the result of interpersonal violence. (Hayman and Reynolds 2005, 233). 'Only two teeth are present, including a single canine with a broken root, and one premolar (left mandibular P₁) with a large carious lesion distally to its neck. In addition, both are very worn and display dental hypoplasias. Hypoplastic lines are linear bands of depressed enamel, or areas of pitting, visible on the enamel surface of the anterior dentition in particular. They are associated with a wide variety of metabolic stresses, including nutritional deficiencies and infections. A number of the teeth were also evidently lost before death, although not long before in the case of the right mandibular M₂ and the left mandibular M₁, whose alveolar regions were arrested in the process of remodelling. The alveolar socket associated with the right mandibular M₃ is fully remodelled - this tooth was lost well before death. All the maxillary molars were apparently lost antemortem and are wholly remodelled. This degree of dental degeneration is perhaps not surprising in the light of the relatively advanced age of this individual.</p> <p>The frontal bone displays a large (healed) depressed fracture forming an almost circular indentation approximately 25mm in diameter and several millimetres deep. This was almost certainly caused by a discrete traumatic event to the skull, possibly resulting from interpersonal violence given the positioning of the site. As the fracture site is well healed, the blow did not occur perimortem, nor was it the cause of death.</p> <p>Postcranially there are a number of pathological indicators. Both hip joints were arthritic; the right femur head presents some extension of the articular surface (as well as mild lipping to the distal articulation/knee joint), while on the left the femur head displays pronounced extension and porosity of the surface. The acetabula are correspondingly remodelled bilaterally. In addition, the left humerus presents a bony exostosis from the lateral mid-diaphysis deltoid insertion. The localisation of the growth suggests an isolated soft tissue trauma to this muscle. Again, these indications of advanced arthritis and exostosis formation are probably related to the age of the individual.</p> <p>There are odd bilateral swellings to the mandible just posterior to the molars, although these do not appear to be pathological in origin. Other non-pathological observations noted for this individual include the non-metric traits of a left auditory torus and the retention of the metopic suture.' (Coward and Robb 2000, 36)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: Not specified. It is assumed that the skull was articulated to the post-cranial skeleton and laid fairly straight.</p> <p>Arm Position: The right arm was 'beneath its vertebrae just above the pelvis' (Hayman and Reynolds 2005, 226). It is</p>
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	assumed that the left arm was extended by the side.
	Body Position: The body 'lay face downwards ... with its legs bent at the knees' (Hayman and Reynolds 2005, 226). The spinal column was twisted to the right.
	Grave: The grave was described as shallow and it was orientated E-W.
	Grave Goods: None
	Excavator Comments: None

<p>No: 431 Sex: Not identifiable Age: About 10 years old [Older Child: 6-12]</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: 'The skeleton is relatively complete and reasonably well preserved, although fragmented. The skull is particularly badly fragmented, with no frontal bone or facial structures present. The patellae, sternum and lumbar vertebrae are both missing, as are the majority of the foot and hand bones. There are some rootmarks on the left femur, and modern cutmarks on the proximal diaphyseal left tibia, probably made during excavation' (Coward and Robb 2000, 40).</p> <p>Images: (Hayman and Reynolds 2005, Illustration 4)</p> 	General Pathology and Trauma: 'There is some dental hypoplasia on the front central incisors and canines, and the mesial/buccal corner of the occlusal surface of the left M1 presents a small pit that is potentially the early stage of a carious lesion. The left humerus displays a septal aperture (a non-metric trait), although this may be associated with juvenile hypossification and might have closed up later in life.' (Coward and Robb 2000, 40)
	Decapitation Trauma: n/a
	Head Position: It is assumed to have been in anatomical position.
	Arm Position: Not specified
	Body Position: The skeleton was 'lying partially on its right side with the knees slightly bent' (Hayman and Reynolds 2005, 229).
	Grave: The grave was orientated WSW-ENE.
	Grave Goods: Two sherds of Roman pottery and a 3 rd -century copper alloy coin found in the fill.
	Excavator Comments: None

<p>No: 432 Sex: Probable Male Age: Young to middle-aged adult (roughly 25-40) [Middle to Mature Adult: 26-45]</p> <p>Deviance: Bound, triple burial (with 433 and 434) Skeletal Completeness and Preservation: The bone preservation was 'relatively good'. The skeleton was mostly complete but the head was removed by modern foundations.</p> <p>Images: (Hayman and Reynolds 2005, Illustration 8 (leftmost))</p>	General Pathology and Trauma: The height was estimated at 176.54 cm. 'The fifth left metatarsal presents a healed fracture proximally. The right talus presents possible eburnation of its medial articular surface, suggesting some osteoarthritis in the joint. The left calcaneus has resorptive lesions of the distal/cuboid articular surface. Arthritis and general degeneration of elements of the foot is relatively common among this population.' (Coward and Robb 2000, 33-34)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the skull was articulated to the post-cranial skeleton and laid fairly straight.
	Arm Position: 'The hands of S432 were beneath the pelvis and were probably tied together at the time of burial'(Hayman and Reynolds 2005, 226).
	Body Position: The body was positioned supine and extended, with the head in the southern end of the grave.
	Grave: 'This grave [413] contained execution victims S432, S433 and S434. The SE corner was cut by concrete foundations which removed the skull and other upper bones of S432.' (Hayman and Reynolds 2005, 223). The grave was orientated SE-NW.
	Grave Goods: None. Some Roman material in the fill.
	Excavator Comments: None



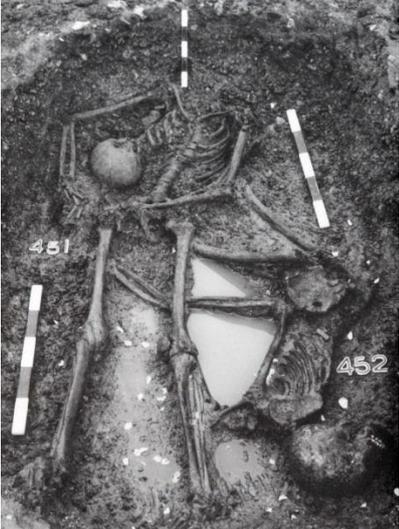
<p>No: 439 Sex: Probable male Age: Young adult (18-30) [Young to prime adult: 18-35]</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: ‘The postcranial skeleton is relatively complete, although the skull, sternum, ribs and most of the upper left arm are absent, apparently cut both by modern foundations and by ditch 360. Intriguingly, the cervical vertebrae are also absent. The surviving bone was in relatively good condition, although there were some chopmarks on the left clavicle and ulna, possibly from (ancient or modern) excavation.’ (Coward and Robb 2000, 41)</p> <p>Images: (Hayman and Reynolds 2005, Illustration 4)</p> 	<p>General Pathology and Trauma: The height was estimated at 176.8 cm. ‘The vertebral column presents a considerable number of surfaces with Schmorl’s nodes - unusual in a younger individual. The lesions are moderate to severe on most lower thoracic surfaces, and there is some slight/moderate osteophytosis, particularly more caudally in the spine.’ (Coward and Robb 2000, 41)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: Not specified. It is assumed that the skull was articulated to the post-cranial skeleton and laid fairly straight.</p> <p>Arm Position: The hands were lying across the pelvis (to the front).</p> <p>Body Position: The body was laid supine.</p> <p>Grave: ‘Grave 439 was cut by the concrete foundations of the former office along its western side which removed the left humerus and shoulder bones, and by ditch 360 to the south which removed the skull and part of the right shoulder. Grave 439 had itself cut grave 448’ (Hayman and Reynolds 2005, 229). The grave was orientated SE-NW.</p> <p>Grave Goods: ‘The fill of the grave contained four sherd of Roman pottery, five fragments of Roman tile, an iron nail, and one residual sherd of BA pottery’ (Hayman and Reynolds 2005, 229).</p> <p>Excavator Comments: None</p>
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<p>No: 441 Sex: Indeterminate Age: Late middle age (50-59) [senior adult (45+)]</p> <p>Deviance: Bound, double burial (with 442)</p> <p>Skeletal Completeness and Preservation: ‘Apart from the absence of the skull, individual 441 was relatively complete and in a reasonably good condition, particularly in the more superior regions of the body; even more fragile elements such as the sternum and vertebrae have survived well. Caudally, however, there is much more fragmentation, and many of the surfaces are eroded and/or</p>	<p>General Pathology and Trauma: ‘The right humerus is enlarged relative to the left at the midshaft region of the deltoid tuberosity. This could be a well-healed fracture site, but the angulation which would probably have resulted from this is not readily apparent. Another possibility is that is an abnormally enlarged deltoid tuberosity; however, there is no evidence elsewhere in the skeleton for such unusual lateralisation, as would be expected in such a case. Radiographic examination would clarify the possibility of a well-healed trauma.’ (Coward and Robb 2000, 31)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was missing, truncated by burial</p>
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<p>encrusted with surface accretions. The smaller bones, for example of the hands and feet, are poorly represented. Interestingly, none of the cervical vertebrae are represented.' (Hayman and Reynolds 2005, 223)</p> <p>Images: (Hayman and Reynolds 2005, Illustration 7 (leftmost))</p> 	<p>413.</p> <p>Arm Position: The body was placed with 'both arms behind its back which suggests that these were tied at the wrists at the time of burial.' Hayman and Reynolds 2005, 223)</p> <p>Body Position: The body was placed supine. The description of this burial actually says that the body is lying on its front, and the osteological report states that it was placed on its side, facing 442, however the illustration caption describes it as supine, and it is clear from the photograph that the body is indeed supine.</p> <p>Grave: Grave 411 contained two bodies (S441 and S442). It was orientated S-N. The grave was cut by grave 413, removing both skulls.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 442 Sex: Not identifiable Age: 14-22 [Adolescent to Young Adult: 12-25]</p> <p>Deviance: Unusual position, double burial (with 442) Skeletal Completeness and Preservation: 'Individual 442 is relatively complete, with the exception of the skull and cervical vertebrae, and survives in relatively good condition, particularly superiorly... the long bones are well preserved throughout, but other elements are less well preserved more caudally, with some surface erosion and/or accretion. The small bones, for example of the hands and feet, are poorly represented' (Coward and Robb 2000, 32).</p> <p>Images: (Hayman and Reynolds 2005, Illustration 7 (rightmost))</p> 	<p>General Pathology and Trauma: 'None were observed; this is not unusual for such a young individual' (Coward and Robb 2000, 32)</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was missing, truncated by burial 413.</p> <p>Arm Position: The right arm lay beneath the body and the left arm overlay the femur of 441.</p> <p>Body Position: The skeleton lay on its right side with the legs semi-flexed. Both legs lay under 441.</p> <p>Grave: Grave 411 contained two bodies (S441 and S442). It was orientated S-N. The grave was cut by grave 413, removing both skulls.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 451 Sex: Unknown Age: Adolescent (18-24) [young adult: 18-25]</p>	<p>General Pathology and Trauma: 'Schmorl's nodes are present among the superior surfaces of the thoracic vertebrae, despite the relative youth of the individual. The</p>
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<p>Deviance: Decapitated, double burial (with 452)</p> <p>Skeletal Completeness and Preservation: The bones were in fair to good condition. 'Several elements are badly sliced, probably during (ancient or modern) excavation. These include both sets of bones of the foot, the right superior ulna and left pubis.' (Coward and Robb 2000, 45)</p> <p>Images: (Hayman and Reynolds 2005, 230 (leftmost))</p> 	<p>left patella is markedly asymmetric, although the implications of this are impossible to interpret, and both distal femur diaphyses present unusual depressions anteriorly, just superior to the distal articulation. Although unusual, these conditions are probably non-pathological.' (Coward and Robb 2000, 45)</p> <p>Decapitation Trauma: Detailed trauma evidence was not performed but the skeleton is assumed decapitated based on the placement of the head.</p> <p>Head Position: The 'head was deposited in the grave before the rest of the body as the lower left-hand ribs overlay the skull.' (Hayman and Reynolds 2005, 229). It was found to the right side of the torso, and it is presumed that the description in the report was meant to read right-hand ribs.</p> <p>Arm Position: Not specified. It is assumed that the arms were extended by the sides of the body.</p> <p>Body Position: The body was placed supine.</p> <p>Grave: Grave 450 contained two bodies (S451 and S452). S451 slightly overlay S452. The individual was orientated N-S in the grave.</p> <p>Grave Goods: None</p> <p>Excavator Comments: 'If both bodies had been decapitated, it is possible that neither skeleton was associated with the correct skull' (Hayman and Reynolds 2005, 229).</p>
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<p>No: 452</p> <p>Sex: Unknown</p> <p>Age: maybe under 17-20 [adolescent to young adult: 12-25]</p> <p>Deviance: Decapitated, unusual position, double burial (with 451)</p> <p>Skeletal Completeness and Preservation: The bones were in fair to good condition. The cervical vertebrae are missing, with the exception of the atlas and axis which were recovered articulated with the skull.</p> <p>Images: (Hayman and Reynolds 2005, 230 (rightmost))</p> 	<p>General Pathology and Trauma: 'Slight calculus (Brothwell, 1981) was observed on the left I2 and the right I1 as well as both maxillary canines and all four mandibular incisors and the right mandibular canine' (Coward and Robb 2000, 46).</p> <p>Decapitation Trauma: Detailed trauma evidence was not performed but the skeleton is assumed decapitated based on the placement of the head.</p> <p>Head Placement: S452 was also most probably decapitated as no vertebrae linked the skull to the rest of the spinal column and the skull would otherwise have been facing backwards.</p> <p>Arms Position: Not specified. It is assumed that the arms were extended by the sides.</p> <p>Body Position: The body was placed on its left side or front. From the photograph it appears more likely to have been on the left side with the limbs semi-flexed.</p> <p>Grave: Grave 450 contained two bodies (S451 and S452). S451 slightly overlay S452. The individual was orientated S-N within the grave.</p> <p>Grave Goods: None</p> <p>Excavator Comments: 'If both bodies had been decapitated, it is possible that neither skeleton was associated with the correct skull' (Hayman and Reynolds 2005, 229).</p>
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<p>No: 454 Sex: Unknown Age: 18-19 [young adult: 18-25]</p> <p>Deviance: Decapitated, prone</p> <p>Skeletal Completeness and Preservation: Most of the upper part of the body had been removed when the feature was truncated by the modern soakaway 453, but part of the right humerus, the right ulna, radius and hand, part of the pelvis, the right leg left tibia and fibula, part of the left femur and the skull survived.</p> <p>Images: (Hayman and Reynolds 2005, Illustration 5)</p> 	<p>General Pathology and Trauma: 'Slight calculus (Brothwell, 1981) was observed on all four maxillary incisors and the right canine, and on both mandibular I2 and canines. The central mandibular incisors displayed medium calculus...</p>
	<p>The articular surface of the distal left humerus presents an abnormal resorbed pit. Because of its localisation and isolation, it is unlikely to represent widespread pathology. Specific causation is impossible to establish.</p>
	<p>Non-metric traits observed include a left infraorbital foramen (the right was unobservable) and bilateral lambdaoid ossicles.' (Coward and Robb 2000, 47)</p>
	<p>Decapitation Trauma: 'The 5th cervical vertebra displays a potential cutmark across the posterior body's surface' (Hayman and Reynolds 2005, 234). [One blow from behind, but not all vertebrae were present]</p>
	<p>Head Placement: The skull was placed between the ankles.</p>
	<p>Arm Position: Only part of the right arm survived, but it seems as though it was extended to the side of the body.</p>
	<p>Body Position: 'The surviving bones indicated that S454 had been deposited on its front' (Hayman and Reynolds 2005, 231).</p>
<p>Grave: 'The grave cut ditch 463, gully 459 and grave 458' (Hayman and Reynolds 2005, 231). The grave was orientated NW-SE.</p>	
<p>Grave Goods: None</p>	
<p>Excavator Comments: None</p>	

STOCKBRIDGE DOWN (HANTS)

Date: 11th century (based on a coins of Edward the Confessor found with skeleton no. 19)

No. of inhumations: 41 + disarticulated material

No. of deviants: 23

Decapitations	17, 19, 41
Bound Arms	2, 8, 14, 16, 20, 23, 25, 27, 28, 29, 30, 32, 34, 37, 38, 39
Prone	13, 15, 34, 38, 39, 41
Unusual Position	4, 35
Multiple Burials	5, 6, 11, 12

Execution features: postholes found among the burials were postulated to have belonged to a gibbet

Landscape monuments: none

Boundaries: close to road from Winchester to Old Sarum

When the people of Stockbridge set out to make a bonfire on Stockbridge Down they uncovered a human skull and other bones. Excavations began in 1935, uncovering forty-five to fifty inhumations in shallow graves, all male and mostly all in adulthood. The burials were

not completely contemporary, and intercutting created a number of loose bones and skulls, which were packed around the complete skeletons. Sixteen display evidence of tied wrists, eight were buried prone or unusually and three were certainly decapitated. Two others may have been decapitated, but as the skulls and vertebrae are missing there is no direct evidence of decapitation and the separation could easily be the result of later interment. The minimal

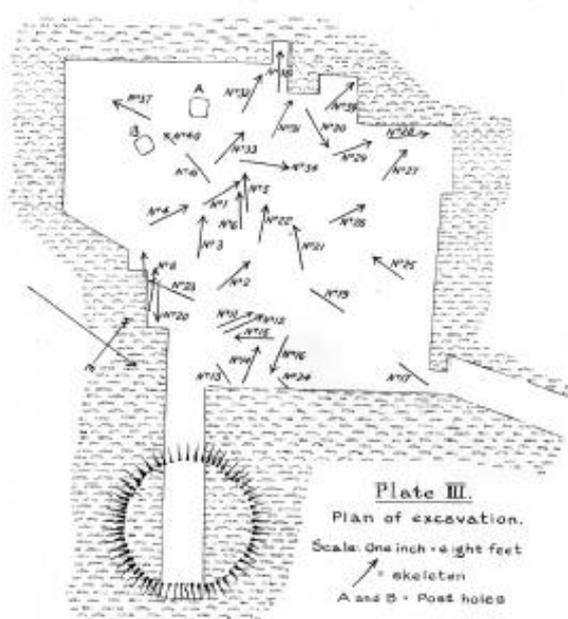


Figure A.6. Plan of burials from the execution cemetery at Stockbridge Down (Hill 1937) evidence of pre-mortem injury supports Hill's suggestion that these were execution victims. There are postholes near two of the graves which could have been a gibbet, but the evidence is minimal and unclear. Hill states that the coin of Edward the Confessor dates these burials to later than the mid-eleventh century, but the lack of contemporaneity could easily extend the date to earlier in the eleventh century.

Sources: Hill 1937; Reynolds 2009: 120-2; images reproduced by permission of the Hampshire Field Club.

No: 2 Sex: Not provided Age: Not provided Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The individual was buried 'with the wrists close together behind the back' (Hill 1937, 253).
	Body Position: Buried supine.
	Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave of no. 2 cut through the grave of no. 7, leaving only the lower limbs. The grave was orientated NW-SE.
	Grave Goods: None
Excavator Comments: None	

<p>No: 4 Sex: Not provided Age: Not provided</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men' (Hill 1937, 248, 253).</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: Not specified. It is assumed that the head was laid fairly straight.</p>
	<p>Arm Position: 'The wrists were not crossed' (Hill 1937, 253).</p>
	<p>Body Position: 'This body lay on the right side with the knees semi-flexed' (Hill 1937, 253).</p>
	<p>Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave was orientated NW-SE.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 8 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound Skeletal Completeness and Preservation: The skull and cervical vertebrae of this skeleton could not be found.</p> <p>Images: None</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men' (Hill 1937, 248, 253).</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: Not specified. It is assumed that the head was laid fairly straight.</p>
	<p>Arm Position: The hands were 'crossed behind the sacrum, presumably tied' (Hill 1937, 253).</p>
	<p>Body Position: Buried supine.</p>
	<p>Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The body was found directly above no. 20, but the excavation report does not make it clear whether this was a double burial (although the graves are discussed individually) or, more likely, evidence of the grave of no. 8 having cut through the grave of no. 20. The grave was orientated SW-NE.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: When accounting for the missing skull and cervical vertebrae it is suggested that 'it lay very close to the edge of the first trench dug and these bones may have been removed in mistake for loose bones, or the body may have been decapitated before it was buried' (Hill 1937, 253). (The burial was not considered a decapitation in this study because of the lack of direct evidence and the proximity to the trench edge which might explain the missing head.)</p>

<p>No: 13 Sex: Not provided Age: Not provided</p> <p>Deviance: Prone Skeletal Completeness and Preservation: 'The legs had been cut through at the junction of the upper and middle third of the tibia by the grave-diggers making a grave for no. 14, and the skull and bones of the upper part of the body had been removed when the grave of nos. 11 and 12 were done.' (Hill 1937, 254)</p> <p>Images: None</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men' (Hill 1937, 248, 253).</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: Not specified. It is assumed that the head was laid fairly straight.</p>
	<p>Arm Position: Not specified. It is assumed that the arms were extended by the sides.</p>
	<p>Body Position: Buried prone.</p>
	<p>Grave: All individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave 'shows clear signs of having been cut through when other graves were dug' (Hill 1937, 254). The grave was orientated NNE-SSW.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: none</p>

<p>No: 14 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Hill 1937, Plate VIII)</p> 	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: Not specified. It is assumed from the photograph that the head was fairly straight.</p>
	<p>Arm Position: 'The hands lay in front of the pelvis and very near together, the wrists may have been tied' (Hill 1937, 254)</p>
	<p>Body Position: Buried supine.</p>
	<p>Grave: The grave was too short and 'the head and shoulders were raised and propped up on the thigh of no. 15 and the feet were so raised as to bring them just under the turf'. The grave for no. 14 cut through the initial grave for no. 15 and through the lower legs of no. 13. Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247, 254). The grave was orientated WSW-ENE.</p>
	<p>Grave Goods: 'When the pelvic bones were removed there was evidence of the presence of a leather belt, but no buckle was found, only a few small bronze rivets from the back of the belt' (Hill 1937, 254).</p>
<p>Excavator Comments: None</p>	

<p>No: 15 Sex: Not provided Age: Not provided</p> <p>Deviance: Prone Skeletal Completeness and Preservation: 'The left femur had been cut through when the grave for no. 14 was dug and the body of no. 14 had been propped up against the right thigh' (Hill 1937, 254).</p> <p>Images: (Hill 1937, Plate VIII)</p> 	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Trauma: Not specified. It is assumed that the head was laid fairly straight.</p>
	<p>Arm Position: Buried 'with the arms to the side' (Hill 1937, 254).</p>
	<p>Body Position: Buried prone.</p>
	<p>Grave: All individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed'. The grave 'shows clear signs of having been cut through when other graves were dug' (Hill 1937, 247, 254). The grave was orientated SE-NW.</p>
	<p>Grave Goods: None</p>
<p>Excavator Comments: None</p>	

<p>No: 16 Sex: Not provided</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were</p>
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<p>Age: Not provided</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Hill 1937, Plate IV)</p> 	<p>recorded as 'small by general healthy men' (Hill 1937, 248, 253).</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: 'The head very slightly raised' (Hill 1937, 254).</p>
	<p>Arm Position: The wrists were 'crossed behind the lower three lumbar vertebrae' (Hill 1937, 254).</p>
	<p>Body Position: Buried supine. 'The legs were straight' (Hill 1937, 254).</p>
	<p>Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave cut that of no. 24, removing the skull and part of the upper body. The grave was orientated ENE-WSW.</p>
	<p>Grave Goods: None</p>
<p>Excavator Comments: None</p>	

<p>No: 17</p> <p>Sex: Male</p> <p>Age: Young adult [18-25]</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: None for specific skeleton. In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)</p>
	<p>Decapitation Trauma: 'The neck had been cut through between the 2nd and 3rd cervical vertebrae. The 1st and 2nd cervical vertebrae were with the skull. At the angle of the jaw on the left side a small piece of the jaw had been cut away by the blow that severed the neck. On the right side near the angle of the jaw there was also the mark of a more shallow cut' (Hill 1937, 254). [Two blows from unknown direction]</p>
	<p>Head Placement: The head was placed between the legs, just below the level of the knees.</p>
	<p>Arm Position: The arms lay at the side with the hands in front of the pelvis; the wrists were not crossed.</p>
	<p>Body Position: The individual was buried supine, with the left knee partly flexed and the head placed between the legs.</p>
	<p>Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave was orientated NNW-SSE, although it is unclear in which direction the head lay.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 19</p> <p>Sex: Male</p> <p>Age: Adult [18+]</p> <p>Deviance: Decapitated</p> <p>Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Hill 1937, Plate VI)</p>	<p>General Pathology and Trauma: None for specific skeleton. In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)</p>
	<p>Decapitation Trauma: The neck had been cut through at the level of the 2nd vertebra. [One blow from unknown direction]</p>
	<p>Head Placement: The head had been placed between the legs, just below the level of the knees.</p>
	<p>Arm Position: The arms appear to be flexed, the right hand resting on the pelvis and the left on the upper abdomen.</p>
	<p>Body Position: The body was buried in the supine position with the left thigh rotated outwards and the left knee semi-flexed.</p>
	<p>Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space</p>

	<p>allowed' (Hill 1937, 247). The grave was orientated NNW-SSE, although it was unclear in which direction the head lay.</p> <p>Grave Goods: The bones of a large dog lay between the skull and left thigh. The head of the animal had been removed with no trace of the skull or teeth. Six silver coins found wrapped in a piece of linen tucked into the armpit. There was a stain on the axillary border of the scapula just below the glenoid fossa. The coins belong to the last two or three years of the reign of Edward the Confessor (Hill 1937, 254).</p> <p>Excavator Comments: None</p>
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<p>No: 20 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men' (Hill 1937, 248, 253).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: Not specified. It is assumed that the head was laid fairly straight.</p> <p>Arm Position: The wrists 'were crossed in front and rather to the right side of the pelvis' (Hill 1937, 254).</p> <p>Body Position: Buried supine with the head orientated to the east.</p> <p>Grave: The body was found underneath no. 8, with the 'skull below the feet of no. 8 and the feet below no. 8's shoulders' (Hill 1937, 254). The excavation report is not clear as to whether this was a double interment or no. 8 was a later burial cutting through the grave of no. 20. A third body, no. 23, was found below no. 20, perpendicular to the bodies above. Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave was orientated NE-SW.</p> <p>Grave Goods: A small annular bronze buckle was found near the skeleton. It was difficult to determine whether the buckle would have been from clothing on the torso or the wrists.</p> <p>Excavator Comments: None</p>
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<p>No: 23 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound Skeletal Completeness and Preservation: Aside from the damage done to the spine when the cut was cut through during the burial of no. 20, 'most of the skeleton was in good condition' (Hill 1937, 254).</p> <p>Images: None</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men' (Hill 1937, 248, 253).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: Not specified. It is assumed that the head was laid fairly straight.</p> <p>Arm Position: 'The hands were in front of the pelvis with the wrist crossed' (Hill 1937, 254).</p> <p>Body Position: Buried supine.</p> <p>Grave: Found underneath nos. 8 and 20, lying 'almost at right angles to them'. Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed'. The grave 'shows clear signs of having been cut through when other graves were dug' - 'part of the lower thoracic and lumbar spine on no 23 had been cut through when no 20 was buried' (Hill 1937, 247). The grave was orientated SSE-NNW.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 25 Sex: Not provided Age: Not provided</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)</p> <p>Decapitation Trauma: n/a</p>
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Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: None	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The wrists were 'crossed behind the back' (Hill 1937, 255).
	Body Position: Buried supine, 'with the knees semi-flexed' (Hill 1937, 255).
	Grave: Buried in a 'very shallow grave', less than 6" deep (Hill 1937, 254). The grave was orientated S-N.
	Grave Goods: None
	Excavator Comments: None

No: 27 Sex: Not provided Age: Not provided Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: (Hill 1937, Plate IX)	
	General Pathology and Trauma: 'There was evidence that acute periostitis of the fibula had occurred in this case but recovery had been satisfactory' (Hill 1937, 255).
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed from the photograph that the head was laid fairly straight.
	Arm Position: The wrists were 'crossed behind the pelvis' (Hill 1937, 255).
	Body Position: Buried supine.
	Grave: 'This body was buried in quite a well-made grave just over two feet deep.' The burial cut through the grave of no. 36 and 'the femur of no 36 lay parallel to the leg bones of no 27 and many of the other bones [from no. 36] were packed in on the left side of the head and neck' (Hill 1937, 255). The grave was orientated W-E.
	Grave Goods: None
	Excavator Comments: None
	

No: 28 Sex: Not provided Age: Not provided Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The wrists were 'behind the back' (Hill 1937, 255).
	Body Position: Buried supine with the 'knees semi-flexed' (Hill 1937, 255)..
	Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave was orientated NW-SE.
	Grave Goods: 'On the forehead there was a long bronze buckle that had made a deep green stain on the frontal bone; and near the pelvis there were three iron rings about an inch in diameter that might have been attached to the front and sides of a belt' (Hill 1937, 247)
Excavator Comments: None	

No: 29 Sex: Not provided Age: No provided Deviance: Bound	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Arm Position: The wrists were 'crossed behind the back' (Hill 1937, 255).

Skeletal Completeness and Preservation: Not provided Images: None	Body Position: Buried supine.
	Grave: In a 'well made [grave,] about five feet six inches long, two feet wide and two feet eight inches deep' (Hill 1937, 255). The grave was orientated WNW-ESE.
	Grave Goods: None
	Excavator Comments: None

No: 30 Sex: Not provided Age: Not provided Deviance: Bound Skeletal Completeness and Preservation: 'The body was buried partly in chalk and partly in clay and the bones were not in such good condition as those that had lain in the pure chalk' (Hill 1937, 255). Images: None	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The wrists were 'crossed behind the back' (Hill 1937, 255).
	Body Position: Buried supine with the head orientated to the north.
	Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave was orientated NNE-SSW.
	Grave Goods: None
Excavator Comments: None	

No: 32 Sex: Male Age: Middle-Aged (Prime-Mature Adult: 26-45) Deviance: Bound Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The wrists were 'crossed behind the back' (Hill 1937, 255).
	Body Position: Buried supine.
	Grave: 'The skull and neck were buried in the clay, the rest of the body in chalk.' Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). A nearby posthole (posthole A), roughly 2' across and 3' deep, may have belonged to a gibbet. The grave was orientated WSW-ENE.
	Grave Goods: 'An iron buckle was found in the pelvis' (Hill 1937, 255).
Excavator Comments: None	

No: 34 Sex: Not provided Age: Not provided Deviance: Bound, prone Skeletal Completeness and Preservation: Not provided Images: None	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: The head was 'twisted over to the right side' (Hill 1937, 255).
	Arm Position: 'The wrists were crossed behind the back' (Hill 1937, 255).
	Body Position: Buried prone 'with the legs semi-flexed' (Hill 1937, 255).
	Grave: 'This body was buried in one of the deepest graves found, being just over three feet six inches deep at the deepest part' (Hill 1937, 255). The grave was orientated NW-SE.
	Grave Goods: None
Excavator Comments: None	

No: 35 Sex: Not provided Age: Not provided Deviance: Unusual position Skeletal Completeness and Preservation: 'The upper part of the body was disturbed when body No. 31 was buried and the skull and part of the trunk could not be found'	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: It is assumed the head was in anatomical position.
	Arm Position: Not specified.
	Body Position: 'The body seems to have been buried in the supine position with the lower limbs so fully flexed that the feet were drawn up to the buttocks' (Hill 1937, 255).
Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The orientation of the grave is unclear.	

(Hill 1937, 255). Images: None	Grave Goods: None
	Excavator Comments: None

<p>No: 37 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Hill 1937, Plate V)</p> 	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The wrists were 'crossed behind the pelvis' (Hill 1937, 256).
	Body Position: Buried supine.
	Grave: 'The skull was only four inches below the level of the ground and the grave at its deepest point was less than a foot' (Hill 1937, 256). The grave was less than 6" deep.
	Grave Goods: 'The skull of a small hornless sheep lay touching the skeleton on the right side of the neck. No other animal bones could be found anywhere near this skeleton' (Hill 1937, 256). A nearby posthole (posthole B), roughly 2' across and 3' deep, may have belonged to a gibbet.
	Excavator Comments: None

<p>No: 38 Sex: Male Age: (Adult? – referred to as a man: 18+)</p> <p>Deviance: Bound, prone Skeletal Completeness and Preservation: 'The bones were not in good condition', presumably because of the burial in clay (Hill 1937, 256).</p> <p>Images: None</p>	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: 'The wrists were crossed in front of the trunk' (Hill 1937, 256).
	Body Position: Buried prone.
	Grave: 'The grave was shallow and dug in the clay' (Hill 1937, 256). The grave was orientated SW-NE.
	Grave Goods: 'A small but well made, bronze buckle lay near the wrists of this skeleton' (Hill 1937, 256).
Excavator Comments: None	

<p>No: 39 Sex: Not provided Age: Not provided</p> <p>Deviance: Bound, prone Skeletal Completeness and Preservation: 'The bones were very soft and much decayed' (Hill 1937, 256).</p> <p>Images: None</p>	General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)
	Decapitation Trauma: n/a
	Head Position: Not specified. It is assumed that the head was laid fairly straight.
	Arm Position: The wrists were 'crossed behind the back' (Hill 1937, 256).
	Body Position: Buried prone.
	Grave: 'This body was buried in a grave about three feet deep dug in the clay' (Hill 1937, 256). The grave was orientated WNW-ESE.
	Grave Goods: None
Excavator Comments: None	

<p>No: 41 Sex: Not provided Age: Not provided</p>	<p>General Pathology and Trauma: In general there was 'very little evidence of injury during life'. They were recorded as 'small by general healthy men'. (Hill 1937, 248, 253)</p>
<p>Deviance: Decapitated, prone Skeletal Completeness and Preservation: 'The skull and first four cervical vertebrae of this skeleton could not be found' (Hill 1937, 256).</p>	<p>Decapitation Trauma: n/a</p>
<p>Images: (Hill 1937, Plate V)</p>	<p>Head Position: 'The skull and first four cervical vertebrae could not be found and the body may have been decapitated' (Hill 1937, 256). While most headless bodies have not been considered decapitated, this individual appears to have been in a grave cut for a headless body. The grave of no. 41 cut through the grave of no. 40, but the grave of no. 41 itself does not seem to have been disturbed, so there is no alternative reason for the entire skull and first few vertebrae to be missing.</p>
	<p>Arm Position: The right arm was 'fully flexed at the elbow and the left straight down by the side' (Hill 1937, 256).</p>
	<p>Body Position: Buried prone.</p>
	<p>Grave: Most individuals were buried in shallow graves 'only just wide enough for one body, and they were frequently so short that the head was pillowed up or flexed on the trunk, or the semi-flexed, to make the body fit into the small space allowed' (Hill 1937, 247). The grave was orientated SSW-NNE, although the direction of the head was unclear. The grave does not appear to have been disturbed by later interments.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

SUTTON HOO (SUFFOLK)

Date: 7th – 11th centuries (radiocarbon)

No. of inhumations: 39

No. of deviants: 31

Decapitations	18, 21, 23, 24, 35, 40, 42b, 48, 52
Bound Arms	25, 30, 37, 38, 41, 48, 49
Prone	19, 25, 28, 32, 33, 39, 42a, 43, 45, 48, 53
Unusual Position	27, 28, 34, 36, 38, 39, 40, 41, 46, 50, 54
Dismembered or Mutilated	48, 55
Multiple Burials	23, 24, 32, 33, 42a, 42b, 43

Execution features: postholes for a probable gallows and possible gibbet

Landscape monuments: 7th-century elite Anglo-Saxon cemetery, itself associated with Bronze Age and Iron Age structures

Boundaries: overlooks the River Deben, near boundary of the hundred of Wilford

Sutton Hoo comprised a series of at least eighteen burial mounds. The landscape was first excavated in 1938 by Basil Brown and again in 1965 by Rupert Bruce-Mitford. Excavation

resumed once again in 1986, this time led by Martin Carver. Carver’s team excavated in a cruciform transect developed to understand the earlier prehistoric usage and the early Anglo-Saxon burial mounds. Along with a number of interments within the mounds themselves, thirty-nine later and apparently deviant burials were uncovered. The first group was associated with a pair of postholes which is likely to have been a gallows, and a secondary structure which was possibly a gibbet; the second group surrounded the Anglo-Saxon mound five, the earliest of the cremation burials. Due to the composition of the soil at the site, the human remains have completely degraded, leaving an outline of a sand body in its place. While trauma analysis is impossible, the position of the bodies, and their heads, can be gleaned from the sand bodies. Carver interprets these later burials as evidence of judicial killings as a show of kingly authority in an already impressive landscape.

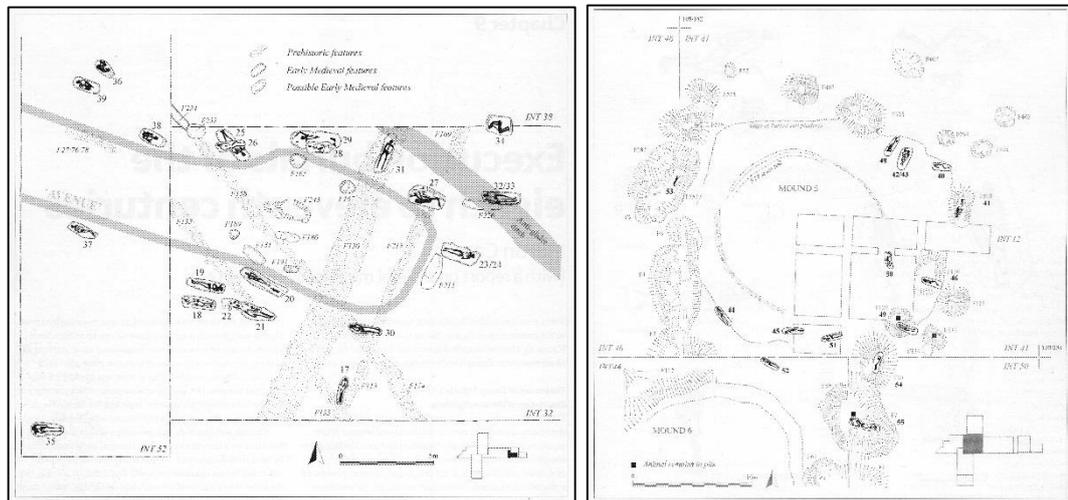
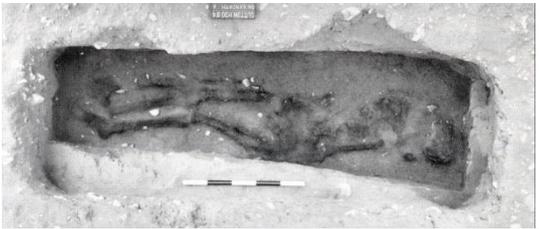
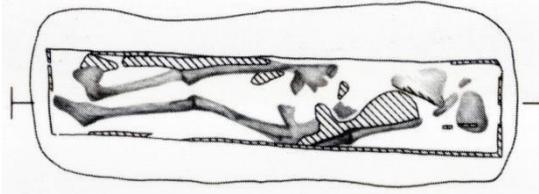


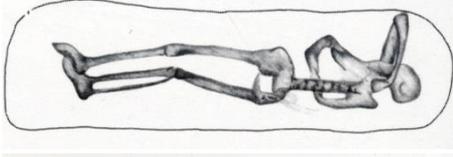
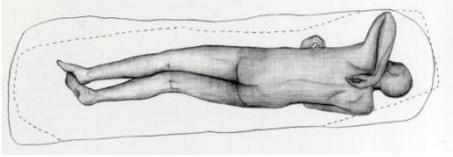
Figure A.7. Plan of Sutton Hoo deviant burials: Group 1 (left) was grouped around a possible gallows and Group 2 (right) was grouped around an elite burial mound (Carver 2005, 316, 335)

Sources: Carver 1998; Carver 2005; Reynolds 2009: 131-4; images reproduced by permission of the Trustees of the British Museum and the Society of Antiquaries of London and the British Museum Press.

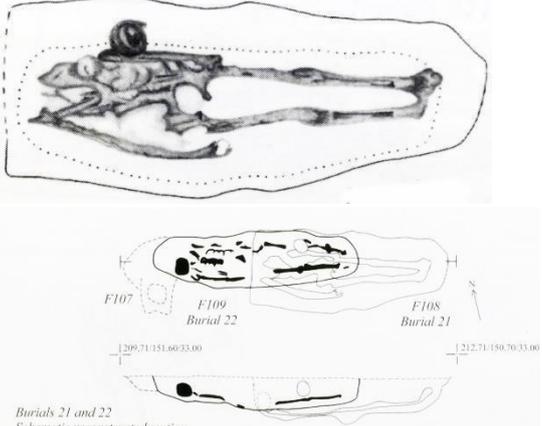
GROUP 1 (BURIED AROUND POSSIBLE GALLOWS)

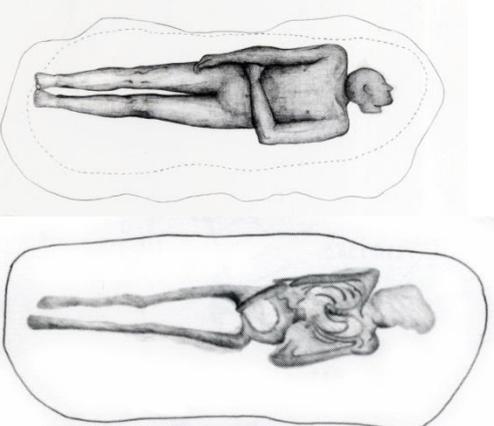
No: 18 Sex: Not identifiable Age: Adult: 18+ Deviance: Decapitated Skeletal Completeness and Preservation: The bone	General Pathology and Trauma: None
	Decapitation Trauma: None
	Head Position: The head was on its side at a right angle to the neck. The position of the head seems to indicate that it had been displaced, or detached and replaced.
	Arm Position: ‘The position of the arms was uncertain’

<p>preservation was very poor. 'Only fragments of the right femur, left temporal bone of the skull and maxillary premolar survive' (Carver 2005, 353).</p>	<p>(Carver 2005, 316).</p>
<p>Images: (Carver 2005, Figure 142, Plate 47:B)</p>	<p>Body Position: The body was lying supine, 'with the left leg turned over towards the south, and slightly flexed' (Carver 2005, 316).</p>
	<p>Grave: 'The grave contained a coffin composed of rectangular planks jointed at right-angled corners. The planks survived only as a vertical locus, 10 mm wide, or as localized brown staining beneath, and above, the body' (Carver 2005, 316). The grave was orientated W-E.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: The position of the head 'might suggest decapitation, or, given that the body was contained in a coffin, post-depositional movement' (Carver 2005, 316).</p>

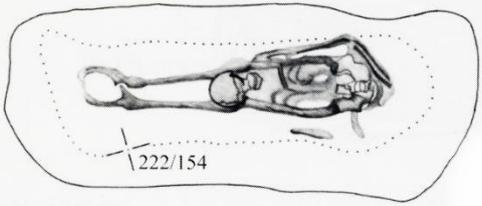
<p>No: 19</p>	<p>General Pathology and Trauma: 'There was slight to moderate calculus. The anterior mandibular teeth were slightly overcrowded... There was a developmental pit on the left superior apophyseal joint of the fourth cervical vertebrae' (Carver 2005, 353).</p>
<p>Sex: Not identifiable</p>	<p>Decapitation Trauma: n/a</p>
<p>Age: Young to middle adult: 18-35</p>	<p>Head Position: 'The head was on its right ear, looking north' (Carver 2005, 317).</p>
<p>Deviance: Prone</p>	<p>Arm Position: 'The left arm was bent so that the hand lay, with cocked wrist, behind the back, over the upper vertebrae. The position of the right arm was unclear, but appeared to lie beneath the chest, emerging to the north' (Carver 2005, 317).</p>
<p>Skeletal Completeness and Preservation: The bone preservation was 'good to fair. Comprising the right side of the skull, in particular the facial region, cervical vertebrae and a single carpal bone' (Carver 2005, 353).</p>	<p>Body Position: The body was 'lying face down with legs slightly flexed, the toes pointing north' (Carver 2005, 317).</p>
<p>Images: (Carver 2005, Figure 142 and 147)</p>	<p>Grave: The grave was orientated ESE-WNW.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'The position of the left arm is unstable, and may imply that it was tied to the other arm, around the body' (Carver 2005, 317). This body was not considered having been bound for execution, because the binding is tentative and the purpose behind binding arms on either side and around the body is unclear.</p>

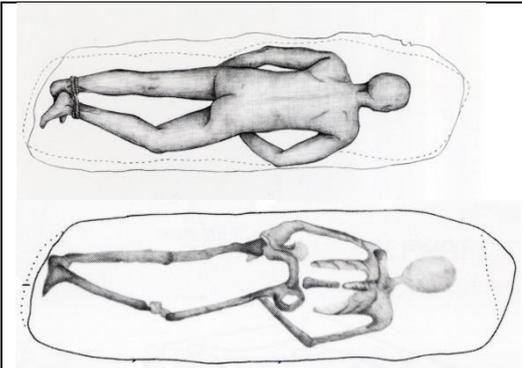
<p>No: 21</p>	<p>General Pathology and Trauma: None</p>
<p>Sex: Not identifiable</p>	<p>Decapitation Trauma: None</p>
<p>Age: Adult: 18+</p>	<p>Head Position: The body was headless in the grave. 'A sand-form head, deriving from this body, was found in the grave above, laying on the knee of the left leg of burial 22' (Carver 2005, 318).</p>
<p>Deviance: Decapitated</p>	<p>Arm Position: The arms were by the sides. 'The right hand appeared to clutch a stone' (Carver 2005, 318).</p>
<p>Skeletal Completeness and Preservation: The bone preservation was 'very poor. There were only weathered fragments of the innominate and legs present. The underside of the bone survives best, the rest of the body presents as a stain' (Carver 2005, 353).</p>	<p>Body Position: The body was lying supine 'with legs extended' (Carver 2005, 318).</p>
<p>Images: (Carver 2005, Figure 143)</p>	<p>Grave: 'The grave is the same length as the headless body, implying that the body had already been decapitated before burial. Alternatively, the head could have been tilted forward on the chest of the body as originally laid out, and</p>

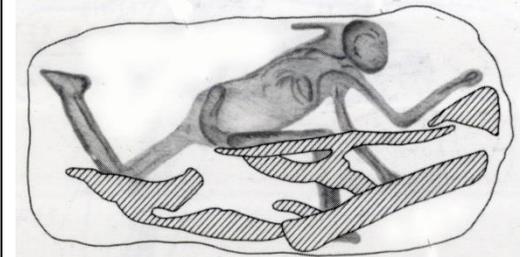
	<p>then inadvertently removed by the diggers of burial 22. ... The mobility of the head implies that the time interval between the digging of the two graves would have been less than ten years, the notional time for a sand body to form. Burial 21 and 22 were close, but did not constitute a single grave, and perhaps show evidence of intercutting' (Carver 2005, 318). The grave was orientated WNW-ESE.</p> <p>Grave Goods: A stone was found in the right hand.</p> <p>Excavator Comments: None</p>
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<p>No: 23 Sex: Male Age: Middle to mature adult [mature to senior adult: 36+]</p> <p>Deviance: Decapitated, double burial (with 24) Skeletal Completeness and Preservation: The bone preservation was 'good to fair. For Sutton Hoo, the preservation was exceptional. The left side of the skull, right arm, lower trunk and upper legs have a substantial amount of bone. The lower legs and left arm are represented only by a stain' (Carver 2005 353).</p> <p>Images: (Carver 2005, Figures 143 and 147)</p> 	<p>General Pathology and Trauma: Few teeth were present. 'The calculus was lost post-mortem. There was periodontal disease and alveolar recession present' (Carver 2005, 353).</p> <p>Decapitation Trauma: None</p> <p>Head Position: 'The head was connected by the body stain to the torso, but lay unnaturally, with the rear of the cranium on the right shoulder, the direction of the face, lower jaw and teeth offered the impression of a severed or broken neck' (Carver 2005, 319).</p> <p>Arm Position: The right arm was extended on the pelvis and the left arm 'bent across the chest' (Carver 2005, 319).</p> <p>Body Position: Buried supine, with the legs straight.</p> <p>Grave: The grave was orientated ESE-WNW. The 'grave appears to have been a single structures to take two burials, 23 and 24. The two bodies were in contact, with no detectable backfill between them. The only convincing piece of wood was a short strip, 140 mm long, running parallel to the right-hand forearm. It is not likely that this derives from a coffin. It was possibly a stick that was backfilled with one or other of the two bodies. Burials 23 and 24 are likely to have been deposited in a single incident; the grave for both burials being cut as a stepped construction through topsoil and subsoil. The lower cut, for burial 24, was only some 150 mm deep. It was long enough at 1.68m, for an average human, but the body was folded and placed with the pelvis near the east end of the lower cut. The corpse of burial 23 was laid on its back directly on top of burial 24, such that the back of burial 23 lay over the (reversed) back of burial 24' (Carver 2005, 319).</p> <p>Grave Goods: None</p> <p>Excavator Comments: Both 23 and 24 'had been hanged and/or decapitated, and the heads lay, or had been replaced, in approximately their correct anatomical positions. These positions could not be explained by post-depositional movement' (Carver 2005, 319).</p>
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<p>No: 24 Sex: Male Age: Young to middle adult [young to prime adult: 18-35]</p> <p>Deviance: Decapitated, double burial (with 23) Skeletal Completeness and Preservation: The bone preservation was 'good to fair. There are only remains of the skull, predominantly the left side' (Carver 2005, 354).</p>	<p>General Pathology and Trauma: Cribra orbitalia was present in the left occipital orbit. 'There was slight calculus, mostly lost post-mortem, and a slight alveolar recession. Enamel hypoplasia was present' (Carver 2005, 354).</p> <p>Decapitation Trauma: None</p> <p>Head Position: 'The head rested on the knee, but the jaw was uppermost. The head of burial 24 lay directly beneath the left femur of burial 23' (Carver 2005, 320).</p>
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<p>Images: (Carver 2005, Figure 143)</p> 	<p>Arm Position: 'The left arm was beneath the trunk, the right arm was behind the back' (Carver 2005, 320).</p> <p>Body Position: 'Beneath burial 23 was burial 24, the body of a young man sitting and doubled forward. The legs and pelvis were extended. The head rested on the knee, but the jaw was uppermost' (Carver 2005, 320).</p> <p>Grave: The grave was orientated ESE-WNW. The 'grave appears to have been a single structures to take two burials, 23 and 24. The two bodies were in contact, with no detectable backfill between them. The only convincing piece of wood was a short strip, 140 mm long, running parallel to the right-hand forearm; it is not likely that this derives from a coffin. It was possibly a stick that was backfilled with one or other of the two bodies. ... Burial 24 was placed in a cavity of its own, clearly visible below that for burial 23, and must have been left proud of the lower cut provided for it. ... Burials 23 and 24 are likely to have been deposited in a single incident; the grave for both burials being cut as a stepped construction through topsoil and subsoil. The lower cut, for burial 24, was only some 150 mm deep. It was long enough at 1.68m, for an average human, but the body was folded and placed with the pelvis near the east end of the lower cut. The corpse of burial 23 was laid on its back directly on top of burial 24, such that the back of burial 23 lay over the (reversed) back of burial 24' (Carver 2005, 319-21).</p> <p>Grave Goods: None</p> <p>Excavator Comments: 'There are two possible reading of the posture of burial 24. firstly, that the body was folded forward at the hips, so that the trunk was horizontal and the head rested on the knees; this would be anatomically possible with the arms positioned in front of and behind the chest, but the head would have to have been twisted through some 120 degrees from its normal carriage for the jaw to face over the right shoulder blade. Secondly, that the head and possibly the trunk, was severed prior to burial, with the head being deposited on the knees of the trunkless corpse. The first reading is possibly the more acceptable, but the neck would have to have been broken, and possibly partially severed to achieve the position recorded.' Both 23 and 24 'had been hanged and/or decapitated, and the heads lay, or had been replaced, in approximately their correct anatomical positions. These positions could not be explained by post-depositional movement' (Carver 2005, 320-21).</p>
<p>No: 25 Sex: Probable male Age: Young adult: 18-25</p> <p>Deviance: Bound, prone</p> <p>Skeletal Completeness and Preservation: The bone preservation was 'very poor. Only very small fragments of the body remain, including the skull, right leg and unidentifiable long bone fragments' (Carver 2005, 354).</p> <p>Images: (Carver 2005, Figures 143 and 147)</p>	<p>General Pathology and Trauma: 'The teeth were represented only by fragments of enamel' (Carver 2005, 354).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: 'The hands were not actually observed, but [the position of the] arms suggests a convergence at the abdomen' (Carver 2005, 322).</p> <p>Arm Position: The hands lay beneath the trunk. 'The hands were not actually observed, but [the position of the] arms suggests a convergence at the abdomen' (Carver 2005, 322). The individual is considered to have possibly been bound at the wrists because it is likely the wrists were bound together at the time of burial to have maintained a converging position beneath the prone body.</p> <p>Body Position: The body was buried prone. 'The right foot and ankle lay over the left foot, with both sets of toes</p>

	<p>pointing right (the posture suggests that the feet were bound - and perhaps also the wrists)' (Carver 2005, 322).</p>
	<p>Grave: Burial 25 was cut across, at an angle, by the burial of 26. The grave was orientated SE-NW.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

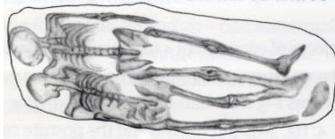
<p>No: 27 Sex: Male Age: Young to Middle Aged [Young to Prime Adult: 18-35]</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: The bone preservation was 'poor. There were fragments of skull, upper cervical vertebrae and right clavicle only' (Carver 2005, 354).</p> <p>Images: (Carver 2005, Figure 144, Plate 48:A)</p>  	<p>General Pathology and Trauma: 'Evidence of infection [was] visible as pitting to the left incus... The calculus was slight, most probably lost post-mortem. There was enamel hypoplasia' (Carver 2005, 354).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head is presumed to have been on its left side.</p> <p>Arm Position: The arms were flexed and 'pushing forward' in the running position (Carver 2005, 322).</p> <p>Body Position: 'The body lay on its left side in a "running" position... with the right leg forward and the left leg back' (Carver 2005, 322).</p> <p>Grave: The grave was extra-large and orientated with the head WNW.</p> <p>Grave Goods: 'Fourteen pieces of wood - deriving from an object, or objects, that were not securely identified - were defined. All the wooden traces were thin, horizontal and discontinuous with one another, and lay over the body. This suggests they derived from a number of differently shaped, flattish pieces of wood thrown into the burial, rather than from a coffin or chamber' (Carver 2005, 322).</p> <p>Excavator Comments: It is suggested that the wood pieces might be from a gallows or other instrument of execution.</p>
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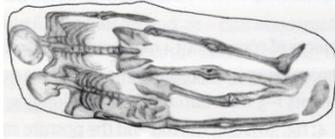
<p>No: 28 Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Prone/unusual position Skeletal Completeness and Preservation: The body was only a stain. 'No bones survived into the laboratory. However, some vertebrae were observed in the field' (Carver 2005, 354).</p> <p>Images: (Carver 2005, Figures 144 and 147, Plate 47)</p>	<p>General Pathology and Trauma: 'There was disc degeneration to the mid lumbar vertebrae (noted by the author in the field)' (Carver 2005, 354).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The skull 'rested on the grave floor, and was turned to the right and perhaps twisted hard round so that it looked nearly upwards/backwards' (Carver 2005, 322).</p> <p>Arm Position: 'The left arm was beneath the trunk, and the right arm was along the grave floor, with the hand near the right knee' (Carver 2005, 322).</p> <p>Body Position: The 'body was buried in a kneeling position, with the pelvis at the highest point, the knees 300mm apart and the left and right tibias in contact with</p>
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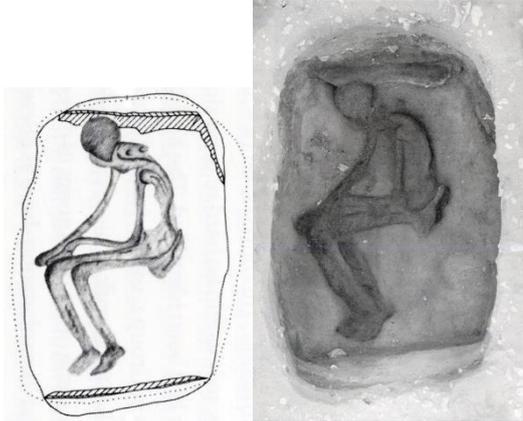
	<p>the grave floor. The vertebrae curved downwards from the pelvis to the skull' (Carver 2005, 322).</p> <p>Grave: 'The small area of the grave shows that it was dug to receive a body that had already adopted a folded position.' The grave cut the earlier grave of 29. 'A spare head was supposed from a sand stain at a relatively high level. If this were discounted, the remaining limbs can be assigned to disturbance of the body in the earlier burial 29' (Carver 2005, 322). The grave was orientated W-E.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 30 Sex: Male Age: Young Adult: 18-25</p> <p>Deviance: Bound</p> <p>Skeletal Completeness and Preservation: The bone preservation was 'good to fair. Most of the body is represented. The skull and lower body are the best preserved elements. The upper part of the skull (left side) was preserved with PVA, and consequently the dentition could not be examined. This allowed only superficial observations' (Carver 2005, 354).</p> <p>Images: (Carver 2005, Figures 144 and 147, Plate 17)</p>	<p>General Pathology and Trauma: 'The calculus was slight to moderate. The alveolar recession was slight and there was enamel hypoplasia' (Carver 2005, 354).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: 'The head was turned to face south' (Carver 2005, 323).</p> <p>Arm Position: 'The right hand [was] over the pelvis and resting on or over the central part of the left forearm' (Carver 2005, 323).</p> <p>Body Position: The body was buried supine. 'The left leg was slightly raised at the knee' (Carver 2005, 323).</p> <p>Grave: 'the grave was aligned with, and had cut into, the Prehistoric ditch F130... The gravedigger, therefore, dug their grave into the ditch of a visible earthwork' (Carver 2005, 323). The grave was orientated W-E.</p> <p>Grave Goods: None</p> <p>Excavator Comments: Radiocarbon Dated: 980-1220 (95% probability / 1020-1160 (68% probability)</p>
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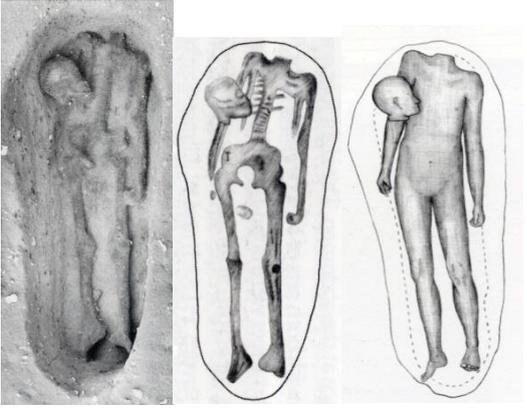
<p>No: 32 Sex: Not identifiable Age: Young adult: 18-25</p> <p>Deviance: Prone, double burial (with 33)</p> <p>Skeletal Completeness and Preservation: The bone preservation was 'poor. The dentition was well preserved.</p>	<p>General Pathology and Trauma: 'There was slight to moderate calculus. The alveolar recession was slight, and there was enamel hypoplasia' (Carver 2005, 354).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was looking left.</p> <p>Arm Position: The arms were extended and by the sides.</p> <p>Body Position: The body was buried face down, with the</p>
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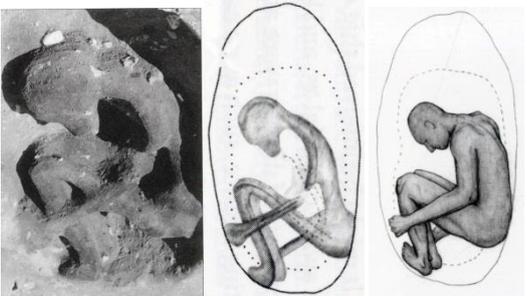
<p>Of the bones, there was the left upper arm and upper leg only' (Carver 2005, 354).</p> <p>Images: (Carver 2005, Figure 145)</p> 	<p>legs extended.</p>
	<p>Grave: The body of 32 was placed 'slightly overlapping the body of burial 33. The grave was abnormally broad, suggesting the expectation of two bodies side by side' (Carver 2005, 323). The grave was orientated W-E.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: None</p>

<p>No: 33 Sex: Not identifiable Age: Adult (18+)</p> <p>Deviance: prone, double burial (with 32) Skeletal Completeness and Preservation: The bone preservation was 'poor. There were fragments of the occipital bone, atlas and axis' (Carver 2005, 354).</p> <p>Images: (Carver 2005, Figure 145)</p> 	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: Not specified. It is assumed to have been fairly straight.</p>
	<p>Arm Position: Not specified. It is assumed the arms were extended by the sides.</p>
	<p>Body Position: The body was buried face down, with the legs extended.</p>
	<p>Grave: Burial 33 was placed first in the grave, with the body of 32 overlapping it. 'The grave was abnormally broad, suggesting the expectation of two bodies side by side' (Carver 2005, 323). The grave was orientated W-E.</p>
	<p>Grave Goods: None</p> <p>Excavator Comments: None</p>

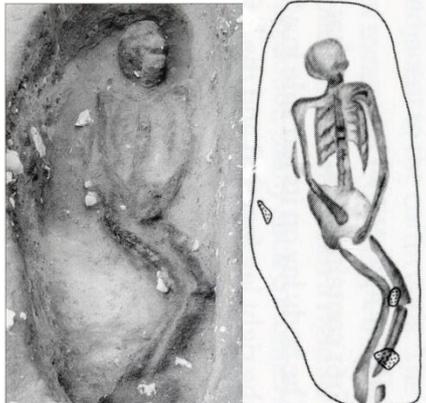
<p>No: 34 Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: 'This was a stain only. Not bone was recovered' (Carver 2005, 355).</p> <p>Images: (Carver 2005, Figure 145, Plate 48)</p> 	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: Not specified.</p>
	<p>Arm Position: The 'right hand [was] on [the] right knee, and [the] left elbow on [the] left thigh' (Carver 2005, 323).</p>
	<p>Body Position: The body 'had been lain on its right side, legs semi-flexed' (Carver 2005, 323)</p>
	<p>Grave: 'The grave was dug to the size required to take the body laid on its side in a semi-flexed position' (Carver 2005, 323). The grave was orientated W-E.</p>
	<p>Grave Goods: 'A wooden chest or coffin was identified above the body, and consisted of six planks: four set on edge (or nearly on edge) at each end (east and west) and each side (north and south) and two laid over the top' (Carver 2005, 323).</p> <p>Excavator Comments: None</p>

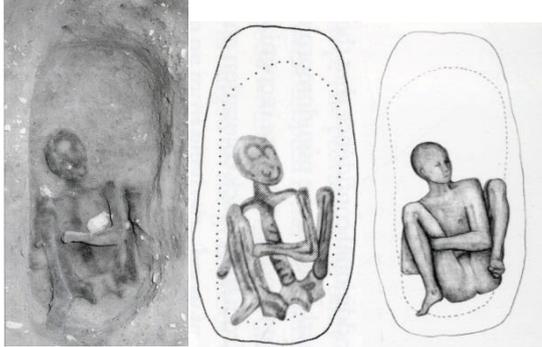
<p>No: 35 Sex: Not identifiable Age: 18-21 [Young adult: 18-25]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: 'The definition and the posture of the body were very clear: the patella could be seen still in placed over the left knee' but</p>	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: None</p>
	<p>Head Placement: The head was 'placed on the right arm' (Carver 2005, 323).</p>
	<p>Arm Position: The arms were extended by the sides of the body.</p>
	<p>Body Position: The body was buried supine extended.</p> <p>Grave: 'The length of the grave was only sufficient to</p>

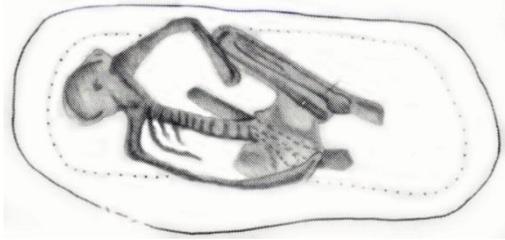
<p>the bone preservation was poor (Carver 2005, 323). 'There was a fragment o left side of the skull, and also fragments of upper and lower limbs' (Carver, 2005, 355).</p>	<p>accommodate the extended body without its head, although the whole corpse could have been placed within it, with a little flexing' (Carver 2005, 323). The grave was orientated W-E.</p>
<p>Images: (Carver 2005, Figure 147, Plate 47:E)</p>	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'This is, therefore, more probably the burial for a decapitated person, rather than representing decapitation for purpose of burial' (Carver 2005, 323). Radiocarbon dated: 650-980 (95% probability) / 680-880 (68% probability)</p>

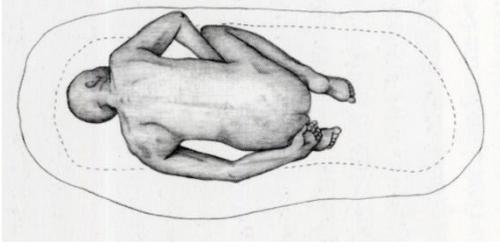
<p>No: 36 Sex: Not identifiable Age: Probable Adult [Adult: 18+]</p>	<p>General Pathology and Trauma: None Decapitation Trauma: None</p>
<p>Deviance: Unusual position Skeletal Completeness and Preservation: The bone preservation was 'very poor. There were fragments of right lower arm, pelvis and upper legs only. The size and robusticity of the bones suggest an adult' (Carver 2005, 355).</p>	<p>Head Placement: 'The head was on its right side, face north (towards the feet)' (Carver 2005, 323). Arm Position: 'The left arm lay over the left leg, and the right arm lay in contact with the grave floor beneath the trunk, pelvis and femur' (Carver 2005, 323). The arms were clasped around the tucked up knees.</p>
<p>Images: (Carver 2005, Figures 145 and 147, Plate 9)</p>	<p>Body Position: The body 'lay in a crouched position on its right side, on the uneven floor of the grave... and the legs were tucked up, so that the knees were nearly opposite the chin.' (Carver 2005, 323).</p>
	<p>Grave: 'Grave F37 was bath-shaped, with a depression at the north-west end... The size of the grave, or pit, showed that the expected burial would occupy a small space' (Carver 2005, 323). The floor of the grave was uneven. The grave was orientated SE-NW. Grave Goods: None Excavator Comments: 'the corpse had been placed in the pit, the limbs being arranged or tied in the position found' (Carver 2005, 323). It seems, however, that if the grave was small, the limbs would not need to have been tied.</p>

<p>No: 37 Sex: Not identifiable Age: Subadult to adult (15-25) [Adolescent to Adult: 12-25]</p>	<p>General Pathology and Trauma: None Decapitation Trauma: n/a</p>
<p>Deviance: Bound Skeletal Completeness and Preservation: The bone preservation was 'very poor. There were fragments of the skull and right tibia only' (Carver 2005, 355).</p>	<p>Head Position: The excavator reported a 'cracked skull' in the sand form. The head faced upwards', and slightly to the left (Carver 2005, 324) Arm Position: The hands were laid across the abdomen (Carver 2005, 324).</p>
<p>Images: (Carver 2005 Figure 145, Plate 47)</p>	<p>Body Position: The body was buried 'lying on its back, face upwards. The legs - slightly flexed - lay on their left sides' (Carver 2005, 324). Grave: 'Unidentified additional pieces of organic matter may have derived from a second body, or the disturbance of the first or the inclusion of some corporeal matter in the backfill' (Carver 2005, 324). The grave was orientated WNW-ESE. Grave Goods: None</p>

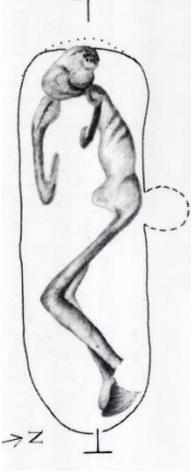
	<p>Excavator Comments: The excavator 'suggested that the hands and feet were tied' (Carver 2005, 324).</p>
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<p>No: 38 Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Bound (full body)/unusual position Skeletal Completeness and Preservation: The body was 'a stain only. No bone was recovered' (Carver 2005, 355).</p> <p>Images: (Carver 2005, Figure 145, Plate 47)</p> 	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Arm Position: The right arm lay beneath the right leg, and the left arm lay across the chest.</p>
	<p>Body Position: The body was buried 'on its back, folded, on a slope at the west end of the grave. The head faced upwards, slightly turned towards the south. Both legs were drawn up so that the knees rested on the shoulders, and the legs hung outwards, displaying the abdominal area. The right foot was turned outwards, and the left foot pointed upwards' (Carver 2005, 324).</p>
	<p>Grave: The grave was orientated ESE-WNW.</p>
	<p>Grave Goods: There was the 'stain of an organic object, perhaps a stick or fragment of cord in the backfill' (Carver 2005, 324).</p>
<p>Excavator Comments: 'Such a body position would be difficult to maintain, leaving the possibility that it had been tied (trussed, or that it had attained rigor mortis to a sufficient degree to maintain the posture during back-filling. In either case, the body position, exceptionally certain, peculiar and disturbing, must represent a posture adopted or enforced just before death' (Carver 2005, 324).</p>	

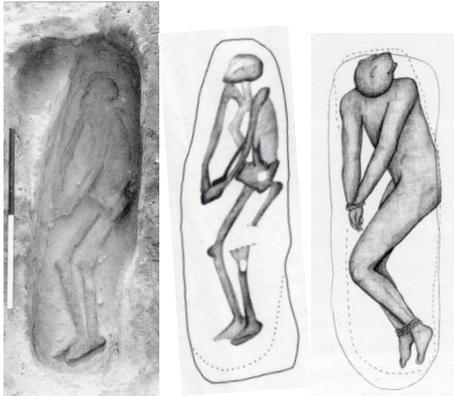
<p>No: 39 Sex: Male Age: Probable mature adult [senior: 46+]</p> <p>Deviance: Prone/unusual position Skeletal Completeness and Preservation: The bone preservation was 'fair. The skull condition was exceptional for Sutton Hoo. Only the posterior aspect of the right lower limb was preserved, the left lower limb was in good condition' (Carver 2005, 355).</p> <p>Images: (Carver 2005, Figure 145 and 147).</p> 	<p>General Pathology and Trauma: 'There was subperiosteal reactive bone on the midshaft of the right tibia, the result of well-healed or old inflammatory change. An osteolytic lesion to the left fibula above the attachment of interosseal ligaments is the result of a bone cyst... There was moderate calculus. Alveolar recession and periodontal disease were marked. The dental health was poor, with caries, abscesses and enamel hypoplasia all present. The anterior teeth had marked attrition' (Carver 2005, 355).</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was connected to the torso with the face to the floor.</p>
	<p>Arm Position: The 'left arm [was] over [the] back, with [the] hand on [the] base of [the] spine, and [the] right arm over [the] right thigh and under [the] trunk... Both arms were higher than the backbone or the skull, suggesting they were behind the back' (Carver 2005, 324).</p>
	<p>Body Position: The body was 'buried kneeling, face to floor, knees apart, toes dug in' (Carver 2005, 324).</p>
	<p>Grave: The grave was orientated WNW-ESE.</p>
<p>Grave Goods: None</p>	
<p>Excavator Comments: 'The excavator's case for the face-</p>	

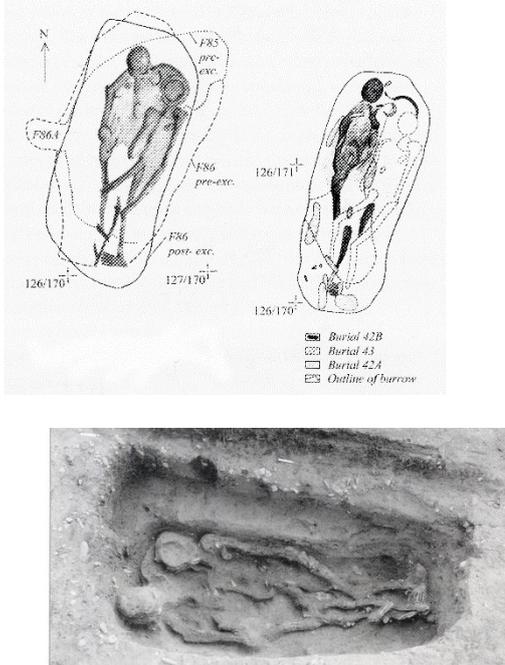
	<p>down posture was based on the high position of the pelvis in the grave, with the legs tightly flexed, the stain of the right thigh above the pelvis, the discovery of the ribcage and spine at an early stage, and the shape of the head (small and round, suggesting it was the back of the head that was uppermost). The jaws were seen during the removal of the body samples, and the mouth was then recorded as facing the floor of the grave... The body was thus buried kneeling, with the face against the grave floor, and the hands tied behind the back. This position must have been taken up by a live body, or been secured by trussing or rigor mortis' (Carver 2005, 324). This body was not considered having been bound in the arms because of the lack of clarity in the description. It was not clear how the right arm could be both under the torso and behind the back. The images do not imply that the binding of the wrists was possible. Radiocarbon dated: 880-1040 (95% probability) / 900-920 or 960-1020 (68% probability).</p>
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GROUP 2 (BURIED AROUND MOUND 5)

<p>No: 40 Sex: Probable male Age: Young adult: 18-25</p>	<p>General Pathology and Trauma: 'There was slight calculus and enamel hypoplasia was widespread' (Carver 2005, 358).</p>
<p>Deviance: Decapitated, unusual position Skeletal Completeness and Preservation: The bone preservation was 'fair to poor. There was a skull and upper vertebrae only' (Carver 2005, 358).</p>	<p>Decapitation Trauma: None</p>
<p>Images: (Carver 2005, Figure 150)</p>	<p>Head Position: The head had been removed before burial and placed in the grave face-up and rotated (the stub end of the neck would have been lying approximately against the right ear).</p>
	<p>Arm Position: 'The right arm was bent, with the forearm curved back towards shoulder the left arm was indistinct' (Carver 2005, 334) The position of the left arm is uncertain.</p>
	<p>Body Position: The body was buried 'lying on its right side, legs semi-flexed and together. The right foot was tucked under the left, inviting the suspicion of binding' (Carver 2005, 334)</p>
	<p>Grave: 'The grave was straight and flat bottomed, and cut into the buried-soil platform of mound 5' (Carver 2005, 334). The grave was orientated E-W.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: It was deduced that a young man had had his legs tied and had then been hanged or decapitated. The head had been severed from the body and placed in the grave at the neck end, but not aligned with it, at the time of burial. This was not considered a bound individual as legs found together was not considered evidence of binding for execution. Radiocarbon dated: 890-1160 (95% probability) / 900-920 or 970-1040 or 1000-1120 or 1140-1160 (68% probability)</p>

<p>No: 41 Sex: Not identifiable Age: Probable adult: 18+</p>	<p>General Pathology and Trauma: None</p>
<p>Deviance: Bound, unusual position</p>	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The head was on its right side.</p>
	<p>Arm Position: 'Both arms [were] forward and hands together, as if tied' (Carver 2005, 334).</p>

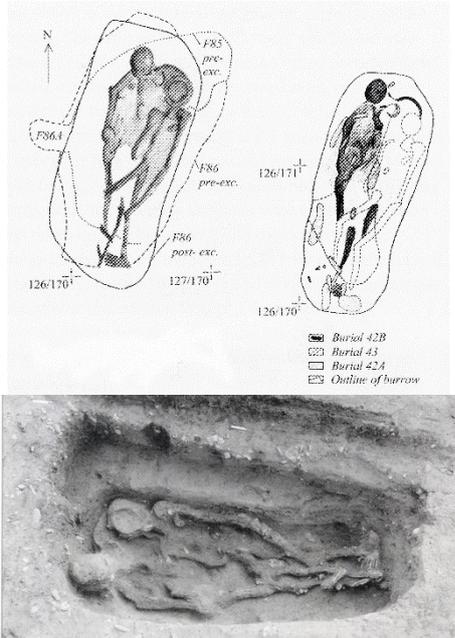
<p>Skeletal Completeness and Preservation: 'The body had no observable bone, and had been disturbed by vigorous bracken root growth' (Carver 2005, 334).</p> <p>Images: (Carver 2005, Figure 150 and Plate 49)</p> 	<p>Body Position: 'The body was lying in the grave on its right side, legs slightly flexed' (Carver 2005, 334).</p> <p>Grave: 'The stratigraphic relationship between the grave and the quarry pit was ambiguous,' but it seems that the grave may have cut the quarry pit. The grave may itself have been cut by 'a later intrusion' (Carver 2005, 334). The grave was orientated SSW-NNE.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 42a Sex: Probable female Age: Young adult: 18-25</p> <p>Deviance: Prone, triple burial (with 42b and 43) Skeletal Completeness and Preservation: The bone preservation was good but the body was very disturbed by rabbits. 'The facial region of the skull and lower jaw were present' (Carver 2005, 358).</p> <p>Images: (Carver 2005, Figure 150, Plate 49)</p> 	<p>General Pathology and Trauma: 'The calculus was slight, and the attrition was severe to the anterior maxillary teeth. Enamel hypoplasia was widespread' (Carver 2005, 358).</p> <p>Decapitation Trauma: n/a</p> <p>Head Position: The head was connected to the torso in anatomical position.</p> <p>Arm Position: The arm position is unknown.</p> <p>Body Position: The body is 'known only from her head, and there is an inevitable uncertainty about where the body lay. [It was] buried prone over the other two' (Carver 2005, 335).</p> <p>Grave: 'Elements of three different bodies were found in the grave: two bodies, probably female, burials 43 and 42a, had been placed prone on top of a supine decapitated male burial 42b; all the heads were at the north end. The bone was reasonably rigid, but had been partly scrambled by burrowing rabbits. The positions of the heads suggest that all three bodies were buried with their heads to the north' (Carver 2005, 334). The grave was orientated NNE-SSW.</p> <p>Grave Goods: None</p> <p>Excavator Comments: None</p>
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<p>No: 42b Sex: Male Age: Middle to mature adult [mature to senior adult: 36+]</p> <p>Deviance: Decapitated, triple burial (with 42a and 43) Skeletal Completeness and Preservation: The bone preservation was poor to fair. 'The bone was reasonably</p>	<p>General Pathology and Trauma: 'There was a shallow developmental put to [the] right acetabulum. There were Schmorl's Nodes on the fifth to seventh thoracic, and eleventh thoracic to first lumbar, vertebrae. There was osteoarthritis to apophyseal joints of the fifth to seventh thoracic vertebrae, and intervertebral osteochondrosis to the sixth thoracic vertebra. There was incipient change to</p>
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rigid, but had been partly scrambled by burrowing rabbits' (Carver 2005, 334). 'The condition was about the best experience at Sutton Hoo. Most of the body, with the exception of the facial region of the skull and left lower arm, was represented' (Carver 2005, 358).

Images: (Carver 2005, Figure 150, Plate 49)



the right femoral head, to the distal articular surface of the left humerus, two left ribs (tubercle), one right rib, and the left temporomandibular joint. There was osteophytic lipping to the right glenoid cavity, and intercondylar fossa to the left femur. Enthesopathies were present on the left ulna, at attachment of the triceps, and of the lateral costotransverse ligament of the right ribs... The calculus was slight; much has probably been lost post-mortem. Alveolar recession was moderate and there was periodontal disease surrounding the left maxillary second molar. There was enamel hypoplasia' (Carver 2005, 358).

Decapitation Trauma: None

Head Placement: The 'head had been cut off and repositioned in the grave at the neck end, face-downwards' (Carver 2005, 335).

Arm Position: The position of the arms was 'unclear' but they were 'probably extended. The left arm, however seems to have curved towards the left, as the head of burial 43 lay upon it' (Carver 2005, 335).

Body Position: The body was buried supine. The position of the legs was 'unclear' but they 'were probably extended' (Carver 2005, 335).

Grave: 'Elements of three different bodies were found in the grave: two bodies, probably female, burials 43 and 42a, had been placed prone on top of a supine decapitated male burial 42b; all the heads were at the north end... At an estimated 1.80m the body of burial 42b was too long to fit into the base of the grave as dug' (Carver 2005, 334-35).

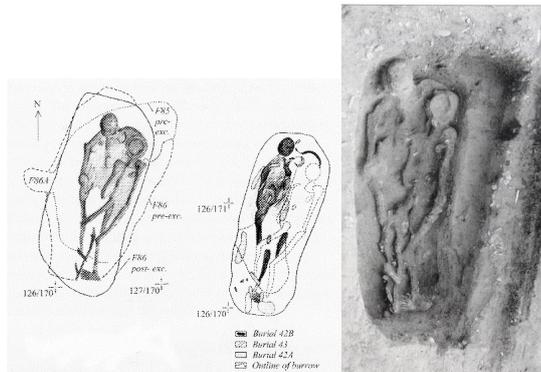
Grave Goods: None

Excavator Comments: 'The man was decapitated and placed in first, his head being returned to the neck location, and the remainder of the body being placed on the back' (Carver 2005, 335). Radiocarbon dated: 650-780 (95% probability) / 660-720 or 740-770 (68 % probability).

No: 43
Sex: Probable female
Age: Young adult: 18-25

Deviance: Prone, triple burial (with 42a and 42b)
Skeletal Completeness and Preservation: The bone preservation was 'poor'. There were only fragments of the skull, right femur and right tibial condyle' (Carver 2005, 358).

Images: (Carver 2005, Figure 150, Plate 49)



General Pathology and Trauma: 'There was slight calculus, and there were developmental pits to the enamel' (Carver 2005, 358).

Decapitation Trauma: n/a

Head Position: The head was connected to the torso and the face in the crook of the left arm of 42b.

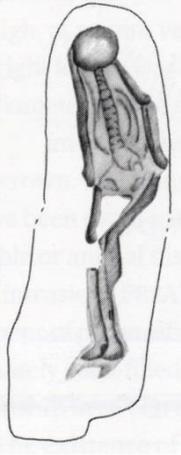
Arm Position: The arms were probably by the side, and the westerly arm was recorded as lying over the pelvis of burial 42b.

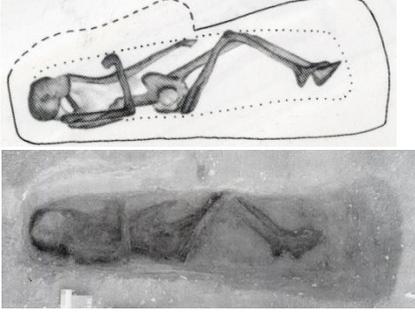
Body Position: The body was buried 'face down on the crook of the left arm of the man [42b]. The rest of the body was also thought to have been prone, and the legs, if correctly identified, were semi-flexed westwards' (Carver 2005, 335).

Grave: 'Elements of three different bodies were found in the grave: two bodies, probably female, burials 43 and 42a, had been placed prone on top of a supine decapitated male burial 42b; all the heads were at the north end. The bone was reasonably rigid, but had been partly scrambled by burrowing rabbits. The positions of the heads suggest that all three bodies were buried with their heads to the north' (Carver 2005, 334). The grave was oriented NNE-SSW. Near the grave was a possible post hole for a grave marker, although it could have also been a rabbit hole.

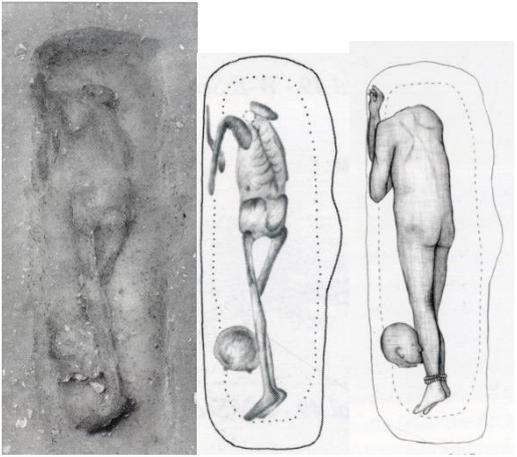
Grave Goods: None

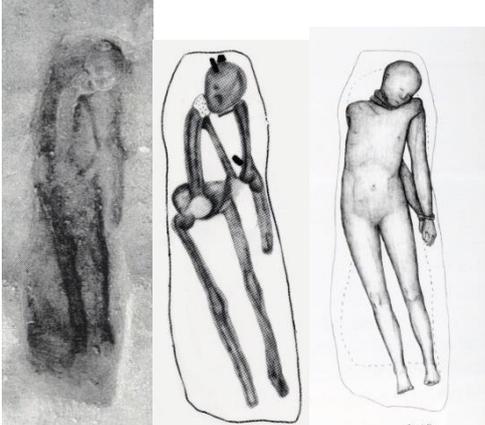
Excavator Comments: None

<p>No: 45 Sex: Probable male Age: Probable young to middle adult [young to prime adult: 18-35]</p> <p>Deviance: Possibly prone Skeletal Completeness and Preservation: The bone preservation was 'poor, this was very fragmentary, with pieces of skull, pelvis and lower limb' (Carver 2005, 358).</p> <p>Images: (Carver 2005, Figure 150)</p> 	<p>General Pathology and Trauma: 'There was disc herniation to the third lumbar vertebra cause by Schmorl's Nodes. The third and fourth lumbar vertebrae had intervertebral osteochondrosis associated with marginal osteophytes... there was slight to moderate calculus. The alveolar recession was slight' (Carver 2005, 358).</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: The position was uncertain. See Body Position below.</p>
	<p>Arm Position: The position was uncertain. See Body Position below.</p>
	<p>Body Position: The position of the body was difficult to determine. 'It may have lain face down, with the elbows pointing up, and the knees down, and the head directed over the left shoulder, implying that the neck may have been broken. Alternatively, it lay in a supine position, with the chin on the chest. It proved impossible to decide between these two alternatives, and the posture has to remains uncertain' (Carver 2005, 336).</p>
	<p>Grave: 'A wooden box, decomposed into blocks by 1987, had been left in situ to protect the body. The grave had cut through the buried soil platform of mound 5' (Carver 2005, 336). The grave was orientated W-E.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'It proved impossible to decide between [the] two alternatives [for position], and the posture has to remain uncertain.' (Carver 2005, 336). Radiocarbon dated: 880-1050 or 1090-1120 or 1140-1160 (95% probability) / 900-920 or 960-1030 (68% probability).</p>

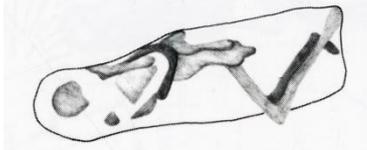
<p>No: 46 Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: 'This was a stain only. No bone was recovered' (Carver 2005, 359).</p> <p>Images: (Carver 2005, Figure 151, Plate 50)</p> 	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: 'The head, slightly raised, looked north-east (i.e. downwards towards the right hand)' (Carver 2005, 337).</p>
	<p>Arm Position: 'The left arm was by the side, crossed by the right arm, which was bent at the elbow' (Carver 2005, 336-37).</p>
	<p>Body Position: The body 'lay on its left side, legs slightly flexed' (Carver 2005, 336).</p>
	<p>Grave: 'Grave F424 had vertical sides and a flat bottom, with a gentle slope at each end, and was defined in a quarry pit (F130)' (Carver 2005, 336). The grave was orientated WNW-ESE.</p>
	<p>Grave Goods: None</p> <p>Excavator Comments: None</p>

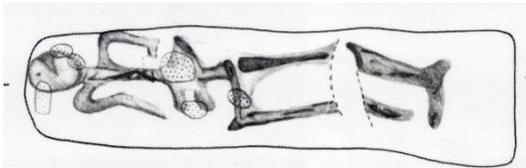
<p>No: 48 Sex: Male Age: Middle to mature adult [mature to senior adult: 36+]</p> <p>Deviance: Decapitated, possibly bound, prone, possibly mutilated prior to burial Skeletal Completeness and Preservation: 'Parts' of the bone were 'in good preservation' (Carver 2005, 339). 'The</p>	<p>General Pathology and Trauma: 'There was moderate calculus. Periodontal disease was marked on maxilla and mandible. The alveolar recession was moderate to considerable' (Carver 2005, 359).</p>
	<p>Decapitation Trauma: None</p>
	<p>Head Position: 'The head had been placed over the left leg, neck towards the feet, eyes and mouth facing north-west' (Carver 2005, 339).</p>
	<p>Arm Position: 'The right arm, apparently detached from</p>

<p>left side of the skull was very well preserved. There were also fragments of the pelvis and lower limbs' (Carver 2005, 359).</p>	<p>the shoulder, lay beneath the left arm and shoulder blade' (Carver 2005, 339).</p>
<p>Images: (Carver 2005, Figures 147 and 151, Plate 49)</p>	<p>Body Position: 'The body lay prone, legs extended, feet together, slightly flexed at the right knee' (Carver 2005, 339).</p>
	<p>Grave: 'The grave had probably cut the buried soil platform of mound 5, although this was not observed directly' (Carver 2005, 339). The grave was orientated NE-SW.</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'The body had apparently been decapitated before being laid in the grave. The feet lay together and may have been tied. The detached right arm and head, however, might alternatively be construed as evidence for the body having partly decomposed before burial' (Carver 2005, 339). If the detached arm was the result of decay rather than pre-burial mutilation, it seems likely that the wrists may have been bound in order to maintain such an arm position within the grave.</p>

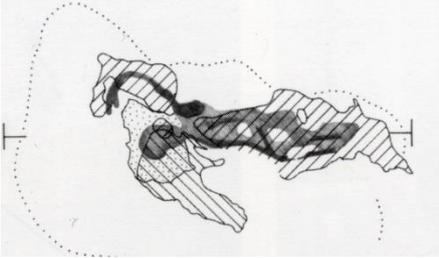
<p>No: 49 Sex: Not identifiable Age: Not identifiable</p>	<p>General Pathology and Trauma: None</p>
<p>Deviance: Bound Skeletal Completeness and Preservation: 'This was a body stain only. No bone was recovered' (Carver 2005, 359).</p>	<p>Decapitation Trauma: n/a</p>
<p>Images: (Carver 2005, Figures 147 and 151, Plate 50)</p>	<p>Head Position: 'The head is crooked over to lie almost on the left shoulder' (Carver 2005, 339).</p>
	<p>Arm Position: The right arm is behind the back, and the left arm converges towards it, so the hands may have been tied.</p>
	<p>Body Position: 'The position of the kneecaps and feet show that [the body] lay on its back... The toes point down' (Carver 2005, 339).</p>
	<p>Grave: The grave was orientated WNW-ESE. It cuts the animal deposits in quarry pit F129.</p>
	<p>Grave Goods: 'A fragment of organic matter was defined between the bend in the neck and the head, i.e. around the neck. It was interpreted as a piece of rope. The excavator noted "there is absolutely no way in which the stain was part of the body"' (Carver 2005, 339).</p>
	<p>Excavator Comments: 'The body posture is interpreted as that of a person with the hands tied behind the back, cut down from a gallows, with a piece of rope still around the neck' (Carver 2005, 339).</p>

<p>No: 50 Sex: Not identifiable Age: Not identifiable</p>	<p>General Pathology and Trauma: None</p>
<p>Deviance: Unusual position Skeletal Completeness and Preservation: There was no remaining bone.</p>	<p>Decapitation Trauma: n/a</p>
<p>Images: (Carver 2005, Figures 152)</p>	<p>Head Position: 'The head was to the south' (Carver 2005, 340).</p>
	<p>Arm Position: Not specified.</p>
	<p>Body Position: 'The body lay semi-flexed on its right side... A fragment of sand body was seen in section 300 mm above the level of the body, which might imply that a knee was raised' (Carver 2005, 340).</p>
	<p>Grave: The grave was orientated SSE-NNW. The grave cuts 50mm into the mound make-up.</p>
	<p>Grave Goods: None</p>

	<p>Excavator Comments: 'The grave and body were excavated in the 1966-70 campaign' (Carver 2005, 340).</p>
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<p>No: 52 Sex: Not identifiable Age: Young to middle adult [young to prime adult: 18-35]</p> <p>Deviance: Decapitated, [The excavators argued that the individual could be bound, however as only the right arm shows evidence of unusual positioning it has not been considered]</p> <p>Skeletal Completeness and Preservation: The body was in a poor state of preservation, and its posture was rendered almost illegible by animal burrows. 'The calvarium and fragments of the right upper limb and left lower limb are all that survive' (Carver 2005, 359).</p> <p>Images: (Carver 2005, Figure 152)</p> 	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: None</p>
	<p>Head Position: 'The head had been severed and replaced face up, but the wrong way round with respect to the neck (i.e. rotated by 180 degrees)' (Carver 2005, 340).</p>
	<p>Arm Position: 'The excavators reported the right forearm behind the back (vertebra), and they believed that the body lay on its back with one hand tied, or coincidentally bent, behind. However, the body could well have been on its front, with the right arm folded up beneath the chest' (Carver 2005, 340).</p>
	<p>Body Position: 'The excavators reported the right forearm behind the back (vertebra), and they believed that the body lay on its back with one hand tied, or coincidentally bent, behind. However, the body could well have been on its front, with the right arm folded up beneath the chest' (Carver 2005, 340).</p>
	<p>Grave: The grave was situated between mounds 5 and 6, but no stratigraphic relationship was observed with either. 'Five additional body pieces were encountered c. 50-100mm above the body mass of the main body in the north-west half of the grave. The vertical separation of the body and the 5 additional pieces is not so large as to disallow transportation by small mammals from the one to the other, but the small mammal activity actually observed was at the other end of the grave. Alternatively, the additional pieces could represent the remains of a second body perhaps one already decomposed at the time of burial' (Carver 2005, 340). The grave was orientated WNW-ESE</p>
<p>Grave Goods: None</p>	
<p>Excavator Comments: None</p>	

<p>No: 53 Sex: Not identifiable Age: Not identifiable</p> <p>Deviance: Prone</p> <p>Skeletal Completeness and Preservation: 'This was a stain only. No bones were recovered' (Carver 2005, 359).</p> <p>Images: (Carver 2005, Figure 153, Plate 51)</p> 	<p>General Pathology and Trauma: None</p>
	<p>Decapitation Trauma: n/a</p>
	<p>Head Position: 'The head [face down] coincidentally or deliberately [came] to rest on a shapeless piece of timber' (Carver 2005, 341).</p>
	<p>Arm Position: The right arm was 'up by the head' and the left extended by the side (Carver 2005, 341).</p>
	<p>Body Position: 'The body was laid face down on the quarry pit base,' The legs were extended, with the left slightly flexed (Carver 2005, 341).</p>
	<p>Grave: The 'body [was] buried with patches of wood under the head and over the body in a rectangular scoop at the base of the quarry pit... The corpse was immediately covered with wooden pieces which, from their thickness, were probably planks rather than branches. There may, however, have been branches, undergrowth or more planks placed over the head area. As no trace of a cut for a grave was seen, it was concluded by the excavator that the body and the associated organic matter lay on the base of the</p>

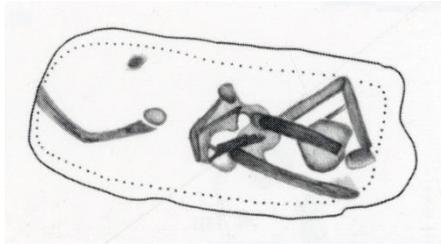
	empty quarry pit' (Carver 2005, 341). The grave was orientated NE-SW.
	<p>Grave Goods: None</p> <p>Excavator Comments: 'Two controversial uncertainties remain in the matter of Burial 53: whether the body was human, and whether it was placed on the quarry floor (with the implication, if so, that it was contemporary with the construction of mound 5). The highly decomposed state of the body raises the possibility of its being the carcass of an animal, rather than that of a human. In this case an analogy is provided by the deposition of the upper jaws in quarry pit F129, later disturbed by Burial 40. If, as the excavator deduced, the body was human, it would be expected that it would be buried in a grave about 500 mm deep, on analogy with the other burials of Group 2. These other burials also show how elusive the cuts are for the graves within quarry pit fills. Nevertheless, burial 53 is unusual in the amount of wood associated with it, so it might have been exceptional in other ways (for example being the earliest and/or following a different rite the other graves in group 2). The excavator's verdict on the absence of a cut might be reconciled with the pre-existence of a grave by supposing a later disturbance of the quarry pit. This is implied by its complex fill which included at least three turf lines as opposed to the usual one' (Carver 2005, 341).</p>

<p>No: 54 Sex: Not identifiable Age: Probable young adult: 18-25</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: The sand body was badly preserved 'all that survived were a fragment of mandibular molar (first?) and a fragment of maxillary premolar, both with very little attrition which suggests a young age' (Carver 2005, 359).</p> <p>Images: (Carver 2005, Figure 154, Plate 51)</p> <div style="display: flex; justify-content: space-around;">   </div>	General Pathology and Trauma: None
	Decapitation Trauma: n/a
	Head Position: 'There was no head, but an organic patch to the west of the shoulder area may have indicated where the head had lain. The patch measured 30 x 30 mm in plan, and contained traced of bone, two teeth, a molar and a premolar' (Carver 2005, 343).
	Arm Position: 'The arms were bent' (Carver 2005, 343).
	Body Position: The body was 'lying on its right side, with the neck to the north and the feet to the south. The knees were slightly flexed' (Carver 2005, 343).
	Grave: (Carver 2005, 341). The grave was orientated NNE-SSW.
	Grave Goods: None
Excavator Comments: 'The excavators felt that the sand body had been affected by the burrowing of small mammals' (Carver 2005, 343).	

<p>No: 55 Sex: Not identifiable Age: Adolescent to young adult [12-25]</p> <p>Deviance: Possibly mutilated Skeletal Completeness and Preservation: The bone preservation was 'poor. There were maxilla and fragments of skull, along was a stain of right (?) tibia. There were</p>	General Pathology and Trauma: 'The [dental] laterality is not known. The maxillary premolar showed enamel hypoplasia. The maxilla were very poorly preserved. There was no wear to the teeth, and some bone around premolars, suggesting unerupted or erupting teeth and an age of 12+ years' (Carver 205, 359).
	Decapitation Trauma: n/a
	Head Position: The head rested on its left ear, facing north.
	Arm Position: A bent arm and the head were found at the

also four fragments of tooth crown, and a mandibular (?) molar.

Images: (Carver 2005, Figure 154)



east end, beneath two lower legs a further bent arm lay detached at the west end.

Body Position: 'The human body was very mutilated... A femur was missing' (Carver 2005, 343). The body parts are separated and scattered throughout the grave. Due to the impossibility of detailed osteological examination it is difficult to know whether this was purposeful mutilation or a body which was exposed and decayed before burial.

Grave: 'The grave was cut into the base or fill of quarry pit F2 before or at the same time as, F342, the burial of a bull. The bull pit cut both the human grave and the quarry pit; this latter relationship was retrospectively observed where it had been captured in the surviving balk section along easting 122. It was observed that the latest context in the quarry pit sealed the cut of the bull burial. The bull burial and the human burial have similar vertically sided pits, which have flat bases at roughly the same level, slightly below the base of the quarry pit. Although it is stated that the bull burial cut the human burial, this is not an unambiguous relationship. In plan the pits appear to touch rather than cut. If it can be accepted that the bull was cut through the turfed-over pit, the same should be allowed as a possibility for the human burial, giving a grave 0.59m deep. The 12th c. potter lay on the same turfed-over shoulder of the quarry pit. Although the human burial, the pottery and the bull burial could not be stratigraphically distinguished, it is likely that they represent a sequence in that order. The dates of the other executions suggest the human burial to be 8th-10th c., while the pottery is dated to the 12th c. and the C14 date on the bull places it around the middle of the 17th century. It is likely that the human burial was cut through the old turf line, which later carried a hearth in which the pottery was deposited. The bull burial was cut from an unknown height' (Carver 2005, 343). The burial was part of Group 2, which was interred around Mound 5. The grave was orientated W-E.

Grave Goods: None

Excavator Comments: None

WALKINGTON WOLD (YORKS)

Date: 7th – 11th century (radiocarbon dated)

No. of inhumations: 12 postcranial skeletons, 11 crania

No. of deviants: 8 (including both postcranial skeletons and skulls)

Decapitations	7, 11, 13, skull associated with 1, skull 2, skull 5, skull 8
Unusual Position	1, 10

Execution features: postulation of a gibbet by Buckberry and Hadley

Landscape monuments: associate with two Bronze Age barrows; site of a Roman temple

Boundaries: near the hundred boundary between Welton and Cave

Walkington Wold was originally excavated in 1967 and 1969, uncovering twelve burials, ten headless, and eleven separated skulls. The burials were initially thought to be from the fifth century. The cemetery was recently reanalysed as a later Anglo-Saxon execution cemetery. Radiocarbon dates placed it within the seventh and eleventh centuries. The cemetery seems to have been used periodically throughout this four century span. The individuals are largely male in young to middle adulthood. Many of the isolated skulls are missing their mandibles, which suggests that they were displayed prior to burial until a certain state of disarticulation. As there is no osteological evidence that the skulls were stuck on stakes, it is possible they were displayed on a gibbet, which may be evidenced by the presence of a large posthole on the top of the barrow.

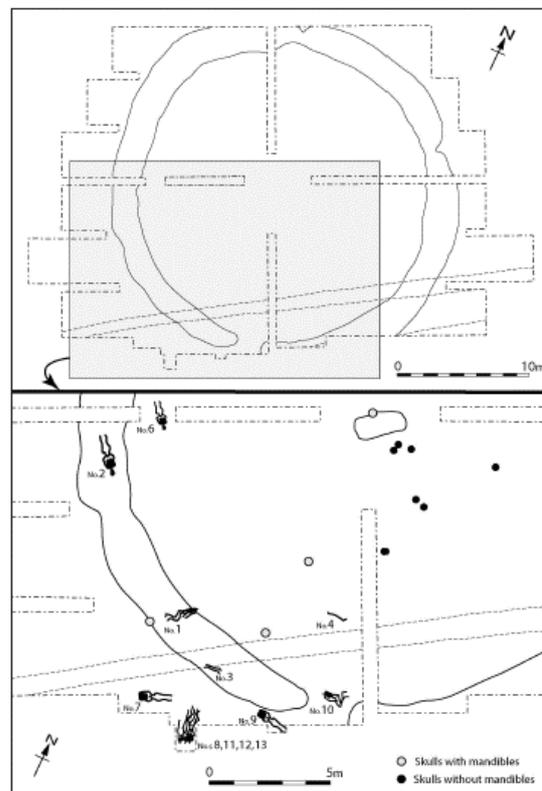
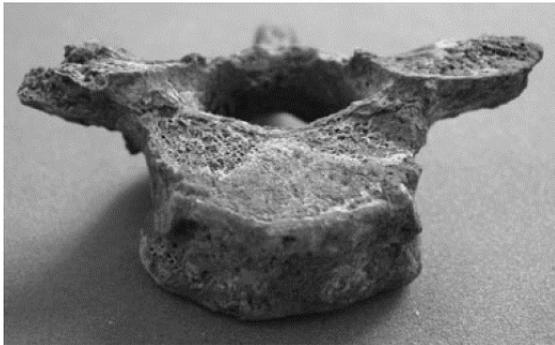


Figure A.8. Plan of Walkington Wold burials (Buckberry 2008, 152)

References: Buckberry 2008; Buckberry and Hadley 2007; Reynolds 2009, 150-1; images reproduced by permission of Dawn Hadley and Jo Buckberry.

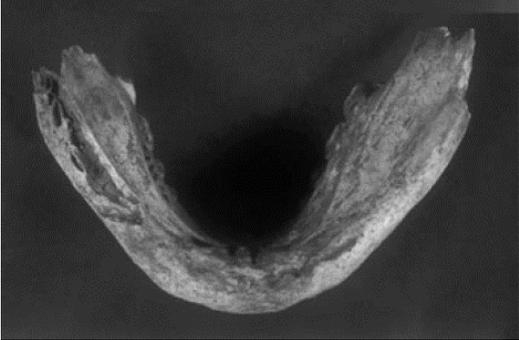
No: Skeleton 1 Sex: Probably male Age: 18-20 [young adult: 18-25] Deviance: Unusual position Skeletal Completeness and Preservation: Not specified	General Pathology and Trauma: None
	Decapitation Trauma: None
	Head Position: The skull was not articulated to the postcranial skeleton.
	Arm Position: Not specified
	Body Position: The skeleton was laid on the left side with flexed limbs.
	Grave: 'Skeleton 1 was located on top of a Roman rubbish level in the barrow ditch. There was no evidence of a grave cut, and it appeared that the body had been covered with a heap of earth. It was orientated north-east to south-west' (Buckberry 2008, 153).

Images: None	Grave Goods: None
	Excavator Comments: None

<p>No: Skeleton 7 Sex: Male Age: Young-middle adult (20-35) [young to prime adult (18-35)]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Not provided</p> <p>Images: (Buckberry 2008, Figure 9.3)</p> 	General Pathology and Trauma: None
	Decapitation Trauma: 'Two parallel cut marks were present on the superior aspect of the first thoracic vertebra. The injuries were perimortem, had been delivered from the front and are consistent with blood-letting, throat slitting or decapitation from the front' (Buckberry 2008, 155). [Two cuts to the front]
	Head Position: 'No cranium was found with the post-cranial remains' (Buckberry 2008, 155).
	Arm Position: The arms were extended by the sides.
	Body Position: 'The skeleton was supine and extended' (Buckberry 2008, 155).
	Grave: The skeleton 'was laid on the surface of the natural chalk, outside the barrow ditch. No trace of a grave cut could be identified at the time of excavation. The burial was orientated south-west-west to north-east-east' (Buckberry 2008, 155).
	Grave Goods: None
	Excavator Comments: The individual 'suffered from cuts to the front of [the neck], which can be interpreted as evidence of blood-letting, throat slitting or decapitation from the front. The depth of the cuts to the second thoracic vertebra of skeleton 7 would suggest the latter, a highly unusual form of decapitation, perhaps indicating the deliberate removal of the head either around the time of, or shortly after, death. The narrow nature of the cuts suggests that the weapon was a thin sword or knife, rather than an axe' (Buckberry and Hadley 2007, 319).

<p>No: Skeleton 10 Sex: Male Age: Young middle adult (26-35) [prime adult: 26-35]</p> <p>Deviance: Unusual position Skeletal Completeness and Preservation: Not provided</p> <p>Images: None</p>	General Pathology and Trauma: 'Schmorl's nodes were present in the lower thoracic spine' (Buckberry 2008, 158).
	Decapitation Trauma: None
	Head Position: The skull was not present.
	Arm Position: The upper left limb was 'contorted under the back' (Buckberry 2008, 157).
	Body Position: The body was laid on the right side with flexed limbs.
	Grave: The grave was on top of the prehistoric causeway. 'It was deposited in a shallow depression in the chalk, suggesting a shallow grave had been dug, and was orientated west to east' (Buckberry 2008, 157).
Grave Goods: None	
Excavator Comments: None	

<p>No: Skeleton 11 Sex: Male Age: Young to middle adult (20-25) [Young to prime adult (18-35)]</p> <p>Deviance: Decapitated, unusual position, triple burial (with 8 and 12) Skeletal Completeness and Preservation: The skeleton was 'fairly complete aside from the cranium.'</p> <p>Images: (Buckberry 2008, Figure 9.5, Figure 9.4)</p>	General Pathology and Trauma: 'Schmorl's nodes were present in the thoracic spine, and both mandibular third molars were congenitally absent' (Buckberry 2008, 159).
	Decapitation Trauma: 'A perimortem fracture was present on the base of the mandibular body. The posterior portion of the mandible was not present, and it is likely that the fractures were radiating from areas of sharp force trauma to the inferior portion of the ascending ramus. This blow had been delivered from behind and is consistent with decapitation. The dens of the second cervical vertebra also appears to have been removed by this blow, however the presence of consolidant and adhering soil in this area has made this injury difficult to identify with confidence' (Buckberry 2008, 158-599). [One blow from behind]

	Head Position: The cranium was not present, but the mandible remained associated with Skeleton 11.
	Arm Position: Not specified. It is assumed that the arms were extended by the sides.
	Body Position: The body 'was buried in a supine position, with the lower limbs flexed and spread apart' (Buckberry 2008, 158).
	Grave: 'Skeleton 11 was buried in the so-called triple grave positioned underneath Skeleton 8 and next to Skeleton 12' (Buckberry 2008, 158). The grave was orientated N-S.
	Grave Goods: None
Excavator Comments: The skeleton was radiocarbon dated to 640-775 ca. AD.	

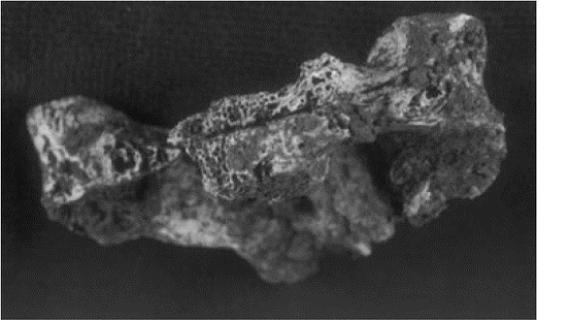
No: Skeleton 13 Sex: not identifiable Age: not identifiable Deviance: Decapitated Skeletal Completeness and Preservation: The only bones remaining articulated and in the original location were the feet at the north and the cervical vertebrae at the south. Images: None	General Pathology and Trauma: 'There was no pathology... on any of the bones (Buckberry 2008, 159).
	Decapitation Trauma: None
	Head Position: The skull was not articulated to the postcranial skeleton or present in the grave. Although the grave had been cut through in the centre, 'the lack of disturbance of the cervical vertebrae indicated that this individual was buried without the head having been articulated with the body' (Buckberry 2008, 159).
	Arm Position: The position of the arms was impossible to determine because most of the body was disturbed by the burial of 8, 11, and 12.
	Body Position: The position of the body was impossible to determine because most of the body was disturbed by the burial of 8, 11, and 12.
	Grave: The grave was badly disturbed by the grave of 8, 11 and 12 which cut through the grave for 13 and was orientated in the opposite direction. The grave for 13 was orientated south to north.
	Grave Goods: None
Excavator Comments: A humerus from the grave was radiocarbon dated, but the date was later than that for skeleton 11, which was clearly buried after 13, so it is assumed to have belonged to a separate individual.	

No: Skull Associated with Skeleton 1 Sex: Probable male Age: Young middle adult (26-35) [Prime adult (26-35)] Deviance: Decapitated Skeletal Completeness and Preservation: The skull was comprised of a cranium, mandible, and poorly preserved vertebrae. Images: (Buckberry 2008, Figure 9.5)	General Pathology and Trauma: 'Dental pathology comprised a moderate level of calculus, antemortem loss of the upper left second premolar and lower right second premolar. Linear enamel hypoplasia was observed on the upper left second molar' (Buckberry 2008, 160).
	Decapitation Trauma: 'Sharp force trauma is present along the base of the mandibular body, with radiating fractures extending towards the chin. The blow had been delivered from behind by a heavy weapon, such as an axe or sword. There is no sign of an injury to the cervical vertebrae, although these were poorly preserved' (Buckberry 2008, 159-60). [At least one blow from behind]
	Head Placement: Disarticulated skull found near skeleton 1, but most likely not associated.
	Arm Position: n/a
	Body Position: No associated post-cranial skeleton
	Grave: 'The cranium, mandible and vertebrae that comprise this "skull" do not belong to Skeleton 1, even though they were found just 0.5m from the feet of the skeleton' (Buckberry 2008, 159).
	Grave Goods: None
	Excavator Comments: None

<p>No: Skull 2 Sex: Male Age: Young adult (18-25)</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Survives as just a cranium</p> <p>Images: (Buckberry 2008, Figure 9.6).</p>	<p>General Pathology and Trauma: ‘Extensive porosity was observed on the ectocranial surface of the cranium, with large areas of woven new bone formation. This had probably been caused by a non-specific inflammatory condition’ (Buckberry 2008, 160).</p> <p>Decapitation Trauma: ‘Three incidences of sharp force trauma to the back of the head were apparent. These comprised a glancing blow which had exposed an area of diploic bone on the right parietal and occipital, crossing the lambdoid suture; a shallow blow, which had just cut into the occipital to the right of the midline; and a deep blow, which had exposed diploic bone and was associated with two radiating fractures in the centre of the occipital... The injuries are not consistent with decapitation, but the concentration of them on the occipital and the direction of the blows suggest that decapitation may have been attempted. A further blow or blows probably succeeded in removing the head at a lower level through the neck region, however no vertebrae or mandible were found with the cranium’ (Buckberry 2008, 160). The decapitation was performed with a large bladed weapon, such as an axe or sword. [At least three blows from behind]</p> <p>Head Position: Disarticulated skull</p> <p>Arm Position: n/a</p> <p>Body Position: No associated post-cranial skeleton</p> <p>Grave: Disarticulated cranium</p> <p>Grave Goods: None</p> <p>Excavator Comments: ‘The blows were delivered in an upwards direction, indicating that the victim was most likely bent over with their head held in extreme flexion (i.e. with their chin resting on their chest), a position that is unlikely to have occurred had these injuries been the result of armed combat. The injuries are not consistent with decapitation, but the concentration of them on the occipital and the direction of the blows suggest that decapitation may have been attempted. It is indeed possible that a further blow or blows succeeded in removing the head at a lower level through the neck region, but this proposition cannot be verified since no vertebrae or mandible were found with this cranium. Nonetheless this burial is probably best interpreted as a botched decapitation’ (Buckberry and Hadley 2007, 319). It is possible that this skull may have belonged to skeleton 7 or skeleton 11, however due to the osteological preservation and separated location of the skull from its original post-cranial skeleton, this cannot be confirmed.</p>
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<p>No: Skull 5 Sex: Male Age: Young to middle adult (20-35) [young to prime adult (18-35)]</p> <p>Deviance: Decapitated Skeletal Completeness and Preservation: Survives as just a cranium</p> <p>Images: (Buckberry 2008, Figure 9.7)</p>	<p>General Pathology and Trauma: ‘Overall the surface of the cranium was quite pitted and porous, indicating that this individual suffered from a non-specific inflammatory condition. He suffered from premature closure of the right occipitomastoid suture resulting in an asymmetric cranium. Linear enamel hypoplasia was observed on the upper right second and third molars’ (Buckberry 2008, 162).</p> <p>Decapitation Trauma: ‘A large, penetrating blade injury was present on the right occipital. A second injury had sliced off the base of the left mastoid process and zygomatic bones, and would probably have succeeded in decapitating the individual. Both of the injuries had been delivered from behind. A possible third injury was present anterior to the large penetrating injury, on the inferior of the occipital...</p>
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	<p>Although there was a large hole in the base of the cranium, this appears to have been caused by postmortem taphonomic damage, and not through the perimortem use of a head stake' (Buckberry 2008, 160-62). The decapitation was performed with a large bladed weapon, such as an axe or sword. [Three blows from behind]</p>
	<p>Head Position: Disarticulated skull</p>
	<p>Arm Position: n/a</p>
	<p>Body Position: No associated post-cranial skeleton</p>
	<p>Grave: Disarticulated cranium</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'It is possible that either of these skulls (2 or 5) belonged to skeleton 11 (or, indeed skeleton 7) and that the blow to the mandible of this skeleton was the final, terminal, injury. However, due to the state of preservation, it is impossible to verify this, and thus it can only be stated that between three and four individuals suffered sharp force trauma to the back of the head/neck region that is consistent with the use of a large bladed weapon, for example an axe or sword' (Buckberry and Hadley 2007, 319).</p>

<p>No: Skull 8 Sex: Male Age: Young adult (18-25), although more likely at the lower end of this range</p> <p>Skeletal Completeness and Preservation: 'Skull 8 consisted of a cranium, mandible and four cervical vertebrae' (Buckberry 2008, 162). The bone preservation was poor.</p> <p>Deviance: Decapitated</p> <p>Images: (Buckberry 2008, Figure 9.3)</p>	<p>General Pathology and Trauma: 'Slight calculus was present on many of the teeth and both lower second premolars had been lost antemortem' (Buckberry 2008, 162).</p>
	<p>Decapitation Trauma: 'Sharp force trauma was observed on the anterior of the vertebral body of the fourth cervical vertebra and to the base of the fifth cervical vertebra. Both of these injuries had been delivered from the front by a thin-bladed weapon such as a fine sword or knife' (Buckberry 2008, 162). [Two cuts to the front]</p>
	<p>Head Position: Disarticulated skull</p>
	<p>Arm Position: n/a</p>
	<p>Body Position: No associated post-cranial skeleton</p>
	<p>Grave: Disarticulated skull</p>
	<p>Grave Goods: None</p>
	<p>Excavator Comments: 'The very young age of the cranium may indicate that it belonged to Skeleton 1, but this was impossible to verify' (Buckberry 2008, 162). The individual 'suffered from cuts to the front of [the neck], which can be interpreted as evidence of blood-letting, throat slitting or decapitation from the front. The depth of the cuts to the second thoracic vertebra of skeleton 7 would suggest the latter, a highly unusual form of decapitation, perhaps indicating the deliberate removal of the head either around the time of, or shortly after, death. The narrow nature of the cuts suggests that the weapon was a thin sword or knife, rather than an axe' (Buckberry and Hadley 2007, 319).</p>

Appendix B

RECORDS OF JUDICIAL PUNISHMENT

ANGLO-SAXON RECORDS

1. *Two clergymen and their servants were executed for treachery against their lord, the abbot, by attempted murder. The event occurred during the reign of Alfred, 871 x 899.*

Asser, *Life of Alfred* (c. 893)

[96] On a particular occasion, then, a priest and a deacon of Gallic origin from among those monks mentioned above were aroused by envy at the devil's prompting against their abbot, the said John; they were secretly embittered to such a degree that, in the manner of the Jews, they ambushed and betrayed their lord by treachery. In their treachery, they instructed two slaves of the same Gallic race (who became involved for a bribe) to the effect that, during the night when everyone was sleeping soundly in blissful bodily peace, they would enter the unlocked church armed, and would close it again after them in the normal way and, hidden in the church, would await the approach of the abbot; and when the abbot would quietly enter the church alone in order to pray, as he usually did, and would lie down on the ground in front of the holy altar on bended knees, they would attack him savagely and kill him on the spot; then they would drag his lifeless body away and dump it at the door of a certain whore, to make it seem as if he had been killed in the course of whoring. They devised this plan, adding crime to crime, as it is said: 'The last error shall be worse than the first' [Matthew xxvii, 64]. But divine mercy, which is always ready to help the innocent, frustrated to a large degree this evil plan of evil men, so that everything did not turn out as they planned.

[97] When all the evil plan had been expounded and outlined by the evil conspirators to their evil accomplices, when the night had arrived and was though propitious, and a promise of impunity had been given, the two armed villains shut themselves in the church to await the abbot's arrival. At midday John entered the church secretly as

[96] Nam quodam tempore, cum instinctu diabolico quidam sacerdos et diaconus, Gallici genere, ex praefatis monachis, invidia quadam [latenti] excitati contra suum abbatem praefatum Iohannem, nimium latenter in tanteum amaricati sunt, ut Iudaico more dominum suum dolo circumvenirent et proderent. Nam duos eiusdem gentis Gallicae servulos praemio conductos ita fraudulentem docuerunt, ut nocturno tempore, cum omnes delectabili corporis quiete graviter dormirent, patefactam armati intrarent ecclesiam; quam post se iterum solito more clauderent et unicum abbatis adventum in ea absconditi praestolarentur. Cumque solus solito <more> orandi causa ecclesiam latenter intraret, et ante sanctum altare flexis ad terram genibus se inclinaret, hostiliter irruentes in eum, tunc eum ibidem occiderent. Cuius corpus examine inde trahentes ante ostium cuiusdam meretricis, quasi illic occisus esset in meretricando, iactarent. Quod etiam machinaverunt, crimen crimini addentes, sicut dictum est: 'Et erit novissimus error peior priore.' Sed divina misericordia, quae semper innocentibus solet subvenire, impiam impiorum meditationem maxima ex parte frustrate est, quo non per omnia evenirent, sicut proposuerant.

[97] Omni itaque mala doctrina a malis doctoribus malis auditoribus elucubratis exposita et conducta, nocte adveniente atque suppetenti, et impunitate promissa, latrunculi duo armati in ecclesia <se> concluserunt, adventum abbatis praestolantes. Cumque media nocte Iohannes solito <more> furtim, nemine sciente, orandi gratia ecclesiam intrasset et flexis genibus ante altare incurvaret, tunc duo illi latrunculi ex improvise

usual (so that no one would know) in order to pray, and bowed down on bended knees before the altar; then the two villains attacked him suddenly with drawn swords and wounded him severely. But he, being a man of customary sharp intelligence and (as I have heard about him from several source) a man with some experience in the martial arts - had he not set his mind on a higher course - rose briskly to meet them as soon as he heard their commotion and before he saw them or was wounded by them. He called out and resisted the as best he could, shouting that they were devils and not men: he could not think otherwise, since he did not believe that men would attempt such a thing. However, he was wounded before his own men arrive: they had been awakened by the uproar but, having heard the word 'devils', were frightened and did not know what to do either. They and the two betrayers of their lord (in the manner of the Jews) all ran helter-skelter to the doors of the church; but before John's men got there, the villains had fled as quickly as possible to the depths of the nearby marsh, leaving the abbot half-dead. The monks picked up their half-dead master and carried him home with lamentation and sadness. Nor did the deceitful conspirators shed fewer tears than the innocent. For God's mercy was unwilling for such a crime to go unpunished: the villains who had committed this deed, as well as all those who had instigated so great a crime, were captured and bound and underwent a terrible death through various tortures. (Keynes and Lapidge 1983, 105)

dispoliatis gladiis in eum irrumpunt et crudelibus afficiunt vulneribus. Sed ille ut solito ac semper acris ingenio et, ut audivimus de eo a quibusdam referentibus, bellicosae artis non expers, si in meliori disciplina non studeret, statim ut sonitus latronum audivit, priusquam videret, insurgens acriter in eos, antequam vulneratur, et vociferans, quantum poterat reluctabatur, inclamitans daemones esse et non homines; non enim aliter sciebat, quia nec hoc homines ausos esse existimabat. Vulneratus est tamen antequam sui advenirent. Sui ergo hoc rumore expergefacti et etiam, audito daemonum nomine, perterriti utrique et inexpertes, et etiam illi, Iudaico more, domini sui proditores, hinc inde ad ecclesiae ostia concurrunt, sed antequam advenirent, latrunculi praecipiti cursu ad proximantia sibi gronnae latibula, semivivum abbatem relinquentes, confugiunt. Monachi vero seniore suum semivivum colligentes, cum gemitu et moerore domum reportaverunt, sed nec etiam illi dolosi minus lachrymabantur innocentibus. Sed Dei Misericordia tantum facinus impunitum fieri non permittente, latrunculi, qui hoc perpetraverunt, omnes tanti sceleris persuasores capti ligatique per varia tormenta morte turpissima periire. His ita relatis, ad incepta redeamus. (Stevenson 1959, 82-84)

2. Two Danes who were captured after a naval attack on the Isle of Wight in 896 or 897 were brought to Winchester and hanged by the order of King Alfred.

Anglo-Saxon Chronicle A (also recorded in B, C and D) (largely contemporary with events)

897 [896] ... This same year the hosts in East Anglia and Northumbria greatly harassed Wessex along the south coast with predatory bands, most of all with the warships they had built many years before. Then king Alfred ordered warships to be built to meet the Danish ships: they were almost twice as long as the others, some had sixty oars, some more; they were both swifter, steadier, and with more freeboard than the others; they were built

AN. .dcccxcvi. ... Þy ilcan geare drehton þa hergas on Eastenglum 7 on Norðhymbrum Westseaxna lond swiðe be þæm suðstæðe mid stælhergum, ealra swiþust mid ðæm æscum þe hie fela geara ær timbredon. Þa het Ælfred cyng timbran langscipu ongen ða æscas. Þa wæron fulneah tu swa lang'e/ swa þa oðru. Sume hæfdon .lx. ara, sume ma. Þa wæron aegðer ge swiftran ge unwealtran ge eac hieran þonne þa oðru; næron nawðer ne on fresisc

neither after the Frisian design not after the Danish, but as it seemed to himself that they could be most serviceable. Then on one occasion the same year came six ships to the Isle of Wight and did much harm there, both in Devon and almost everywhere along the coast. Then the king ordered nine of the new ships to put out and they blockaded the entrance from the open sea against their escape. Then the Danes sailed out with three ships against them, and three of their ships were beached on dry land at the upper end of the harbour, and the crews had gone off inland. Then the English seized two of the three ships at the entrance to the estuary, and slew the men, but the other escaped; in her also all but five were slain; and they escaped because the ships of the others were aground: they were also very awkwardly aground; three had gone aground on the side of the channel where the Danish ships were aground, and the others all on the other side, so that none of them could reach the others. But, when the tide had ebbed many furlongs from the ships, the Danes went from the three ships to the other three which were stranded on their side, and then there they fought. There were slain Lucumon, the king's reeve, and Wulfheard the Frisian, and Æbbe the Frisian, and Æthelhere the Frisian, and Æthelfrith of the king's household, totalling sixty-two killed of English and Frisians, and one hundred and twenty of the Danes. The tide, however, came first to the Danish ships, before the Christians could push off theirs, and hence they rowed away out to sea. They were so sorely crippled that they were unable to row past Sussex, but there the sea cast two of them ashore; the men were led to the king at Winchester, and he had them hanged there. The men who were on the single ship reached East Anglia badly wounded. (Garmonsway 1972, 90-91)

gescæpene ne on denisc, bute swa him selfum ðuhte þæt hie nytwyrðoste beon meahten. Þa æt sumum cirre þæs ilcan geares comon þær sex scipu to Wiht 7 þær micel yfel gedydon, ægðer ge on Defenum ge welhwær be ðæm særiman. Þa het se cyng faran mid nigonum to þara niwena scipa, 7 forforon him þone muðan foran on utermere. Þa foron hie mid þrim scipum ut ongen hie, 7 þreo stodon æt ufewardum þæm muðan on drygum; wæron þa men uppe on londe of agane. (19v) Þa gefengon hie þara þreora scipa tu æt ðæm muðan utewardum 7 þa men ofslagon, 7 þæt an oðwand; on þæm wæron eac þa men ofslægene buton fifum. Þa comon forðy onweg ðe ðara oþerra scipu asæton. Þa wurdon eac swiðe unedelice aseten: þreo asæton on ða healfe þæs deopes ðe ða deniscan scipu aseten wæron, 7 þa oðru eall on oþre healfe, þæt hira ne mehte nan to oðrum. Ac ða þæt wæter wæs ahebbad fela furlanga from þæm scipum, þa eodon ða Deniscan from þæm þrim scipum to þæm oðrum þrim þe on hira healfe beebbade wæron 7 'hie' þa þær gefuhton. Þær wearð ofslægen Lucumon cynges gerefa 7 Wulfheard Friesa 7 Æbbe Friesa 7 Æðelhere Friesa 7 Æðelferð cynges geneat, 7 ealra monna fresiscra 7 engliscra .lxii. 7 þara deniscena .cxx.. Þa com þæm deniscum scipum þeh ær flod to, ær þa cristnan mehten hira ut ascu<f>an, 7 hie forðy ut oðreowon. Þa wæron hie to þæm gesargode þæt hie ne mehton Suðseaxna lond utan berowan, ac hira þær tu sæ on lond wearp, 7 þa men mon lædde to Winteceastre to þæm cyng; 7 he hie ðær ahon het, 7 þa men comon on Eastengle þe on þæm anum scipe wæron swiðe forwundode. (Batley 1986, 60-61)

3. *Eight thieves were hanged for attempting to steal from St Edmund's church in 924 x 925*

Ælfric of Eynsham, Lives of Saints: Life of St Edmund (c. 992 x 998)

Then once upon a time came some unblest thieves, eight in one night to the venerable saint, desiring to steal the treasures which people had brought thither, and tried how they might to get in by craft ... Then they were all brought to the bishop, and he commanded men to hang them all on a high gallows; but he was not mindful

Þa comon on sumne sæl unge-sælige þeofas eahta on anre nihte to þam arwurðan halgan woldon stelan þa maðmas þe men þyder brohton . and cunnodon mid cræfte hu hi in cumon (sic) mihton .
...
Hi wurdon þa ge-brohte to þam bisceope ealle .

how the merciful God spake through His prophet the words which here stand; 'Eos qui ducuntur ad mortem eruere ne cesses': those who are led to death deliver though alway [sic]. And also the holy canons forbid clerics, both bishops and priests, to be concerned about thieves, because it becometh not them that are chosen to serve God, that they should consent to any man's death, if they be the Lord's servants. Then Theodred the bishop, after he had searched his books, rued with lamentation that he had awarded such a cruel doom to these unhappy thieves, and ever deplored it to his life's end; and earnestly prayed the people to fast with him fully three days, praying the Almighty that He would have pity upon him. (Skeat 1881b, 328-31)

and he het hí hón on heagum gealgum ealle .
 Ac he næs na gemyndig hu se mild-heorta god
 clypode þurh his witegan þas word þe hér standað .
 Eos qui ducuntur ad mortem eruere ne cesses .
 Þa þe man læt to deaðe alys hí ut symble .
 and eac þa halgan canones gehadodum forbeodað .
 ge bisceopum ge preostum . to beonne embe þeofas .
 for-þan-þe hit ne gebyraþ þam þe beoð gecorene
 gode to þegnigenne þæt hi geþwærlæcan sceolon .
 on æniges mannes deaðe . gif hi beoð drihtnes þenas .
 Eft þa ðeodred bisceop sceawode his bec syððan
 behreowsode mid geomerunge . þæt he swa reðne dóm
 sette
 þam ungesæligum þeofum . and hit besargode æfre
 oð his lifes ende . and þa leode bæd georne .
 þæt hi him mid fæstan fulllice þry dagas .
 biddende þone ælmihtigan . þæt he him arian scolde
 (Skeat 1881b, 328-31)

Ælfric's source for his *Life of St Edmund* was Abbo of Fleury's *Passio Sancti Eadmundi*, written c. 985 x 987. The above event was also included in Abbo's version. A translation was not found, but for an edition of the original Latin see Winterbottom 1972.

4. *Æthelstan ordered his cup-bearer beheaded because misinformed him of his brother Edwin's treason and caused Æthelstan to act rashly in exiling his brother. The event happened during the reign of Æthelstan, 925 x 940.*

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

ii. 139. ... When King Edward died therefore, and his son Æthelweard, born in lawful wedlock, followed him soon afterwards, the hopes of all were set on Æthelstan. Only Alfred, a man of overweening insolence, with his followers resisted in secret as long as he could, disdainingly to submit to a lord who was not of his own choosing. When he was betrayed and put to death, as the king has recorded above, there were some who accused the king's brother Edwin of plotting against him; and a foul and loathsome crime it was to undermine by their malevolent constructions the love of one brother for another. Edwin in person and through intermediaries besought his brother to believe him, but though he denied the charge

ii. 139. Itaque rege Eduardo defuncto, filius eius Elwardus, es legitima coniuge creatus, patrem cito morte secutus. Tunc omnium spebus in Ethelstanum erectis, solus Elfredus, magnae insolentiae homo, cum suis clam restitit quoad potuit, dedignatus subdi domino quem suo non delegisset arbitrio. Quo, ut superius rex retulit, prodito et examinato, fuere qui fratrem regis Edinum insidiarum insimularent: scelus horrendum et fedum, quod sedulitatem fraternam sinistra interpretatione turbarent. Edinus per se et per internuntios fidem germani implorans et licet sacramento delationem infirmans, in exilium actus est. Tantum quorundam mussitatio apud animum in multas curas distentum ualuit ut ephebum

on oath he was driven into exile. Such was the power of whispering tongues over a mind already distracted by many anxieties, that he forgot the ties of kinship and expelled a youth whom even strangers could not choose but pity. Even his cruelty took a form without parallel; for he compelled his brother, attended by a single squire, to go on board a boat without oars or oarsmen, and, what is more, rotten with age. Fortune long did her best to bear the innocent victim back to land; but at length, when they were far out to sea and the sails could no longer endure the fury of the winds, the young man, who was of delicate nurture and could no longer bear to live in such conditions, sought his own death by plunging into the waters. His squire with more prudence found courage to prolong his own life and, partly by evading the onset of the waves, partly by propelling the boat with his feet for oars, brought his master's body to land in the narrow sea that flows between Dover and Wissant. Æthelstan, once he had simmered down, was aghast at what he had done and, submitting to a seven-year penance, took passionate vengeance on the man who had informed against his brother. The culprit was the royal cup-bearer, and therefore in a favourable position to persuade the king of the truth of his inventions. It so happened that on a feast-day he was pouring wine, and he slipped in the middle of the dining-room with one foot and recovered his balance with the other. Prompted by what had happened, he uttered a phrase which was to prove his undoing: 'Thus does one brother aid another.' The monarch heard, and ordered the traitor's head to be struck off, for he often dwelt bitterly on the help his brother would have given him had he lived, and mourned his loss.

140. This story of his brother's death, plausible though it seems, I am the less ready to affirm, inasmuch as he gave practical proof of remarkable affection towards his other brothers: mere infants at his father's death, he brought them up lovingly in childhood, and when they grew up gave them a share in his kingdom [B adds never, out of respect for them, turning his thought towards marriage]. As for his sisters, the reader has already heard of the royal eminence to which he raised such of them as his father had left without husband or dowry. (Mynors et al. 1998, 227-29)

etiam externis miserandum oblitus consanguineae necessitudinis expelleret, inaudito sane crudelitatus modo, ut solus cum armigero nauem conscendere iuberetur remige et remigio uacuum, preterea uetustate quassam. Diu laborauit Fortuna ut insontem terrae restitueret; sed cum tandem in medio mari furem uentorum uela non sustinerent, ille ut adolescens delicatus et uitae in talibus pertesus uoluntario in aquas precipitio mortem consciuit. Armiger, saniori consilio passus animam producere, modo aduersos fluctus eludendo, modo pedibus subremigando domini corpus ad terram detulit angusto scilicet a Dorobernia in Witsand mari. Ethelstanus, postquam ira deferbuit, animo sedate factum exhorruit septennique penitentia accepta in delatorum fratris animose ultus est. Erat ille pincerna regis, et per hoc ad persuadenda quae excogitasset accommodus. Itaque cum forte die sollemni uinum propinaret, in medio triclinio uno pede lapsus, altero se recollegit; tunc occasione accepta fatale sibi uerbum emisit: 'Sic frater fratrem adiuuat.' Quo rex audito perfidum obtruncari precepit, sepius auxilium germani, si uiueret, increpitans et mortem ingemiscens.

140. Haec de fratris nece, etsi ueri similia uidentur, eo minus corroboro quod mirabilem suae pietatis diligentiam in reliquos fratres intenderit; quos, cum pater puerulos admodum reliquisset, ille parous magna dulcedine fouit et adultos regni consortes fecit. De sororibus superius lectum est, quanta eas maiestate prouexerit quas pater et inuuptas et indotatas reliquerat. (Mynors et al. 1998, 226-28)

5. *King Edgar, who reigned between 959 and 975, was said to have executed thieves. Moneyers had their hands and feet removed. Women who poisoned someone and wives who killed their husbands were said to have been burned to death.*

William of Malmesbury, *Vita Dunstani* (c. 1129-30)

ii. 9. 6. Indeed, when the words of the archbishop had no effect on offenders, the king drew the sword of judgement, bringing all rebels against the laws to heed by the laws' severity. All thieves, whether furtive or flagrant in their crimes, were executed or deported. Moneyers who filled their own pockets at the expense of the people were deprived of feet and hands if they could not be reformed. Female poisoners, and women who forgot marriage ties so far as to murder their husbands, were burned. Adulterers were banned from entering churches. (Winterbottom and Thompson 2002, 257)

ii. 9.6. Nam ubi antistitis in delinquentes minus operabatur sermo, ipse iudicium exercens legali utebatur gladio, omnes legum rebelles earundem seueritate coercens. Itaque omnes uel clam fures uel palam predones exitio dati uel exilio deportati. Monetarii qui dampno prouintialium suum infartiebant marsupium, si corrigi nollent, pedibus et pugnibus expoliati. Veneficae, et quae caritatem conubii oblitae uiros necassent, incendio datae. Alieni matrimonii expugnatores ab aecclesiae liminibus coerciti. (Winterbottom and Thompson 2002, 256)

6. *Three minters lose their hands for making counterfeit coin, 959 x 988*

Eadmer, *Vita S. Dunstani* (c. 1105 x 1109)

46. On another occasion three minters who were under Dunstan's jurisdiction were caught with counterfeit money and were sentenced to undergo the penalty widely promulgated throughout the whole kingdom for this kind of people. This matter could not be kept from Dunstan. Therefore on the feast of Pentecost when Dunstan was about to celebrate the solemn rite of the mass he asked whether or not the just statute made for the people of God had been carried out on these same minters. He was told that it had been deferred to another day out of respect for such a great feast day. To which he replied, 'It will not be so on any account. For these minters who have been purposely making false silver pennies are thieves, and I know of no theft more harmful than theirs. By the false coinage which they make they ruin, corrupt, and cause turmoil throughout the whole country. These men injure the very rich, those with moderate wealth, and the destitute equally, and out of concern for their own interest they lead everyone to shame or poverty or utter devastation. Therefore, know this, that I will not proceed today with making sacrifice to God unless those who have been arrested first undergo the penalty which they

46. Alio tempore monetarii tres qui in potestate uiri erant cum falsa moneta capti, ad subeundam poenam huiusmodi hominibus per totum regnum promulgatam sunt iudicati. Quae res Dunstano abscondi non potuit. Die ergo Pentecostes idem pater missarum solennia celebraturus, percunctatur utrum Dei populo statuta iusticia de ipsis monetariis facta fuerit an non. Respondetur eam ob reuerentiam tanti diei in alium diem esse dilatam, 'Nequaquam', inquit, 'ita fiet. Monetarii nempe qui falsos ex industria denarios faciunt fures sunt, et eorum furto nullum nocentius esse cognosco. Nam in falsa moneta quam faciunt totam terram spoliunt, seducunt, perrurbant. Ipsi diuites, ipsi mediocres, ipsi pauperes in commune laedunt, et omnes, quantum sua interest, aut in opprobrium aut in egestatem aut in nichilum redigunt. Quapropter noueritis, quia ego hodie ad sacrificandum Deo non accedam, nisi primo illi qui deprehensi sunt eam quam in seductione totius populi promeruerunt subierint poenam. Si enim in ultione tanti mali, cum negotium me respiciat, Deum placare supersedeo, quomodo illum de manibus meis sacrificium suscepturum sperare queo? Sed haec licet crudelitati

deserve for misleading all the people. For if I fail to please God in avenging such a great evil when it is my business to do so, how can I hope that he will receive a sacrifice from my hands? Though it is possible that these actions of mine might seem to be cruel, yet my intention is clear to God. The tears, the groans, and sighs of widows and orphans, the clamour of the entire population weighs upon me and demands redress for this evil. If for my part I make no effort to lessen their afflictions, I both greatly offend God who has pity on those suffering and I would make others more ready and willing to perform similar evil deeds.' Thus he spoke; but moved by love for these men on account of their sentence, since they had to lose their hands, he was drenched with tears, so that it was evident from what source this edict, which seemed cruel to many, had come. But when he heard that the decreed sentence had been carried out, he rose, wiped his face and went off to the oratory with a happy countenance saying, 'Since today I listened to God by obeying his justly ordained laws, I trust that he for his part will receive through his mercy the sacrifice today from my hands.' And his confidence was not misplaced in this. For while he was extending his blessed hands during the solemn rites of the mass and beseeching God the Father almighty that he deign to maintain the peace of his catholic church, and to guard, unite, and direct it, since the whole world sought this, a snow-white dove descended from the heavens as many looked on and remained silently above his head with its wings spread and almost motionless until the sacrifice had been consumed. What would the servant of God have been thinking while these things were happening? With what love, with what sweetness, with what pleasure do you imagine he grazed in God's pasture who was favoured with the visible grace of God by such a visitation? When they had partaken of the sacrifice, that dove descended to the southern side of the altar and settled upon the tomb of blessed Oda, whom I mentioned earlier, enfolding it on all sides with its wings and appearing to kiss it with its beak. When blessed Dunstan saw this and judged from it the worthiness of the one lying there, he thereafter held him in such great respect that he would genuflect whenever he passed in front of his tomb. Moreover, after this he was accustomed to refer to him in his mother tongue by the epithet 'the good', namely 'Odo se Gode', which in Latin is 'Odo Bonus'. From that time right up until our own time today he is regularly called by that name by the English, especially those living in Canterbury. When he had finished chanting the mass, Dunstan left the altar. His

possint ascribi, Deo tamen patet intentio mea. Lacrimae, gemitus atque suspiria uiduarum ac pupillorum, clamor quoque uulgi totius michi incumbit, et correctionem huius mali deposcit, Quorum afflictionem si quantum in me est mitigare non intendo, et Deum qui gemitibus eorum compatitur nimis offendo, et alias ad idem malum exercendum promptiores et audaciores facio.' Dixerat, et pro poena illorum qui manus erant perdituri pietate motus, lacrimis manat, ut satis esset uidere de quo fonte procedebat edictum quod nonnullis uidebatur crudele. Vbi uero audiuit praestitutam iusticiam factam surrexit, ac, lota facie, ad oratorium exhilarato uultu abiens, ait: 'Quia Deum oboediendo statutis iusticiae legibus audiui hodie, confido quod et ipse per misericordiam suam sacrificium de manu mea suscipiet hodie.' Cuius confidentiae effectu priuatus non est. Eo quippe inter sacrosancta missarum solennia sacras manus extendente, et Deum patrem omnipotentem ut aecclesiam suam catholicam pacificare, custodire, adunare et regere dignaretur, toto orbe terrarum interpellante, niuea columba, multis intuentibus, de caelo descendit, et donec sacrificium consumprum esset super caput eius expansis et quasi immotis alis sub silentio mansit. Inter haec quid animi gereret seruus Dei? Quo amore, qua dulcedine, quo desiderio (putas) in Deo pascebatur, qui ex praesenti gratia Dei tali uisitatione fouebatur? Consumpto sacrificio, columba eadem in australem altaris partem declinauit, et super tumbam beati Odonis, cuius supra mentionem fecimus, se reclinauit, alis suis illam hinc inde complexans, et quasi rostro deosculans, Quod beatus Dunstanus intuens, et exinde meritum iacentis appendens, in tanta eum deinceps reuerentia habuit ut quotiens coram sepulchro illius transibat, genua flecteret. Cognomine quoque boni in materna lingua post haec eum semper nominare consuevit, uidelicet 'Odo se Gode', quod Latine sonat 'Odo Bonus'. Quo cognomine ex eo tempore usque ad hanc nostram aetatem solet ab Anglis, maxime tamen a Cantuaritis, nuncupari. Percantata missa, Dunstanus ab altari digreditur. Ministris autem eius pro signo quod acciderat his et illis inuentibus, et alios ex fratribus ministerio pontificis affuturos suspicantibus, ipsi se in diuersa tollunt, ac uirum immensis adhuc ex praesentia gratiae Dei lacrimarum imbribus madentem solum relinquunt. Et ecce durn casulam qua inter sacra uestiebatur deponeret, nec ullus adesset qui eam susciperet, disponente Deo, suspensa pendit in aere, ne cadens in terram seruum Dei a sua turbaret intentione. (Turner and Muir 2006, 118-23)

assistants, however, were signalling to people here and there about the miracle which had happened, thinking that others among their brethren would be there to assist the bishop; but those men had taken themselves off in various directions, leaving Dunstan alone still dripping with an immense flood of tears on account of the presence of the grace of God. Lo and behold, when he took off the chasuble which he had been wearing during the mass, since no one was in attendance to take it, it hung suspended in the air as ordained by God, not falling to the ground so as to distract the servant of God from his thoughts. (Turner and Muir 2006, 118-23)

7. *A widow was drowned for practising witchcraft, and her son, who escaped capture, outlawed, during the reign of Edgar. The event was recorded in a land exchange charter dating between 963 and 975.*

Exchange of Lands between Æthelwold, Bishop of Winchester, and Wulfstan Uccæ

Here it is declared in this document that Bishop Æthelwold and Wulfstan Uccæ have exchanged lands with the cognisance of King Edgar and his councillors. The bishop gave Wulfstan the estate at Washington, and Wulfstan gave him the estate at Yaxley and at Ailsworth. Then the bishop gave the estate at Yaxley to Thorney, and that at Ailsworth to Peterborough. The estate at Ailsworth had been forfeited by a widow and her son, because they drove an iron pin into Ælfsige, Wulfstan's father, and it was discovered, and the deadly image was dragged out of her room. Then the woman was taken and drowned at London bridge, but her son escaped and became an outlaw, and the estate passed to the king, and the king then granted it to Ælfsige, and Wulfstan Uccæ, his son, gave it afterwards to Bishop Æthelwold, as is related above. (Robertson 1956, 69, no. 37)

Her sutelað on þyssonum gewrite þet Aþelwold bisceop 7 Wulstan Uccæ hwyrfdon landa on Eadgares cyninge's' 7 on his witena gewytenesse. Se bisceop sealed Wulstane þet land æt Hwessingatune . 7 Wulstan sealed him þet land æt Jaceslea 7 æt Ægeleswurðe . þa sealed Se bisceop þet land æt Jaceslea into Þornige 7 þet æt Ægeleswyrðe into Buruh . 7 þ land æt Ægeleswyrðe headed an wyduwe 7 hire sune ær forwyrft forþanþe hi drifon serne stacan on Ælsie Wulfstanes feder 7 þ werð æreafe 7 man the þ morð forð of hire inclifan . þa nam man þ wif 7 adrencte hi æt Lundene brigce 7 hire sune ætberst 7 werð utlah 7 þ land eode þam kynge to handa 7 se kyng hit forgeaf þa Ælfsige 7 Wulstan Uccæ his sunu hit sealed eft Adeluuoalde bisceope swa swa hit her bufan sægð. (Robertson 1956, 68, no. 37)

8. *A slave girl was to be flogged for a small transgression, but escaped punishment with the help of St Swithun, 971 x 981*

Lantfred of Winchester, *Translatio et Miracula S. Swithuni* (c. 972 x 975)

[6] CONCERNING THE SLAVE-GIRL OF TEODIC THE BELL-FOUNDER. At precisely that same time, a certain slave-girl had been bound up in iron shackles and detestable manacles, because of a small transgression, by her master at Winchester; she was being detained in order to be punished on the morrow with a cruel flogging and some lashes. She did not cease, during the whole night, from beseeching God with profuse tears that He free her from her wicked torturer through the intercession of the holy bishop. Moreover, when the dew of the day was brightening on which she ought to have been afflicted with the severe punishment, her shackles fell from her feet amid her prayers and laments. She thus escaped immediate danger, and with her masters still sleeping she fled to the tomb of the holy bishop, her hands still in manacles. Then it was revealed to her master by certain people that the aforementioned slave-girl had fled to the holy servant of God, and that she had been freed from her shackles through his welfare. Then he heard this, he was moved by extreme anger, and with great haste he went to the place; yet not by his will but through God's constraint he released the manacles and allowed the girl who had been shackled to go home unharmed; and he did her no harm because of that misdeed. (Lapidge 2003, 289-91)

6. DE ANCILLA TEODIC CAMPANARII. Eodem denique tempore, quedam ancillula pro paruo erat commisso religata a proprio Wintonie domino compedibus ferreis et execrabilibus manicis; hec protrahebatur in crastinum crucianda diris uerberibus ac nonnullis uibicibus. Haec tota non cessauit nocte profusis Deum lacrimis exorare, ut eam liberaret a pessimo tortore per sancti resulis interuentionem. Rutilante autem diei aurora quo debebatur affligi graui tortura, inter preces et gemitus ceciderunt compedes de eius pedibus. Quae ilico periculum euadens, dormientibus dominis confugit ad tumbam sacri pontificis, adhuc ligata manicis. Tum a quibusdam intimatum est eius domino quod ad sanctum Dei famulum prefata confugisset seruula, et per eius beneficia esset de compedibus absoluta. Quod cum audisset, nimia permotus iracundia, summa cum festinatione illo perrexit; et non sua sponte sed Deo cogente manicas reserauit et compeditam abire illesam siuit; et de illo facinore nihil mali intulit ei. (Lapidge 2003, 289-91)

Wulfstan Cantor, *Narratio Metrica de S. Swithuno* (c. 994 x 996)

ix. CONCERNING THE SLAVE-GIRL OF TEOTHIC THE BELL-FOUNDER. Now a certain country-girl of Winchester was, for a slight offence, bound with manacles and twin shackles by the order of her angry master Teothic, a bell-founder; bound thus by this tight constriction, she bore her bonds on chained arms and was to be tormented on the following day with many cruel lashes and floggings. All through the dark night she did not cease from beseeching God with bitter tears, that by the merits of the holy bishop she might be freed and escape her fierce torturers. Dawn breaks, shining; the time is now at hand in which she is to undergo the terrifying tortures of the lash. She sighs in fear and redoubles her tearful groanings when suddenly the chains of her shackles fell from her feet as God released them, and in a bound she flees the tortures of her punishment as her masters were buried in sleep and wine. The slave-

ix. DE ANCILLA TEODICI CAMPANARII. Rustica Wintoniae facili pro crimine quaedam ecce ligabatur manicis ac compede bino, feruidus imperio Teod̄ic ut precipit herili, fundere campanas solitus; nexuque tenaci stricta catenatis gestabat uincla lacertis uibicibus multis crudelibus atque flagellis, uenturo torquenda die. Quae noctis opacae tempore continuo lacrimis non cessat Amaris exorare Deum, meritis quo presulis almi libera tortores posset uitare feroces. Erumpens Aurora micat; iam tempus adest quo soluere debuerat metuenda pericula flagri. Suspirans trepidat, lacrimans gemitumque frequentat, cum subito, reserante Deo, cecidere catenae compedis e pedibus, fugit ac torrnenta pericli exiliens, dominis somno uinoque sepultis. Arripuitque citum fugiens ancillula cursum, transiliens omnes ueloci calle plateas, uenit et ad sanctum manicis

girl took a swift course in her flight, darting with rapid passage through all the market-places and came, still bound with manacles, to the holy patron Her masters wake up, seek her from the opened doors and do not find her. Then rumour tells Teothic that she had in swift flight sought the saint, through whose merits she had been released from the shackles. He immediately pursued her in a rage, burning with fury and anger. Yet when he arrived he did not dare, raging though he was, to lay vengeful hands on her, but terrified inwardly by a secret fear of God, in the presence of the people standing before the saint, he drew near with trembling heart and loosened the manacles as God compelled him, and allowed her to go home, harmed with no peril—she whom he had seen released by God and by the saint. (Lapidge 2003, 468)

sic uincta patronum. Euigilant domini, foribusque patentibus illam perquirunt neque repperiunt. Tum fama Teoðico nuntiat hanc cursu sanctum petiisse fugaci, cuius erat meritis a compede libera. Qui mox turbidus insequitur, furiis accensus et ira. Nec tamen adueniens audet furibundus in illam ultrices inferre manus, sed territus intus secreto terrore Dei, praesente popello qui stetit ad sanctum, trepidanti corde propinquat et manicas, cogente Deo, reseravit eamque siuit abire domum nullo discrimine lesamquam Domino uidit sancto et soluente solutam. (Lapidge 2003, 469)

Ælfric of Eynsham, Lives of Saints: Life of St Swithun (c. 992 x 998)

12 [Lantfred, c. 6]. At the same time a certain slave-girl was imprisoned to be flogged for a very trivial crime, and she lay in custody so that she could be violently flogged for it in the morning. She was awake all night, and with lamentation cried out to St Swithun that he help her, a miserable Wretch, and save her from the cruel flogging. As soon as daylight came and Lands were being sung, the foot—fettors suddenly fell from her; and she ran to the church to the venerable saint with her hands still bound, as the saint Wished it; and her owner came after her and untied her hands and freed her at once, for the glory of St Swithun. (Lapidge 2003, 597)

12. On þære ylcan tide wæs sum wyln gehæft to swinglum for swiðe lytlum gylte, and læg on hæftnedum þæt heo hetelice wære þæs on mergen beswungen. Þa wacode heo ealle ða niht and mid wope clypode to ðam halgan Swiðhune, þæt he hulpe hire earmre and fram þam reðum swinglum hi ahredde þurh God. Mid þam þe hit dagode and man Drihtnes lofsang ongan, þa feollon ða fotcopsas færllice hire fram; and heo arn to cyrcan to þam arwurðan halgan gebundenum handum swa swa se halga wolde; and se hlaford com æfter and alyside hire handa and gefreode hi sona for Swiðhunes wurðmynte. (Lapidge 2003, 596)

9. A slave fails the ordeal of hot iron and should be sentenced to death, but he is saved when, by the intervention of St Swithun, the judges do not see the burns on his hand and he is proclaimed innocent, 971 x 981.

Lantfred of Winchester, Translatio et Miracula S. Swithuni (972 x 975)

[25]. ABOUT THE MAN WHO CARRIED SOME RED-HOT METAL IN HIS BARE HAND. Thereafter, during these times under discussion, a certain merchant by the name of Flodoald - a man who was wise in wordily affairs and very rich - had a slave whom he loved a good deal. This slave was apprehended by the king's reeve (who was called Eadric of Calne) because of a certain misdeed, and was ordered to be detained by royal thegns until his lord

25. DE HOMINE QVI NVDA MANV IGNITVM CALIBEM PORTAVIT. Presignatis denique temporibus, quidam negotiator nomine Flodoaldus—uir in rebus prudens secularibus, plurimis habundans opibus—habebat quendam famulum quem diligebat nimium. Is pro quodam facinore comprehensus a regis preside—qui solito uocabatur Eadric æt Calne—iussus est a regalibus custodiri clientibus donec eius ueniret dominus, et

could come and until the slave would carry in his hands, without hesitation, an iron bar made red-hot by coals. And if he were innocent, he would be released without punishment; if he were found to be guilty, he would undergo capital punishment. When his master heard, therefore, that the servant was being detained in chains under cruel custody, he went there as quickly as he could, and implored the king's reeves to waive the ordeal and to keep the aforementioned servant himself under the conditions pertaining to a slave. The king's reeve - not countenancing these promises but exulting overmuch in his secular authority - ordered the slave to carry a hot mass of iron. As he heard this he however became extremely anxious about his slave (who was certain to die), and again promised to Eadric the king's reeve that he would give him a pound of pure silver and likewise hand over the slave in question into the reeve's possession, begging only that he drop the unjust charges, since he could not suffer the embarrassment of so great a disgrace, namely, that his slave should be executed for a trivial crime and offence. What is more, the saddened friends and kinsmen of the convicted man promised immense gifts to the king's reeve, desiring greatly thereby to free their kinsman from an ignominious death. The reeve, however, refused their requests and compelled the man in question to carry in his hand a searing piece of iron of considerable size, glowing red-hot from much coal. When the man, compelled by the reeve, took it hesitantly in hand, immediately an immense burn filled the entire palm of his scorched hand with its swelling. His hand was sealed up in the usual manner until the third day. On the second day, however, Flodoald summoned the man and found him condemned and guilty. Moved with extreme anguish for the condemned man, Flodoald called his brother and his companions who were there and got ready to go home, since—as I stated earlier—he could not patiently bear to see his servant undergo capital punishment in his presence. Why more words? The owner himself, in company with his entire retinue, implored the creator of all things in a humble prayer to liberate that man from an ignominious death through the intercession of St Swithun, addressing his prayers to the Saviour of the world and saying with all his heart: 'Lord God Almighty, free this slave through the intercession of the glorious bishop; and I shall donate him to the saint himself, through whose merit You heal the cruel diseases of sick persons, if You will snatch him from the evil hands of the executioners.' When in due course the second day (after he had carried the iron) had

ignitum carbonibus ferrum nudis minibus idem portaret protinus. Et si foret inculpabilis, relinqueretur incolomis; sin culpabilis inueniretur, capite plecteretur. Audiens igitur senior illius quod ipse seruus in uinculis teneretur sub diris custodibus, festinantius quam potuit illo perrexit, exposcens regis praefectum ut dimitteret iudicium et seruili prescriptum condicione famulum possideret illesum. Qui minime fauens eius sponsonibus—ultramodum superbiens pro mundanis fascibus—seruo ferri calidam precepit gerere massam. Dominus autem eius hoc audiens, de seruo perituro nimium condolens, rursus Eadrico preposito spondit regio dare puri libram argenti et similiter concessit seruum illi possidere prefatum, exorans ut iniquum dimitteret iudicium, quoniam dispendium tanti dedecoris minime quibat perpeti, ut mancipium illius pro uili scelere iugularetur et crimine. Amici quinetiam et parentes culpatis hominis tristes gastoldo regis ingentia promiserunt donaria, gestientes cognatum magnopere eorum liberare de contumeliosa morte. Praefectus uerumtamen precibus eorum abnuens, praedictum compulit hominem nuda ferre manu calibem eximiae molis feruentem multoque carbone rubentem. Quem dum uir ille coactus a preside manu gestaret timide, protinus ingens arsura repleuit eius uolam turgore adustam. Sigillata est autem manus eius solito more usque in tertium diem. Flodoaldus autem in sequenti die conuocauit hominem et repperit cum dampnatum ac culpabilem. Qui nimio commotus dolore pro perituro homine, fratrem conuocans et socios qui aderant, domum redire disponebat, quoniam—uti prediximus—patienter ferre non poterat quatinus uerna illius se eoram capitalem subiret sententiam. Quid multa? Dominus ipse cum omni comitatus multitudine exorauit rerum auctorem supplici prece, ut liberaret illum hominem a contumeliosa nece per sancti Suuithuni intercessionem, preces conuertens ad cosmi saluatorem, toto mentis conamine inquiring: 'Libera, Domine Deus omnipotens, hoc mancipium per gloriosi presulis interuentum; et ego ipsi sancto tradam illum, per cuius sanas meritum languores diros aegrotantium, si celitus eripueris eum de nefandis manibus mortificantium.' Transacta denique secunda die postquam portauit calibem, Phoeboque tertiam replicante hymeram, deductus est ad presidem, quo si mundus ab illato crimine foret clientuli conspicerent circumstantes. Quid plura multimodis prosequor dictis? Cumque peruenissent ante legislatores, uirum inculpabilem ipsi iudicant hostes et inimici illesum fore asserunt—quem dominus ipse cernebat supplicii dignum, et amici

passed, and the sun was unfolding the third day, the man was taken before the king's reeve, so that all the thegns who were present might see if he were innocent of the alleged crime. Why do I draw this out with many words? When they had arrived in the presence of the judges, his very enemies judged the man to be guiltless and his opponents declared him to be unimpaired—the very man whom the owner himself considered to be liable for punishment and whom his friends believed was to be condemned on the spot to a cruel death. And so the sorrow of the friends was turned to joy for it was marvellous beyond belief that the man's supporters saw the blister and swelling—whereas the prosecutors saw the hand to be as well healed as if it had never touched the heated metal. When all his companions saw this, they rendered thanks to the omnipotent Lord and glorified Jesus our Saviour, and so went home rejoicing whence they had come in sadness, believing without hesitation that their kinsman had been freed by divine intervention; and they all confessed unanimously that their prayers had been heard through St Swithun's intercession. And the man, to whom the aforesaid slave had belonged, donated him to the same blessed bishop who had snatched him from the dreadful danger of an odious death. (Lapidge 2003, 309-11)

Wulfstan Cantor, *Narratio Metrica de S. Swithuno* (994 x 996)

viii. ABOUT THE MAN WHO CARRIED SOME RED—
HOT METAL IN HIS BARE HAND.

Meanwhile, a certain nobleman by the name of Flodoald possessed many riches; he was a merchant well known in the town of Winchester who handled himself cautiously in every business dealing. A certain young slave was subject to this man through legal servitude, and the man loved him very much, since he knew him to be trustworthy. This slave is suddenly apprehended for an offence through a certain mishap and is brought before the tribunal of Eadric the king's reeve, who at that time was the tenant of a royal estate at Calne. Eadric orders that the young slave be kept in the custody of guards until his owner (whom I mentioned above) should come and the slave should carry in his bare hand an iron bar glowing red-hot with coal: and if he were innocent, he might go home unpunished, but if he were guilty, the executioner would strike him with a sword and decapitate him. The owner learns this; he hastens quickly to the place where his beloved slave is

credebant ilico morte crudeli dampnandum. Sicque meror amicorum conuersus est in gaudium. Enimvero mirum fuit ultramodum, quod fautores arsuram et inflacionem conspiciebant, criminatores ita sanam etenim uidebant palmam quasi penitus foruum non tetigisset ferrum. Quod cum uidissent comites uniuersi, referentes omnipotenti Domino laudes saluatoremque Iesum glorificantes, reuersi sunt gaudentes unde uenerant tristes, agnatum esse eorum indubitanter diuinitus liberatum credentes unaque omnes uoce confitentes, per sancti presulis preces Suuithuni exaudibiles. Vir autem, cuius ille pretaxatus fuerat seruulus, contulit ipsum beato pontifici prefato qui cum subtraxit a diro pestiferae necis periculo. (Lapidge 2003, 308-10)

viii. DE HOMINE QVI NVDA MANV IGNITVM CALIBEM
PORTAVIT.

Nobilis interea Flodoaldus onomate quidam multiplices possedit opes; qui gnarus in urbe Wentana mercator erat, prudenter in omni re semet circumspiciens. Cui uernula quidam seruili dicione fuit subiectus, eumque dilexit nimium, quia nouerat esse fidelem. Prenditur is subito quodam pro crimine casu presidis Eadrici fit ductus et ante tribunal, regia quem tenuit tum uillula nomine Calne. Mandat ut hunc uigilum teneat custodia donec illius adueniat (quem iam prediximus) herus, portaret nudaque manu carbone rubentem ignitum calibem: foret inculpabilis et si, pergeret incolomis, si uero noxius esset, plecteret hunc gladio tortor, ceruice relecto. Comperit hoc senior; properat festinus et illo quo sibi dilectus iacet inter uincula seruus, prefectum regisque petit quo linqueret omne

lying in chains, and he petitions the king's reeve to abandon all judicial proceedings and instead to keep the boy himself under the conditions pertaining to a slave, without risking the danger of the legal suit. The reeve rejected the plea and again decreed that the slave should undergo the ordeal and should carry the red-hot iron. Flodoald mourned greatly for the inevitable death of his slave; and again he goes to Eadric with a gift and says to him, 'I hand over to you this pound of pure silver and the slave as well, into your perpetual service, if only you will deign to call off the ordeal, and this boy on whose behalf I have spoken so much—may escape alive.' With these and many other words he exerts himself with a pleading heart, since he was unable to endure this disgrace with patient resignation—namely, that his slave be put to death in his presence. Moreover, the grieving kinsmen of this same slave arrived at the same time, and they promised many gifts to the king's reeve, since they desired to snatch their relative from the gateway leading to a shameful death. They all strive in vain with their promises and prayers: the reeve spurned them all, exulting in his secular authority. He ordered the man to be brought; the man, once summoned, stood there in fright. An immense fire is kindled, and the reeve orders that his officers cast brushwood into the blaze and that they place the steely mass of excessive weight in the all-consuming flame; it is heated immediately by the coals and glows in the fire. At that point the judge orders the glowing iron to be taken out; a servant obeys him; and as it is drawn from the fire the steel is glowing hot and throws off sparks in all directions; and it is placed according to custom on two wooden posts. And straightway the reeve forced the man to carry the metal. Thus constrained he approaches, and he takes it apprehensively in his bare hands and carries the piece of steel still glowing from all the coals. Immediately a huge, searing burn filled his palm, which became inflamed with massive swelling, and, as is usual, the hand is closed with a seal, until the day which the sun brings with its third successive splendour. But Flodoald summons the man the following day and finds the poor wretch still condemned to death for his crime. He is made even sadder on account of the imminent death of his slave. And, deciding to return home, he calls his brother and summons all his companions, since, as I said, he could not with patient resignation bear to see his slave undergo capital punishment in his presence. Why do I add more words to these? When the master himself

iudicium clementer et ut sibi subderet ipsum seruili dicione hominem, sine clade pericli. Abnuit ille preci rursusque edixit ut idem iret ad examen, calibem gereretque rubentem. Condoluit nimium serui pro morte Flotholdus; rursus ad Eadricum perguit cum munere et illi 'hanc', ait, 'argenti libram tibi confero puri, nec minus et seruuum, tibi quo famuletur in euum, linquere ut examen tantum digneris et iste effugiat uiuus, pro quo sum tanta locutus.' His multisque aliis oranti corde laborat, dedecus hoc quoniam patienti manta nequibat ferre, suum famulum se coram morte necari. Quinetiam tristes simul accessere parentes eiusdem famuli, donaria multaue spondent prefecto regis, quoniam cupiere propinquum eruere a turpis patefacto limine mortis. In uanum cuncti uotis precibusque laborant: spreuit eos tumidus mundi pro fascibus omnes. Iussit adesse hominem; timidus stetit ille uocatus. Ignis adestque ingens, et mandat ut ipse ministri proiciunt sarmenta rogo flammaeque uoraci inmittunt rigidam nimio cum pondere massam; quae statim prunis recalescit et igne rubescit. Tum iubet ignitum iudex producere ferrum; paret ei famulus: productus ab igne calibque exarsit candens, scintillat et undique feruens; stipitibus geminis solitoque imponitur. Et mox compulit ipsum hominem massam portare. Coactus accessit, nudaque manu timide excipit illam, et portat calibem multo carbone rubentem. Protinus incandens arsura repleuit et ingens illius uolam, nimio turgore perustam, signaturque manus statim de more sigillo usque diem quem Phoebus agit lustramine terno. Conuocat ast hominem Flodoaldus luce sequenti, repperit et miserum pro crimine morte necandum. Tristior efficitur famuli pro morte propinqua. Aduocat et fratrem, socios accersit et omnes, disponens proprium remeando reuisere tectum, ut cecini, quoniam patienti mente nequibat ferre suum famulum se coram uertice plecti. Plura quid his addam? Dominus cum cerneret ipse funditus humanum misero solamen abesse, uertitur ad Dominum comitatumque aduocat omnem, hortaturque illos secum quo supplice uoto larga salutiferi rogarent pectora Christi, liberet ut miserum mortis de fauce, beati Suuiðhuni meritis interuenientibus, aiens,

realized that all human comfort was entirely remote from the poor wretch, he turns to the Lord, and calls on all his retinue and urges them that with a humble prayer they beseech the generous understanding of health-bringing Christ, so that, with the merits of Swithun interceding, He might release the poor man from the jaws of death, saying, 'O Almighty God, Creator and Redeemer of men, I ask thus: that You in Your mercy release my slave through the holy prayers of the excellent bishop; and I shall grant the slave to St Swithun, through whom, O Christ, You heal so many thousands of sick, if, taking pity, You will deliver him through heavenly mercy from those persons who contemplate an evil outcome for him.' He spoke, and trusting in the Lord, he remained there. At length, when the second day after that poor man carried the burning metal had quickly passed, the third day arrived, and, hemmed in by a throng of guards, he is brought once more before the tribunal of the reeve so that all the officers standing there might see clear evidence as to whether or not he was innocent of the alleged crime. He arrives pale with fright, and stands there trembling, and at the reeve's command the frightened man quickly holds out his arm; and he who had closed the hand with a seal unseals it. Here the enemies, there the kinsfolk surround the poor wretch, and they all examine the palm with intent gaze. Why should I linger? The throng of officers together with the reeve exclaim, and the enemies themselves raise their voices with a murmur, shouting one and all, 'This man is innocent, he truly is! There is no guilt in him, nor is there any crime. Who could cast any suspicion that he was deserving of death, whom we all see to have a guiltless hand and whom we see cleansed of guilt through the Lord's cleansing power?' Flodoald was astounded when he heard these things, and all his friends, astonished in their hearts, wonder greatly, since they see his palm still burned by the inflammation caused by the glowing metal; and they realized that the man deserved punishment and flogging, and they were only hoping that he would be killed in a dignified manner. Thus the sneers of the enemies are turned to despondency, and thus are the tears of the friends turned to joy. Mute fetters hold back my torpid speech; I'm overcome, nor can I express in my trivial words such mighty miracles of God, nor indicate in my impoverished verse how venerable is the renown of so distinguished a patron. For it was a marvel to relate and marvellous to see, and this astonishing

'O Deus omnipotens, hominum sator atque redemptor, hoc rogo, mancipium tu clemens eripe nostrum presulis egregii per sancta precamina, at ipsi hunc ego concedam, per quem tot milia, Christa, languentum sanas, hunc si miseratus ab illis caelitus eripias, mala qui scrutantur in illum.' Dixit, et in Domino fidens permansit ibidem. Denique transacta properanter luce secunda, portauit calibem postquam miser ille rubentem, tertia lux aderat, uigilum uallante caterua, presidis et rursus perducitur ante tribunal, quo circumstantes uideant manifesta clientes, mundus ab illato fieret si crimine, uel non. Pallidus aduenit, trepidanter et adstitit atque presidis ad iussum timidus cito protulit ulnam; designatque manum, qui clauserat ante sigillo. Circumstant miserum hinc hostes, inde parentes, et spectant palmam certis obtutibus omnes. Quid morer? Exclamat cum preside turba clientum, extolluntque hostes ipsi cum murmure uoces, clamantes pariter, 'hic inculpabilis est, est. Non est culpa in eo, non est aut crimen in illo. Dignum morte in eo poterit quis inicere quicquam, quem mundam gestare manum hic cernimus omnes et quem mundatum Domino mundante uidemus?' Talibus auditis stupuit Flodoaldus, et omnes mentibus attoniti nimium mirantur amici qui palmam turgore uident carbonis adustam; cernebantque hominem poenis ac uerbere dignum, sperabant et eum merita iam morte necandum. Sicque inimicorum sunt uersi in tristia risus, sic et amicorum sunt uersi in gaudia fletus. Impediunt tardam retinacula muta loquelam; uincimur, exiguis nec possumus edere uerbis talia signa Dei, nec paupere promere cantu, gloria tam clari sit quam ueneranda patroni. Nam mirum dictu fuit et mirabile uisu, excessitque modum hoc tam mirabile signum— luce quod arsuram clara speculantur amici et totam palmam turgore inflante crematam, conspexere et eam hostes sic undique sanam, ignitum ferrum quasi numquam tangeret ullum. Haec tua sunt proprie, tua sunt magnalia, Christe, qui facis in sancto, quae comperit antea nemo, nam nihil in mundo de te sperantibus umquam difficile est conferre tibi, quia subditur omnis imperiis natura tuis, sua iuraque linquens transit in aduersas te precipiente figuras

miracle excelled the norm—since in the clear light of day the friends see the burn and the entire palm seared by the inflamed swelling, and the enemies see it to be healed in every respect, as if he had never touched the glowing metal. These, Christ, are Your own mighty works, You who through the saint perform miracles which no-one ever heard of before, for there is nothing in this world which it is difficult for You to bestow upon those who place their hope in You, since all Nature is subject to Your commands, and abandoning its customary laws it changes into alternative forms at Your order, and whatsoever it refuses on its own it performs at Your behest. All the enemies, who stood ready with their swords drawn to decapitate the poor wretch, fell silent. The reeve fell silent and blushed shamefacedly; nor was he able to proclaim, as he wished to do, that the man whom God vindicated by a secret ordeal was guilty of the alleged crime. And he who formerly refused to relinquish of his own accord the unfair judicial process, is now compelled—through God’s miraculous agency—to do without both the pound of silver and the slave; and content with only his disgrace he returns in confusion to his home. The saddened enemies leave in a mood of depression, and the gladdened friends venerate the Lord with praise. And they raise up their kinsman, redeemed from the jaws of death through the interceding merits of St Swithun, and soon they return to Winchester and make known the Lord’s miracle. And without delay Flodoald fulfilled his devout promise, and with dutiful resolve he handed over the slave to the patron saint who had rescued him from the threat of such great danger. The monks assemble, and in their accustomed chanting render praise to Almighty God and rejoice that theirs is such a patron saint, through whom they so often witness new delights. (Lapidge 2003, 508-15)

et per se quodcumque negat te iudice prestat.
Conticuere omnes strictis mucronibus hostes,
adstabant hominem qui decollare misellum.
Preses conticuit, facieque pudente rubescit;
prodere nec ualuit faceret quae culpa nocentem
quem Deus, ut uoluit, secreto examine mundat.
Iudiciumque prius qui linquere tempsit iniquum
sponte sua, uirtute Dei nunc ipse coactus
er libra seruoque caret; soloque pudore
contentus proprias rediit confusus ad aedes.
Discedunt hostes confuso pectore tristes,
laudibus at laeti Dominum uenerantur amici.
Tolluntque agnatum mortis de fauce redemptum,
Suuiðhuni meritis interuenientibus, et mox
Wintoniam repetunt, Dominique insignia pandunt.
Persoluitque pium Flodoaldus nec mora uotum,
contulit et famulum deuota mente patrono,
qui subtraxit cum tanti de clade pericli.
Conueniunt fratres, solito et modulamine laudes
altithrono referunt, talem gaudentque patronum
esse sibi, per quem totiens noua gaudia cernunt. (Lapidge
2003, 508-15)

10. An accused thief is mutilated, but regains his sight and hearing by the aid of St Swithun, 971 x 981

Lantfred of Winchester, *Translatio et Miracula S. Swithuni* (972 x 975)

26. CONCERNING THE MAN WHOM THE JUDGES HAD BLINDED AND WHO AFTERWARDS HAD HIS SIGHT RESTORED THROUGH THE HOLY AND

26. DE HOMINE QVEM LEGISLATORES CECAVERVNT ET POSTEA PER SANCTVM AC VENERABLEM CHRISTI SACERDOTEM ILLVMINATVS EST. Prenotato denique

VENERABLE BISHOP OF CHRIST. At the aforesaid time and at the command of the glorious King Edgar, a law of great severity was promulgated throughout England to serve as a deterrent against all sorts of crime by means of a dreadful punishment: that, if any thief or robber were found anywhere in the country, he would be tortured at length by having his eyes put out, his hands cut off, his ears torn off, his nostrils carved open and his feet removed; and finally, with the skin and hair of his head flayed off, he would be abandoned in the open fields, dead in respect of nearly all his limbs, to be devoured by wild beasts and birds and hounds of the night. Now it happened that a conviction for robbery was passed on a certain innocent man, who was immediately seized by wicked executioners and condemned by the judges and was mutilated in all the aforementioned parts of his body: only the feet of the guiltless man were left him with his life, and the wretched skin of his head was not stripped off him. His friends and kinsmen, exceedingly dejected by this, went up to him, and sadly led the mutilated man back to his own house. One of his eyes had been entirely torn out, but the other one hung down on his face; a certain woman took it and replaced it in its socket, and it remained that way from Epiphany [6 Jan.] until Litanias Maior [25 Apr.]. Giving in to the repeated encouragements of his friends, the man was led at that time to the relics of the saint so that he might regain his hearing through the merit of the blessed bishop: he considered that it would in no way be possible for him to regain the sight of his blinded eyes. In fact, once his ears had been cut off, the auditory passages had filled up with blood in such a way that the man was deprived of his hearing. When he arrived there, he poured out to omnipotent God the following prayers from his pure heart:

Gentle and bountiful God,
 omnipotent founder of the universe,
 king of all things, look upon me,
 a wretched man guiltlessly mutilated;
 restore my hearing to my wounded ears
 through divine intervention
 or else grant me a speedy death,
 O Christ, greatest of Saviours;
 and grant to me a heavenly life
 after my death, I beseech you.
 O most gentle Swithun
 I ask you, merciful one:
 come to the aid of my wretched self

tempore, gloriosol rege Eadgaro precipiente, ad deterrendos quosque males horribili poena talis lex est constituta in Anglorum prouincia: ut si quispiam cleptes in tota uel predo inueniretur patria, caecatis luminibus, truncatis manibus, auulsis auribus, incisis naribus, et subtractis pedibus excrucietur diutius; et sic demum decoriata pelle capitis cum crinibus, per omnia pene membra mortuus relinqueretur in agris, deuorandus a feris et auibus atque nocturnicanibus. Accidit autem ut cuidam uiro inculpabili obiceretur crimen latrocinii; qui mox comprehensus a nefandis criminatoribus et condempnatus a legislatoribus, caesus per supradicta penitus membra: relictis sunt insonti pedes cum uita, et cutis illi capitis miseranda minime est subtracta. Ad quem amici et parentes njmum mesti accedentes, ad propriam domum tristes dcduxerunt hominem caesum. Vnus autem oculus omnino erat obrutus, uerum alter pendebat super eius faciem; quem accipiens, quaedam muliercula reduxit in orbem et sic permansit a Theophania Domini usque ad Letaniam Maiorem. Qui annuens plurimis amicorum suasionibus, deductus est ad sancti reliquias in illis diebus, quatinus ualeret recipere auditum per beati pontificis meritum—nullomod estimans se posse cecatorum recipere lumen oculorum. Aures nimirum eius, statim ut fuerunt caesae, ita repleuerunt fenestras audituum sanguine, ut officium audiendi excluderetur ab homine. Quo dum peruenisset, ad Deum omnireantem tales puro corde effudit preces:

'Alme Deus munificens
 cosmi sator omnipotens:
 insontem caesum miserum
 me respice, rex omnium;
 caesis auditum auribus
 redde meis diuinitus
 uel mortem citam tribue,
 Christe saluator optime,
 necne uitam post obitum
 mihi deprecor caelestem.
 O Suuithune mitissime
 te rogo clementissime:
 succurre mihi misero
 in angustiis posits,
 meque tuis sanctissimis
 adtolle nunc suffragiis,
 quia—ut nosti prescius—
 dampnatus sum innoxius!'

Quid plura? Cumque tales uir ille cum ingentibus preces fudisset gemitibus, ilico meruit lumen oculorum recipere

placed in a condition of extreme anxiety,
and sustain me now
through your most holy assistance,
since, as you know through your prescience,
I was guiltlessly condemned!

Why say more? When the man had poured out prayers such as these with mighty lamentation, he was found worthy to receive his eyesight at once (which he had not dared to hope for) as well as the hearing which he had wished for. And, truly, this miracle is much to be marvelled at for this reason: that I have not read anywhere in the books of holy writ about anyone—except this man—having regained his eyesight who had been blinded to such an extent. (Lapidge 2003, 310-15)

Wulfstan Cantor, *Narratio Metrica de S. Swithuni* (994 x 996)

ix. CONCERNING THE MAN WHOM THE JUDGES HAD BLINDED.

It is appropriate to introduce an unheard-of miracle on this harp [i.e. in this poem] which by miraculous agency was divinely perpetrated through the saint's merit, who, resplendent through his miracles and joined in heaven to the Almighty, operates unexpected cures through his holy prayers, and bestows kindnesses at will on the wretched. At this time the just and excellent King Edgar orders—for the purpose of deterring criminals by means of threats—that the following law should stand throughout the broad expanse of England, whereby, if any thief or malicious robber were to be apprehended in this same country, he was to undergo cruel injuries: he was to be deprived of sight, wretchedly blinded in each eye; the executioner was then to cut off his nose and ears together, and was to lop off his hands and feet with the blow of an axe and likewise scrape off the hair of his head together with the scalp; and then the executioner would cast the man, barely alive and destroyed through this excruciating torture, to hungry dogs to be eaten, and to nocturnal birds and voracious ravens, and would scatter the mutilated trunk a piece at a time to the four winds. The aforementioned edict and sentence of the just king—which that good man promulgated for the common weal—is still in force, so that everyone may have peace of mind regarding his wealth and may be able to enjoy it in complete safety without the whisper of a threat concerning its loss. The king's agents search through the depths of the forests and robbers are sought in hidden recesses, and those who are dismembered provide a public display. And terror seized all hearts with trepidation: the loathsome congress of thieves was

quod non sperabat, et auditionem aurium quam desiderabat. Hoc namque miraculum in hoc est ualde mirandum: quia non legimus in sanctorum codicibus scripturarum quempiam cecatum hactenus recepisse lumen oculorum preter hominem istum. (Lapidge 2003, 310-15)

ix. DE HOMINE QVEM LEGIS LATORES CECAVERVNT.

Hoc et inauditum plectro iuuat indere signum
quod mira uirtute fuit diuinitus actum
per meritum sancti, qui iunctus in axe Tonanti
signipotens inopina piis medicamina uotis
impetrat, et miseris quae uult beneficia prestat.
Precipit interea rex iustus et inclitus Eadgar,
quosque minis terrendo malos lex staret ut ista
gentis in Anglorum diffuso limite, quo si
fur aliquis seu predo ferox inuentus eadem
adforet in patria, crudelia dampna subiret:
lumine priuatus, miser et caecatus utroque;
tortor eique simul nares precidat et aures
truncaretque manus plantasque securibus actis,
subtraheretque simul capitis cum pelle capillos,
seminecemque uirum poena cruciante peremptum
proiceret canibus rabidis exactor edendum,
nocturnisque auibus, coruis et edacibus, atque
membratim in uacuas caesum dispergeret auras.
Stat praedicta pii lex et sententia regis
in commune bonum quam sanxerat ille benignus,
unusquisque suis securo ut Pectore lucris
plena pace frui posset sine murmure damni.
Exploratores siluarum densa peragrant,
predonesque locis inuestigantur opacis,
et membris caesi prebent spectacula plebi.
Perculerat terrorque animos formidine cunctos:
detestanda manus fuit et consumpta latronum,
sic ut ad extremum mater cum pignore posset
ire per anfractus securo pectore curuos
aequoris Eoi de finibus absque periculo,
litoris occidui donec contingeret oras.
Prenditur interea quidam sine crimine furti;

eradicated so that, in the end, a mother could go by the winding by-roads with her children in peace of mind, without any danger, from the bounds of the eastern sea until she reached the shores of the western coast.

Meanwhile, a certain man is apprehended, although innocent of theft; without delay he was condemned through an unjust sentence. The wretched man is deprived of sight and blinded in each eye; his nose, ears and hands are cut off. The executioners left only the two feet of the guiltless man, and the miserable scalp with its hair was left intact. In sad gloom the kinsmen approach the man and lead their mutilated relative back to his own home. One eye-ball had been completely torn from its socket; the other hung down his face; taking pity on the man, a woman immediately took hold of it and replaced it in its socket, and it remained that way from the Holy Epiphany of Christ (when the Goat [i.e. Capricorn] is alleviating the darkness of January on the eighth Ides [i.e. 6 January]) until the Greater Litany had achieved its return (with the Bull [i.e. Taurus] illuminating the seventh Kalends of May [i.e. 25 April]). In the meantime, rumour the messenger, flying on feathered wings, raced in its usual manner throughout England and made known the excellent miracles of the holy father [i.e. Swithun]. With brotherly persuasion the kinsmen urge the wretched man to go to Winchester and to beseech Almighty God in pure heart mercifully to restore to the wretched man his lost hearing, through the interventions of the saint. The wretch accepts this advice. He arrives at the town of Winchester, and he prays to the saint for the sake of his hearing alone—despairing of the possibility of recovering anything of his sight, since he had never heard of anyone who had been blinded recovering the use of his damaged eyes. He sought hearing for his ears (which, being filled with blood, took in no trace of any voice from either right or left), pouring out laments such as these from his humble heart: ‘O Christ, have pity on my suffering through Your mercy—me whom You see to have undergone extreme mutilations without being guilty of the crime of theft. I beseech You through this holy father: grant hearing now to my mutilated ears, bountiful God, or else quickly snatch this soul from this wretched body and afterwards grant me eternal life beyond the stars.’ He had scarcely said these words when—marvellous to say!—both his eyes shine in his face, and the eye which had been torn out is replaced with another eye-ball; and with the Lord’s assent he is found worthy to gaze on the unwonted light of day. The orifices in the amputated ears

nec mora iudicio fuit et dampnatus iniquo.
Lumine priuatur miser et caecatur utroque,
naribus excisis, auresque manusque secantur.
Insontique pedes tantum liquere gemellos,
et capitis miseranda cutis cum crine remansit.
Accedunt ad eum tristi merore parentes,
ad propriamque domum caesum duxere propinquum.
Vnus enim penitus fuerat de sedibus orbis
obrutus, alter ei supra faciemque pependit;
quem compassa uiro statim muliercula quedam
prendit et extinctum miserata reduxit in orbem,
sicque Theophania Christi permansit ab alma,
Idibus octauis Ianum releuante Capella,
torqueret donec Maior Letania recursum,
septenas Maii Tauro iustrante kalendas.
Interea. solito uolitans pennata per Anglos
nuntia fama ruit, patrisque insignia pandit.
Hortantur miserum fraterna uoce propinqui
pergeret ut Wentam, rogaret at omnipotentem
pura mente Deum, quo per suffragia sancti
redderet auditum misero miseratus adeptum.
Percipit ille fidem. Wentam peruenit ad urbem,
pro sola auditus sanctum poscitque salute,
desperans ullum se posse resumere uisum,
antea caecatum quia non audiuerat umquam
quemlibet extinctas iterum accepisse fenestras.
Auribus auditum petiit (quae, sanguine plenae,
uocis iter nullum dextra leuaque trahebant),
talia contrito fundens suspiria corde:
‘Christe, tua pietate meo succurre dolori,
dampna uides quem dira pati sine crimine furti.
Te rogo per sanctum hunc patrem: concede meis nunc
auribus auditum cesis, Deus alme, uel istam
tolle animam citius misero hoc de corpora, postque
aeternam largire mihi super ethera uitam.’
Vix ea fatus erat, mirum dictuque gemellac
uultibus effulgent acies atque orbe repletur
obrutus ante oculus; Dominoque fauente meretur
insolitum spectare diem. Patuere fenestrae
auribus excisis, auditus et intrat apertus.
Obstupuit natura, suas quia perdit habenas,
hactenus in mundo quoniam sibi talia numquam
contigerant, aliquem post lumina prendere uisum
caecata, et reducem post nubila cernere lucem,
hunc preter solum, patris medicamine fotum.
(Lapidge 2003, 514-18)

were opened, and unimpaired hearing returns. All Nature was astonished, because it had abandoned its reins, since never before had such marvels befallen it in this world, that someone might regain his sight after having his eyes put out, and see again the light of day after a period of blindness — never before, in fact, except this one occasion, sponsored by the therapy of the holy father. (Lapidge 2003, 515-19)

Ælfric of Eynsham, *Lives of Saints: Life of St Swithun* (c. 992 x 998)

18 [Epitome, c.13, Lantfred, c. 26]. A man was accused that he had been stealing—he was, however, innocent—and he was seized at once, and, in accordance with the sentence of the secular courts, they put out his eyes and cut off his ears. The blood consequently ran into his head so that he could not hear. He then remained blind in this way for seven months, and did not have his hearing, until he went in faith to the holy Swithun and sought out his relics, asking the saint that he hear his prayer, so that at least he might deserve to hear again (because he did not believe that his sight could be restored), and he said that he had been unjustly punished. Then God's miraculous power was effected in the man through Swithun's intercession—such that he could see clearly with restored eyes, even though they had previously been torn out of the sockets, and the one eye—ball was entirely put out and the other hung in a piece on his cheek. It was also granted to him that he could hear properly—he who previously had neither eyes nor hearing. It is, however, to be understood that we must not pray the same way to God's saints as to God Himself, for He alone is God over all things. But we ought truly to pray to the saints so that they will intercede for us with the Omnipotent God - who is their Lord—so that He may help us. (Lapidge 2003, 600-01)

18. Sum wer wæs betogen þæt he wære on stale—wæs swaðeah unscyldig—and hine man sona gelæhte and, æfter worulddome, dydon him ut þa eagan and his earan forcurfon. Þa arn him þæt blod into þam heafde þæt he gehyran ne mihte. Þa wæs he seofon monðas Wunigende swa blind and his hlyst næfde, oþ þæt he mid geleafan ferde to þam halgan Swiðhune and gesohte his ban, biddende þone halgan þæt he his bene gehyrde and him huru gearnode þæt he gehyran mihte (for þan ðe he ne gelyfde þæt he onliht wurde) and cwæð þæt he wurde woice swa getucod. Þa wearð Godes wundor geworht on þam menn þurh Swiðhunes þingunge—þæt he geseah beorhte ansundum eagum, þeah ðe hi ær wæron ut aþywe of þam eahhringum, and se oðer æppel mid ealle wæs geæmtigod, and se oðer hangode gehal æt his hleore. Him wæs eac forgifen þæt he wel mihte gehyran, se ðe ær næfde ne eagan ne hlyst. Is swaðeah to witenne þæt we ne moton us gebiddan swa to Godes halgum swa swa to Gode sylfum, for ðan þe he is ana God ofer ealle þing. Ac we sceolon biddan soðlice þa halgan þæt hi us þingion to þam þrymwealdendan Gode—se þe is heora Hlaford—þæt he helpe us. (Lapidge 2003, 600-01)

11. *A man who was given four sheaves of wheat without permission of the royal steward is condemned to death for theft because he would not give up the names of the king's reapers who gave him the wheat. While awaiting punishment he escapes his imprisonment with the help of St Swithun, 971 x 981.*

Lantfred of Winchester, *Translatio et Miracula S. Swithuni* (972 x 975)

27. ABOUT THE MAN WHO CUT THROUGH AN

27."DE HOMINE QVI INGENTEM CIPPVM MODICO

IMMENSE BEAM WITH A TINY KNIFE. I do not think it would be appropriate to pass over in silence the fact that, in the time under discussion, a certain man, estimable for his faith, accepted from the king's reapers four sheaves of wheat without the permission of the royal steward. As he was carrying the sheaves to his own house, unfortunately the royal steward came across him on the road and began asking who had given him the sheaves which he was carrying. He of course did not wish to reveal the donor to the steward in any way, preferring to undergo the penalty of death rather than to impute the theft to a friend. Accordingly, the steward became exceedingly angry and ordered him to be bound in shackles and detained by guards, until he could first be flogged to the point of death and afterwards beheaded. And while he was tied up and was being guarded one night by a certain man with his wife and family, he asked one of the custodians to lend him a knife with which to trim his fingernails. The guard, acceding at once to the requests of the prisoner, drew from his sheath a small dagger and handed it to him. After he had acquired the knife, the prisoner began to implore the omnipotent God to assist him through the merit of the holy bishop Swithun. The lord of the household and his wife went to sleep on the spot, overcome by great weariness; no less did all the other guards go to sleep as if they were drunk. When the man (who was fettered by an immense pillory) saw this, he did not cease from praying to the Lord—'Who releases those in chains and Who lifts up the downtrodden'—to free him from the torments of his forthcoming punishment through the holy intercession of the venerable bishop, saying, 'I beseech you, holy bishop Swithun, glorious confessor of Christ, through whom God performs miracles daily, that through your holy prayers you may free me from these cruel fetters.' Then grasping the knife confidently, he cut through the huge beam as if it were a fresh cheese; and he broke away the iron mass of the spike as if it were a dusky spider's web. As soon as he was free he stood up from his shackles, imploring the saint with profuse prayers to help him by his kindly intercession and to deliver him from the night watchmen, who—if they were to wake up—would punish him with a severe beating. And when he had passed by all the sleeping guards—by God's dispensation—he arrived at the door of his prison, in which there was a huge lock, strengthened with four rectangular bolts. Seeing the door locked and being seized by mighty fear, he said in his heart: 'What advantage does it bring me, the most

PRECIDIT CVLTELLO. Nec fore dignum iudico preterire silentio quod tempore praesignato quidam homo fide uenerabilis accepit a messoribus basilei quattuor mergites tritici absque licentia echnomi. Qui dum cos ad proprium sinistro alite deferret hospitium, regis dispensator in itinere cum repperit, interrogans quis ei dedisset manipulos quos portabat. Is itaque omnino noluit largitorem indicare echnomo, mallens mortis cruciatus sustinere quam damnum amico irrogare. Quapropter iratus nimium prepositus, iussit eum ligari compedibus et uigilari custodibus, donec primo mortetenus uerberaretur ac postmodum capite plecteretur. Cumque quadam nocte custodiretur a quodam uiro cum coniuge et familia uinctus, ille postulauit e custodibus quempiam, ut ei paruulum accomodaret cultellum ad unguis suos incidendum. Qui protinus annuens compediti oraminibus, artauum de uagina abstraxit et uincto illi prestitit. Qui postquam accepit cultellum, coepit omnipotentem exorare Dcum, ut ei subueniret per sancti pontificis Suuithuni meritum. Paterfamilias autem cum coniuge, somno grauati nimio, sopitum perrexerunt ilico; nec minus et caeteri custodes, ceu forent temulenti, dormierunt omnes. Quod cum uideret uir ille ingenti constrictus columbare, Dominum 'qui compeditos soluit et elisos erigit' non cessauit exorare, quatinus cum liberaret a futurae tormentis poenae per sanctam uenerabilis episcopi intercessionem, 'Obsecro', inquires, 'te, sancte presul Suuithune, confessor Christi gloriose, per quem Dominus facit miracula cotidie, ut tuis sanctis precibus liberares me a diris ligaminibus.' Tunc arripiens cum fide cultellum, quasi recentem caseum incidit ingentem cippum; at clauis massam rupit ferream ceu ferrugineam araneae telam. Qui mox solutus surrexit a compedibus, sanctum orans profusis precibus ut ei succurreret piis interuentionibus, eumque eriperet a nocturnis custodibus, qui ipsum torquerent grauius—si euigilarent—uerberibus. Cumque omnes pertransisset custodes—Deo disponente—dormientes, accessit ad carceris ianuam in qua erat ingens sera, quattuor quadratis pessulis munita. Quam conspiciens obseratam, magno concussus metu, dixit in corde suo: 'Quid mihi, miserrimo omnium, prodest quod liber a uinculis pertransiui uigiles? Modo me grauior expectat interitus, si non superuenerit Dei suffragium! Quapropter, uenerande presul Suuithune, adiuua me tua sancta intercessione, quatinus hanc possim horridam de hoc hostio euellere seram.' Qui protinus seram arripuit manu, quae ita eum est subsecuta quasi pessulus non

wretched of all creatures, to have gotten free of my bonds and to have passed by all the guards? Now a more cruel death awaits me, if God's assistance does not intervene! Therefore, venerable Bishop Swithun, help me with your holy intercession, so that I can break off the horrid lock from this door.' He straightway grasped the lock in his hand, and it came away after him as if there were no bolt in it and as if it had been smeared with oil. When the man saw this he began in his heart (not out loud!) to glorify God, Who does not cease from helping those who trust in Him. And now with confidence he prayed to the creator on high, so that he would be able to open the door silently through the most holy intervention of God's servant—the door which, whenever it turned on its hinges, usually gave out a loud noise. When it was opened, it gave out no sound at all, but was silent like a wheel when it is greased with soap. Then he went a happy man from the prison in which he had been detained in order to be tortured by a massive flogging. And when he was outside, he found a cartwheel leaning against the wall, which he put against the door so it couldn't be opened. He walked briskly all night and when dawn was breaking he arrived at the holy tomb of the man of God; when he arrived there, he gave thanks to the creator. And it is recorded here just as he himself reported it unhesitatingly to the monks of that place. (Lapidage 2003, 314-17)

esset in ea ac ueluti foret oleo delibuta. Quod dum cerneret uir ille, corde—non uoce!—Deum coepit glorificare, qui sperantes in sese non desinit adiuuare. Et iam cum fiducia conditorem orauit altissimum, quo per interuentum famuli Dei sacratissimum aperire silenter ualeret hostium: quod quotiescumque reuoluebatur, eximium dare solebat strepitum. Quod dum aperiretur, nullum prorsus emisit sonum, sed siluit ceu rota quando peruncta est sungia. Tum ille laetus progreditur a carcere in quo clausus fuerat, inmanissimo cruciandus uerbere. Cumque foras egressus esset, orbem plaustrii iuxta parietem repperit; quem ianuae ne aperiretur opposuit. Qui tota nocte festinanter ambulauit crastinaque lucescente aurora ad sanctum uiri Dei tumulum peruenit; quo cum peruenisset, conditori laudem dedit. Et ita hic scriptum est, sicut ipse fratribus loci illius indubitanter retulit. (Lapidage 2003, 314-17)

Wulfstan Cantor, *Narratio Metrica de S. Swithuni* (994 x 996)

X. ABOUT THE MAN WHO CUT THROUGH AN IMMENSE BEAM WITH A TINY KNIFE.

Nor shall I pass over that event which took place at the same time through divine agency, even though I am unable to intone it resoundingly in my modest style: nonetheless I shall try to magnify this astonishing miracle in meagre and feeble verse. In the autumn, Sirius [i.e. the Dog-Star] ripens the crops in its fertile bosom; the vast harvests burst the granary with their produce. And Bacchus bestows his bounty on the laden vines, and the grimy wine-press foams from its brimming lips. As elsewhere in the world, so too in this remote region the royal estate of Kingsclere likewise had its reapers. They bend over their work dripping with excessive sweat, and they gather the crops eagerly, so that they will not by chance be slowed down by rainfall or by sudden showers. A certain Wayfarer, who sustained himself by meagre means, approached them from the road. He begs them that, from such abundant stocks, they give him a very few sheaves with which he could feed himself and his family.

x. DE HOMINE QVI INGENTEM CIPPVM MODICO PRECIDIT CVLTELLO.

Hoc neque preteream, quamuis reboare coturno non ualeam modulo, sed magnificare stupendum paupere et exiguo temptabo poemate signum, tempore non alio quod caelitus extitit actum. Sirius autumnno segetes coquit ubere laeto, frugibus inmensae ruperunt horrea messes. Vitibus et grauidis confert sua munera Bachus, et spumat plenis uindemia sordida labris. Sicut et in reliquis, hac in regione remota regia messorum habuit quoque uilla Clearan. Insistunt operi nimio sudore madentes, Certatimque metunt, pluuia ne forte grauentur, Imbribus aut subitis. Ad quos e calle uiator Diuertit quidam, uegetans se pauper uita. Obsecrat, e tantis sibi quo perpauca manipulis Dent alimenta, quibus uegetaret seque suosque. Suscipiunt uotum miseri pietate coacti, triticeos ternos illi donantque manipulos.

Moved by pity for the poor man they take up his request and give him three sheaves of wheat. He takes them and prepares to carry them home under his left arm. He had scarcely reached the place where by chance the usual boundary-marker lay in the field (so that it could settle a dispute about land), when the king's reeve suddenly came upon him, and asked him who had given him the corn. The man preferred to die rather than to betray his generous friend. The reeve, incensed to fury and rage at this, orders the poor man to be bound with shackles on each foot, and detains him day and night under the watch of guards, flogging him with cudgels, lacerating him with whips and lashes; and these tortures are intended to afflict the man to the point of death, and thereupon an executioner is to decapitate him with the blade of an unsheathed sword. Straightaway a retainer comes up and binds the poor man and takes him to the estate of Kingsclere by a devious route. They arrive at where the prison was; vicious torturers incarcerate him in the lowest depths, and, inserting his feet in a hollow beam, they bind them by means of tight fetters. They depart, and leave the wretched man shut up there. The sun sinks in the ocean; the night-watch arrives; they seek out the depths of the prison enclosing the man on this side and that. A burning candle was driving away the shadows of night, and thus the guards spent the semidarkness of the first watch. Meanwhile, the wretch asked one of the guards in gentle words whether he might deign to oblige him for a brief period with a small knife by which he might rim away the excess from his fingernails. The king man acceded to the wretch's entreaties and handed over his pocketknife. And with all his might the wretch call upon Almighty God Who rules in the starry heaven, and asks that through the prayers of the saint [i.e. St Swithun] He have mercy on him, that he might be able to avoid the danger of an imminent death. It was now the time when rest first comes to poor human creatures and creeps agreeably into their tired limbs; and now a heavy slumber overcomes all the guards – as though they were drunk, overwhelms with intoxicating liquor and wine: and thus all of them snored together in one stentorian exhalation. When the man – who was still awake, shackled with the mighty fetter – sees this, with a silent outburst he beseeches God, Who lifts up those who are down-trodden and Who releases captives from their chains, the He might in His mercy release him from his imminent torture, and he calls upon the saint: 'O venerable father Swithun, I ask you, be benignly disposed to my wretched self; release these

Accipit, hoseque domum parat alite ferre sinistro.
 Vix adiitque locum solito quo forte iacebat
 limes agro positus (litem ut discerneret aruis)
 dispensator ei fuit obuius ecce repente
 regius, huncque rogat sibi quis frumenta dedisset.
 Maluit ille mori largum quam prodere amicum.
 Dispensator ad haec furiis accensus et ira,
 stringere compedibus miserum pede mandate utroque,
 seruet et hunc uigilum custodia nocte dieque,
 uerberibus lanians, flagrus scopisque cruentans;
 mortetenusque hominem crucient tormenta, dehincque
 plecteret hunc gladii tortor mucrone relecti.
 Protinus inuadit stringitque satelles egenum,
 ducit et ad uillam peruerso tramite Clearan.
 Perueniunt quo carcer erat; quem sedibus imis
 tortores clausere truces, uestigiaque eius
 lingo mersa cauo uinclisque tenacibus artant.
 Abscessere, et ibi clausum liquere misellum.
 Sol ruit oceano; uigilum custodia uenit;
 Carceris ima petit uallans hinc inde ligatum.
 Flammae nocturnas pepulit candela tenebras,
 et uigiles primae duxere crepuscula noctis.
 Mitibus interea miser e custodibus unum
 poscebat uerbis, ut ei comodare parumper
 dignetur modicum secet unde superflua cultrum
 unguibus. Oranti fauet ille benignus, eique
 ferrum porrexit. Totis et nisibus ille
 inuocat astrigero qui regnat in axe Tonantem,
 et rogat, ut sanct precibus succerreret illi,
 posset ut instantis uitare periculae mortis.
 Tempus erat quo prima quies mortalibus egris
 incipit, et fessos gratissima serpit in artus;
 opprimit et uigiles spoor ecce grauissimus omnes,
 ceuque forent ebrii, siceraque meroque sepulti:
 sic simul horrisono stertunt spiramine cuncti.
 Vidit ut hoc uigilans ingenti compede strictus,
 ingemit exorans tacito clamore Deum, qui
 erigit elisos, soluitque ligamine uinctos,
 hunc ut et a poena soluat miserendo future,
 clamat et ad sanctum: 'Pater O uenerande Suuidhune,
 te rogo, tu misero mihi nunc placates adesto;
 tu precibus sanctis haec solue tenacia uinclae,
 qui facis ut languor fugiat ueniente medela,
 qui releuas plures: releua miseratus et unum, ut Dominus
 rerum per te laudetur in aeuum.'
 Dixerat ut, manibus cultrum mox arripit huncque
 imposuit lingo strictus fuit unde cauato,
 constanti flagrante fide, et (mirabile dictum!)

binding chains with your holy prayers, you who arrange for sickness to flee at the remedy's advent, and who give relief to many: in your mercy free also this one, so that through you the Lord of all things may be praised forever.' When he had said these things, he took in his hands the pocket-knife, and stuck it into the hollow log by means of which he was shackled, his constant faith unwavering, and – marvellous to say! – he cuts through the mighty tree-trunk with the smooth blade, just as someone cuts a cheese freshly curdled, and he also cuts through the rigid metal of the spike – which was made of iron – as if through a slender reed, and broke it as though it were a spider's web. With the stocks thus open the astonished man is immediately freed; he gets up and raised both hands to the heavens, praying devoutly that the saint assist him and free him from the cruel guards, who would punish him at once by flogging him with excessive blows if they were to get up and to stir their limbs by awakening. Without delay he silently passes through the guards: by God's contrivance a heavy sleep oppressed them all. He proceeded to where the door was secured by a bolt of no mean size; for within the door a rectangular bolt strengthened the lock on every side by means of a dark bar. He sees this, becomes frightened, and, trembling, stops dejectedly; he is seized by mighty fear, and thus he laments in his heart: 'Ah me, who stand [sic] here the most wretched and unlucky of men! What good does it do me that, when the stocks were opened, I escaped from the guards who help me captive? A more terrible death and a greater torture awaits me, unless Your assistance now avails me, O Christ! O father Swithun, do not, I ask, abandon me, but, I pray, assist me with your customary mercy, so that I may silently be able to draw this bolt and none of the guards may notice it through an alarum [sic] whatsoever.' He says this and with a trusting heart grasps the stiff bar; without delay the bar follows the hand of the man drawing it with effortless force, coming free from its fastening as if there were no bolt in the lock itself, but rather, the lock had been lubricated with oil of the fatty olive. He quietly lays the bolt on the ground and marvels inwardly at what had happened; and he begins to rejoice in Almighty God Who never abandons anyone who places hope in Him, but in His mercy releases him from all distress. Now complete confidence was gleaming in the man's heart; and he prays that, with the holy patron assisting him, he may be able to open the squeaking door on its hinges – which usually produce a great noise when turned. He opens it and it emits no sounds at all; but rather, each hinge as it turned

ingentem facili perfendit acumine recentem,
 et clauī rigidam, fuerat quae ferrea, massam
 ceu tenuem stipulam, et quasi telam rupit aragne.
 Soluitur attonitus mox compede liber aperto;
 Surgit et erexit geminas ad sidera palmas,
 exorans sanctum pius ut succurreret illi
 liberer a soeuīs ere um custodibus, hunc qui
 uerberibus nimis statim laniando grauarent,
 si surrexissent, uigilandoque member leuassent.
 Nec mora custodes tacitus pertransit, et illor
 disponente Deo grauidus spoor opprimit omnes.
 Accessit quo clausa fuit munimine serae
 ianua non modicae; nam pessulus intus opaco
 obice quadratus muniuerat undique seram.
 Vidit et expauit, trepidansque lugubriter heist;
 concutitur magnoque metu, sic corde gemitque:
 'Heu mihi, qui infelis hominumque miserimus adsto!
 Quid mihi nam prodest uinclis quod liber apertis
 excessi uigiles, qui me tenuere ligatum?
 Interitus grauior restat mihi poenaque maior,
 ni mihi subueniant tua nunc suffragia, Christe.
 O Suuīðhune pater, ne me, rogo, sancta, relinuas,
 sed solita pietate mihi succurre, precor te,
 quatinus hanc ualeam tacite hinc euellere seram,
 arripit; illa manum facili uirtute trahentis
 haud mora subsequitur, sua sic retinacula linquens
 adforet in sera nullus quasi pessulus ipsa,
 unguine sed perfuse foret prepinguis oliui.
 Quam tactitus deponit humi, miratur et in se rem gestam;
 coepitque Deo iubilare Tonanti,
 In se sperantem qui numquam deserit ullum,
 Anxietate leuat sed eum miseratus ab omni.
 Iam perfecta uiri fiducia pectore fulsit;
 orat et, ut sancto sibi subueniente patron
 horrisonas aperire quaet cum cardine ualuas,
 eximium dare quae strepitum uoluendo solebant.
 Has aperit, nullum penitus sonitumque remittunt;
 cardo rotans sed uterque silet uelut orbita plaustri,
 resina pingui fuerit cum forte peruncta.
 Carcere, compedibus, custodibus atque solutus,
 gaudet ouans, iugulandus erat qui morte nefanda,
 liber et horrisonar transiuit limina ualuae,
 progrediensque foras, plaustri citus arripit orbem;
 quem tactitus ianue opposuit, ne staret aperta
 sentiat et uigilum quae sunt custodia facta.
 Sic qui clausus erat paulo ante compede strictus,
 tortores nunc ipse suos claudendo uicissim
 euolat illesus, meritum per presulis almi.
 Sic pietas Domini, bona quae non denegat ulli,

was silent like the when of a wagon when perchance it has been greases with oily resin. And thus, liberated from his prison, shackles and guards, he who was to be executed through an abominable death rejoices exultantly, and, a free man, he steps beyond the threshold of the squeaking door and, going outside, he quickly lays hold of a wagon wheel; he quietly placed it against the door, so the door would not remain open and so the guards would not realize what had happened. Accordingly, he who a short while before had been imprisoned and bound in shackles escapes unharmed by imprisoning in his turn his own torturers, through the merit of the holy bishop. Thus the mercy of the Lord, which withholds its benefits from no-one, allows the man to escape unscathed and also, with the door jammed, the guards remain ineffectual through being shut up in the cell. The furtively closed door frequently deceived the guards who, in the darkness, did not realize at all what had happened, but continued to think that the wretch was still with them bound in shackles, and they went back to a soothing sleep with unperturbed conscience. O faith ever praiseworthy! To you is subject that which Nature disallows, whom Almighty God does not permit to exercise her usual behaviour on such occasions when He Himself mightily commands something to take place which Nature in astonishment would regard as unusual. Accordingly, through God's mercy there is a way open for the man redeemed from death. His footsteps forcibly overcome sleep and delay; throughout the night he does not abandon his rapid pace until he arrives in haste in the town of Winchester. Meanwhile the daylight, which has been submerged in the black shadow of night, rises resplendent at dawn. The guards, weighed down by sluggishness, shake their limbs and take up their cudgels so that they can flay the man whom in the darkness they had left bound in stocks at the first watch of the night. They did not yet realize that he had been liberated through God's mercy, inasmuch as the resplendent ease had not yet grown bright and gentle light had not brought its clear coloration to things. They assemble without delay, and look for the man in vain. The tree-trunk, detached from its connection with the spike, confounds them, it having been cut through the middle by the effortless force of the pocket-knife, and the iron mass of the spike lies severed in two. Individually they look around and in utter silence they all wonder with what strength anyone could cut through the mass of the stock and spike. They arrive at where the cell had been

incolomem dat abire hominem, sed cardine fixo
irrita recluso custodia permanet antro.
Saepius et uigiles illusit ianua fallax,
rem gestam penitus qui non sensere sub umbra,
compedibus uinctum credunt sed adesse misellum, et
repetunt dulcem securo corde soporem.
O semper laudanda fides! Tibi subditur illud
quod Natura negat, solitis quam moribus uti
non sinit Omnipotens, quotiens iubet ipse potenter
posse quod insolitum fieri mirata perurguet.
Ergo homini pietate Dei de morte redempto
fit uia. Vi rumpunt gressus somnumque moramque;
non cessat tota uelox incedere nocte,
donec Wentanam properando ueniret ad urbem.
Interae noctis tetra caligine mersa
consurgens Aurora micat. Torpore grauati
excutiunt sua membra uiri, sumuntque flagella
torguerent ut eum, quem prime tempore noctis
compede constrictum mediis liquere tenebris.
Hunc pietate Dei nec adhuc sensere solutum,
utpote perspicuus quia nondum fulsit Eous,
nec rebus certum lus adtulit alma colorem.
Nec more conueniunt, nequiquam hominemque
requirunt.
Fallit eos cippus clauī compage solutus,
cultelli medius facili uirtute recisus,
inque duo disrupta iacet uis ferrea clauī.
Diuersi circumspiciunt, mirantur et omnes,
qua posset uirtute aliquis precipere tantam
compedis et clauī per opaca silentia massam.
Accedunt quo carcer erat paulo ante reclusus;
ecce uident aliud quod adhuc mirentur: ibi nam
sera iacet reserata solo sine clauē, stupetque
uultibus attonitis eadem custodia. Post haec
hostia propellit toto conamine, uixque
preualet obstructas tandem patefacere ualuas,
opponente uiro quas obstruit orbita plaustrī.
Soeuit ad ista cohors, facti nec conspicit usquam
auctorem, nec quo se ardens inmittere possit,
uindicet ut tantum quod eos sic luserat actum.
Confusi referunt domino quid contigit illis.
Exhibuit faciem nihilominus ille pudentem,
nec sapit unde hominem perquirere possit ademptum –
quem cunctis patuit Domino soluente solutum.
Ille morae inpatiens, orto iam sole corusco,
uenit ad exelsae sublimia culmina Wentae, et
ut grates ageret tanto pro munere, supplex
sternitur ad terram Dominum uirtutis adorans,

shut a short while before; here they see something else which they wonder at still more: for the bold lay unlocked there on the ground without a key, and the garrison gazes on it with astonished looks. Thereupon they push at the door with all their might, and at length they are barely able to open the jammed door which the wagon wheel placed by the man obstructed. The garrison becomes enraged at this, nor does it see anywhere the perpetrator of the deed, nor where in tis fury it might turn in order to avenge the deed which he tricked them thus. In a state of confusion they explain to their chief what has happened to them. He no less than they displaying a blushing face, nor did he know where he could look for the man who had been snatched from him – whom everyone could see had been released through the Lord's liberating power.

The man, impatient of delay now that the radiant sun had risen, comes to the towering spires of lofty Winchester and, prostrate in order to give thanks for so great a gift, lies on the ground in worship of the author of the miracle, and with heartfelt feeling reverently praises the saint who had removed him from the threat of such danger – through His assistance, Who alone reigns forever. (Lapidge 2003, 519-27)

cordis et affect sanctum ueneranter honorans,
hunc qui de tanti subtraxit clade pericli –
illius auxilio, solus qui regnat ab euo.
(Lapidge 2003, 518-26)

12. *A repetitive thief is whipped and placed in the stocks by Bishop Ælfheah, 984 x 1006*

Wulfstan Cantor, *Vita St Æthelwoldi* (c. 996)

46. CONCERNING A BOUND THIEF WHO WAS FREED BY A MERE WORD FROM THE MAN OF GOD. Nor must I pass over in silence how Bishop Ælfheah, who was, as I have said, Æthelwold's successor, had a thief, who was guilty on many counts, whipped and sent to the stocks for sterner tortures. When he had long lain thus undergoing his punishment, there came to him one night in a vision Æthelwold, holy bishop of God, who said to him: 'Wretch, why do you lie so long stretched out in the stocks?' The man had often seen him in his mortal life, and he recognised him. 'My lord,' he replied, 'I am suffering as I deserve. I am being tortured like this on the just judgement of the bishop, because I was often caught stealing, and did not cease from it, but repeated my crime over and over again.' Then the saint said: 'Cease even now, wretched man, from your thefts, cease and be freed from the bonds of these shackles.' The poor man at once

46. DE LIGATO QVODAM FVRE QVI SOLO SERMONE VIRI DEI ABSOLVTVS EST. Nec silentio praetereundum est quod praedictus sancti uiri successor, Ælfeagus antistes, quendam furem pro multiplici reatu flagellis caesum mitti iussit in cippum acrioribus suppliciis cruciandum. Cumque diu sic in poenis iacuisset damnatus, quadam nocte uenit ad eum in uisione sanctus Dei pontifex Æthelwoldus et ait illi: 'Miser, cur tanto tempore sic in trunco iaces extensus? At ille recognoscens sanctum uirum, quem saepe uiderat in uita mortali, respondit: 'Dignas, dominc mi, sustineo poenas, et iusto iudicio episcopi sic torqueor, quiz frequenter in furtis deprehensus sum et ab eis non cessauit, sed mala quae feci iterum atque iterum repetiui.' Tum sanctus 'Cessa' inquit 'uel modo, miser, a furtis, cessa, et sis solutus a nexu compedis huius.' Surrexit ilico miser ille absolutus, et exiens inde uenit et procidit ante pedes AElfeagi episcopi,

got up, freed. He went from there and fell before the feet of Bishop Ælfheah, and told him what had happened to him, in due order. Ælfheah, out of respect for the great father, let him go free. It is clear then that this saint, while enjoying his eternal life, is able by the virtue of his merits to release us from the chains of our sins and take us to the heavenly kingdom: the same who while still dwelling in the flesh had granted him by heaven the power of binding and loosing, through the gift of our Lord Jesus Christ, who lives and reigns with God, coeternal Father, and the Holy Spirit, God for ever and ever, Amen. (Lapidge and Winterbottom 1991, 69)

narravitque ei rem gestam circa se per ordinem, et ille pro honore tanti patris siuit eum abire indemnem. Constat ergo sanctum hunc, aeternae uitae coniunxum, uirtute meritorum suorum posse nos a peccatorum nostrorum uinculis soluere et ad caelestia regna perducere, cui adhuc in carne degenti caelitus est concessa potestas ligandi atque soluendi, praestante Domino nostro Iesu Christo, qui cum Deo coaeterno patre et spiritu sancto uiuit et regnat Deus, per infinita saecula saeculorum. Amen. (Lapidge and Winterbottom 1991, 68)

13. In 993 King Æthelred II ordered Ælfgar, son of ealdorman Ælfric, to be blinded, because Ælfric deserted the army and went over to the enemy.

Anglo-Saxon Chronicle E (also in C and D) (largely contemporary with events)

993. ... In this year the king ordered Ælfgar, son of ealdorman Ælfric, to be blinded. (Garmonsway 1972, 127)

AN.dccccxciii. ... On þysum ilcan geare het se cyng ablendan Ælfgar Ælfrices sunu ealdormannes. (Irvine 2004, 61)

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

ii.165. A dispute had arisen, the cause of which is not clear, between the king and the bishop of Rochester, as a result of which the king led an army against the city. The archbishop told him to abandon this crazy enterprise, and not to rouse St Andrew, the patron saint of the see, who was generous in granting favours but terrible in revenge. His bare words were met with scorn, so he gilded his instruction with money, and sent him a hundred pounds as the price of raising the siege, if he would take the money and go away. He took it and beat a retreat, allowing his armed force to go on leave. Dunstan was astonished at the man's greed, and sent emissaries with the following reply: 'Inasmuch as you have preferred silver to God, money to the Apostle, and you own greed to myself, there shall come rapidly upon you evils of which the Lord had spoken; but this will not happen in my lifetime, for this too the Lord has told me.' Soon after the saint's death, which took place in the tenth year of the king's reign, these prophecies were quick to be fulfilled and what he foretold hastened to come to pass. The Danes infested every harbour, and overran everything

ii.165. Surrexerat inter regem et episcopum Rofensem similtas, incertum qua de causa, quocirca contra ciuitatem exercitum duxit. Mandatum ei ab archiepiscopo ut furore desisteret nec sanctum Andream, in cuius tutela episcopatus est, irritaret, sicut ad indulgendum facilem, ita ad ulciscendum terribilem. Verborum nuditate contempt, adornat preceptum pecunia, et mittit centum libras ut obsidionem solueret, pretio emptus abiret; qup ille accepto receptui cecinit, procinctum militum ferari permisit. Miratus Dunstanus hominis cupiditatem haec per nuntios retulit: 'Quoniam pretulisti argentum Deo, pecuniam apostolo, cupiditatem michi, uelociter uenient super te mala quae locutus est Dominus. Sed haec me uiuente non fient, quia et haec locutus est Dominus.' Iam uero post beati uiri obitum, qui decimo anno regni fuit, properant impleri predicta, festinant consummari prenuntiata. Danis enim omnes portus infestantibus et leuitate piratica ubique discurrentibus, dum nesciretur ubi eis occurri deberet, decretum a Siritio, archiepiscopo post Dunstanum secundo, ut repellerentur argento qui non poterant ferro. Ita decem milia librarum solute

with the rapid movements typical of pirates, while it was impossible to know where they ought to be confronted. Sigeric therefore, the arch-bishop next but one after Dunstan, decided that they must be driven away with silver if steel could not do it. So Danish greed was satisfied with the payment of ten thousand pounds; and it was a disgraceful precedent, unworthy of true men, to buy with money the freedom of which no violence can rob an invincible spirit. And at that point there was for a time an end to the raids; but soon, their strength refreshed by leisure, they returned to the old ways. The English were now so frightened that there was no thought of resistance; if any remembered their old traditions and tried to meet them and do battle, they were left in the lurch by the great numbers of the enemy and the desertion of their own allies. The leader of this desertion was a certain Ælfric, whom the king had put in command of his assembled ships; when it was his duty to try his luck in a sea-battle, on the night before the dawn that was to usher in the battle he became a worthless turncoat and went over to the enemy, having previously informed them by messengers what to look out for. And though in return for this perfidy the king ordered his son to be blinded, he came back, and deserted a second time. (Mynors et. al. 1998, 271)

cupiditatem Danorum expleure: exemplum infame et uiris indignum, libertatem pecunia redimere, quam ab inuicto animo nulla uiolentia possit excutere. Et tunc quidem paulisper ab excursibus cessatum; mox, ubi uires otio resumpserunt, ad superior reditum. Tantus timor Anglos inceserat ut nichil de resistendo cogitarent; si qui sane antiquae gloriae memores obuiare et signa colligere temptassent, hostium multitudine et sotiorum defection destituebantur. Defectionis signifer fuit Elficus quidam, quem congregates nauibus rex prefecerat; qui, cum nauali certamine fortunam eperiri debuisset, nocte qua dies pugnae illucescebat transfuga uilis ad hostes concessit, prius per nuntios monitos quid cauerent; et quanuis pro culpa perfidiae filium eius rex execari iusserit, iterum rediit iterumque defecit. (Mynors et. al. 1998, 270)

14. *Wulfbold was found in the king's mercy and possibly condemned to death (this is the likely outcome but somewhat unclear) for theft of his widowed stepmother's property, his kinsman's estates and repeatedly ignoring the king's summons regarding the matter. The event was recorded in a charter, dating to 996.*

These are the crimes by which Wulfbold ruined himself with his lord, namely first, when his father had died, he went to his stepmother's estate and took everything that he could find there, inside and out, small and great. Then the king sent to him and commanded him to give up what he had seized, but he paid no attention and his wergeld was assigned to the king. And the king sent to him again and repeated his command, but he paid no attention to it and for the second time his wergeld was assigned to the king. Over and above this he went and took possession of the estate belonging to his kinsman, Brihtmær of Bourne. Then the king sent to him and commanded him to give up the estate, but he paid no attention and his wergeld

Dis sind þa forwyrhto þe Wulfbold hine wyþ his hlaforð forworhte . þæt is ærest þa his fador wæs forfæron þa ferd he to his steopmoder land 7 nam þær eal ð he þær funde inne 7 ute læsse 7 mare. Þa send se cyng him to 7 bead him þæt he agefe ð reaflac ða forest he ð þa getæhte mon þan cyng his wer 7 se cing him send eftsoma to 7 bead him ð ilce þa forest he ð þa getæhte eft oþre siðe þam cingi his wer þridan siðe 7 se cyng sende him þa gyt to 7 bead him of þa forsæt he ð þa getæhte mon þam cynges his wer feorðan siðe þa ð mical gemote wæs æt Lundene þa wæs Æþelwine ealdorman þaru 7 ealle þæs cyngis wito[n] þa getæhton ealle ð witan þe þær wæron ge gehadode ge læwide þam cynges ealle Wulboldes ære 7

was assigned to the king for the third time. The king sent to him once again and commended him to leave the estate, but he paid no attention and his wergeld was assigned to the king for the fourth time. Then the great meeting was held at London; Earl Æthelwine was there and all the king's councillors. Then all the councillors who were there, both ecclesiastics and laymen, assigned the whole of Wulfbold's property to the king, and himself likewise to be disposed of as the king desired, either to remain alive or to be condemned to death. And he had made no amends for all this up to the time of his death. And after he was dead, over and above all this, his widow along with their son went and slew Eadmær the king's thegn, Wulfbold's uncle's son, and his fifteen companions on the estate at Bourne which he had held by seizure despite the king. And then Archbishop Æthelgar had the great synod at London, and he himself and all his property were assigned to the king.

These are the men who took part in the decision : Archbishop Æthelgar and Archbishop Oswald and Ælfstan, Bishop of London, and Bishop Sigeric and Ælfstan, Bishop of Rochester, and Bishop Ordbricht, Bishop Ælfheah and Bishop Athulf and Earl Æthelwine and Earl Brihtnoth and Earl Æthelweard and Earl Ælfric and Earl Thored(?) and Abbot Eadulf and Abbot Brithnoth and Abbot Germanus and Abbot Wulfsig and Leofric, Abbot of Michelney, and Leofric, Abbot of Exter, and Abbot Ælfhun and Ælfhelm and Wulfheah and Wulfric, Wulfrun's son, and Stir, Wulf's son, and Nafena and Northwine his brother and Leofwine, Leoftæta's son, and Leofsig of Morden and Bonda and Ælfhelm Polga and Æthelwold and Leofric and Siward of Kent and Leofsunu and Æthelwold the Stout and Ælfgar, the Honiton man and Wulfgeat and Æthelmær and Æthelric ad Æthelnoth, Wi[s]tan's son, and Leofwine, Athulf's son, and Sigebriht and Leofstan of Sussex. (Robertson 1956, 129-31, no. 63)

hine silfne to þam þe se cyng wolde swa to life swa to deaþe 7 he hæfne ealle þis ungebet oþe he forþferd eft þa he þæs forþfaran ufenan eal þis þa ferd his laf to mid hyre cilde 7 ofsloh Eadmer þæs cyngis þegen Wulfbldis faderan sune 7 his fiftyne geferan on þan land æt Burnan þe he on reaflice ongen þæne cynyng hefde 7 þa Æþelgare arcebisceop hæfde þæne miclan sinoþ an Lundene þa getæhte man þam cinge hine ealle his are . þis sind þa men þa wæron æt þære tæcinge . Æþelger arcebisceop 7 Oswold arcebisceop 7 Ælfstan bisceop of Londone 7 Sigeric bisceop 7 Ælfstan bisceop on Hrofeceastre 7 Ordbyrht bisceop Ælfeah bisceop 7 Aþulf bisceop 7 Aþelwine ealdorman 7 Byrhnoþ ealdorman 7 Aþelweard ealdorman 7 Alfric ealdorman Þeodred eorl 7 Eadulf abbod 7 Byrnoþe abbod 7 Germanus abbod 7 Wlfsige abbod 7 Leofric abbod of Miclanige 7 Leofric abbod of Eaxcestre 7 Ælfhelm polga 7 Aþelwold 7 Leofric 7 Sigeward on Cent 7 Leofsunu 7 Aþelwold þes greta 7 Ælfgar se Hunitunisca 7 Wulsegat 7 Æþelmar 7 Æþelric 7 Æþelnoðe Wifitanes suni 7 Leofwine Æþulfes suni 7 Sigebriht 7 Leofstan on Suþseaxan. (Robertson 1956, 128-30, no. 63)

15. *St Brice's Day massacre in 1002, in which King Æthelred ordered the mass execution of all the Vikings in England for fear that were plotting to kill him and usurp the kingdom.*

Anglo-Saxon Chronicle E (also in C, D, and F) (largely contemporary with events)

1002. ... in the same year the king gave orders for all the Danish people who were in England to be slain on St Brice's day [13 November], because the king had been told that they wished to deprive him of his life by treachery, and all his councillors after him, and then seize his kingdom. (Garmonsway 1972, 134-35)

Millesimo.ii. ... 7 on ðam geare se cyng het ofslean ealle ða deniscan men þe on Angelcynne wæron on Bricius messedæg, forþon þam cyngre wæs gecydd þet hi woldon hine besyrewian æt his life 7 syððan ealle his witan 7 habban syððan his rice. (Irvine 2004, 64)

Henry of Huntingdon, *Historia Anglorum* (c. 1154)

vi. 2. In the year 1002, Emma, the jewel of the Normans, came to England, and received the crown and title of queen. With her arrival, King Æthelred's pride increased and his faithlessness grew: in a treacherous plot, he ordered all the Danes who were living peacefully in England to be put to death on the same day, namely the feast of St Brice [13 November]. Concerning this crime, in my childhood I heard very old men say that the king had sent secret letters to every city, according to which the English either maimed all the unsuspecting Danes on the same day and hour with their swords, or, suddenly, at the same moment, captured them and destroyed them by fire. In the same year the king exiled Ealdorman Leofsig because he had killed Æfic the king's sheriff. (Greenway 1996, 341)

vi. 2. Millesimo secundo anno, Emma Normannorum gemma uenit in Angliam, et diadema nomenque regine suscepit. Quo prouentu rex Adelred in superbiam elatus et perfidiam prolatus, omnes Dacos qui cum pace erant in Anglia clandestina prodicione fecit mactari una eademque die, scilicet in festiuitate sancti Bricii. De quo scelere in puericia nostra quosdam uetustissimos loqui audiuimus, quod in unamquamque urbem rex prefatus occultas miserit epistolas. Secundum quas Angli Dacos omnes, eadem die et eadem hora, uel gladiis truncauerunt inpremeditatos, uel igne simul cremauerunt subito comprehensos. (Greenway 1996, 340)

16. *In 1006, Æthelred II ordered Wulfeah and Ufgeat to be blinded and ealdorman Ælfhelm to be slain.*

Anglo-Saxon Chronicle E (also in C and D)

1006. ... Wulfgeat was deprived of all his property, and Wulfeah and Ufgeat were blinded; and ealdorman Ælfhelm was slain and bishop Cenwulf passed away. (Garmonsway 1972, 136)

Millesimo.vi. ... Wulfgeate wæs eall his are of genumen, 7 Wulfeah 7 Ufgeat wæron ablende, 7 Ælfelm ealdorman wearð ofslagen, 7 Kenulf biscop forðferde. (Irvine 2004, 65)

17. The murder of Sigeferth and Morcar in 1015. This may not have been judicial, however William of Malmesbury mentions the king's involvement and Æthelred quickly confiscates their land upon their deaths.

Anglo-Saxon Chronicle E (also in C and D) (largely contemporary with events)

1015. In this year there was a great council at Oxford, and it was there that ealdorman Eadric betrayed Siferth and Morcar, the chief thanes belonging to the Seven Boroughs, by enticing them into his chamber, where they were basely done to death. The king then confiscated all their property, and ordered Siferth's widow to be seized and brought to Malmesbury. Then, after a short time, prince Edmund came and abducted the woman against the king's will, and made her his wife. Then, before he nativity of St Mary [8 September], the prince proceeded from the west and went north to the Five Boroughs, and thereupon seized all the property of Siferth and Morcar, and the people all submitted to him. (Garmonsway 1972, 145-46)

Millesimo.xv. On þissum geare wæs þet mycele gemot on Oxonaforda, 7 þær Eadric ealdorman beswac Sigeferð 7 Morcær þa yldestan þægenas into Seofonburgum: bepæhte hi into his bure, 7 hi man þærinne ofsloh ungeri<sen>lice, 7 se cyng þa genam eall heora æhta 7 het nimon Sigeferðes lafe 7 gebringon binnon Mealdelmesbyrig. Þa æfter litlum fece ferde Eadmund æðeling to 7 genam þet wif ofer þes cynges willan 7 heafde him to wife. Ða toforan Natiuitas Sancte Marię ferde se æðeling wæston norð into Fifburgum 7 Gerard sona ealle Sigeferðes are 7 Morcares, 7 þet folc eall him to beah. (Irvine 2004, 71-72)

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

ii.179. ... In the following year a great council of both Danes and English gathered at Oxford, at which the king ordered the execution of two very highborn Danes, Sigeferth and Morcar, who had been accused of high treason on information supplied by the traitor Eadric. The king lured them to his dinner-table with flattering messages and there having plied them with wine, had them killed by servants posed for the purpose; the cause of the murder was said to be greed for their estates. Their supporters, trying to avenge their lords' deaths, were defeated and driven into the tower of St Frideswide's church, where, since they could not be driven out, they were burnt to death. Later the king repented, the filth was cleared away and the shrine restored. I have read an account which is contained in the archives of the church as a record of what happened. Sigeferth's wife, a lady of distinguished lineage, was removed to imprisonment at Malmesbury. This caused the king's son Edmund, concealing his intentions, to pay a hasty visit to that part of the world; he saw her, desired her, and got what he desired, having of course avoided telling his father, who was taken no more seriously by his own family than by outsiders. This Edmund's mother was not Emma but some other woman, 'whom fame in darkness hides'. Apart

ii.179. ... Sequenti magnum concilium congregatum est apud Oxenefordum Danorum et Anglorum, ubi rex nobilissimos Danorum, Sigeferdum et Morcardum, interfici iussit, delatione proditoris Edrici perfidiae apud se insimulatos. Is illos fauorabilibus assentationibus deceptos in triclinium pellexit, largiterque potatos satellitibus ad hoc preparatis anima exuit; causa cedis ferebatur quod in bona eorum inhauerat. Clientuli eorum, necem dominorum uindicare conantes, armis repulse et in nturrim aecclesiae sanctae Frideswidae coacti; unde dum eici nequirent, incendio conflagrati. Sed mox, regis penitentia eliminate spurcicia, sacrarium reparatum; legi ego scriptum, quod in archiuo eiusdem aecclesiae continetur index facti. Vxor Sigeferdi Malmesberiam in captionem est abducta, specatbilis nobilitatis femina; quapropter Edmundus regus filius, dissimulate intentione in partes illas iter arripitens, uisam concupiuit, concupitae communionem habuit, sane patris eludens conscientiam, qui domesticis ut alienis esset ridiculo. Erat iste Edmundus non ex Emma natus sed ex quadam alia, quam fama obscurra recondite. Preter illud integer [et] in ceteris predicandae indolis iuuenis, magni roboris et animo et corpore, et propter hoc ab Anglis Ireneside, id est Ferreum latus, nuncupatus, qui patris

from this, he was in other respects an irreproachable young man of notable gifts, of great strength of body and mind, and therefore called by the English 'Ironside'. His father's sloth and his mother's low birth he would honourably have put in the shade by his own prowess, 'had Fate but learnt to spare'. Nor was it long before, on his wife's advice he asked his father for Sigeferth's earldom, which was the largest in Northumbria, and when he did not get it, he seized it by his own efforts, and had no difficulty in persuading the men of the province to accept him. (Mynors et. al. 1998, 311-313)

Henry of Huntingdon, *Historia Anglorum* (c. 1154)

vi. 10. [...] In the fifteenth year [1015] Ealdorman Eadric betrayed the outstanding noblemen, Sigeferth and Morcar: having invited them into his chamber, he had them put to death. (Greenway 1996, 355)

ignauiam, matris ignobilitatem uirtute sua probe premeret, si Parcae parcere nossent. Nec mora, nuptae consilio comitatum Sigeferdi, qui apud Northanimbros amplissimus erat, a patre petatum nec impetratum, suapte industria uendicauit, hominibus eiusdem prouintiae in obsequium eius facile cedentibus. (Mynors et. al. 1998, 310-312)

[...] Anno quinto decimo, dux Edricus prodidit Sifert et Morcere proceres egregios. Vocatus namque in cameram suam fecit occidi. (Greenway 1996, 354)

18. The execution of Uhtred of Northumbria and Thurcytel, son of Nafena, for treason under Cnut in 1016.

Anglo-Saxon Chronicle E (also in C and D) (largely contemporary with events)

1016. ... then prince Edmund rode to Northumbria to earl Uhtred, and everybody imagined that they would collect levies to oppose king Cnut, but they went into Staffordshire and to Shrewsbury and to Chester and harried on their side and Cnut on his. He went through Buckinghamshire into Bedfordshire, thence to Huntingdonshire, along by the fen to Stamford, then into Lincolnshire, and thence into Nottinghamshire, and so to Northumbria towards York. When Uhtred learned of this, he gave up his harrying and hastened northwards, but had of necessity to submit, and all the Northumbrians with him. He gave hostages, but nevertheless he was put to death, and Thurcytel, son of Nafena, with him. Then after this king Cnut appointed Eric as his earl in Northumbria just as Uhtred had been. (Garmonsway 1972, 147-48)

Millesimo.xvi. ... Ða rad se æþeling Eadmund to Norðhymbran to Uhtrede eorl, 7 wænde ælc mann þet hi woldon fyrde somnian ongean Cnut cyng. Ða ferdon hi into Stæffordscire 7 into Scrobbesbyrig 7 to Legeceastre, 7 hergodon hi on heora h\e/alfe 7 Cnut on his, 7 wende him þa ut þurh Buccingahamscire into Beadafordscire 7 þanon to Huntandunscire andlang fennes to Stanforda 7 ða into Lincolnescire, þanon to Snotingahamscire 7 swa to Norðhymbran to Eoforwic weard. Ða (48r) Uhtred geaxode þis, ða forlet he his hergunga 7 efeste norðweard 7 beah þa for nede 7 ealle Norðhymbran mid him, 7 he gislode, 7 hine man ðeahhwæðere ofsloh 7 Þurcytel Nafanan sunu mid him. 7 þa æfter þam se cyng Cnut gesætte Yric into Norðhymbran to eorle eallswa Uhtred wæs... (Irvine 2004, 72-73)

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

ii.180. In that same summer Cnut, having settled affairs in Denmark and made treaties of friendship with the neighbouring kings, came to England with the intention

ii.180. Eadem aestate Cnuto, compositis rebus in Danemarkia, federata cum finitimis regibus amicitia, uenit Angliam, eo animo ut aut uincendum aut

of pursuing either victory or death. From Sandwich therefore he proceeded into Kent and thence into Wessex, defiling everything with fire and slaughter, while the king lay sick at Cosham. Edmund did indeed attempt to stand in his way, but was hampered by Eadric, and kept his forces back for the time being in a safe place. Eadric, however, thinking there was no further need for concealment and that he might as well expose his tricks openly, deserted to Cnut with forty ships, and the whole of Wessex did the same, handing over hostages and weapons. But the Mercians, after frequent meetings, offered their services for the resistance: provided only that the king would come, bringing with him the chief men of London, and tell them in which direction they ought to proceed, they were ready, they said, to shed their blood for their country. The king, whose habit it was to entrust his safety to walls and not to sally forth against the enemy, stayed on in London, and never issued out in any direction for fear, he said, of treachery. Cnut in the mean time was adding cities and towns to his own share, never at rest for a moment, taking counsel by night and fighting by day. Edmund after long deliberation decided that in such an emergency the best he could do was to recover by force of arms the cities which had deserted, and he brought over to the same opinion a certain Uhtred, an earl from across the Humber; for the other cities, who allegiance was still doubtful, would, they thought, be confirmed in their loyalty if heavy penalties were exacted from those who rebelled. But Cnut, whose cunning was no less than theirs, outwitted them with a similar trick: entrusting to his nobles Wessex and that part of Mercia which he had subdued, he himself set off for Northumbria, and by his ravaging of the country forced Uhtred to return to defend his own territory. Thus Uhtred, although he had surrendered, was sentenced with typical barbarian lack of principle to have his throat cut, and his earldom was given to Eric, who later on, when he demanded parity for himself, was expelled from England by Cnut. Having thus got all into his power, he pursued Edmund, who was making his escape on by-roads, and did not give up until he heard that he had reached London and joined his father. He then rested until after Easter, intending to attack the city with all his forces. But his attempt was forestalled by Æthelred's death; for at the beginning of Lent on St Gregory's day he departed this life, a life made for trouble and misery, and lies buried in St Paul's in London. (Mynors et. al. 1998, 313-315)

moriendum sibi proponeret. Itaque a Sandwico Cantiam, inde in Westsaxoniam progrediens, omnia cedibus incendiisque fedabat, rege apud Cosham morbo decumbente. Temptauit quidem Edmundus occurrere, sed ab Edrico prepeditus copias interim tuto loco continuit. At Edricus non ultra dissimulandum ratus, quin artes suas aperta fronte nudaret, ad Cnutonem cum quadraginta nauibus defecit; omnis quoque Westsaxonia datis obsidibus et armis idem fecut. Mertii uero sepe numero congregati se ad resistendum offerebant: ueniret modo rex et quo progrediendum esset preciperet, duceret secum proceres Lundoniae, paratos esse sanguinem suum patriae impendere. Ille solitus salutem suam muris committere, non in hostem exurrere, Lundoniae degebat, propter proditores (ut aiebat) nusquam procedens. Alter interea partibus suis urbes et uicos applicare, nullo tempore feriari, noctibus consultare, diebus pugnare. Edmundus, diu deliberato consilio, in tanta rerum angustia optimum factu arbitratus si urbes quae defecerant pugnando reciperet, in eundem sensum Vhtredum quendam, Transhumbranum comitem, adduxit; ceteras enim, quae adhuc dubio fauore pendebant, confirmandas putabant si de rebellantibus graues penas sumerent. Sed Cnuto, non minori preditus astutia, simili eos ingenio circumuenit; nam commendatis Westsaxonibus et Mertiorum parte quam subiecerat ducibus suis, ipse in Northanimbros profectus depopulatione locorum Vhtredum ad sua defensanda redire coegit. Itaque, licet se dedidisset, barbarica leuitate iussus est iugulari. Comitatus eius datus Iritio, quem postea, aequas sibi partes uendicantem, Cnuto ab Anglia expulit. Ita subiectis omnibus Edmundum, per semetra fugitantem, non prius persequi destitit quam Lundoniam ad patrem peruenisse cognosceret. Tunc usque post Pascha quieuit, ut cum omnibus copiis urbem adoriretur. Sed preuenit conatum eius mors Egelredi; nam in initio Quadragesimae die sancti Gregorii animam laboribus et miseriis natam efflauit. Iacet apud Sanctum Paulum Lundoniae. (Mynors et. al. 1998, 313-315)

Henry of Huntingdon, *Historia Anglorum* (c. 1154):

vi. 11. [...] On the other side Cnut went through Buckinghamshire into Bedfordshire and from there into Huntingdonshire, and thence beside the marshes at Stamford, and thus into Lincolnshire, and then into Nottinghamshire, and thus into Northumbria, towards York. Hearing of this, Uhtred abandoned his pillaging and returned to Northumbria, and of necessity submitted to Cnut, and all Northumbria with him, and he gave hostages, and nevertheless he was put to death there. (Greenway 1996, 355)

[...] Cnut uero ex alia parte iuit ad Vctfred ducem Nordhymbre. Predaueruntque simul in Stafordescyre, et in Scropesbiri, et in Legeceastre. Cnut uero ex alia parte iuit per Bucinghamscyre, in Bedefordscyre, et sic in Huntendonacsyre, et inde iuxta paludes ad Stanforde, et sic in Lincolescyre, et inde in Snotinghehamscyre, et sic in Nordhymbre, erga Eouerwic. Quod audiens, Vctfred dimisit predationem suam, et reuersus est Nordhymbre, et necessitate subditus est Cnut, et cum eo tota Nordhymbre, et necessitate subditus est Cnut, et cum eo tota Nordhymbre, et dedit obsides, et tamen ibi occisus est. (Greenway 1996, 354)

19. *The execution of Eadric Streona (and Northman, Æthelweard and Beorhtric) for treason under King Cnut, in 1017*

Anglo-Saxon Chronicle E (also in C, D, and F) (largely contemporary with events)

1017. ... In this year was ealdorman Eadric slain, and Northman, son of ealdorman Leofwine, and Æthelweard, son of Æthelmær the Stout, and Beorhtric, son of Ælgeat [*recte* Ælfheah] of Devon. And king Cnut banished prince Eadwig, and Eadwig, 'king of the peasants.' (Garmonsway 1972, 155)

Millesimo.xvii. ... 7 on þisum geare wæs Eadric ealdormann ofslagen 7 Norðman Leofwines sunu ealdormannes 7 Æðelword Æðelmæres sunu þæs grætan 7 Brihtric Ælfgetes sunu on Dæfenanscrie. 7 Cnut cyng aflymde ut Ædwig æðeling 7 Eadwig ceorla cyng. (Irvine 2004, 74)

Encomium Emmae Reginae (c. 1041 x 1042)

15. Accordingly, by the divine mercy, Knútr, that active man, assumed the absolute rule of the kingdom, gave splendid appointments to his commanders and followers, and held the kingdom of the English until his death peacefully and uninterruptedly. He was, however, as yet in the flower of youth, but was nevertheless master of indescribable wisdom. It was, accordingly, the case that he loved those whom he had heard to have fought previously for Eadmund faithfully without deceit, and that he so hated those whom he knew to have been deceitful, and to have hesitated between the two sides with fraudulent tergiversation, that on a certain day he ordered the execution of many chiefs for deceit of this kind. One of these was Eadric, who had fled from the war, and to whom, when he asked for a reward for this from the king, pretending to have done it to ensure victory, the king said sadly: "Shall you, who had deceived your lord with guile, be capable of being true to me? I will return to

[15] Ergo miseratione diuina monarchiam regni Cnuto uir strenuous suscepit, et nobiliter duces et comites suos disposuit, et fine tenus deinceps regnum Anglorum pacifice tenuit. Erat autem adhuc primaeva aetate florens sed tamen indicibili prudential ollens. Unde contigit, ut eos quos antea Aedmundo sine dolo fideliter militare audierat diligeret, et eos quos subdolos scierat atque tempore belli in utraque parte fraudulenta tergiuersatione pendentes odio haberet, adeo ut multos principum quadam die occidere pro huiusmodi dolo iuberet. Inter quos Edricus, qui a bello fugerat, cum praemia pro hoc ipso a rege postularet, ac si hoc pro eius uictoria fecisset, rex subtristis, "Qui dominum", inquit, "tuum decepisti fraude, mihine poteris fidelis esse? Rependam tibi condigna premia, sed ea ne deinceps tibi placeat fallatia." Et Erico duce suo uocato, "Huic", ait, "quod debemus persoluito, uidelicet, ne nos decipiat, occidito." Ille uero nil moratus bipennem extulit, eique ictu ualido caput

you a worthy reward, but I will do so to the end that deception may not subsequently be your pleasure.” And summoning Eiríkr, his commander, he said: “Pay this man what we owe him; that is to say, kill him, lest he play us false.” He, indeed, raised his axe without delay, and cut off his head with a mighty blow, so that soldiers may learn from this example to be faithful, not faithless, to their kings. (Campbell 1998, 30-32)

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

ii.181. In the year of our Lord 1017 Cnut began to reign, and he reigned for twenty years. There was no justice in his succession to the throne, but he arranged his life with great statesmanship and courage. In his early days he divided his kingdom into four: the West Saxons for himself, the Mercians for Eadric, the East Anglians for Thurkil, and the Northumbrians for Eric. Edmund's murderers, who had themselves reported the fact in hopes of a large reward, he first kept for a while at his court in concealment, and then produced them before a large public gathering, and after they had openly admitted the treacherous methods they had used, they were duly executed. In the same year Eadric, to whose infamy I cannot do justice, was by the king's command entrapped in his turn by the same trick that he had frequently used in the past to entrap many others, and his disgusting spirit was transferred to hell. High words had arisen as a result of some dispute or other, and Eadric, emboldened by the services he had rendered, reminded the king as though in a friendly fashion of his desert: 'First I abandoned Edmund for you,' he said, 'and then also put him to death out of loyalty to you.' At these words Cnut's expression changed; his face flushed with anger, and he delivered sentence forthwith. 'Then you too,' he said, 'will deserve to die, if you are guilty of high treason against God and myself by killing your own lord and a brother who was in alliance with me. They blood by upon thy head; for thy mouth hath testified against thee, saying that though hast lifted up thy hand against the Lord's anointed.' And then, to avoid a public disturbance, the traitor was strangled in that same chamber and thrown out of the window into the Thames, thus paying the due penalty for his perfidy. (Mynors et. al. 1998, 321)

John Worcester, *Chronicon Chronicis* (c. 1140)

1017 ... In July King Cnut married Ælfgifu, that is Emma King Æthelred's widow, and at Christmas, when he was at

amputavit, ut hoc exemplo discant milites regibus suis esse fideles, non ifideles. (Campbell 1998, 30-32)

181. Anno incarnationis Dominicae millesimo septimo decimo Cnuto regnare cepit, et uiginti annis regnavit, iniuste quidem regnum ingressus sed magna ciuilitate et fortitudine uitam componens; primis diebus regnum in quattor partitus, sibi Westsaxones, Edrico Mertios, Tukillo Orientales Anglos, Iritio Northanimbros. Ac primo interfectores Edmundi, qui ultro spe ingentis premii rem detulerant, apud se interim celatos magna frequentia populi produxit in medium, palamque genus insidiarum professos suplitio affecut. Eodemque anno Edricus, quem digne infamare non possum, iussu regis arte qua multos frequenter circumuenerat ipse quoque conuentus, putidum spiritum transmisit ad inferos. Nam nescio qua simultate orta, dum asperius colloquerentus, ille fidutia meritorum beneficia regi sua quasi amicaliter impropere ait: 'Edmundum pro te primo deserui, post etiam ob fidelitatem tui estinxi.' Quo dicto Cnutoni faties immutata iram rubore prodidit, et continuo prolata sentential 'Merito ergo' inquit 'et tu moriere, cum sis lesae maiestatis reus in Deum et in me, qui dominum proprium et fratrem michi federatum occideris. Sanguis tuus super caput tuum, quia os tuum locutum est contra te quod misisti manus in christum Domini.' Mox, ne tumultus fieret, in eodem cubiculo proditor fauces elisus et per fenestram in Tamensem precipitatus perfidiae meritum habuit. (Mynors et. al. 1998, 320)

1017 ... Mense Iulio rex Canutus derelictam regis Ægelredi reginam Alfgiuam, scilicet Emmam, in coniugium accepit,

London, he ordered the treacherous Ealdorman Eadric to be killed in the palace because he feared that some day he would be entrapped by Eadric's treachery, just as Eadric's former lords Æthelred and Edmund, that is Ironside, were frequently deceived, and he ordered his body to be thrown over the city wall, and left unburied. Ealdorman Northman, son of Earl Leofwine, that is brother of Leofric the ealdorman, and Æthelweard, son of Æthelmær the ealdorman, and Brihtric, son of Ælfheah, governor of Devon, were killed with him, although blameless. The king made Leofric ealdorman in place of his brother Northman, and afterwards held him in great affection. (Darlington and McGurk 1995, 505)

Henry of Huntingdon, *Historia Anglorum* (c. 1154)

vi. 14. A few days after this, King Edmund was treacherously killed at Oxford. This is how he was killed. When the king, fearful and most formidable to his enemies, was prospering in his kingdom, he went one night to the lavatory to answer a call of nature. There the son of Ealdorman Eadric, who by his father's plan was concealed in the pit of the privy, struck the king twice with a sharp knife in the private parts, and leaving the weapon in his bowels, fled away. Then Eadric came to King Cnut and saluted him, saying, 'Hail, sole king!' When he disclosed what had happened, the king answered, 'As a reward for your great service, I shall make you higher than all the English nobles.' Then he ordered him to beheaded, and his head fixed on a stake on London's highest tower. Thus perished brave King Edmund, when he had reigned for one year, and he was buried at Glastonbury next to Edgar his grandfather. (Greenway 1996, 361-63)

Thomas of Marlborough, *History of Evesham Abbey* (first half of the thirteenth century)

[147]. [...] During the first year of his reign (note: 1017), King Cnut had one of the most powerful leading men this land, named Eadric, put to death for reasons best known to himself. Executed along with him and many others of his thegn was an influential man called Northman, brother of Earl Leofric. (Sayers and Watkiss 2003, 155)

ac in Natiuitate Domini, cum esset Lundonie perfidum ducem Edricum in palatio iussit occidere quia timebat insidiis ab eo aliquando circumueniri sicut domini sui priores Ægelredus et Eadmundus, scilicet Ferreum Latus, frequenter sunt circumuenti, et corpus illius super murum ciuitatis proici ac insepultum precepit dimitti, cum quo dux Nortmannus, filius Leofuini ducis, frater scilicet Leofrici comitis, et Atheluardus, filius Agelmari ducis, et Brihtricus, filius Alphegi, Domnanienses satrape, sine culpa interfeci sunt. Leofricum pro Nortmanno suo germano rex constituit ducem, et eum postmodum ualde carum habuit. (Darlington and McGurk 1995, 504)

vi. 14. Edmundus rex, post paucos exhinc dies, prodicione occisus est apud Oxineforde. Sic autem occisus est. Cum rex, hostibus suis terribilis et tremendissimus, in regno floreret, iuit nocte quadam in domum uacuationis ad requisita nature. Vbi filius Edrici ducis in fouea secretaria consilio patris delitescens, regem inter celanda cultello bis acuto percussit, et inter uiscera ferrum fugiens reliquit. Edricus igitur ad regem Cnut ueniens, salutauit eum dicens, 'Aue, solus rex.' Cui cum rem gestam denudasset, respondit ex, 'Ego te ob tanti obsequii meritum, cunctis Anglorum proceribus reddam celsiorem.' Iussit ergo eum excapitari et caput in stipite super celsiorem Lundonie turrim figi. Sic periit Edmundus rex fortis, cum uno anno regnasset, et sepultus est iuxta Eadgar auum suum in Glastingbiri. (Greenway 1996, 360-62)

[...] Ipse igitur rex Cnuto in primo anno regni sui quondam ducem super omnes potentiorem huius terre pro causis quas nouerat fecit occidi, Edricum nomine, cum quo etiam et aliis plurimis militibus suis quidam potens homo Normannus uocabulo, frater uidelicet huius Leofrici comitis, perimitur eius iussione. (Sayers and Watkiss 2003, 154)

20. Execution of three men, and branding of a clerk, for robbery of Holy Cross Abbey, Waltham, 1042 x 1062.

Waltham Chronicle (c. 1177)

24. The theft of the golden vessels.

I have thought it right now to pass on to the miracles which we were privileged to see with our believing eyes, or which we learned from men of authority living at that time had taken place, so that those things which I believe are honourable in the sight of Jesus Christ and are worthy of much praise should not lose their importance through not being heard.

I have seen it written that during the original founding of this church four enemies of the Cross of Christ, tunnelling beneath the church one dark night, stole certain ornaments belonging to it, vessels made of cast silver. They wanted to transfer them to unconsecrated places, but they were so blinded in heart as well as sight that they were utterly prevented from travelling to their intended destination. Throughout the whole of the night they wandered about over trackless, marshy places seeking rest but finding none. When it was morning they reached London, but only with difficulty and guided by a certain traveller. On their entry to the city they happened to meet a man named Theodoric who was the finest craftsman in the city in cast gold and silver work. It was he himself who had made these articles with his own hands. When they displayed their merchandise and asked him how much he was willing to pay for those things he replied that he would shortly return and in his own house meet their demands over the price and its payment.

Meanwhile that prudent man, who was an expert in such works of art, parted from them. He remembered that he had made these articles for use in the church at Waltham at the wish and command of the noble lady Gytha, wife of Tovi the Proud. He therefore called together some neighbours, and agreement was reached on the price of the merchandise set before them. 'You', he said, 'are thieves and robbers; you have cunningly plundered the treasure of Waltham church, for I made these vessels with my own hands and they were presented to the church by the noble lady Gytha. We are in no doubt at all and are not mistaken about this, and these neighbours of mine are witnesses to the fact. You will, therefore, with all haste return these articles which you have stolen to that holy place. These good men from the city will join you, and in their presence you will submit to

xxiii. Qualiter furata erant uasa aurea.

Dignum igitur duximus transire ad miracula que quidem oculis fidelibus uidere meruimus, uel a uiris autenticis illius temporis facta cognouimus, ne uilescent non audita que in oculis Iesu Christi celebra credimus et multa laude digna.

Scriptum legimus quod in primitiua huius ecclesie institutione quatuor | sub furua nocte inimici crucis Christi subfodientes ecclesias ornamenta quedam ecclesie furati sunt, uasa quidem opera fusili ex argento fabricata; que transferre cupientes ad loca non sancta, cecitate cordis necnon et oculorum eo usque obducti sunt ut itinerandi quo disposuerant negaretur eis ex toto facultas, et per totam noctem per deuia et loca aquosa, querentes requiem et non inuenientes, euagarentur. Mane facto, ducatu cuiusdam uiatoris uix perducti sunt Lundoniam in cuius introitu forte fortuitu obuiam habuerunt quendam nomine Theodoricum, in opere fusili auri et argenti totius ciuitatis precipuum, qui et ipse manibus suis ista fabrefecerat; cui exponentes merces suas et quanto eas emere uellet requirentes respondit se cito reuersurum et in domo sua de precio | et precii solutione satisfacturum.

Diuertens interea uir ille discretus et sagax huiusce operum, memor etiam quod hec fabricasset ad opus ecclesie Walthamensis ad nutum et uoluntatem nobilis illius matrone Glithe uxoris Toui le Prude, conuocatis secum quibusdam uicinis, cum conuenisset de precio expositarum mercium, 'Fures estis', inquit, 'et latrones; thesaurum ecclesie Walthamensis furtiue diripuistis, nam et hec eadem uasa manibus meis operata et ecclesie Walthamensi collata per ingenuam matronam Glitham, omni dubietate semota, horum uicinarum meorum testimonio, non ambigimus. Cum omni igitur festinantia furtiua hec reportabitis ad loca sancta, adiunctis uobis de ciuitate hac uiris prudentibus in quorum presentia pro meritis suscipietis commissi talionem, | et dignas reatus uestri penas secundum terre consuetudinem exsoluetis.' Quod ita factum est. Nam primus, qui se clericum confessus est, candenti ferro clauis ecclesie in facie signatus est. Reiiqui capitalem subiere sententiam, et ecclesie Dei restitutum est quod suum erat.

Multa et illius temporis miracula in scriptum non sunt redacta, tum penuria scriptorum, tum segnium socordia

the punishment you deserve for the crime you have committed, paying the proper penalty for your offence in accordance with the custom of the land.' And that is what happened.

The first of them, who confessed to being a clerk, was branded on the face with the red-hot iron of the church key. The others were sentenced to death, and the property of God's church was restored to it. There were many miracles of that time which were not recorded both because of a lack of scribes and also because of the negligence and inactivity of contemporary prelates; indeed, the people of those days, being holy and pure-hearted compared with modern people, took such miracles for granted. In fact, it was to nonbelievers that signs were given rather than to believers, whereas today our weak faith would be wavering were it not for the recent succour we have received in the miracles which have come at last to save us from our latest ills. For example, consider the blessed Thomas, the most recent of martyrs in England who must be considered among the foremost of our archbishops; then consider the condition of our Church as it had been in the time before Thomas' martyrdom and what the death of this holy man later bestowed upon the realm? It was because of him that we received God's mercy and the faculty to recognize clearly that the miracles were not in vain which restored to grace the faith which, in the case of almost all of us, had grown weak and more than usually frail, so that where sin abounded grace might much more abound. There was a great need for the Lord to heal, through the merits of the holy martyr, the serious sickness in His servants resulting from their sins, so that He might reveal how great is His kindness towards His children, and the Church be greatly enriched by His many mercies, a Church which had now been almost consigned to destruction because of the weight of our sins. (Watkiss and Chibnall 1994, 61)

qui tunc aderant prelatorum, gens enim tunc sancta et modernorum respectu immaculata pro facili ducebant talia. Signa enim infidelibus, non fidelibus, data sunt; uacillaret nanque ad presens tenuis fides nostra, nisi nouis morbis nostris superuenientibus quandoque miraculis, noua accederent remedia. Exemplum placeat. Deducatur in medium beatus ille Thomas, | extremus quidem martirum in Anglia, set inter precipuos primitiuorum computandus; deducatur in medium status ecclesie ante passionem eius qualis fuerit apud nos, quid postea contulerit regno mors sancti uiri, et propter illum Dei miseratio et manifeste quis poterit agnoscere non inania fuisse miracula que fidem pene omnium extenuatam et plus solito uacillantem reduxerunt ad gratiam, ut ubi diffusius habundauerat peccatum, superhabundaret et gratia. Vigebat enim necessitas ut meritis sancti martiris grauiorem dominus in seruis suis peccatorum languorem curando quante sit benignitatis in filios manifestaret, et incrementis crebrescentibus miserationum suarum fecundaretur ecclesia que iam pene in exterminium, peccatis nostris | exigentibus, erat deuoluta. (Watkiss and Chibnall 1994, 60)

21. *The execution and forfeiture of a smith was recorded in the Domesday Book, dating to before its compilation in 1086.*

Domesday Book ii.f.2- 2v (Essex 1:3) (1086)¹⁶⁹

HALF-HUNDRED OF HARLOW

Harold held Hatfield [Broad Oak] TRE as 1 manor and as 20 hides. [There were] then 51 villans; now 60. [There were] then 19 bordars; now 30. [There were] then 20 slaves; now 22. [There were] then 9 ploughs in demesne; now 8 and 3 horses, 40 head of cattle, 195 pigs and 200 sheep less 7. The man [had] the 40 loughs, now 31 1/2, and this loss was in the time of all the sheriffs and through the plague. [There is] woodland for 800 pigs [and there are] 120 acres of meadow. [There is] pasture which renders 9 wethers to the manor and 41 acres for ploughing. To the church of this manor belonged 1 hide and 30 acres which Swein took away from it after he lost the shrievalty, and this land rendered customary dues to this manor. There also belonged to this manor 1 sokeman with half a hide TRE, which G[eoffrey] de Mandeville took away from it. To this land belongs 1 villan with 1 acre which Count E[ustace] holds and [which is] worth 4d., and 30 acres which a smith, who was put to death for theft, held TRE and [thereupon] the king's reeve added that land to this manor. And [there are] 40 acres of woodland which King Edwar's reeve held, and Osmund d'Anjou disseised the king's reeve and the manor of the land and the woodland. Robert Gernon now holds [them]. Half a hide which 1 sokeman held TRE R[obert] Gernon now holds. In addition to this, 3 berewicks were attached to this manor TRE, Hertford, Amwell and Hoddesdon, lying in Hertfordshire which Ralph de Limesy now holds. And [there is] 1 sokeman with 30 acres always belonging to this manor and the manor was then worth £36, now £60; the sheriff receives from it £80 and 100s in exactions. And the 3 berewicks were then worth £12 and the lands of the sokemen [are worth] 45s. [There is] woodland for 40 pigs. Later we recovered half a hide which 1 sokeman of Harold's held TRE; not Ralph de Marcy it in the fief of Hamo. Then it was worth 10s.; now 7. (Williams and Martin 1992, 970)

ANGLO-NORMAN RECORDS

22. *In 1071, Bishop Æthelwine is imprisoned for treason, and dies there, while others in the revolt are imprisoned or mutilated*

John of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1071] ... Lanfranc and Thomas went to Roman and received the pallium from Pope Alexander. Earls Edwin and Morkar fled secretly from the king's household because he wanted to place them in custody, and they rebelled against him for some time. When they saw that their undertaking had ended unsuccessfully, Edwin decided to go to Malcolm, king of the Scots, but on his journey he was ambushed by his followers and slain. Morkar indeed, Æthelwine, bishop of Durham, and

[1071]... Lanfrancus et Thomas Romam iuerunt, et ab Alexandro pap pallium susceperunt. Comites Eduuinus et Morkarus, quia rex Willelmus eos in custodiam ponere uoluit, latenter e curia eius fugerunt, et aliquandiu contra illum rebellauerunt. Verum ubi quod ceperunt, sibi non prospere cessisse uiderunt, Eduuinus regem Scottorum Malcolmum adire decreuit; sed in ipso itinere a suis insidias perpessus occiditur. Morkarus uero, et Aegeluinus, Dunholmensis episcopus, et Siuuardus,

¹⁶⁹ An edition of the original text could not be found.

Siward, called Barn, and the most vigorous Hereward with many others sailed to the island of Ely, intending to spend the winter there. But on learning of this, the king with his buscarls, blocked all exits to the eastern shore of the island, and ordered a two-mile-long bridge to be built on the western shore. Seeing that they were surrounded, the rebels stopped resisting and surrendered to the king, except for the valiant Hereward who fled with a few men through the fens. William immediately sent Bishop Æthelwine to Abingdon and placed him in custody, and there the bishop ended his life that same winter. Of the earl and the others scattered about England, some he imprisoned, some he allowed to go free after their hands had been cut off or their eyes gouged out. (McGurk 1998, 18-21)

cogomento Barn, et Hereuardus uir strenuissimus, cum multis aliis, Heli insulam nauigio petierunt, in ea hiemare uolentes. Sed hoc audito, rex cum butsecarlis in orientali plaga insule omnem illis exitum obstruxit, et ponem in occidental duum miliariorum longum fieri iussit. At illi, ubi se uiderunt sic esse conclusos, repugnare desistebant; et omnes, except Hereuardo uiro strenuissimo, qui per paludes cum paucis euasit, regi se dedebant; qui mox episcopum Aegeluuinum Abbandoniam missum in custodiam possuit, ubi in ipsa hieme uitam finiuit. Comitum uero ceterosque per Angliam diuisos, partim custodie mancipauit, partim minibus truncates uel oculis erutis, abire permisit. (McGurk 1998, 18-21)

23. Some of the Bretons who took part in the 1075 Norwich wedding rebellion were blinded by William I. Others were killed or mutilated during the rebellion.

Anglo-Saxon Chronicle Manuscript E (also in D) (largely contemporary with events)

1075. In this year king William gave the daughter of William fitz Osbern in marriage to earl Ralph: this same Ralph was a Breton on his mother's side, and Ralph his father was English, and was born in Norfolk. The king gave his [Ralph's] son the earldoms of Norfolk and Suffolk. He then brought his bride of Norwich.

There that bridale
Led men to bale.

Earl Roger was present at the wedding, together with earl Waltheof and bishops and abbots; and they plotted to depose the king, from the realm of England. The details of the scheme were soon made known to the king in Normandy. Earl Roger and Earl Ralph were the principals in the foolish plot, and they won over the Bretons to their side, and sent east to Denmark for a pirate host to support them. Roger went west to his earldom and gathered his people together with the inhabitants of the country, opposed him, with the result that he accomplished nothing, but had to take ship at Norwich. His wife remained in the castle, which she held until she was given safe conduct, whereupon she left England with all her followers who wished to accompany her. The king returned thereafter to England and seized his kinsman, earl Roger, and imprisoned him. Earl Waltheof was also

Millesimo.lxxv. On þisum gears Willelm cyng geaf Raulfe eorle Willelmes dohtor Osbearnes sunu. 7 se ylca Raulf wæs bryttisc on his moder healfe, 7 his fæder wæs englic, Raulf hatte, 7 wæs geboren on Norðfolce. Þa geaf se cyng his sunu bone eorldom on Norðfolc 7 Suðfolc, þa lædde he þet wif to Norðwic:

þær wes þet brydeala mannum to beala.

Ðær wæs Roger eorl 7 Walþeof eorl 7 biscopas 7 abbotes, 7 ræddon þær swa þet hi woldon bone cyng gesettan ut of Englelandes cynedome; 7 hit wearð sona gecydd þam cyng to Normandige hu hit wæs geræd. Þet wæs Roger eorl 7 Raulf eorl þe wæron yldast to ðam unreode, 7 hi speonan þa Bryttas heom to 7 sendon east to Denmearcan zefter seiphere heom to fultume. 7 Roger ferde west to his eorldome 7 gegaderode his folc to þæs cynges unþearfe, ac he wearð gelet. 7 Raulf eac on his eorldome wolde forðgan mid his folce, ac þa castelmen þe wæron on Englande 7 eac þet landfolc him togeanes comen 7 gemacodon þet he naht ne dyde, ac for to scipe æt Norðwic. 7 his wif wæs innan þam castele 7 hine heold swa lange þet man hire grið sealde, 7 heo ut ferde þa of Englande 7 ealle hire menn þe hire mid woldon. 7 se cing syððan com to Englande 7 genam Roger eorl his mæg 7 gefestnode hine, 7 Walþeof eorl he genam eac.

arrested.

...

The king spent Christmas at Westminster, and there all the Bretons who attended that bridal at Norwich were ruined:

Some of them were blinded,
Some of them were banished.
So all traitors to William
Were laid low.

(Garmonsway 1972,210-12)

(61f) 7

... 7 se wæs on Westmynstre þone midewinter, 7 man forðyde þær ealle þa Bryttas þe wæron æt þam brydealoð æt Nordwīc:

sume hy wurdon ablænde 7 sume of lande adrifene,
swa wurdon Willelmes swican geniðrade.

(Irvine 2004, 90-91)

John of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1074]... Roger, earl of Hereford, son of William, earl of the same county, gave his sister in marriage to Ralph, earl of the East Angles, in contravention of King William's orders. Celebrating in the place called Exning, they formed there a large conspiracy against King William with the agreement of many. They forced Earl Waltheof, who had been trapped by their wives, to join the plot. As soon as he could, Waltheof went the Lanfranc, archbishop of Canterbury, and received absolution from him for the oath into which he had entered unwillingly, and on Lanfranc's advice, he went straightaway to King William in Normandy. Relating the whole business from beginning to end, he gave himself up to William's mercy. In order to carry out the plan which they had hatched, the said leaders of the conspiracy returned to their castles, and began with every effort and with their followers to activate the rebellion. But Wulfstan, bishop of Worcester, with a great force and Æthelwig, abbot of Evesham, with his, and with the assistance of Urse, sheriff of Worcester, and Walter de Lacy with huge forces and a great multitude of people, prepared to oppose the earl of Hereford's crossing of the Severn and his meeting with Earl Ralph and his army at the agreed place. When Earl Ralph had encamped near Cambridge Odo, Bishop of Bayeux, the king's brother, and Geoffrey, bishop of Coutances, assembled a large force of English and Normans and prepared for battle. Earl Ralph, seeing that his plans had been balked, and fearing the size of the forces opposing him, fled in secret to Norwich. He entrusted the castle to his wife and his knights, embarked on a ship, and fled from England to Brittany. His enemies pursued him as he fled and either put to death or mutilated in various ways all those they were able to capture. The magnates besieged the castle for some time until the king granted a peace which allowed the countess and her followers to leave England. After this the king

Herefordensis come Rogerus, filius Willelmi eiusdem page comitis, East Anglorum comiti Rodulfo, contra preceptum regis Willelmi, sororem suam coniugem tradidit, nuptiasque per magnificas cum plurima multitudine optimatum in Grantebrycgensi prouincia, in loco qui Yxninga dicitur, celebrantes, magnam coniurationem, plurimis assentientibus, contra regem Willelmum ibi fecerunt; comitemque Waltheofum suis insidiis preuentum, secum coniurare compulerunt. Qui mox ut potuit, Landfrancum Dorubernensem archiepiscopum adiit, penitentiamque ab eo pro facto licet non sponte sacramento accepit, eiusque consilio regem Willelmum in Normannia degentem petiit, eique rem ex ordine gestam pandens, illius misericordie ultro se dedit. Verum illi supra memorati coniurationis principes, ceptis operam daturi, sua castella repetiere, reballationemque adoriri omni conatu cum suis fautoribus coepere. Sed Herefordensi comiti, ne, Sabrina transuadato, Rodulfo comiti ad locum destinatum cum suo exercitu occurreret, restitit Wlstanus Wigornensis episcopus cum magna military manu, et Aegeluuus Eoueshemnensis abbas cum suis, asscitis sibi in adiutorium Vrsone uiceomite Wigorne, et Waltero de Laceio, cum copiis suis, et cetera multitudine plebis. At uero Rodulfo comiti prope Grantebrycgeiam castrametanti, Odo Baiocensis episcopus, frater regis, et gosfridus Constantiensis episcopus, congregata magna copia, tam Anglorum quam Normannorum, ad bellum parati occurrent. Ipse autem suos conatus infirmari cernens, multitudinem resistentium ueritus, ad Northuic clanculo refugit, et castello sue conigui militibusque suis commendato, ascensa nauī de Anglia ad minorem Brytanniam fugit: quem fugientem aduersarii illius insecuti, omnes quos de suis comprehendere poterant uel interemerunt, uel diuresis modis debilitauerunt. Dein principes castellum tamdiu

returned from Normandy in the autumn. He imprisoned Earl Roger and placed in custody Earl Waltheof even though he had sought mercy from him. ... The following Christmas, the king held his court at Westminster, and of those who had raised their heads against him, some he exiled from England, and others he disgraced by gouging out their eyes or cutting off their hands. He kept in closer confinements the earls Waltheof and Roger who had been judicially condemned. (McGurk 1998, 25-27)

obsederunt, quoad pace data permissu regis, comitisse cum suis exire de Anglia liceret. His gestis, rex autumnali tempore de Normannia rediens, comitem Rogerum in custodia posuit; comitem etiam Waltheofum, licet ab eo misericordiam expetierat, custodie tradidit. Edgitha, regis Haroldi germana, quondam Anglorum regina, Decembri mense .xiiii. kal. Ian. Decessit Wintonie; cuius corpus regis iussu Lundeniam delatum, iuxta corpus domini sui regis Eaduardi honorifice est in Westmonasterio tumulatum; ubi rex proxima Natiuitate Domini curiam suam tenuit, et ex eis qui contra illum ceruicem erexerant, de Anglia quosdam exlegauit, quosdam erutis oculis, uel minibus truncates, deturpauit. Comites uero Waltheofum et Rogerum, iudiciali sententia dampnatos, artiori custodie mancipauit. (McGurk 1998, 24-26)

Orderic Vitalis's *Historia Ecclesiastica* (c. 1114-1137)

Two powerful English earls, Roger of Hereford and his brother-in-law Ralph of Norwich, plotted together to stir up rebellion, wrest the realm of England from King William, and assume authority - or rather tyranny - over it. To this end they fortified their castles, prepared weapons, mustered their knights, and sent messengers to all far and near whom they trusted, using prayers and promises to persuade potential supporters to help them. ... urging each other to undertake the treachery they had conceived, the conspirators sought the earl of Northampton and tempted him with such reasoning as this: 'See, gallant lord, now is the appointed hour for you to recover your lost fiefs and take just vengeance for the injuries you have suffered. Join our party and stand with us; we can promise you a third part of England. We wish to restore all the good customs that the realm of Albion enjoyed in the time of the virtuous King Edward. One of us shall be king and the other two dukes; and so all the honors of England shall be subject to the three of us. William is overwhelmed by countless wars overseas, and we know for certain that he will never return to England. Come, noble lord: respect the counsels that hold out the greatest hope for you and your descendants, and will bring salvation to your people, now sunk in slavery.'

Waltheof replies: 'In such affairs the greatest caution is necessary; and every man in every country owes absolute loyalty to his liege lord. King William has lawfully received the oath of fealty which I his vassal rightly swore, and has given his niece to me in marriage as a pledge of lasting loyalty. He has given me a rich earldom and counted me among his closest friends. How can I be

Verum eodem tempore alia tempestas grauissima orta est, quæ seua nimis et damnosa multis in Anglia facta est. Du potentissimi Anglorum comites Rogerius Herfordensis, et sororius eius Radulfus Nortwicensis, partier decreuerunt ut palam rebellarent et principatu assumerent. Castella igitur sua certatim affirmant arma præparant, milites aggregant uicinis et longinquis in quibus confidebant, legatos suos frequenter destinant et in suum adminiculum quoscumque possunt promissis et precibus inuitant. [...] et sese ad concupitum nefas omnimodis cohortantes Gualleum Northamptonie comitem ad colloquium accersiunt, et multis eum modis temptantes talia promunt, 'Ecce peroptatum tempus O strenue uir modo uides ut tibi recuperes exemptos honores, et accipias iniuriis tibi nuper illatis debitas ultiones. Adquiesce nobis et indesinenter inhere et terciam partem Angliæ nobiscum sine dubio poteris habere. Volumus enim ut status regni Albionis redintegretur omnimodis sicut olim fuit tempore Eduardi piissimi regis. Vnus ex nobis sit rex et duo duces et sic nobis tribus omnes Anglici subicientur honores. Guillelmus innumeris bellorum ponderibus transmare prægrauatus est et pro certo scimus quod in Angliam ulterius rediturus non est. Eia nobilis heros, consultus oberua tibi generique tuo commofissimos, omnique genti tuæ quæ prostrate est salutiferos.'

Walleus respondit, 'Maxima in talibus negociis cautela necessaria est et integra fides in omnibus gentibus ab omni homine domino suo seruanda est. Guillelmus res fidem meam ut maior a minori iure receipt ac ut ei semper fidelis existerem in matrimonium michi meptem suam copulauit. Locupletam quoque comitatum michi

unfaithful to such a lord, unless I utterly desecrate my faith? I am known all over the country, and it would cause great scandal if - which Heaven forbid - I were publicly proclaimed a sacrilegious traitor. No good song is ever sung of a traitor. All peoples brand apostates and traitors as wolves, and consider them worthy of hanging and - if they can - condemn them to the gallows with every king of ignominy and insult. Achitophel and Judas committed the crime of treachery, and both took their own lives by hanging themselves, as men unworthy of either earth or heaven. The law of England punishes the traitor by beheading, and deprives his whole progeny of their just inheritance. Heaven forbid that I should stain my honour with the guilt of treachery, and that such shame should be voiced abroad about me. The Lord God, who delivered David out of the hand of Goliath and of Saul, Adarezer, and Absalom, has by his grace delivered me also from many dangers by sea and land. To him I commend myself in all faith; and in him I faithfully hope that I may never be guilty of treachery in my life nor imitate the apostasy of the fallen angel Satan.'

When Ralph the Breton and Roger heard these words they were bitterly disappointed and bound him by a terrible oath not to reveal their conspiracy. Not long afterwards the rebellion they had plotted broke out all over England and the king's servants met with open opposition everywhere. William of Warenne and Richard of Bienfait, son of Count Gilbert, whom the king had appointed among his chief ministers for all business in England, summoned the rebels to the king's court. They, however, scorned the summons, preferring to continue in their evil ways, and joined battle with the king's men. Without delay William and Richard mustered the English army and engaged in a hard-fought battle with the rebels in a plain called *Fagaduna*. Holding their ground they won the field by God's help, and left their mark on all prisoners of whatever rank by cutting off their right foot. They pursued Ralph the Breton to his castle, but could not capture him. Then concentrating their forces they besieged and attacked Norwich, encouraging their friends by their bravery and military skill, and harrying their besieged foes by continual assaults with every kind of engine of war. For three months they continued their relentless pressure, wearing out the enemy. The avenging army was daily strengthened by reinforcements, and an abundant supply of food and other necessities was provided for all their needs so that they could continue the siege indefinitely. When Ralph of Gael realized that

donauit et inter suos familiars conuiuas connumerauit. Et tanto principi qualiter indius esse queam, nisi penitus mentiri uelim fidem mean? In multis notus sum regionibu et magnum quod absit fiet dedecus, si publice diuulger ut proditor sacrilegus. Nusquam de traditore bona cantio cantanta est. Omnes gentes apostatam et proditorem sicut lupum maledicunt, et suspendio dignum iudicant et opprimunt et si fors est patibulo cum dedecore multisque probris affigunt. Achitpphel et Iudas traditionis scelus machinati sunt parique suspensionis supplicio nec caelo nec terra digni semetipsos peremerunt. Anglica les capitis obruncatione traditorem multat omnemque progeniem eius naturali hæreditate omnino priuat. Absite ut mea nobilitas maculetur proditione nefaria et de me tam turpis per orbem publicetur infamia. Dominus Deus qui Daud de manu Goliæ et Saulis, Adadezer et Absalon potenter liberauit me quoque de multis periculis in mari et in arida gratuito eripuit. Ipsi me fideliter commendo, et in ipso fiducialiter spero quod traditionem in uita mea non faciam, nec angelo Sathanæ similis efficar per apostasiam.

Radulfus igitur Brito atque Rogerius hæc audientes ualde contristati sunt eumque coniuratione terribili ne consilium eorum detegeret constrinxerunt. Non multo post coniurata rebellion per regions Angliæ subito erupit et manifesta contradiction contra regales ministros late processit. Guillelmus itaque de Guarenna et Ricardus de Benefacta filius Gisleberti comitis, quos rex præcipuos Anglia: iusticiarios constituerat in regni negotiis rebellantes conuocant ad curiam regis. Illi uero præceptis eorum obsecundare contempnunt sed protcruiam prosequi conantes in regios satellites præliari eligunt. Nec mora Guillelmus et Ricardus exercitum Angliæ coadunant acriterque contra seditiosos in campo qui Fagaduna dicitur dimicant. Obstantes uero uirtute Dei superant et omnibus captis cuiuscumque conditionis sint dextrum pedem ut notificentur amputant. Radulfum Britonem ad castrum suum fugientem persequuntur sed comprehendere nequeunt. Conglobata deinceps multitudine Northguicum obsident et impugnant, socios fortitudine et industria militari corroborant et crebris assaultibus uariisque machinationibus inclusos hostes circumdant, et per tres menses importune premunt et fatigant. Vindex deforis exercitus cotidie crescit et confortatur et copia uictus aliarumque rerum eis ne deficientes abscedant abunde administratur. Radulfus autem do Guader ut sese sic inclusione constrictum uidit, et nullum adiutorium a suis complicibus sperauit

he was shut in without hope of receiving any help from his accomplices, he entrusted the defence to a loyal garrison and himself took to the sea near by and boarded a ship to seek help in Denmark. Meanwhile the king's ministers, William and Richard, urged the garrison of the town to surrender and sent messengers post-haste across the sea to tell the king of these events and implore him to return with all speed to the defence of his kingdom.

(Chibnall 1990, 311-19)

Henry of Huntingdon's *Historia Anglorum* (c. 1154)

[vi. 34.] In King William's ninth year [1075], Ralph, to whom the king had given the earldom of East Anglia, laid a plan, together with Earl Waltheof and Roger, son of William FitzOsbern, to drive the king out of the kingdom. Earl Ralph married Roger's sister, and at the wedding they spoke out about this treason. The nobles of the realm opposed him stoutly. So taking ship at Norwich, Ralph withdrew to Denmark. When the king returned to England, he sent Earl Roger, his kinsman, to prison. But he had Earl Waltheof beheaded at Winchester, and he was buried at Crowland. Of the rest who had been present at the treacherous wedding, he banished many and had many others blinded. ... (Greenway 1996, 399]

munitionem suam fidis custodibus caute commisit, et ipse proximum mare ingressus Daciam pro auxiliis nauigio adiit. Interea uicarii regis Guillelmus et Ricardus municipes oppidi ad deditionem coartant, et regem cito missis transpontum nunciis pro suprascriptis motibus accelerant ut uelociter redeat ad sui tuitionem regni obsecrant. (Chibnall 1990, 311-19)

Willelmi regis anno nono, Radulfus, cui rex consulatum Estangle dederat, regem a regno expellere precogitauit, consilio Walthef consulis et Rogeri, qui fuit filius Willelmi filii Osberti. Cuius sororem consul predictus duxit, et in ipsis nuptiis hanc prodicionem prolocuti sunt. Proceres uero regni ei uiriliter obstiterunt. Vnde ipse, naues introiens apud Nordwic, recessit in Daciam. Rex autem rediens in Angliam, Rogerum consulem cognatum suum misit in carcerem. Sed Walthef consulem decollari fecit apud Winceastre, et sepultus est apud Crulande. Ceterorum uero qui nuptiis prauis interfuerant, multos fugauit, multos oculis priuauit. (Greenway 1996, 398)

24. *Earl Waltheof was beheaded in 1076 for taking part in a conspiracy plot against William the Conqueror (see no. 24 above).*

Anglo-Saxon Chronicle Manuscript E (also in D) (largely contemporary with events)

1076. ... Earl Waltheof was beheaded at Winchester, and his body conveyed to Crowland. (Garmonsway 1972, 213)

Millesimo.lxxvi. ... Wal þeof eorl \wes/ beheafod on Winceastre, 7 his lic wearð gelead to Crulande. (Irvine 2004, 91)

Orderic Vitalis's *Historia Ecclesiastica* (c. 1114-1137)

When the tireless king received these reports from his men he quickly settled affairs in Normandy and Maine, and leaving everything in excellent order sailed at once to England. After summoning all the magnates of the kingdom to his court he warmly praised the men who had kept the law and remained true to him, and formally asked the fomenters and supporters of rebellion why they preferred iniquity to justice. The garrison of Norwich made peace and surrendered to the king, and Ralph of

Impiger igitur rex ut legationes suorum audiuit, Normannicas et Cænomannicas res prouide disposuit et omnibus optime locates in Angliam celeriter transfretauit. Qui postquam omnes ad curiam suam regni proceres conuocauit legitimos heroes et in fide probatos blandis affatibus lætificauit, rebellionis autem inctores et fautores cur mallent nefas quam iusticiam rationabiliter interrogauit. Custodibus regi pacificatis Norguicum redditum est et Radulfus do Guader comes

Gael earl of Norwich forfeited his English fiefs. So he was forced into exile; and returning to Brittany with his wife took up his patrimony, which the English monarch had no power to confiscate. In Brittany he was lord of the two strong fortresses of Gael and Montfort, and his children hold them by hereditary right to this day. He himself many years later, in the time of Pope Urban, took the cross and set out for Jerusalem with Robert the second, duke of Normandy, to fight against the Turks; as a pilgrim and penitent following the way of God he died, together with his wife.

However, Earl Roger obeyed the summons to the king's court, and when questioned could not deny the treachery that was plain for all to see. Consequently he was judged by the laws of the Normans, and condemned to perpetual imprisonment after forfeiting all his earthly goods. Even in prison he continued to abuse the king in many ways, and give him still greater offence by his provocative behaviour. For once, whilst the Christian populace was reverently celebrating the Easter feast, the king sent honourable servants with a store of valuable garments to Earl Roger in his prison; whereat he commanded that a huge pyre should be prepared and the royal finery—cloak and silken tunic and mantle of ermine skins from distant parts—burned at once. At the news of this the king exclaimed in wrath, 'It is a proud man who insults me in this way ; but by God's glory he shall never leave my prison as long as I live.' The king's sentence was so lasting that even after the king's death nothing but death released him from his fetters. His sons Reginald and Roger became some of the best soldiers in the service of King Henry ; and are still awaiting his pardon which seems to them in their bitter conflicts too long delayed.

[...]

Earl Waltheof was summoned before the king and accused, on the deposition of his wife Judith, of being a party to the conspiracy and proving unfaithful to his lord. He, however, fearlessly and openly admitted that he had learned from the traitors of their infamous intention, but had refused to give them any support in such a shameful affair. Judgement was demanded on the grounds of this confession: but as the judges could not agree among themselves a decision was postponed several times and delayed a year. During this time the brave earl was kept in the king's prison at Winchester, where with tears and lamentations he repeatedly confessed his sins to holy bishops and abbots. There for the space of a year he did penance as the priests advised chanting to God daily the

Nortguici de Anglia perpetualiter exhereditatus est. Expulsus itaque cum uxore sua Britanniam repetiit patrium ius quod ei sceptriger Anglicus auferre non potuit. Ibi Guader et Monsfortis optima castella eius dicioni subiacent quæ liberi eius hereditario iure usque hodie possident. Ipse autem post multos annos tempore Urbani papæ crucem Domini suscepit, et cum Rodberto secundo Normannorum duce contra Turcos Ierusalem perrexit, et in uia Dei pœnitens et peregrinus cum uxore sua obiit.

Rogerius uero comes ad curiam regis uocatus uenit et inquisitus manifestam toti mundo proditorem negare non potuit. Igitur secundum leges Normannorum iudicatus est et amissa omni hæreditate terrena in carcere regis perpetuo damnatus est. Ibi etiam regi multoties nequiter detraxit et contumacibus actis implacabiliter regem offendit. Nam quondam dum plebs Dei Paschale festum congrue celebraret, et rex structum preciosarum uestium Rogerio comiti per idoneos satellites in ergastulo mitteret ille piram ingentem ante se iussit præparari, et ibidem regalia ornamenta clamidem sericamque interulam et renonem de preciosis pellibus peregrinorum murium subito comburi. Quod audiens rex iratus ait, 'Multum superbus est qui hoc michi dedecus fecit sed per splendorem Dei de carcere meo in omni uita mea non exhibit. Sententia regis tam fixa permansit quod nec etiam post mortem regis ipse nisi mortuus de uinculis exiit. Rainaldus et Rogerius filii eius optimi tirones Henrico regi famulantur et clementiam eius quæ tardissima eis uisa est in duris agonibus præstolantur.

[...]

Gualleus comes ad regem accersitus est at per delationem Iudith uxoris suae accusatus est quod prædictæ proditoris conscius et fautor fuerit, dominoque suo infidelis extiterit. Ille autem intrepidus palam recognouit, quod proditorum nequisimam uoluntatem ab eis audierit, sed eis in tam nefanda re nullum omnino assensum dederit. Super hac confessione iudicium indagatum est et censoribus inter se diuersa sentientibus per plures inducias usque in annum protelatum est. Interea præfatus heros apud Guentam in carcere regis erat, et multoties peccata sua defiebat quæ ibidem religiosis episcopis et abbatibus sepe flens enarrabat. Spacio itaque unius anni iuxta sacerdotum consilium pœnituit et cotidie centum quinquaginta psalmos Dauid, quos in infantia didicerat in oratione Deo cecinit." Erat idem uir corpore magnus at elegans largitate et audacia multis milibus præstans. Deuotus Dei cultor, sacerdotum

hundred and fifty psalms of Davis which he had learned in childhood. He was a handsome man of splendid physique, exceptional for his generosity and courage: a devoted Christian who showed humble obedience to all priests and monk and truly loved the Church and the poor. On account of these spiritual virtues and many others in which he surpassed most laymen he was dearly loved by his own subjects and by god-fearing men everywhere; and it was generally supposed during the year's delay that he would be released from imprisonment. But a powerful group of his enemies met in the king's court and after long discussion judged him worthy of death because he had given tacit consent to his companions in their plot to kill their lord and had neither resisted their attempt to destroy their master nor openly revealed the conspiracy. Without delay the Normans, who coveted the wealth and wide fiefs of Waltheof and were deeply concerned lest he should escape, led him out of the town of Winchester early in the morning whilst the people slept, and took him up the hill where the church of St Giles, abbot and confessor, now stands. There he piously divided among the clergy and poor who happened to be present the rich garments which he wore as an earl, and prostrating himself on the ground gave himself up for a long time to prayer, with weeping and lamentation.

But since the executioners feared that the citizens would wake and prevent them carrying out the royal will, and show sympathy for their noble fellow countryman by murdering the royal guards, they addressed the prostrate earl in these words: 'Get up,' they said, 'so that we may carry out our lord's orders.' To this he replied, 'Wait a little longer, for the love of almighty God, at least until I have said the Lord's prayer on your behalf and mine.' As they agreed he rose, and kneeling with his eyes raised to heaven and his hands stretched out he began to say aloud, 'Our Father, which art in Heaven'. But when he reached the last sentence and said, 'And lead us not into temptation,' such tears and lamentations broke from him that he could not finish his prayer. The executioner refused to wait any longer, but straightway drawing his sword struck off the earl's head with a mighty blow. Then the severed head was heard by all present to say in a clear voice, 'But deliver us from evil, Amen.' This was the manner in which Earl Waltheof was executed at Winchester on the morning of 30 April, his body being flung unceremoniously into a ditch and hastily covered with freshly cut turf. As the citizens woke and heard the sad story they were plunged into mourning, and men and women alike loudly bewailed the fate of Earl Waltheof. A

et omnium religiosorum supplex auditor æcclesie pauperumque benignus amator. Pro his et multis aliis karismatibus quibus in ordine laicali specialiter fruebatur, a suis et ab exteris qui Deo placita diligere norunt multum diligebatur et ereptio eius a uinculis in annua procrastinatione omnimodis expetebatur. Denique praeualens concio emulorum eius in curia regali coadunata est eumque post multos tractatus reum esse mortis deffinitum est qui sodalibus de morte domini sui tractantibus consenserit, nec eos pro erili exitio perculerit nec aperta delatione scelerosam factionem detexerit. Nec mora Gualleuus a Normannis qui euasionem eius ualde timebant sibi que prædia eius et largos honores adipisci cupiebant, extra urbem Guentam mane dum adhuc populus dormiret ductus est in montem ubi nunc æcclesia sancti Egidii abbatis et confessoris constructa est. Ibi uestes suas quibus ut consul honorifice indutus processit clericis et pauperibus qui forte aderant ad hoc spectaculum deuote distribuit, humoque procumbens cum lacrimis et singultibus Dominum diutius exorauit.

Cumque carnifices trepidarent, ne ciues exciti praeceptum regis impedirent et tam nobili compatriotæ suo suffragantes regios lictores trucidarent, 'Surge' inquit prostrato comiti 'ut nostril compleamus iussum domini.' Quibus ille ait, 'Paulisper expectate propter omnipotentis Dei clementiam saltem ut dicam pro me et pro uobis orationem dominicam.' Illis autem permittentibus surrexit et flexis tantum genibus oculisque in cœlum fixis et manibus tensis 'Pater noster qui es in cœlis' palam dicere cepit. Cumque ad extremum capitulum peruenisset, 'Et ne nos inducas in temptationem' dixisset uberes lacrimæ cum eiulatu proruperunt, ipsumque preces inceptas concludere non permiserunt. Carnifex autem ulterius præstolari noluit sed mox exempto gladio fortiter feriens caput comitis amputauit. Porro caput postquam præsectum fuit cunctis qui aderant audientibus clara et articulate uoce dixit, 'Sed libera nos a malo amen.' Sic Gualleuus comes apud Guentam ii. kal. maii mane decollatus est ibique in fossa corpus eius uiliter proiectum est et uiridi cespite festinanter coopertum est. Expergefacti ciues compertis rumoribus ualde contristati sunt uirique cum mulieribus ingentem planctum de casu Gualleui comitis egerunt. Post quindecim dies rogatu Iudith et permissu regis Vlfketelus Crulandensis abbas uenit, et cadauer quod adhuc integrum cum recenti cruore acsi tunc idem uir obisset erat sustulit, ac in cœnobium Crulandense cum magno luctu multorum detulit, et in capitulo monachorum reuerenter

fortnight later at the request of Judith and with the king's permission Ulfketel, abbot of Crowland, came and disinterred the body, which still remained incorrupt with the blood as fresh as if he had just died. It was carried to Crowland amidst general mourning and reverently buried in the monks' chapter-house. (Chibnall 1990, 319-23)

William of Malmesbury, *Gesta Regum Anglorum* (written in 1125)

ii.253. Waltheof an earl of noble lineage, had been a great friend of the new king, who was prepared to forget his past offences and ascribe them to a high spirit rather than disloyalty. For in the battle of York Waltheof had laid low many of the Normans single-handed, beheading them one by one as they issued from the gate; he had great strength of arm, powerful chest muscles, his whole frame tough and tall. He was a son of Siward, the very grand earl called Digerá in Danish, which means 'the Mighty'. At length however his party was defeated, and after a voluntary surrender he was granted the king's niece Judith in marriage and honoured with his personal friendship. Even so he did not remain loyal, being unable to control his natural perversity. When all his compatriots who had decided to fight on had been killed or overcome, he actually plunged into the conspiracy of Ralph of Gael; and when the plot was detected, he was seized, was kept for a long time in chains, and eventually lost his head and was buried at Crowland. Some, however, say it was the force of necessity and not inclination that made him join the traitors. Such is the excuse put forward by the English, for the rest of the story is Norman; but they are Englishmen of the highest credit. And their assertion seems to be supported by divine authority, which manifested many miracles at his tomb, and those of great importance; for they say that while in chains he purged his misdeeds by daily tears. (Mynors et. al. 1998, 469-71)

John of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1075] ... On King William's orders, Earl Waltheof was led out of the city of Winchester, unworthily and cruelly beheaded with an axe, and there at the same spot thrown into the earth. Later, God so ordaining matters, his body was taken out of the earth, carried with great reverence to Crowland, and buried there with honour. When he was still alive and held in close confinement, he would weep endlessly and bitterly for those wrongs he had done, and he strove to please God with vigils, prayers, fastings, and

sepeliuit. (Chibnall 1990, 319-23)

ii.253. Waldefus, amplae prosapiae comes, multam familiaritatem noui regis nactus fuerat, quod ille, preteritarum offensarum immemor, magis illas uirtuti quam perfidiae attribuebat. Siquidem Waldefus in Eboracensi pugna plures Normannorum solus obtruncauerat, unos et unos per portam egredientes decapitans; neruosus lacertis, thorosus pectore, robustus et procerus toto corpore, filius Siwardi magnificentissimi comitis, quem Digerá Danico uocabulo, id est fortem, cognominabant. Postmodum uero, uictis partibus sese sponte dedens, et Iudithae neptis regis conubio priuataque amicitia donatus, non permansit in fide, prauum ingenium cohibere impotens. Compatriotis enim omnibus qui existimarant resistendum cesis uel subiectis, etiam in Radulfi de Waher perfidia se immiscuit; sed coniuratione detecta comprehensus diuque in uinculis tentus, ultimo spoliatus capite Crolando sepultus est; quanuis quidam dicant necessitate interceptum, non uoluntate addictum infidelitatis sacramentum agitasse. Anglorum est ista excusatio (nam cetera Normanni afferunt), Anglorum qui plurimum ueritate prestant. Quorum astipulationi Diuinitas suffragari uidetur, miracula multa, et ea permaxima, ad tumbam illius ostendens. Aiunt enim in catenas coniectum cotidianis singultibus perperam commissa diluisse. (Mynors et. al. 1998, 468-70)

[1075] ... Comes Waltheofus, iuussu regis Willelmi, extra ciuitatem Wintoniam ductus, indigne et crudeliter secure decapitator, et in eodem loco terra obruitur: sed processu temporis, Deo sic ordinante, corpus eius de terra leuatur, et magno cum honore Cruland deportatur, et in ecclesia honofice tumulatur. Hic cum adhuc temporali frueretur uita arta positus in custodia, ea que gesserat inique incessanter defleuit et amarissime, uigiliis, orationibus, ieiuniis, et elemosinis Deum studuit placare. Cuius

alms. Men wanted to blot out his memory on earth, but in truth it is to be believed that his is worshipped with the saints in heaven. The aforementioned Archbishop Lanfranc of pious memory faithfully bears witness to this. For Waltheof had made his confession to him, and did penance, and Lanfranc affirmed that Waltheof was innocent of the crime imputed to him, that is of the aforesaid conspiracy, that whatever sins he had committed he had washed away (as a true Christian) with penitential tears, and that Lanfranc would be pleased to enjoy, at the end of life, Waltheof's happy repose. After this the king crossed the channel, invaded Brittany, and besieged Earl Ralph's castle of Dol for some time until Philip, the French king, force him to retreat from there. (McGurk 1998, 26-29)

Henry of Huntingdon's *Historia Anglorum* (c. 1154)

[vi. 34.] ... When the king returned to England, he sent Earl Roger, his kinsman, to prison. But he had Earl Waltheof beheaded at Winchester, and he was buried at Crowland. (Greenway 1996, 399)

memoriam uoluerunt homines in terra delere, sed creditor uere illum cum sanctis in celo gaudere, predicto arcipresule scilicet coniurationis, illum immune affirmabat esse, et que in ceteris commisisset, ut uerum Christianum, penitentialibus lacrimis defleuisse; seque felicem fore si, post exitum uite, illius felici potiretur requie. Post hec mare transito, rex in minorem Brytanniam suam mouit expeditionem, et castellum Rauulfi comitis, quod Dol nominator, tamdiu obsedit donec Francorum rex Philippus illum inde fugaret. (McGurk 1998, 24-26)

Rex autem rediens in Angliam, Rogerum consulem cognatum suum misit in carcerem. Sed Waltheof consulem decollari fecit apud Winceastre, et sepultus est apud Crulande. (Greenway 1996, 398)

The Warenne Chronicle (a.k.a. the Hyde Chronicle), (c. 1157)

While King William tried discreetly to organize the realm in view of the peace, certain princes of the English desired to cast off the yoke of their unwanted subjection and did not shrink from rebellion against him, even if it cost them their striking of appearance that he looked like another of Absalom, burnt with anger to such an extent that no prayers or gifts or the fact that he was said to have married, for the sake of peace, a relation of the king, named Judith, could establish between the king and him anything else than a simulated union. Afterwards he was accused of conspiracy against the king, confessed and underwent judgement, after which he was left in peace. After another conspiracy was repressed he was condemned according to the laws of the English and the Danes at London, but soon afterwards being imprisoned he turned fully to the Lord and begged with fasts, tears and assiduous and intense prayers to be allowed to become a monk and to be held in [God's] service forever. His wish was however not fulfilled, though the king himself came to regret it afterwards. Therefore he was beheaded and his body taken to some church which he had built along the sea and it is said that till this day numerous miracles take place at his tomb. (Caenegem 1990, 20)

Igitur Willelmus rex cum regnum paci studendo modeste conaretur disponere, quidam principes Anglorum invitae subjectionis jugum excutere cupientes, rebellare contra eum ad suurn interitum non formidauere. Edmesau Waldeth, unus ex antiquis et ditissimis Angliae principibus, statura quoque corporis et forma tam decorus ut alter csse Absalon uideretur, tanto iracundiae igne est accensus, ut nullis precibus, nullis muneribus, nec propter consanguineam regis Juditham nomine pacis dotae, ut fertur, sibi conjunctam, nisi simulatam cum rege potuerit habere concordiam. Denique de conjuratione aduersus regem facta accusatus, confessus est atque iudicatus, dehinc in pace dimissus. Item conjuratione facta ac devicta, secundum leges Anglorum et Dacorum, apud Londoniam est damnatus. Mox autem carceri mancipatus totus convertitur ad Dominum, jejuniis, lacrimis, assiduisque orationibus intensis insistens, oratque suppliciter, sed minime impetrat, quod ipsum regem postea poenituit, ut monachus fieri possit, denique seruitio perpetuo mancipari. Itaque capite truncatus, corpus ejus ad quandam ecclesiam quam maritimis locis construxerat defertur, crebraque ad sepulcrum ejus usque hodie, ut ajunt, fiunt miracula. (Caenegem 1990, 21)

25. *A thief is caught in the act but saved by the intervention of St Ecgwine. The event happened during the reign of William I.*

Thomas of Malborough, *History of Evesham Abbey* (first half of the thirteenth century)

[89]. When these brethren, sustained by the relics of St Ecgwine, reached Oxford, they were full of joy, and they preached the word of God to onlookers. One man, of great faith, as later events proved, humbly approached the feretory of St Ecgwine amongst others, and prayed most devoutly three prayers in front of them all. During each one of the prayers he put his hand into his purse and took from it an oblation, doing this three times, faithfully offering it to Ecgwine, the saint of God. But the old enemy [the devil], the inveterate enemy of God, did not permit such things to happen. One of his followers, who was there like 'chaff amongst the wheat', he tempted with a passionate desire to inflict loss upon that faithful man while he was intent upon his holy prayers. What an amazing madness! While almost everybody was intent upon heavenly thoughts, this unfortunate man, as a disciple of the devil, drew near the man, and furtively stole as many pennies as he could from his purse. He then repeated his wicked act, and did the same again a third time. But St Ecgwine did not long deny in inflicting just punishment on the hands of the thief. For when the unfortunate man had dipped his hand a third time into the purse, it instantly withered, and was held fast in the little bag as if imprisoned in it. You could see the thief all of a tremble, growing pale, looking all around him like a madman, and imagining all sorts of death. Eventually all those who were there realized the reason for this, and began to arrest the thief, to marvel at what had happened, and to raise their voices in praise of God's saint. There was applause all around; the judgement made was that the thief should suffer death, and they hastened to carry this out in accordance with the law. However, the monks, carrying with them the relics of the saint, did [105] not cease from praying until, with St Ecgwine's help and the earnestness of their prayers, they had overruled the decree of the judges. So, at one and the same time, the Almighty showed a double kindness through his saint, when he mercifully saved his servant from theft, and the thief from the moment of death. (Sayers and Watkiss 2003, 107)

[89]. Cum predicti fratres ad Oxinefordiam, fulti reliquiis sancti Ecgwini, letabundi peruenissent, et uerbum Dei, populo spectante, predicassent, quidam uir magne, ut postmodum claruit, fidei, ad feretrum sancti Ecgwini inter ceteros humiliter accessit, ternas orationes coram cunctis deuotissime compleuit, et per singulas preces manum ad marsupium mittens indeque triplicem oblationem sumens, sancto Dei fideliter optulit. Verum antiquus hostis haud talia passus: quondam ex suis, qui uti 'palea inter triticum' aderat, ardenti cupiditate instigauit, ut fideli uiro in sacris orationibus intent, clandestine dampnum inferret. O mira insania! Omnibus fere ad superna intentis, ipse infelix, ut membrum diabolic, prope uirum approximatus, et de eius marsupio denarius quot preualet latenter abstrahit. Dupplicat nefarium opus, et identidem tertio instaurat simile facinus. Set sanctus Ecgwinus non diu distulit damnare furantis manus. Nam cum infelix tertio manum iniecisset marsupio, exaruit continuo, et ueluti clausa retenta est in eodem loculo. Videres furem trepidare, pallescere, ueluti dementem oculos circumiacere, omnimodis mortem suspectam habere. Tandem causam intelligentes qui aderant, furem comprehendere, factum mirari, sanctum Dei sullimi uoce collaudere, ceperunt. Fit plausus circumquaque, iudicant furem interitum ire, ex statuo maturant perficere. Monachi uero reliquias sancti secum deferentes non prius desistunt a precibus quam, adiutorio sancti Ecgwini, instantia precum uincunt iudicium statutum. Sicque in una re duplicem benignitatem per sanctum suum ostendit omnipotens, cum et serum suum de furto, et furem misericorditer liberauit de mortis articulo. (Sayers and Watkiss 2003, 106)

26. A servant of St Egwine is to be punished for theft but escapes to the monastery of St Egwine and is saved. The event happened during the reign of William I.

Thomas of Marlborough, *History of Evesham Abbey* (first half of the thirteenth century)

[104]. It was soon a sad day for St Egwine when one of his servants was caught stealing and sentenced to death. The wretched man was put on a decrepit nag, his hands bound behind his back, and brought near the monastery of St Egwine to a place perilous to his life. Aware of the great solemnity of that day to come, and the wonderful kindness of St Egwine, he fell of his own free will off the nag on which he was sitting, and taking to flight, came to the monastery of the saint. Finding the entrance open he immediately entered, and falling before the altar of St Egwine, implored his help. Wonderful to relate! The manacles immediately loosened and the man's hands were freed. So it was the by the merits of St Egwine he was freed from the bonds on his hands, and from the pursuit of his enemies who were chasing him. From that moment he continued to give thanks to the saint. (Sayers and Watkiss 2003, 117-19)

[104]. De homine uincto, solute et liberato a morte Solennis dies sancti Ecgwini erat in proximo cum quidam eius minister comprehensus in latrocinio morti adiudicatus est. Impositus ergo miser ille super uile iumentum, uinctis minibus post tergum, deducebatur iuxta monasterium sancti Ecgwini ad locum suo capiti periculosum. Qui recordatus future diei magnam solennitatem et sancti Ecgwini miram benignitatem, de iumento cui insidebat sponte cecidit, et ad monasterium sancti fugiendo peruenit. Inueniensque hostium apertum statim ingreditur, et coram altare sancti Ecgwini adiutorium postulans prosternitur. Mirum dictul continuo manice dissolute liberas manus hominis reddidere. Ita per merita sancti Ecgwini et a ligamine manuum et ab insectatione persequentium inimicorum liberates, sancto amodo proinde gratias agens permansit. (Sayers and Watkiss 2003, 116-118)

27. William was said to have castrated rapists.

***Anglo-Saxon Chronicle E* (largely contemporary with events)**

1086. ... If a man lay with a woman against her will, he was forthwith condemned to forfeit those members with which he had disported himself. (Garmonsway 1972, 220)

Millesimo.lxxxvi. ... 7 gif hwilc carlman hæmde wið wimman hire unðances, sona he forleas þa limu þe he mid pleagode. (Irvine 2004, 97)

28. William is said to have blinded those found poaching in his forest.

***Anglo-Saxon Chronicle E* (largely contemporary with events)**

He set apart a vast deer preserve and imposed laws concerning it. Whoever slew a hart of a hind

He sætte mycel deorfrið, 7 he lægde laga þærwið þet swa hwa swa sloge heort oððe hinde, þet hine man sceolde blendian.

Was to be blinded.
 He forbade the killing of harts.
 For he loved the stags as dearly
 As though he had been their father.
 Hares, also, he decreed should go unmolested.
 (Garmonsway 1972, 221)

He forbæd þa heortas swylce eac þa baras;
 Swa swiðe \he/ lufode þa headeor swilce he wære heora
 fæder.
 Eac he sætte be þam haran þet hi mosten freo faran.
 (Irvine 2004, 97)

Henry of Huntingdon, *Historia Anglorum* (c. 1154)

vi. 39. William was stronger than any of the counts of Normandy. He was more powerful than any of the kings of the English. He was more worthy of praise than any of his predecessors. He was wise but cunning, wealthy but avaricious, glorious but hungry for fame. He was humble towards God's servants, unyielding towards those who opposed him. He places earls and nobles in prison, deprived bishops and abbots of their possessions, did not spare his own brother, and there was no one who would oppose him. He took away, even from the most powerful, thousands in gold and silver. He went beyond everyone else in castle-building. If anyone caught a stag or a boar, he put out his eyes, and no one murmured. He loved the beasts of the chase as if he were their father. On account of this, in the woodlands reserved for hunting, which are called the 'New Forest', he had villages rooted out and people removed, and made it a habitation for wild beasts. When he stole their belongings away from his men, not far any need, but from his excessive greed, they were embittered and consumed in their innermost hearts. But he scorned their anger. Everyone had to comply with the king's will if they wished to enjoy either his favour or their own money, lands or life. (Greenway 1996, 405)

vi. 39. Willelmus omnibus Normannie consulibus fortior fuit. Omnibus Anglorum regibus potentior fuit. Omnibus predecessoribus suis laude dignior fuit. Erat autem sapiens sed astutus, locuples sed cupidus, gloriosus sed fame deditus. Erat humilis Deo seruiantibus, durus sibi resistentibus. Posuerat namque consules et principes in carcerem, episcopos et abbates possessionibus suis priuauerat, fratri proprio non pepercerat, nec erat qui resisteret. Auferebat etiam potentissimis auri et argenti milia. Ad castella solus omnes fatigabat construenda. Si ceruum caperent aut aprum, oculos eis euellebat, nec erat qui obmurmuraret. Amauit autem feras tanquam pater esset earum. Vnde in siluis uenationum, que uocantur Noueforest, uillas eradicari, gentem extirpari, et a feris fecit inhabitari. Cum autem raperet suis sua, non pro aliqua necessitate sed pro nimia cupiditate, in intimis cordium amaricabantur et tabescebant. Ipse uero nichil pendebat iras eorum. Sed oportebat omnibus obsequi regis nutui, si amore eius uel pecunia uel terris uel uita uellent perfrui. (Greenway 1996, 404)

29. A clerk who illegally invaded and held land was found to be in the king's mercy. The incident was part of the Domesday inquiries in 1087.

Domesday Book (1087)

ii. 7. A certain clerk of Count Eustace had invaded 42 acres and was holding them as part of the fief of Count Eustace, but the hundred testifies that they belong to Newport, and so the king now has them and the clerk is adjudged to be in the king's mercy as to all his possessions and his body. (Caenegem 1990, 73, no. 88)

ii. 7. Quidam clericus comitis E(ustacii) inuaserat xlii acras et tenebat illas ad feudum comitis E(ustacii), sed hundredum eas testatur ad Neuport et ita modo habet rex. Clericus uero iudicatus est esse in misericordia regis et de omni cesso suo et de corpore sun. (Caenegem 1990, 73, no. 88)

30. *The Domesday Book (1087) notes that Berengar, who invaded royal land, is now in the king's mercy.*

Domesday Book (1087)

ii. 449. In Uggeshall there are 2 freemen, Norman and Ketel with 18 acres and held a ploughland, worth 3 s. Berengar, a man of St Edmund's [Bury], invaded it and is in the king's mercy. He was ill and could not come to the plea. They are now in the custody of the sheriff. (Caenegem 1990, 87, no. 128)

In Wggessala ii liberi homines, Normannus et etel, de xviii acris at dimidia carucata et valent iii sol(idos). H(os) invasit Bereng(arius), homo Sancti E(dmundi), et est in misericordia regis; hic infirmus erat, non potuit venire ad placitum. Modo sunt in custodia vicecomitis. (Caenegem 1990, 87, no. 128)

31. *Robert Earl of Northumbria was to be blinded by William Rufus unless he surrendered his castle*

Anglo-Saxon Chronicle E (largely contemporary with events)

1095. ... Then at Easter the king held court at Winchester. When Robert, earl of Northumbria, refused to attend, the king was greatly incensed against him, and sent and sternly commanded him to come to his Whitsuntide court if he wished to be entitled to the king's protection. ... Later in the year on Whit Sunday the king was at Windsor with all his councillors except the earl of Northumbria, because the king would neither give him hostages nor pledge his word that he would be allowed to come and go in safety.

The king therefore summoned his levies and went to Northumbria against the earl, and as soon as he came thither he captured many prisoners in a fortress, including almost all the best men of the earl's retinue, and imprisoned them. He besieged the castle at Tynemouth until he took it, taking prisoner therein the earl's brother and all who were with him. Thereafter he proceeded to Bamburgh, and besieged the earl therein. But when the king saw that he could not storm it, he ordered a castle to be built in front of Bamburgh, and called it in his language 'Malueisin,' which in English means 'Evil Neighbour.' He garrisoned it strongly with his men, and sallied forth one night from Bamburgh towards Tynemouth; but those in the new castle became aware of it and went after him. They attacked and wounded him, and afterwards took him prisoner: some of his followers

Millesimo.xcv. On þisum gearre wæs se cyng Willelm to Cristesmæsan þa feower forewarde dagas on Hwitsand 7 æfter þam feorðan dæge hider to lande for 7 upp com æt Doferan. And Heanrig þes cynges broðer her on lande oð (7ov) lengten wunode 7 þa ofer sæ for to Normandig mid mycclon gersuman on þæs cynges heldan uppon heora broðer Rodbeard eorl 7 gelomlice uppon þone eorl wann 7 him mycelne hearm ægðer on lande 7 on mannan dyde. And þa to Eastran heold se cyng his hired on Winceastre; 7 se eorl Rodbeard of Norðhymbran nolde to hirede cuman, 7 se cyng forðan wearð wið hine swiðe astyrod 7 him to sænde 7 heardlice bead gif he griðes weorðe beon wolde þet he to Pentecosten to hired come. ... Heræfter to Pentecosten wæs se cyng on Windlesoran 7 ealle his witan mid him butan þam eorle of Norðhymbran, forþam se cyng him naþer nolde ne gislas syllan ne uppon trywðan geunnon þet he mid griðe cumon moste 7 faran. 7 se cyng forþi his fyrde bead 7 uppon þone eorl to Norðhymbran for, 7 sona þes þe he þider com, he manege 7 forneah ealle þa betste of þes eorles hirede innan anan fæstene gewann 7 on hæftene gedyde 7 þone castel at Tinemuðan besæt oð ðet he hine gewann 7 þæs eorles broðer þærinne 7 ealle þa þe him mid wæron, and syððan ferde to Bebbaburh 7 þone eorl þærinne besæt. Ac þa ðe se cyng geseah þet he hine gewinnan ne mihte, þa het he makian ænne castel toforan Bebbaburh 7 hine on his

were slain and other taken alive.

...

When the king returned, he had Robert earl of Northumbria, taken and brought to Bamburgh and ordered both of his eyes to be put out unless the garrison would surrender the castle, which was held by his wife and Morel, who was both his steward and nephew. In consequence the castle was surrendered, and Morel joined the king's retinue and was the means of exposing many, both ecclesiastics and laymen, who in their conspiracy had been disloyal to the king. ... The king had earl Robert taken to Windsor, and kept prisoner there within the castle. (Garmonsway 1972, 230-32)

spæce Malueisin het, þæt is on Englisc Yfel Nehhebur, 7 hine swiðe mid his mannan gesætte 7 syððan suðweard for. Ða sona æfter þam þe se cyng wæs suð afaren, feorde se eorl anre nihte ut of Bebbaburh towards Tinemuðan, ac þa þe innan (71r) þam niwan castele wæron his gewær wurdon 7 him æfter foran 7 onfuhton 7 hine gewundedon 7 syððan gelæhton, 7 þa þe mid him wæron sume ofslogan, sume lifes gefengon.

...

Ða þa se cyng ongean com, þa het he niman þone eorl Rotbeard of Nordhymbran 7 to Bæbbaburh lædan 7 ægðer eage ut adon buton þa þe þærinne wæron þone castel agyfan woldan; hine heoldan his wif 7 Moreal se wæs stiward 7 eac his mæg. Ðurh þis wearð se castel þa agyfen, 7 Moreal wearð þa on þes cynges hirede, 7 þurh hine wurdon manege, ægðer ge gehadode 7 eac læwede, geypte þe mid heora ræde on þes cynges unheldan wæron. ... And þone eorl Rolbert het se cyng to Windlesoran lædan 7 þær innan þam castele healdan. (Irvine 2005, 105-06)

32. C. 1096. Poaching a stag became a capital offence during the reign of William Rufus.

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

319. Nor were they [T'A was he] less ready to rob vassals, seizing first their money, then their lands, Poverty was no protection for the humble nor wealth for the opulent; hunting, which the king had at first allowed, was so strictly forbidden that to take a stag was a capital offence. (Mynors et. al. 1998, 563)

vi. 319. Nichilo setius in homines grassabantur, primo pecuniam deinde terras auferentes. Non pauperem tenuitas, non opulentum copia tuebatur; uenationes, quas rex primo indulserat, adeo prohibuit ut capitale esset suplitium prendidisse ceruum. (Mynors et. al. 1998, 562)

33. William of Eu was blinded and castrated and his steward, William of Aldery, was hanged for treason against William Rufus in 1096. Some of William of Eu's associates were implicated in the treason and also mutilated.

Anglo-Saxon Chronicle Manuscript E (largely contemporary with events)

[1096] On the octave of the epiphany [13 January], the king and all his councillors were at Salisbury. There

AN.M.xcvi. On þison geare heold se cyng Willelm his hired to Cristesmæssan on Windlesoran. 7 Willelm biscop

Geoffrey Bainard accused William of Eu, the king's kinsman, of treason against the king, and maintained it against him in combat, overcoming him in a trial by battle. After he was defeated, the king ordered his eyes to be put out, and then had him castrated. His steward William by name, the son of his mother's sister, he ordered to be hanged. There too Odo, count of Champagne, the king's son-in-law [*recte* uncle], and many others, were deprived of their lands: others were taken to London and there mutilated. (Garmonsway 1972, 232)

of Dunholme þær forðferde to geares dæge. And on octabas Epyphanie wæs se cyng 7 ealle his witan on Searbyrig. Þær beteah Gosfrei Bainard Willelm of Ou þes cynges mæg þet he heafde gebeon on þes cynges swicdome 7 hit him on gefeaht 7 hine on orreste ofercom, 7 syððan he ofercumen wæs, him het se cyng þa eagan ut adon 7 syððan belis<ni>an, 7 his stiward Willelm hatte, se wæs his modrian sunu, het se cyng on rode ahon. Ðær wearð eac Eoda eorl of Campaine þæs cynges ađum 7 manege oðre belende, 7 sumne man to Lundene lædde 7 þær spilde. (Irvine 2004, 107)

Orderic Vitalis, *Historia Ecclesiastica* (c. 1114-37)

When four great ships called *canardes* were on their way from Norway to England, Robert and his nephew Morel with their minions waylaid them and violently robbed the peaceful merchants of their goods. The merchants, spoiled of their property, went to the king in great distress and laid a complaint about their loss. Immediately the king sent a peremptory order to Robert to restore the stolen property to the merchants without delay, but Robert paid no attention to his command. The generous king asked the merchants the value of the goods they had lost, and paid them the full sum out of his own treasure-store. He then summoned Robert to his court, but he declined to come.

At this the king, who knew how perverse and headstrong a man he was, mustered an army and led a strong force of knights against him. As they were approaching the bounds of Robert's domains Gilbert of Tonbridge, a rich and powerful knight, drew the king aside and, to his utter amazement, threw himself at his feet, saying: "My lord king, pardon, I beg, the wrong I have done you, and I will recommend something that will contribute greatly to your safety". The king at first hesitated in his astonishment, and debated with himself what he should do; but finally he graciously pardoned the suppliant and eagerly awaited the fulfilment of his promise. Gilbert said: "Stay your foot, I beg, great king, and do not enter the wood which lies ahead of us. For enemies, fully armed, are lying in ambush there, hoping to cut your throat. We have conspired against you, and have taken a sworn oath to achieve your death". On learning this the king halted the march, and learnt the names and number of the traitors from information that Gilbert of Tonbridge gave.

[...]

The king, jubilant at his victory over the rebels, rewarded his friends and, summoning the disturbers of

Quattuor naves magnae quas canardes vocant de Nothvegia in Angliam appulsae sunt quibus Robertus et Morellus nepos ejus ac satellites eorum occurrerunt, et pacificis mercatoribus quicquid habebant violenter abstulerunt. Illi autem amissis rebus suis ad regem accesserunt damnique sui querimoniam lacrimabiliter deprompserunt. Qui mox imperiose mandavit Roberto ut mercatoribus ablata restitueret continuo, sed omnino contempta est hujusmodi jussio. Magnanimus autem rex quantitatem rerum quas amiserant inquisivit et omnia de suo eis erario restituit. Deinde ad curiam suam Robertum accersiit, sed ille venire noluit. Tunc rex nequitiam viri ferocis intelligens exercitum aggregavit et super eum validam militiae virtutem conduxit. Denique ut rex finibus Roberti appropinquavit, Gislebertus de Tonnebrugia miles potens et dives regem seorsum vocavit et pronus ad pedes ejus corruit eique nimis obstupescenti ait: "Obsecro domine mi rex ignosce quod deliqui et ingens tuae salvationis emolumentum insinuabo tibi". Cumque rex miraretur et hesitaret et intra se aliquantulum deliberaret, tandem supplicanti leniter ignovit, et promissum avidus expectavit. Gislebertus ait: "Siste pedem queso rex nobilis et hanc silvam quae ante nos est ne ingrediaris. Hostes enim illic in armis parati prestolantur qui te nunc jugulare conantur, Contra te conspiracy fecimus et mortem tuam jurejurando machinati sumus". His auditis rex substitit et prefato barone indicante quot et qui fuerant proditores agnovit . . .

Exhilaratus nacto de rebellibus trophaeo rex amicos remuneravit, factiosos convenit, diversisque modis convictos punivit. Rogerium de Laceio penitus exheredatum de Anglia fugavit et hereditatem ejus Hugoni fratri ejus qui fideliter justitiae servierat tribuit. Hugonem Scrobesburiensium comitem privatim affatus corripuit et acceptis ab eo tribus milibus libris in

the peace, punished those who were found guilty in various ways. He confiscated all the land of Roger de Lacy and banished him from England, giving his inheritance to his brother Hugh, who had remained loyal to the cause of justice. He reproached Hugh, earl of Shrewsbury privately, and shrewdly took him back into his favour for three thousand pounds. He punished many others similarly, receiving huge pecuniary fines from them, and out of respect for their exalted kinsfolk who might have sought vengeance in Normandy he carefully concealed his real wishes.

At that time William of Eu was publicly found guilty of treason, and the king had him blinded and castrated. This sentence was carried out at the instigation of Hugh earl of Chester, whose sister he had married; he had not remained faithful to her, but, neglecting her, he had three children by a concubine. (Caenegem 1990, 114-16, no. 143)

William of Malmesbury, *Gesta Regum Anglorum* (c. 1125)

iv. 319. Nor were they [T'A was he] less ready to rob vassals, seizing first their money, then their lands, Poverty was no protection for the humble nor wealth for the opulent; hunting, which the king had at first allowed, was so strictly forbidden that to take a stag was a capital offence.

(This kind of behaviour had so alienated the affection of his subjects that there were / this great severity unrelieved by charm of any kind, was the cause of) several conspiracies of magnets against his life. One of them, Robert of Mowbray, earl of the Northumbrians, after high words has passed between him and the king, went off to the province that was under his jurisdiction, in order to set great operations on foot against his lord; but his lord went after him, and he was taken, and put into chains for ever more. A second, William of Eu, when accused of treachery in the king's presence, challenged his traducer to a duel, and being sluggish in justifying himself, was deprived of his eyes and testicles. Many people were involved in that accusation, perfectly innocent and worthy men. William of Aldery was one of them, a man of handsome person who had stood godfather with the king. Condemned to the gallows, he made his confession to Osmund bishop of Salisbury, and was scourged from church to church through the town. And so, having distributed his garments to the poor, he went naked to his hanging, drawing blood from his delicately-nurtured body by frequent kneeling upon the stony road. With the bishop and people following him to his place of

amiciciam callide recepit. Sic et alios plures ingentem pecuniae massam accipiendo castigavit et pro nobilium reverentia parentum qui talionem in Normannia recompensare possent velle suum provide dissimulavit.

Tunc Guillelmus de Auco palam de nequitia convictus fuit quem rex luminibus privavit et amputatis testiculis eviravit. Hoc nimirum Hugone Cestrensi comite pertulit instigante cujus sororem habebat, sed congruam fidem ei non servaverat, quia secus eam trinam sobolem de pelice genuerat. (Caengem 1990, 114-16, no. 143)

vi. 319. Nichilo setius in homines grassabantur, primo pecuniam deinde terras auferentes. Non pauperem tenuitas, non opulentum copia tuebatur; uenationes, quas rex primo indulserat, adeo prohibuit ut capitale esset suplitium prendidisse ceruum.

(Qubius artibus ita amorem prouintialium a se effugaret / Quapropter multa seueritate, quam nulla condiebat dulcedo, factum est) ut sepe contra eius salute a ducibus coniuraretur. Quorum unus, Rotbertus de Molbrei comes Humbronensium, orta inter eum et regum non modica controuersia uerborum, in prouintiam iuris sui abiit, ingentia contra dominum suum molimina conaturus; sed subeunte illo captus et aeternis uinculis irretitus est. Alter, Willelmus de Ou, prodicionis apud regem accusatus delatoremque ad duellum prouocans, dum se segniter expurgate, cecatus et extesticulatus est. Plures illa delatio inuoluit, innocents plane et probos uiros. Ex his fuit Willelmus de Alderia, spetiosae personae homo et compater regis. Is patibulo affigi iussus, Osmundo episcopo Salesberiae confessus et per omnes aecclesias oppida flagellates est. Itaque, disperses ad inopes uestibus, ad suspendium nudus ibat, delicatem cernem frequentibus super lapides genuflexionibus cruentans. Episcopo et populo sequente ad locum suplitii ita satisfacit: 'Sic' inquit 'adiuuet Deus animam meam et a malis liberet, ut de re qua accusor immunis sum; et quidem sentential de me prolata non reuocabitur, sed uolo omnes homines innocentiae meae esse conscios. Tunc dicta commendation animae et aspersa aqua

punishment, he made this profession: 'So God assist my soul', and said, 'and deliver it from evil, I am innocent of that of which I am accused. The sentence passed upon me will not be revoked, but I wish all men to be ware of my innocence.' Then the bishop, having spoken the commendation of the departing soul and sprinkled him with holy water, withdrew and he was hanged, giving an admirable display of courage, for he uttered no groan at the prospect of death, no sigh in the moment of it. (Mynors et al. 1998, 563-65)

John of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1095] ... Robert de Mowbray, earl of Northumbria, and William of Eu with many others attempted to deprive King William of his life and of his kingdom, and to set up as king the son of his aunt, Stephen of Aumale. They did so in vain, for as soon as the plan was known, the king assembled an army from all England, and besieged the said Earl Robert's castle at the mouth of the Tyne for two months. ... When William had returned from Wales, he ordered Earl Robert to be taken to Bamburgh and his eyes to be put out unless his wife and her kinsman, Moreal surrendered the castle. Forced by extreme need, they yielded the castle up. The earl was led to Windsor and closely confined, Moreal disclosing the source of the treason to the king.

[1096] ... In the octave of the Epiphany [13 January], at the council held at Salisbury, the king ordered William of Eu who had been defeated in a duel to have his eyes put out and to be castrated, and his steward, William of Aldrie, the son of his aunt, and privy to his treason, to be hanged. He also imprisoned Odo, count of Champagne, father of the said Stephen, Philip, son of Roger, earl of Shrewsbury, and other accomplices in the treason. (McGurk 1998, 76-79)

Henry of Huntingdon, *Historia Anglorum* (c. 1154)

vii. 4. [...] In the following year [1095], he sent his brother Henry to Normandy with a great deal of money, to attack it on his behalf with daily raids. When, however, Robert, earl Northumberland, puffed up with pride at having laid low the king of Scots, refused to attend the king's court, the king marched an army up to Northumbria. And he immediately captured all the earl's leading barons in a stronghold called Newcastle. Thence he took the castle of Tynemouth, and in it the earl's brother. After this he laid siege to the earl at Bamburgh. Since it appeared to be impregnable to attack, he built another castle in front of

benedicta, episcopus discessit, ille appensus est, admirando fortitudinis spectaculo, ut nec moriturus gemitum nec moriens produceret suspirium. (Mynors et al. 1998, 562-64)

[1095] ... Northymbrensis comes Rotbertus de Mulbrei et Willelmus de Ouue, cum multis aliis, regem Willelmum regno uitaque priuare, et filium amite illius, Stephanum de Albamarno, conati sunt regem constituere, sed frustra, name a re cognita, rex exercitum de tota Anglia congregato, castellum predicti comitis Rotberti, as ostium Tine fluminis situm, per duos menses obsedit ... Qui inde reuersus, comitem Rotbertum ad Bebbenbyrig duci et eius oculos erui iussit, nisi uxor illius ac propinquus eius Moreal castrum redderent. Qua necessitate compulsi, castellum reddiderunt. Comes autem forti custodie mancipandus ad Windlesoram est ductus, Moreal uero facte traditionis causam regi detexit. ...

[1096] ... Octauis Epophanie apud Searesbyriam celebrato concilio, Willelmi de Ouue in duellio uicti oculos eruere et testiculos abscidere, et dapiferum illius Wilelmum de Alderi, filium amite illius, traditionis conscius, iussit rex suspendi, comitem uero Odonem de Campania, predicti scilicet Stephani patrem, Philippum Rogeri Scrobbesbyriensis comitis filium, et quosdam alios traditionis participes, in custodiam posuit. (McGurk 1998, 76-79)

vii. 4. [...] Anno uero sequenti, misit Henricum fratrem suum in Normanniam cum pecunia multa, ut eam loco regis diutinis inuasionibus expugnaret. Cum autem Robertus consul Nordhymbre in superbiam elatus, quia regem Scotorum strauerat, curiam regis adire repudiaret, promouit rex exercitum in Nordhymbre. Statimque in quadam firmitate, que uocatur Nouum Castellum, omnes meliores consulis proceres cepit. Inde uero castellum Tinemuthe conquisiuit, et fratrem consulis in eo. Post hec obsedit consulem ad Bebanburh. Quod cum armis inexpugnabile uideret, parauit ante illud castellum aliud,

it, which he named 'Malveisin' and leaving part of the army in it, he withdrew. One night the earl left Bamburgh, and was pursued by the royal army as far as Tynemouth. There he unsuccessfully attempted to defend himself, but was wounded and captured, and put into prison at Windsor. So the castle of Bamburgh was surrendered to the king. Then those who had favoured the earl were harshly subdued, for William of Eu had his eyes put out and Odo, count of Champagne, and several others were disinherited. (Greenway 1996, 421)

The Warrenne Chronicle (a.k.a. the Chronicle of Hyde), (c. 1157)

Some princes of the Norman-English rebelled against him and thus brought about their own downfall. A certain Robert, earl of Northumberland, a rich and powerful man who had in war killed Malcolm, king of Scots and father of Queen Matilda, with almost his entire army, was arrested by King William as he was preparing to wage war against him and put in prison. William Eu, greater by his ancestry than by his honesty, was also publicly convicted of conspiring against the royal power and was deprived of his eyes by the said king and rendered completely useless. He also ordered William of Alderi, steward of the said William and falsely, as they say, accused of taking part in this same conspiracy, to be hanged. As the princes, struck with grief (for he was famous because of his body, soul and family) begged the king for his life and offered to pay him three times his body weight in gold and silver, the king could not be persuaded to renounce the execution by any prayers or gifts. It is said that something remarkable happened in this context, for as he saw that he was destined to die, he completely turned towards the Lord and there himself before the knees of some priest, barefoot, naked and holding a bundle of rods and, humbly imploring forgiveness and absolution of his sins, he let himself be severely whipped. As he was led to his execution, he turned round to his followers and said: "Know that I am as free of the fault of which I am accused as I wish the Lord will be propitious towards my soul at the hour of my death". Having arrived at the place [of execution] and uttered these words, he expired. Arnulf de Hasdin, of striking stature, very industrious and wealthy, was accused before the king in a way that was as unjust as it was invidious. Finally, having defended himself in lawful battle and having won through one of his men against one of the king's, he was so stirred up with grief and wrath that he threw up everything he held from the king in England and notwithstanding the latter's

quod appellauit Malueisin. In quo partem relinquens exercitus recessit. Quadam uero nocte, cum consul recessisset a Bebanburh, secutus est eum regalis exercitus usque in Tinemutham. Vbi cum se defendere conaretur, nec posset, uulneratus est, et captus, et apud Windleshores in carcere positus. Ergo redditum est regi castrum Bebanburh. Fautores uero consulis male pacati sunt, nam Willelmus de Ou oculis priuatus est, Odo consul Campanie ceterique complures exhereditati sunt. (Greenway 1996, 420)

Rebellauerunt enim aduersus eum quidam principes Norman-Anglorum ad suum tandem iuteritum; et quidam Robertus Northamhumborum comes, vir dives et potens, qui regem Scotorum Malcolmum patrem Matildis reginae bellando cum toto pene exercitu interfecit, dum bellare contra regem Willelmum temptat fortuito ab eo est captus et carceri mancipatus. Willelmum quoque Oensem, plus genere quam probitate elatum, de conjuratione contra regiam potestatem facta publice victum, idem rex oculis privavit et per omnia inutilem reddidit. Willelmum etiam de Aldriato ejusdem Willelmi dapiferum de eadem conjuratione injuste, ut aiunt, accusatum patibulo suspendi praecepit. Cumque principes dolore permoti, erat enim idem corpore et animo et genera praeclarus, de ejus vita regem rogassent, volentes eum ter auro et argento ponderare, rex nullis precibus, nullis muneribus, ab ejus morte potuit averti. De quo quiddam relatu dignum fertur accidisse. Cum enim se morti destinatum esse videret, totus ad Dominum conversus, nudis pedibus nudoque corpore, cum manipulo virgarum cujusdam sacerdotis genibus se provolvit, veniam et absolutionem peccatorum humiliter petiit, seque acerrime flagellare fecit. Cumque ad mortem duceretur, conversus ad sequentes, dixit: "Sciatis me a culpa qua accusor ita esse mundissimum sicut animae meae jam egredienti Dominum opto propitium." Haec dicens postquam ad locum veniret, exspiravit. Ernulfus de Hednith statura procerus, industria summus, possessionibus suffultus, apud regem tam injuste quam invidiose est accusatus. Denique cum se bello legitimo per unum ex suis contra unum ex hominibus regis facto defendisset atque vicisset, tanto dolore et ira est commotus, ut abdicatis omnibus quae regis erant in Anglia, ipso rege invite et contradicente, discederet; associatus autem Christianorum exercitui Antiochiam usque devenit ibique extremum diem clausit. (Caenegem

displeasure and opposition, left and joined the army of the Christians. He reached Antioch and ended his life there. (Caenegem 1990, 113-14, no. 143)

34. William Rufus threatens to tear out a messenger's eyes if he does not leave the kingdom with haste, because he is the man of William's enemy, Anselm.

Eadmer, *Historia Novorum* (c. 1122)

At the conclusion of the Council we left Bari and did not part from the Pope's company till we reached Rome. Meanwhile the messenger who had, as we have mentioned above, been despatched from Rome to the King of England, arrived back. He reported that, while the King had in some sort accepted the Pope's letter, he had altogether refused to accept Anselm's; so far from that, the King had sworn by the Face of God that as it was common knowledge that Anselm was the King's man, if he, the messenger, did not speedily depart from the King's country, he would without any hesitation condemn him to have his eyes torn out. (Bosanquet 1964, 114-15)

Finito conilio a Baro discessimus comitatum papæ Romam usque non deserentes.

Interea revertitur nuncius quem a Roma ad regem Angliæ destinatum supradiximus, referens ipsum regem, susceptis quidem quoquo modo litteris papæ, literas Anselmi nullo voluisse pacto suscipere; immo, cognito illum esse hominem ejus, jurasse per Vultum Dei quia si festine terram suam non exiret sine retractatione oculos ei erui faceret. (Rule 1884, 110)

35. Bishop William of Gifford comes upon a boy who is to be mutilated for theft and intervenes.

***The Records of Merton Priory*¹⁷⁰ (contemporary)**

In the meantime a wooden chapel was being built there and the bishop of Winchester, William Giffard, was invited to consecrate the cemetery and was received with great hospitality in the house of Sheriff [Gilbert Norman]. As the bishop arrived, an incident happened that was somehow a presage to further events, for as the bishop went with his followers to his residence, he happened along the road to come across a child who was to be deprived of his eyes for committing a theft and whom he saved from this imminent danger by his pastoral staff. This was a sign that in the place which he came to consecrate, many would be saved from the darkness of vice and restored to the light of justice by the rigour of discipline. (Caenegem 1990, 179, no. 210)

Capella interim lignea ibidem construitur et ad benedicendum cimiterium Wintoniensis presul Willelmus videlicet Gifardus adducitur atque intra domum preconsulis cum magno apparatu hospitaturus recipitur. In quo adventu presulis res quedam contigit, presagium quodammodo futurorum. Enimvero cum pontifex idem ad memoratum cum suis hospicium tenderet, in ipso itinere puerum quendam furti causa commissi luminibus privandum ab instanti periculo per baculum superveniens pastorem eripuit, tali nimirum facto presignans quod in loco ad quem sanctificandum veniebat plures a tenebris vitiorum eruendi atque discipline rigore ad lumen essent justicie perducendi. (Caenegem 1990, 179, no. 210)

¹⁷⁰ A Heales, *The Records of Merton Priory, in the county of Surrey*, London, 1898, p. 3

36. Thieves and robbers were hanged under Henry I, c. 1108,. Anyone forging counterfeit coins were mutilated. Ravagers of the land and the English people were mutilated.

John and Florence of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1108] ... King Henry of England established a strict peace by legislating that anyone caught thieving or robbing should be hanged. He also decreed that spoiled of false coinage should be reformed with such severe force that anyone caught making forged pennies should be blinded and lose his lower limbs without the option of saving himself by a money payment. Furthermore since very often pennies when selected were found to be bent or broken and so rejected, he decreed that no penny or halfpenny (which he also ordained should be round), and no farthing should be whole. This was of great benefit to the whole kingdom, the king acting to relieve the sufferings of the land in secular matters. (McGurk 1998, 112-15)

[1108] ... Rex Anglorum Henricus pacem firmam legemque talem constituit, ut si quis in furtu uel latrocinio deprehensus fuisset, suspenderetur. Monetam quoque corruptam et falsam sub tanta animaduersione corrigi statuit, ut nullus qui posset deprehendi falsos denarius facere, aliqua redemption quin oculos et inferiores corporis partes perderet, iuari ualeret. Et quoniam sepiissime dum denarii eligebantur, flectebantur, rumpebantur, respuebantur, statuit, ut nullus denarius uel obolus, quos et rotundos esse instituit, aut etiam quadrans, interger esset. Ex quo facto agnum bonum toti regno creatum est, quia ipse rex hec in secularibus ad releuendas terre erumnas agebat. (McGurk 1998, 112-15)

Eadmer, *Historia Novorum* (c. 1122)

At this time King Henry, considering that from a number of different causes pretty well the whole of the Kingdom had fallen into a grave state of distress, on the advice of Anselm and the nobles of the realm, determined to take steps to secure that in some way those evils which pressed most heavily upon the poor should be alleviated; a like a wise man he began this reform by starting with his own court. For in the time of his brother, the late King, a great number of those who attended his court had made a practice of plundering and destroying everything; and, there being no discipline to restrain them, laid waste all the territory through which the King passed. Not content with this they adopted another malicious practice. Very many of them, intoxicated with their own wickedness, when they could not consume all the provisions that they found in the houses which they invaded, made the owners whose goods they were take them to market and sell them for their benefit; or else they set fire to them and burned them up; or if it were drink, they washed their horses' feet with it and then poured the rest of it on the ground or would without fail find some other way of wasting it. What cruelties they inflicted on the fathers of families, what indecencies on their wives and daughters, it is shocking to think of.

Inter ista rex Henricus cinsiderans totum pene regnum in gravem ærumnam multis ex causis decidisse, per conilium Anselmi et procerum regni operam dare instituit, qualiter aliquo modo mala quæ paupers maxime deprimebant mitigarentur. Cujus boni exordium gnarus a sua curia coepit. Tempore siquidem fratris sui regis hunc morem multitudine eorum qui curiam ejus sequebantur habebat, ut quæque pessumdarent, diriperent, et, nulla eos cohibente disciplina, totam terram per quam rex ibat devastarent. Accedebat his aliud malum. Plurimi namque eorum sua militia debriati, dum reperta in hospitiiis quæ invadebant penitus absumere non valebant; ea aut ad forum per eosdem ipsos quorum errant pro suo lucro ferre ac vendere, aut, supposito igne cremare, aut, si potus esset, lotis exinde dquorum suorum pedibus, residuum illius per terram effundere, aut certe aliquot alio modo disperdere solebant. Quæ vero in patresfamilias crudelia, quæ in uxores ac filias eorum indecentia fecerint, reminisce pudet. Has ob causas quiqui, præcognito regis adventu, sua habitacula fugiebant, sibi suisque quntum valebant in silvis vel aliis locis in quibus se tutari posse sperabant consulentes. Huic malo rex Henricus mederi desiderans, indicto edicto omnibus qui aliquid eorum quæ dixi fecisse probari

Consequently, when it became known that the King was coming, all the inhabitants would flee from their houses anxious to do the best they could for themselves and their families by taking refuge in woods or other places where they hoped to be able to protect themselves. Intent on remedying this evil, King Henry, after putting out a proclamation, resolutely punished with inexorable justice all who could be proved to have done any of the things which I have mentioned; he had their eyes torn out or their hands or feet or some other limb cut off. The sight of such just punishment inflicted in quite a number of cases deterred the rest, anxious to keep themselves un mutilated, from incurring the fate which others suffered.

Then again, spoiled and false coinage was harming many people in many ways. Accordingly the King ordained that this practice should be cured by such severe punishment that anyone who should be caught making false coins should lose his eyes and lower limbs without making any option of saving himself by any money payment. Moreover, seeing that very often when coins were picked out they were bent or broken and so rejected, the King determined that no penny or half-penny should be perfect. From this great good resulted at once to the whole Kingdom. Such then were the measures which the King took at that time in matters secular to alleviate the distresses of the country. (Bosanquet 1964, 205-206)

poterant aut oculos erui, aut manus, vel pedes, vel alia membra constant Justitia strenuous faciebant amputari. Quæ Justitia in pluribus visa cæteros, integritatem sui amantes, ab aliorum læsione deterrebat.

Item moneta corrupta et falsa multis modis multos affligebat. Quam rex sub tanta animadversione corrigi statuit, ut nullus qui posset depræhendi falsos denario facere aliqua redemption quin oculos et inferiores corporis partes perderet juvari valeret. Et quoniam sæpissime dum denarii eligebantur, flectebantur, rumpebantur, respuebantur, statuit ut nullus denarius vel obolus integer esset. Ex quo facto magnum bonum ad temptus toti regno creatum est. Hæc in sæculatibus ad relevandas terræ ærumnas interim rex agebat. (Rule 1884, 192-93)

37. Ralph fitz Walter is confessed to theft and should loss his life and goods but implores the king to save him, and quitclaims his tenure

Abingdon Chronicle (second half of twelfth century)

[ii. 104] Ralph, son of Walter the digger, held of the church and abbot Faritius one hide in the manor of Dumbleton, which William Guizenboeth had quitclaimed to the church and the aforesaid abbot. And it happened that this same Ralph admitted to the crime of theft for which he lost his lawfulness and, according to the judicial usage of England, ought to lose his goods and his life. But after having implored the mercy of King Henry, who was then in Normandy, and of the queen, who had stayed in England, he came to Abingdon in order similarly to obtain the abbot's pity. The abbot in his goodness gave him so much in the form of a horse and money and wheat that he not only gave up to the church the land which he

[ii. 104] Radulfus filius Walteri fossarii tenebat de ecclesia et de abbate Faritio unam hidam in villa Dumeltuna, quam Willielmus Guizenboeth olim quietam ecclesie et prædicto abbati dimiserat. Et contigit ipsum Radulfum furti crimen admittere, propter quod suam legalitatem perdidit et more iudicii Angliæ suis omnibus rebus cum vita debuit carere. Sed, regis Henrici, qui tunc in Normannia erat, misericordia de his requisita, reginae etiam, quae in Anglia remanserat, Abendoniam venit, domni Faritii abbatis similiter pietatem quaesiturus. Cui abbas pro sua bonitate et in equi et in denariorum et tritici donatione tanta largitus est ut non solum terram, quam hactenus tenuerat, ecclesie dimitteret, sed etiam

had held so far, but even confirmed under oath on the Holy Gospels that neither he nor any of his heirs would ever make any claim or demand on it. The following were present at his oath: Ralph the cellarer, who accepted this oath in the place of the abbot, Hubert the prior of Wallingford, Rainbald, William de Seacourt and many others, in the thirteenth year of the reign of King Henry. (Caenegem 1990, 160, no. 192)

sacramento super sancta evangelia confirmaret quod nunquam a se vel ab aliquo suo herede aliquid calumniae vel requisitionis super cam inferretur. Er huic ejus sacramento isti interfuerunt: Radulfus cellerarius, qui istud sacramentum loco abbatis suscepit, Hubertus prior de Walingaford, Rainboldus, Willielmus de Sevecurda, cum multis aliis, anno xiii regni Henrici regis. (Caenegem 1990, 160, no. 192)

38. Forty-four thieves hanged and six thieves blinded and castrated by Ralph Bassett on 30 November in 1124

Anglo-Saxon Chronicle E (largely contemporary with events)

1124. ... In this same year, after St Andrew's day before Christmas [30 November], ralph basset held a court if the king's thanes at Hundhoh in Leicestershire, and hanged there more thieves than ever before: forty-four of them in all were dispatched in no time, and six had their eyes put out and were castrated. Many honest men said that a great injustice had been done in executing many of them; but our Lord God Almighty, from whom no secrets are hid, He sees the poor oppressed by every kind of injustice: first they are bereft of their property, and then they are slain. A very distressful year this was! He who had any money was deprived of it by violent extortions and by oppressive courts; he who had none died of hunger. (Garmonsway 2004, 254-55)

Millesimo.cxxiii. ... Ðes ilces geares after Sancte Andreas messe toforen Cristesmesse held Raulf Basset 7 þes kinges ðæines gewitenemot on Leþecæstrescire at Hundehoge 7 ahengen þær swa fela þefas swa næfre ær ne wæron: þet wæron on þa litle hwile ealles feower 7 feowerti manne, 7 six men spilde of here ægon 7 of here stanes. Fela soðfeste men sæidon þet þær wæron manege mid micel unrihte gespilde, oc ure Laford God aelmihtig, þa eall digelnesse seð 7 wat, he seoð þet man læt þet ærme folc mid ealle unrihte: ærost man hem beræfoð her eahte and sibðon man hem ofslæð. Ful heui gær wæs hit: se man þe æni god heafde, him me hit beræfode mid strange geoldes 7 mid smmge motes; þe nan ne heafde stærf of hungor. (Irvine 2004, 125-26)

39. Moneyers amputated and castrated at Christmas in 1124 for making false coin.

Anglo-Saxon Chronicle Manuscript E (largely contemporary with events)

1125. In this year [1124] before Christmas king Henry sent from Normandy to England and gave instructions that all the moneyers who were in England should be deprived of their members, namely the right hand of each and their testicles below: the reason for this was that anyone who had a pound found it would not buy a penn'orth in a market. Bishop roger of Salisbury sent over all England,

Millesimo.cxxv. On þis gær sende se king Henri toforen Cristesmesse of Normandi to Engalande 7 behead þet man scolde beniman ealla þa minetere þe wæron on Englelande heora liman, þet wæs here elces riht hand 7 heora stanen beneðan; þet wæs for se man ðe hafde an pund he ne mihte cysten ænne peni at anne market. 7 se biscop Roger of Særesbyrig sende ofer eall Engalande 7

and commanded them all to assemble at Winchester by Christmas. When they came thither they were taken one by one, and each deprived of the right hand and the testicles below. All this was done in the twelve days between Christmas and Epiphany, and was entirely justified because they had ruined the whole country by the magnitude of their fraud which they paid for to the full. (Garmonsway 2004, 255)

William of Jumièges (and Orderic Vitalis), *Gesta Normanorum Ducum* (twelfth century)

[viii. 23] Now I shall describe something which happened while the war between the king and count of Meulan still lasted, which will illustrate the king's severe justice against the wicked and his contempt for money in procuring what is right. While the king was thus engaged in warfare in Normandy, almost all the moneyers of the English kingdom produced, I do not know by what wicked perversity, money out of tin containing scarcely one-third of silver, whereas it should have consisted of pure silver. It happened that some of the false money, having been taken to Normandy, was used to pay the king's soldiers. When it turned out that they could not buy anything with this money, because it was not genuine, they laid their complaints about its false quality before the king. Infuriated by the insult inflicted upon his soldiers, but even more by the violation of justice, the king announced a sentence, sending an instruction to those he had left as his agents in England, that all money-changers who could justly be accused of this crime, should be punished by having their right hands and genitals cut off. O, what a guardian of justice and scourge of crime! If only he had accepted ransom for the limbs of this many wicked man, how many thousands of talents would he have earned! But he, as we have said, spurned money for the love of justice. (Greenway et al. 1995, 236-39)

(Translator's Note: Acting on King Henry's instructions Bishop Roger of Salisbury ordered the minters of England to assemble at Winchester by Christmas 1124)

Symeon of Durham, *Historia Regum Anglorum et Dacorum* (c. 1129)

ii. 281. The main moneyers of all England were caught for having made adulterine, viz. not pure pennies of silver, and at the king's command they were all brought together at Winchester on one day and emasculated and their right hand amputated. (Caenegem 1990, 203, no. 239)

bebead hi ealle þet hi scolden cumen to Winceastre to Cristesmesse. Þa hi ðider coman, ða nam man an 7 an 7 benam ælc ðone riht hand 7 þa stanes beneðan, Eall þis wæs gedon wiðinnon þa twelf niht, 7 þet wæs eall mid micel rihte, forði þet hi hafden fordon eall þet land mid here micele fals þet hi ealle abohton. (Irvine 2004, 126)

[viii. 23] Referam quidam, quod accidit, dum predicta Discordia adhuc perseueraret inter regem et comitem Mellenti, in quop apparebit et seueritas iustitie ipsius in impios et contemptus pecunie in comparatione rectitudinis. Cum igitur in Normannia rebus bellicis intendens ageret, accidit ut nescio qua peruersitate deprauati omnes fere trapezete Anglici monetam stanneam, in qua uix tertia pars esset argenteae, cum eadem moneta tota ex argento soleret fieri, fabricarent. Cum uero de eadem falsa moneta in Normanniam delata regii milites forte stipendium accepissent, nec de ea, utpote non legitima, aliquid emere ualerent, de falsitate eius conquest sunt apud regem. Iratus ergo rex, et propter militum suorum iniuriam, magis autem ob iustitiam temeratam, sententiam dictauit, mandans et precipiens illis, quos in suo loco in Anglia dimiserat, ut omnes nummularios, qui huius impietatis iuste argui ualerent, abscisione dextrarum manuum necnon et genitalium membrorum multarentur. O uirum defensorem iustitie et iniquitatis acerrimum punitorem! O si uellet redemptionem accipere pro tot hominum impiorum menbris, quanta milia talentorum posset inde lucrari, sed, ut diximus, spreuit pecuniam amore iustitie! (Greenway et al. 1995, 236-39)

ii. 281. Monetarii totius Angliae principales deprehensi adulterinos, scilicet non puros, ex argento fecisse denarios, jussu regis simul Wintoniae congregate omnes una die amputates dextris evirantur. (Caenegem 1990, 203, no. 239)

John of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1125] By the savage command of the king, moneyers throughout England, taken with counterfeit money, had their right hands and their lower limbs amputated. Afterwards when coins were changed, everything became dearer, and a sever famine arose which reduced a multitude even to death. (McGurk 1998, 156-57)

[1125] Monetarii per Angliam cum falsa moneta capti, truncates dextris minibus et abscisis inferioribus corporis partibus, regis ferale subeunt edictum. Mutatione postmodum monete, cara facta sunt omnia. Hinc preualida fames oborta, plurimam multitudinem hominum morte tenus affligit. (McGurk 1998, 156-57)

Chronicle of Melrose (after 1140)

The principal moneyers of all England were caught at the command of King Henry as they were all gathered at Winchester and they had their right hand cut off and were emasculated by the amputation of their testicles, immediately after the Circumcision of the Lord. (Caenegem 1990, 204, no. 239)

Monetarii totius Anglie principals deprehansi jussu regis Henrici, simul Wintonie congregatae, amputates dextris et abscisis testiculis evirantur statim post circumcisionem Domini. (Caenegem 1990, 204, no. 239)

40. Leader of a gang of plunderers hanged 'with others' by King Stephen, c. 1135

***Gesta Stephani* (c. 1148, 1153)**

[3]. So Stephen, having with such good fortune obtained both the title of the king and the royal crown, armed himself like a man to establish peace in the kingdom; and by boldly meeting those very plunderers who had grievously ravaged the district round about he earned great glory right at the beginning of his reign. For there was at that time a certain man who though of humble rank, inasmuch as he had been King Henry's doorkeeper, was yet especially ready to do harm and most eager to offer violence to the poor. Indeed, with a mixed body of peasant and mercenaries, harassing his neighbours in every direction, he made himself unendurable to all, sometimes by insatiable pillage, sometimes by fire and sword. At length Stephen met him with spirit and after triumphantly capturing some of his followers either deprived them of their lives or put them in chains; and shutting up their leader himself together with others he finally hanged him on a gallows. Then rapidly gathering a strong body of knights, who had flocked together from every quarter, he hastened to Bishop Henry, on whom his enterprise entirely depended. For that man was his brother by both parents, a man of inexpressible eloquence as well as wonderful wisdom; with fortune smiling favourably on his wished he became Abbot of

[3] Stephanus itaque, tam fortunato euentu et regis nomen et regni apicem assecutus, ad pacem in regno conciliandam sese uiriliter armauit; ipsisque praedonibus, qui circumiacentem grauiter depopularant prouinciam, fortiter occurrens, insignem mox in regni sui primordio promeruit titulum. Erat namque eo in tempore uir quidam, etsi dignitatis exiguae, utpote regis Henrici ianuarum conclusor, ad nocendum tamen praecipue paratus, et ad uiolentiam pauperibus inferendam audissimus. Hic etenim cum indiscreto, tam rusticorum quam stipendiariorum militum, agmine uicinos suos circumquaque molestans, nunc deprædatione insatiabili, nunc igne et gladio omnibus se intolerabilem exhibebat. Huic tandem Stephanus obuiam intrepide occurrens, communipulares eius nonnullos uictorose captos uel uita priuauit, uel uinculis mancipauit: ipsumque eorumdem ducem cum aliis concludens, cruciariae: stipiti postremo affixit. Deinde ualida militum manu, qui undecumque confluerant, repentine collecta, ad Henricum episcopum, in quo totius annis sui sumrna dependebat, festinato tetendit. Erat enim uir ille ex ambobus genitoribus frater ei progenitus, uir sicut prudentia mirabilis, ita et eloquentia ineffabilis; qui et, dextra sibi ad uotum arridente fortuna, abbas Glastoniae, praesul

Glastonbury and Bishop of Winchester and was enthroned in the kingdom by the apostolic see as legate of all England. He then, overjoyed at his brother's success, came to meet him with the Winchester citizens of chief consequence, and after they had had a short communal conference escorted him respectfully into the town, the second place in the kingdom. (Potter 1976, 6-9)

Wintoniæ, totiusque Angliæ legatus fuit ab apostolica sede in regno inthronizatus. Iste igitur de prospero germani sui successu eximie lætatus, cum dignioribus Wintoniæ ciuibus obuius ei aduenit, habitoque in communi breui colloquio, in ciuitatem secundam duntaxat regni sedem, honorifice induxit. (Potter 1976, 6-9)

41. Stephen takes the castle at Shrewsbury from the traitor William Fitz Alan and hangs several of the men who were captured

Henry of Huntingdon, *Historia Anglorum* (c. 1154)

x. 7. But after Easter [3 April 1138] the abominable madness of the traitors flared up. For a certain traitor, Talbot by name, held the castle of Hereford in Wales against the king. But the king besieged it and took it back into his own possession. Earl Robert, the bastard son of King Henry, held against him the very strong castle which is called Bristol, and another which is called Leeds. William [recte Ralph] Lovel held the castle at [Castle] Cary. Paynel the castle at Ludlow [recte Dudley]. William de Mohun the castle at Dunster. Robert of Lincoln the castle at Wareham. Eustace Fitz John the castle at Malton. William Fitz Alan the castle at Shrewsbury, which indeed the king took by force of arms and he hanged several of the men who were captured. (Greenway 1996, 713)

x. 7. Post Pascha uero exarsit rabies proditorum nefanda. Quidam namque proditorum nomine Talebot tenuit contra regem castellum Herefordie in Wales. Quod tamen rex per obsidionem in suam recepit. Robertus consul, filius Henrici regis nothus, tenuit contra cum fortissimum castellum, quod uocatur Bristoue, et aliud, quod uocatur Slede. Willelmus Luuel tenuit castellum de Cari. Paganellus castellum de Ludelaue. Willelmus de Moiuu castellum de Dunestor. Robertus de Nicole castellum de Warham. Eustacius filius Iohannis castellum de Mealtune. Willelmus filius Alani castellum de Salopesbiri, quod rex quidem cepit armis, captorumque nonnullos suspendit. (Greenway 1996, 712)

42. Stephen threatened to hang the captured son of the Bishop of Salisbury if the rebellious Bishop of Ely did not hand over the castle he held at Devizes, c. 1138-40.

***Gesta Stephani* (c. 1148, 1153)**

[35]. So, when the bishops had assembled at court with the utmost ostentation, as was mentioned above, a brawl suddenly arose between the bishops knights and the king's knights at the instigation of the crafty Count of Meulan and some others. Those members of the king's party who were present, especially those who appeared to be in the secret of the aforesaid plot, took up arms,

[35] Cum igitur episcopi cum summa, uti præmissum est, ambitione ad curiam conuenissent, subito inter episcopales militesque regales exorta seditione, comite Mellonensi uersuto cum quibusdarn aliis instigatore, qui regiæ partis coadiutores intererant, et illi præcipue quicumque factionis præfatæ conscii uidebantur, sumptis armis dispositisque agminibus, in episcoporum

arrayed themselves in bands, and made a headlong assault on the supporter of the bishops. When they had captured some and killed others, and put a great many shamefully to flight in all directions with them, at length they returned to the king as though they had won a victory over their enemies, and when a general council of the ill-disposed had been held, they hastened in a body to arrest the bishops as if they were offenders against the king's majesty. And the bishops, hearing of the shameful scattering of their men, were preparing for flight, as was reported, when, behold, the king's followers, entering their lodgings in arms and finding the Bishops of Salisbury and Lincoln, brought them swiftly to the king after plundering with violence everything that was there. But the Bishop of Ely, on hearing what had happened, fled at great speed, since he was craftier in mind and more nimble of movement, and hurrying to his uncle's castle, named Devizes, made ready with determination to resist the king. The king, hearing that the Bishop of Ely had taken up arms against him, believed in the truth of the disingenuous and spiteful statements that had been made to him before, and thereby inflamed with more furious anger against the bishops he bent all his efforts to gaining possession of their castles. So coming to Devizes, which was a castle of the Bishop of Salisbury, constructed with wonderful skill and impregnable fortifications, he brought with him the two bishops under close guard, and gave orders that they should be lodged dishonourably apart from each other and grievously tormented by insufficient diet, and that his chief secretary, the son of the Bishop of Salisbury, who had already been captured and put in chains, should be hanged on high right before the castle entrance if the Bishop of Ely did not after all hand over the castle and admit the king's forces. So the bishops were in great distress and agony of mind, it being clear to all that they and theirs were liable to insults of various kings and even to peril of death unless they put at the king's disposal that castle they had built with so much care and regarded with so much affection. However, by advice of their friends (for they still had some in the gathering at court, though very few) they were persuaded and firmly convinced that they must get their release from the dishonourable arrest under which they were kept and entirely satisfy the king's wishes, especially as what belongs to Caesar must be rendered unto Caesar, and there is nothing that should be taken in exchange for a man's soul.

suffraganeos præcipitanter se impegerunt, istisque captis et illis interemptis, plurimis autem quaquaversum probrose effugatis omnibusque quæ secum detulerant in hostium manu ubique relictis, ad regem tandem, quasi de inimicis triumphati, redierunt, consilioque malignantium in commune habito, ad episcopos, tanquam ad regis maiestatis transgressores capiendos, facto grege maturarunt. Et illi quidem audita suorum probrosa dispersione, fugæ, ut fama erat, consulebant, cum ecce regis satellites hospitia illorum armati subeuntes, Salesbiriensemque et Lincolniensem episcopum reperientes, omnibus quæ aderant cum uiolentia distractis, ad regem uelociter adduxerunt. Episcopus autem Eliensis, auditis quæ contigerant, ut erat animi uersutioris agilitatisque expeditioris, celerrime aufugit, et ad castellum auunculi sui, quod Diuisa dicebatur, itinere sub festinatione protenso, ad obsistendum regi uiriliter se accinxit. Audiens uero rex Eliensem episcopum aduersum se arma sumpsisse, quæ sibi prius dolose et æmulanter suggesta fuerant, uera credebat, tantoque in episcopos uehementiori indignatione succensus, ad eorum possidenda municipia totus intendit. Veniens itaque ad Diuisas, quod erat Salesbiriensis episcopi castellum, mirando artificio sed et munimine inexpugnabili firmatum, duos secum episcopos custodiis adhibitis stricte seruatos adduxit, iussitque ut locis ab inuicem seclusi inhonestis, acribus macerarentur ieiuniis, summusque illius antigrahus, Salesbiriensis episcopi filius, captus iam et uinculis mancipatus ante ipsum castelli introitum alte suspenderetur, ni episcopus Eliensis, castello demum reddito, regiam uirtutem intus susciperet. Episcopi itaque nimia anxietate afflicti animo maxime torquebantur, dum cunctis palam esset, diuersis se et suos ludibriis sed et uitæ periculo exponendos, ni municipia sua, quæ summo studio construxerant, summo et amore complectebantur, in regis deliberationem committerent. Amicorum tamen consultu, qui, licet perrari, curiali frequentia intererant, fuit eis persuasum et fixe iniunctum, quatinus ex inhonesta, qua detinebantur, custodia se subtrahentes, regis uoluntati ex toto satisfacerent; maxime cum ea, quæ Cæsaris sunt, Cæsari sint reddenda, et nulla commutatio pro anima sit ponenda.

[36] Hoc igitur castello sed et aliis, quæ possederant, in manus regis contraditis, episcopi humiles postmodum et depressi omnemque inanis gloriae pompositatem exuti, ad res ecclesiasticas simpliciter et ecclesiastice possidendas

[36]. So the bishops, handing over to the king this castle and others they had held, were going back soon afterwards, humble and downcast and stripped of all their empty and ostentatious splendour, to hold their church property in the simple fashion that befits a churchman, when they had yielded to the king, though reluctantly and unwillingly, all the stocks of weapons and money they had laid up in the castles. So when these things had in this manner been fulfilled, we wonder at the surprising good fortune that was the king's lot, inasmuch as after he had drained his own treasuries almost to exhaustion to protect the kingdom, he so suddenly came to enjoy the fruit of others' toils, and what had been stored up in the castle for his own injury and damage, as was reported, was given up for his honour and profit alone without any toil at all on his part. After this a council was held in England and it was stringently enacted that any receptacles of war and disturbance in the hands of any of the bishops should be handed over to the king as his own property. On this occasion also the king, when accused in public or his rash assault on the bishops, excused himself and his followers on what he supposed to be strong and satisfactory grounds. But because it was justly decided and judiciously determined by all the clergy that on no grounds could he lay hands on the Lord's anointed, he softened the harshness of the Church's severity by a humble submission, and putting aside his royal garb, groaning in spirit and with a contrite heart, he humbly accepted the penance enjoined for his fault. (Potter 1976, 76-81)

regrediebantur, concessis regi, licet ægre et inuite, quascumque in castellis reconderant armorum et pecuniarum copiis. His itaque tali modo completis, inopinabilem regi fortunæ contigisse miramur euentum, cum suis ad regni tuitionem impensis pæne et exhaustis thesauris, in aliorum labores tam repente impegerit, quæque ad suum, ut fama erat, damnum et detrimentum in castellis congesta fuere, ad suum modo honorem et proficuum sine omni omnino labore indulta cessere. Fuit post hoc habitum in Anglia concilium et firme statutum ut quæcumque in quorumlibet episcoporum manu belli essent ac tumultus receptacula, tanquam propria regis regi permitterentur. Vbi etiam rex de temeraria, quam in episcopos commisit, inuasionem publice accusatus, ratione ualida, ut putauit, et efficaci se et suos excusauit. Sed quia ab omni clero iuste prouisum et discrete fuit diiudicatum, nulla ratione in christos Domini manus posse immittere, ecclesiastici rigoris duritiam humilitatis subiectione molliuit, habitumque regalem exutus, gemensque animo et contritus spiritu, commissi sententiam humiliter suscepit. (Potter 1976, 76-81)

43. The outlaw Robert fitz Hubert is hanged because he took the castle at Devizes and would not surrender it back to the king

Gesta Stephani (c. 1148, 1153)

[52]. The Earl of Gloucester, hearing that that very evil man was thus kept in the custody of John, who was still a most loyal supporter of his own party, rejoiced not a little, and summoning a very numerous body of knights to accompany him he came to John, and bringing Robert in front of Devizes he hanged him on high before the eyes of all his men, a most righteous vengeance of God, inasmuch as he who had afflicted many thousands of men with torments himself ended his life with the torment he

[52] Audiens Glaorniaë comes nefandissimum illum in Ioannis custodia, qui suae adhuc partis fidelissimus erat coadiutor, tali modo detentum, non mediocriter collætabatur, eximiamque militum frequentiam in suum aduocans comitatum, ad Ioannem aduenit, adductumque ante Diuisas Robertum, in omnium suorum oculis alte suspendit, condigna Dei ultione, ut qui multa hominum milia suppliciis attriuerat, et ipse scelestam uitam digno supplicio terminaret. Isto igitur, ut dictum est, suspenso,

deserved. Then when he had been hanged, as I have said, his relations and comrades whom he had left in Devizes, whom in his lifetime he had conjured not to deliver the castle to anyone, even though he were hanged, delivered it, on receiving very large sums from the king, to Hervey the Breton, a man of distinction and soldierly qualities and the king's son-in-law. And he for his part, always helping the king with courage and great energy, waged obstinate and unceasing warfare with the king's assailants until at last he was surrounded by the country-people and besieged by all who lived in the district and, willy-nilly, after losing the castle, departed as an exile from all England. But I will deal with these matters in what follows. (Potter 1976, 106-09)

William of Malmesbury, *Historia Novella* (c. 1140-1142)

[485] The capture of Robert Fitz Hubert

In the following week, just at the time of the Passion, on March 26th, the savage previously mentioned, Robert Fitz Hubert, a man excellently suited to stratagems, too by stealth the castle of Devizes. He was the cruellest of all men within the recollection of our age and likewise a blasphemer against God; for he used to boast gratuitously that he had been present when eighty monks were burnt together with their church and said he would do the same thing again and again in England and vex God by plundering the church at Wilton and destroying the one at Malmesbury, killing all the monks of the place at the same time; he would give them this requital, he said, for letting in the king to do him harm. He ascribed this to them but without reason. I have heard with my own ears, if ever he let prisoner go (and it was a very uncommon thing) without ransom and without torturing them and they thanked him in God's name, I have heard him answer, I say, 'May God never be grateful to me!' He used to smear prisoners with honey and expose them naked in the open air in the full blaze of the sun, stirring up flies and similar insects to sting them. Now, having won Devizes, he did not hesitate to boast that by means of that castle he would gain possession of the whole district from Winchester to London and send to Flanders for knights to act as his bodyguard. As he was preparing to do these things the vengeance of heaven prevented him by the agency of John Fitz Gilbert, a man of great cunning who was castellan of Marlborough: for as he objected to handing over Devizes to his lady the Empress John chained him, hanged him on a gallows and put him to death. Wondrously was God's judgement exercised upon

cognati at commilitones, quos in Diuisa reliquerat, quos et uiuens adiurarat ne cuiquam castellum committerent, quamuis suspenderetur, plurimis a rege susceptis pecuniis, Herueo Britoni, uiro illustri et militari et genero regis, castellum commiserunt. Et ille quidem fortiter semper et uiuacissime regem adiuuans, pertinacem et inremissum cum regis insectatoribus habuit conflictum, quousque tandem a rusticis circumuentus, et ab omnibus comprouincialibus obsessus, uellet nollet, castello amisso, ab omni Anglia exul discederet. Sed de his in sequentibus. (Potter 1976, 106-09)

[485] De captione Roberti Filii Huberti

Sequenti ebdomada, ipso tempore Passionis, septimo kalendas Aprilis, prefatus barbarus Robertus filius Huberti, ad furta belli peridoneus, castellum de Diuisis clanculo interceptit. Homo cunctorum quos nostri seculi memoria complectitur immanissimus, in Deum etiam blasphemus; ultro quippe gloriari solebat se interfuisse ubi quarter uiginti monachi pariter cum ecclesia concremati fuerint: idem se in Anglia, factitaturum et Deum contristaturum depredatione Wiltoniensis ecclesie, etiam subuersione Malmesberiensis, cum monachorum illius loci omnium cede; id se muneris eis repensurum, quod regem ad nocumentum sui admisissent. Hoc enim illis imponebat, set falso. Hisce auribus audiui, quod si quando captiuos, quod quidem rarissime fuit, immunes absque tortionibus dimittebat, et gratie ipsi de Dei parte agebantur, audiui, inquam, eum respondisse, 'Nunquam mihi Deus grates sciat!' Captiuos melle litos flagrantissimo sole nudos sub diuo exponebat, muscas et id generis animalia ad eos compungendum irritans. Iam uero nactus Diuisas, iactitare non dubitauit se totam regionem a Wintonia usque Londoniam per id castellum occupaturum, et ad tuitionem sui pro militibus Flandriam missurum. Hec facere meditantem ultio celestis impediuit per Iohannem filium Gildeberti, magne uersutie uirum, qui apud Merleberge castellum habebat: ab eo siquidem uinculis innodatus, quia. Diuisas domine sue imperatrici reddere detractabat, patibulo appensus et exanimatus est. Miro circa sacrilegum Dei iudicio concitato, ut non a rege cui aduersabatur, set ab illis quibus fauere uidebatur, exitium tam turpe meruerit. Mortis illius auctores digno attollendi preconio, qui tanta peste patriam liberarint ac

a sacrilegious man, in that he earned so shameful an end not from the king, to whom he was an enemy, but from those whom he seemed to favour. Those who brought about his death must be given the praise they deserve for ridding the country of such a plague and so justly punishing an enemy in their midst. (Potter 1955, 44)

John of Worcester, *Chronicon ex Chronicis* (c. 1140)

[1140] A certain knight called Robert was the son of Hubert, a noble man. He feared neither God nor man, but trusted completely in his own strength. He attacked the castle of Malmesbury but a cunning ploy. Some of the royal knights in the castle took refuge in the church of the holy bishop Aldhelm for sanctuary. Robert pursued them, and one day broke into the chapter-house of the monks at the head of armed men. With terrifying threats, he ordered the brethren to hand over the mighty king's soldiers and their horses if they valued their property. The monks were horrified at the breaking of the peace of God and of their blessed patron, Aldhelm, and refused to do as he asked. In the end, and, unwillingly, they handed the horses over, to appease his wrath. After Robert had remained in the castle for some time and had devastated the surrounding countryside, the king arrived with his army and besieged the castle for almost 8 days. William of Ypres, who was said to be a kinsman of the same Robert was the go-between for the surrender of the castle, and at least gained the king's agreement to a peace settlement and the surrender of the castle with a total submission to the king. And this was done. Robert meanwhile went to the earl of Gloucester, staying with him for some time, brooding treacherous thoughts. A little later Robert unwilling to follow what was right, and thirsting for blood, went to Devizes with his men, without the earl's knowledge. There he first agreed with his followers that if he took the castle it would never be surrendered by anyone of them. By treacherous cunning he scaled the wall, and gave the signal of victory to the king's soldiers within.

He took by surprise the out forts, and acted as a tyrant to many. On the fourth day, by fierce and evil cunning he took possession of the citadel inside and, in his vainglory, ravaged everywhere day and night, and did not stop doing all the harm he could. He then turned aside to John, a famous warrior, who was at that time holding Malmesbury castle for the king and menacingly demanded that he should follow his advice, or rather evil counsel, and carry out his devilish plans not just against the king, but also against the earl and everyone possible.

intestinum hostem tam iuste dampnarint. (Potter 1955, 44)

[1140] ... Miles quidam nomine Rotbertus, cuiusdam nobilis uiri Huberti filius. Hic nec Deum nec homines ueritus, sed totus in suis uiribus confisus, Malmesberiense castellum cum suis doli machinamentis inuasit, regis militibus qui intus errant quibusdam in ecclesiam sancti presulis Aldelmi uelut in asylum fugientibus. Quos insecutus, quadam die cum suis armis militaribus constructis capitulum fratrum intrauit. Minis eos territans, alia tuition facultatum suarum regie dignitatis viros cum equis trade sibi mandauit. At illi pacem Dei et beati patroni sui Aldelmi infringere ueriti, iussis huiusmodi consentire renuunt. At demum licet inuiti quo uesanie illius satisfaciant, reddunt equos. Diutius illo in castello morante, iam uastatis omnibus in circumitu, rex cum exercitu superuenit, et fere .viii. diebus castellum obsedit. Willelm d'Ipre, ut fertur consanguineus ipsius Rotberti, ad reddendum castellum utrinque internuntius fuit; idque tandem a rege optinuit, ut dextris datis et castello reddito, regionis iuri omnia cedant. Quod et factum est. Rotbertus uero ad comitem Gloucestrensem diuertit, penes illum ad tempus in doli ueneno moraturus. Non multo post quia nullatenus uoluit intelligere ut bene ageret, sed ut sanguine sanguinem tangeret, ignorante comite, cum suis ad Diuisas se contulit. Vbi, uel prius iam facta conuentione inter se et suos so castellum optineret, nemini unquam tradendum. Dolo malignitatis murum ascendit, regis militibus qui intus errant signum dedit sic proclamans.

Ex improuiso exterior castella penetrat, in plures tyrannidem exercet. Quarta dehinc die, ui et calliditate malitiosa turrim interiorem possidendam inuadit; et singulis diebus ac noctibus, in extollentia cordis ubi omnia deuastat, et mala que poterat agree no cessat. Non tandem ad Iohannem, illustris militia uirum, qui tunc in regis fidelitate Malmesberiense castellum obseruabat, diuertens, ut suo consilio, immo insilio, consentiat et secum teneat, et non solum regi sed etiam comiti et quibuscunque poterat, in Satan fiat, minando postulat. Si nollet, sciret se ex improuiso capite plectendum.

“O hominem dementem, uelut
in multitudine diuitiarum

If John were to refuse, he was to know that he would lose his life when he was not expecting it.

Oh the madness of man hoping
to rely on his many riches, and
successful only in his vanity! He
will not be saved by his abund-
ant strengths.

John answered, 'By God's help, I would rather seize an evil man than be taken captive by him.' Saying this he immediately seized Robert and placed him under guard, where turn for turn he cause every torture which Robert had inflicted on others to be inflicted on him. On learning of this, the earl of Gloucester and Miles, the former constable, came to the said John with man men. The earl promised him 500 marks if he would agree to have Robert over on a fixed day after he had been given valued hostages, and handed Robert over to the earl on condition of his being returned within fifteen days. After this agreement the earl returned to Gloucester, taking Robert with him. They then discussed the surrender of Devizes castle, which the earl wanted Robert to hand over voluntarily Robert refused so as not to break the oath which had been made with his followers that the castle should never be given up. However, scared by the threat of hanging on the gallows, he agreed to the request on condition that he escaped the danger of death. Before the day appointed for the hand-over, the detestable Robert was led back to the afore-mentioned John, who was told by the earl all that had happened, and how Robert, terrified by threats, had agreed to have over the castle. The earl again asked that Robert be allowed to come with him to Devizes, promising that, if by chance he obtained the castle, it would be surrendered to John under his jurisdiction. John agreed to the earl's proposal, and the earl straightaway returned to Devizes with Robert. Meanwhile the same John sent letters to those outside and within the castle, swearing that neither he nor the earl would harm Robert, and that they would ensure that the garrison's oath not to hand the castle over to anyone was firmly kept. The earl went back to Gloucester, leaving behind the ex-constable a powerful man Hunfrith, and some there, and ordering that Robert should be hanged if he refused to surrender the castle voluntarily. [Manuscript G's continuation] Both Robert and his followers refused because they did not wish to break their oath. Soon after as a warning to others, first his nephews were hanged, and then he was also taken and hanged. Blessed be God who has delivers up the wicked. (McGurk

suarum sperantem, et in uanitate
sua preualentem. At in abundan-
tia uirtutis sue non saluabitur."

Respondit Iohannes, 'In uirtute Dei quenlibet malo capere, quam ab aliquot capi.' Dixit et mox illum captum in custodiam posuit, uicemque pro uice reddens, omnia tormentorum genera que in crudelitate sua prius aliis intulerat, in illum expendi fecit. His omnibus auditis, comes Glaornensis et Milo exconstabularius cum pluribus ad predictum Iohannem ueniunt. Cui ipse comes .d. marcas se daturum spondit, eo pacto ut sibi Rotbertum ad statutum diem prestaret, ipseque sibi bonos obsides daret. Iohannes placates pecunia promissa et obsidibus, tradidit illi Rotbertum eo tenore, ut infra .xv. dies sibi redderetur. Hac conuentione facta, comes reuertitur Glaorniam, ducens secum Rotbertum. Conseritur sermo de reddendo castello apud Diuisas, quod Rotbertum. Conseritur sermo de reddendo scilicet castello infringeret. At ubi minis territus in patibuli suspensione, spondet se cessurum petitis, dummodo periculum euadat mortis. Infra statutum reducit presentiam, cui nuntiat comes omnia que gesta sunt, quomodo minis territus Rotbertus promiserat se redditurum castellum. Rogat etiam denuo Rotbertum ad Diuisas secum ire permittat, eo pacto, ut si fortassis optinuerit castellum, iuri Iohannis sub eo subigatur. Annuit Iohannes precibus comitis, qui protinus cum Rotberto redit ad Diuisas. Interim idem Iohannes, missis litteris ad eos qui extra uel qui infra castellum errant, iureiurando iurauit nec se nec comitem aliquid malefacturos Rotberto; hoc dumtaxat agant, ut iuramentum in non tradendo alicui castello firmiter teneant. Relictis exconstabulario et quodam potenti uiro Hunfrido et quibusdam aliis, comes Glaorniam reuertitur, mandans omnibus ut si Rotbertus renueret sponte reddere castellum, suspenderetur. Renuit Rodbertus, renuunt et sui, ne uiderentur periuri. Quid multis? Ut terror omnibus incuteretur, duobus nepotibus Rodberti prius suspensis, ipse captus suspenditur. Per omnia Benedictus Deus qui tradidit impios. (McGurk 1998, 284-291)

1998, 284-291)

44. *The mother of Hugh de Morville falsely accuses a man of attempted murder out of spite and he is executed*

William of Canturbury's *Life of Thomas Becket*, (c. 1173 x 1174)

Hugh de Morville's name, whether understood as the vill of death or of the dead, related in whatever way it is said to a place of death. As his mother, so it is said, was ardently in love with a young man called Litulf, who rejected adultery, she asked by some extraordinary female trickery that he should bring her horse forward and draw his sword as it were to play a game. As he did this, she in the language of the country, exclaimed to her husband who was in front of her: "Hugh de Morville, beware, beware, beware Litulf has drawn his sword". Therefore the innocent young man was condemned to death, boiled in hot water and underwent martyrdom as if he had stretched out his hand to spill the blood of his lord. What shall we hope from the brood of the vipers? Do we collect a grape from thistles or a fig from a thorn? If a bad tree cannot produce good fruits, as truth testifies, it follows that innocuous seed cannot be produced by a fetid root. (Caenegem 1990, 287-88, no. 330)

Hugo de Morvilla, mortis vel mortuorum villa, quocunque modo dicatur, vicum mortis exprimit. Hujus mater, ut fertur, cum juvenem Litulfum ardentem amaret et ille recusaret stuprum, exquisita muliebri versutia petiit ut vel educto gladio coram se ludentis speciem agens admitteret equum suum. Quod cum faceret, patria voce exclamavit ad praeentem virum: "Huge de Morevile, ware, ware, ware, Lithulf heth his swerd adrage", Quod Latine sonat: "Hugo de Morvilla, cave, cave, cave, Lithulfus eduxit suum gladium". Quamobrem juvenis innoxius, tanquam qui ad effundendum sanguinem domini sui manum extendisset, morti addictus et aqua ferventi decoctus, martyrium complevit. Quid de genimine viperarum speremus? Nunquid de tribulis uvam, aut de spina ficum colligimus? Si arbor mala bones fructus facere non potest, teste veritate, consequens est ut ex radice virosa germen innocuum non surgat. (Caenegem 1990, 287-88, no. 330)

REPORT OF ELEMENTARY ANALYSIS OF BRAN DITCH SKELETONS

No osteological report was included in the Bran Ditch publications; however the skeletons were supposedly examined by DWL Duckworth. Any notes or unpublished reports he may have written do seem to have survived; however the skeletons themselves are stored in the Duckworth Collection in the Leverhulme Centre for Human Evolutionary Studies at the University of Cambridge. The Leverhulme Centre graciously granted me access to the skeletons for examination. What follows is an elementary analysis of the skeletons in the collection, focused on confirming whether the headless skeletons thought by Lethbridge and Palmer (1929) to have been decapitated. If there was evidence of decapitation, age and sex was estimated. Trauma or disease was not analysed, although there was no unmistakably apparent evidence for either. Illustrations are provided from the original report (Lethbridge and Palmer 1929) and photographs were taken by the author with permission of the Leverhulme Centre for Human Evolutionary Studies.

METHODOLOGY

As mentioned above, the skeletons were only examined for trauma signifying decapitation, age and sex. Subadult age was estimated primarily by epiphyseal closure (Buikstra and Ubelaker 1994; White and Folkens 2005). Adult age was estimated using Meindl and Lovejoy's (1985) system of cranial suture closure (Buikstra and Ubelaker 1994; White and Folkens 2005) and dental attrition when possible (Lovejoy et. al. 1985). Adult age also took into account the pubic symphyseal surface (Todd 1920; Brooks and Suchey 1990), particularly when no cranial elements were present.

Sex was not analysed in subadults due to the skeletal completion of most individuals, since sexing individuals who have not reached puberty can be difficult even with a complete skeleton. Adults were analysed based on sexually dimorphic traits in the skull and pelvis (Buikstra and Ubelaker 1994; Washburn 1948; White and Folkens 2005)

The skeletons were not analysed for further pathological indicators. This was due primarily to time constrictions such that only the most significant factors to outcome of this study were examined: age, sex and evidence for trauma indicating decapitation.

SKELETONS

No. 4 (cat. no. Eu.1.2.157)

This individual was recorded as having the 'head bent back at an angle suggesting a cut throat' (Lethbridge and Palmer 1929). Slitting the throat may not have cut deep enough into the neck to cut into the vertebrae, although there seems to be no reason why such a shallow cut might lead to the head being thrown back in the grave.

The bones of this skeleton were in fairly poor condition but there did not appear to be any cutmarks on any of the cervical vertebrae which might have signified significant throat slitting or decapitation.

The individual was a juvenile. The distal end of the humerus was fused, the proximal end of the radius was fused, and none of the other long bone epiphyses were fused. According to Buikstra and Ubelaker's Standards (1994) this places the individual around 14-15 years of age. The skull was not in such a condition that the teeth could be analysed for age. Due to the young age, no analysis for sex was performed. Duckworth's notes label it as male.

Unfortunately, there is also some confusion regarding the catalogue number. Two numbers have been recorded as burial 4, and in one document Duckworth gives the impression that the individual analysed above was the the burial 4 referenced in the excavation report. However, later he refers to 1.2.236 as belonging to burial 4. This was not realised and 1.2.236 was not examined. Duckworth states that Eu.1.2.236 had a broken face with the lower molars and premolars missing. Closed sutures led him to age the individual as 'old'. Duckworth does not mention any post-cranial features; if all that survives of Eu.1.2.236 is the skull than it would have been impossible to check the vertebrae for traumatic marks.

No. 7 (cat. no. Eu.1.2.235)

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The body was thought to have twisted, with the head thrown back and the hands clasping the neck. This is an odd burial position. It would be odd for someone remain in that position after death and through the burial, so it is likely to be coincidental.

There were no cutmarks on the vertebrae.

The individual is thought to have been female, based on the pelvic and cranial characteristics. The age was estimated at 30-40 using the pubic symphyseal surface, 35-40 by the teeth wear, and 40-45 by the sutures. Overall this places the individual in the category of prime to mature adult.

No 13

This individual was found without a skull, and it is thought to have been a victim of decapitation because the grave had been cut to fit the headless body exactly.

It would have been interesting to examine the vertebrae of this skeleton. Unfortunately, no associated catalogue number was recorded for this skeleton, and it proved impossible to figure out which skeleton in the Duckworth collection might have been Bran Ditch no. 13.

No. 14 (cat. no. Eu.1.2.161)

This individual was uncovered without a head in the proper anatomical position, but two disarticulated skulls lower in the grave.

Potential cutmarks were apparent on the axis and cervical vertebrae. It is possible that a blade may have sheared off the inferior surface of the vertebral body and the right inferior articular facet of the axis. Probably a second cut may also have affected the superior articular facet of what is probably the C4.

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The individual is thought to have been male, based on the pelvic characteristics. Duckworth's notes concur. There was no way to age the skeleton without the skull, but all elements were fused so the individual was at least an adult (18+).

No. 16 (cat no. Eu.1.2.161)

A skull was also catalogued under this number. It is probably Sk 16, which was one of the skulls found with Sk 14.

There is a possible cutmark on the inner left gonial angle. It is possibly, though not necessarily, the result of a cut to the neck consistent with attempted decapitation.

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The teeth wear gives an age range of about 20-35, while the sutures provide a later age of around 40. The individual was probably a prime to mature adult at the time of death. The sexually dimorphic characteristics of the skull suggest the individual was probably male.

No. 15 (cat. no. Eu.1.2.162)

No. 15 is the second skull that was found in the grave of No. 14. There were no apparent cutmarks on the cranium or mandible. It is possible this was from a decapitation, but it also maybe have been disarticulated material from an earlier burial. It is not considered as a decapitation, so was not examined for sex or age.

No. 19/21 (cat. no. Eu.1.2.164)

(Duckworth notes that 164A is only long bones)

No. 19 was found without a head, the neck ending at the C5. Three skulls (17, 20, and 21) were found in the grave.

There were two individuals in the storage box, both labelled as No. 19/Eu.1.2.164A. It was unclear which was intended to be No. 19. Both were adults, possibly male. Duckworth's notes are not clear on the issue, but he marks them both as male. The neck supposedly ended at the 5th cervical vertebra, but an atlas axis and two pieces of C3 demonstrated a cut through the neck. It is possible that these vertebrae actually belong to Sk 21, which was a disarticulated skull in the grave. Sk 21 was found with three vertebrae attached, the third 'had been cut through horizontally'.

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The skull catalogued as Eu.1.2.164 is probably the skull of Sk 21. There was recorded to have been 'a slice sheared off the bottom of the right ramus of the lower jaw'. The mandible associated with Eu.1.2.164 had been cut through the right gonial angle. The sexually

dimorphic characteristics of the skull are fairly indeterminate, but lean more toward possibly male. The teeth age the individual as somewhere between 35 and 55, but the skull sutures lean toward the older end of that range (48-56). The individual was a mature to senior adult at the time of death.

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The catalogue number Eu.1.2.164 was given to a third individual with an unknown corresponding excavation number. The bones have written on them 17/20/21, but according to the excavation report individuals 17, 20 and 21 were disarticulated skulls. So it is unclear to which excavation number this skeleton belongs. The vertebrae did not show any signs of decapitation. The skeleton was clearly adult, but further investigation into age or sex was not performed because of the ambiguity of the body and the absence of evidence of trauma. Duckworth later gives 19 the catalogue number Eu.1.2.254, which was not analysed in this study. Eu.1.2.164A was labelled 19, so it is unclear which skeleton actually belonged to excavation number 19.

No. 17/20 (cat. no. Eu.1.2.254)

A skull from grave 19 was catalogued separately. It is unknown to which excavation number it corresponds, but as it seems fairly clear that the associated with Eu.1.2.164 was No. 21, this skull must either be No. 17 or No. 20. The teeth on the right side of the mandible were shorn off of No. 17. Eu.1.2.254 did not display any cutmarks on the mandible, so it is more likely that this may have been No. 20. The skull was too fragmentary for diagnostic purposes.

No. 26 (cat. no. Eu.1.2.263)

No. 26 was a disarticulated skull 'with the base cut away'. It is possible that it belonged to the headless No. 29.

Unfortunately the catalogued skull was too fragmentary to confirm the injury to the base of the skull.

No 29 (cat. no. Eu.1.2.192)

No. 29 was 'curiously hunched and twisted'. The body was headless when it was uncovered, and the C4 had been horizontally cut through.

Most of the skeleton was missing. The only elements in the box were two sides of the pelvis and a femur. The femur was fully fused, so the individual was an adult. The only diagnostic element for sex was the sciatic notch, which was indeterminate. Duckworth's notes state that this individual was male.

No. 30 (cat. no. Eu.1.2.193)

The head of this skeleton was found upside down, with two vertebrae still attached but no mandible. The rest of the vertebrae were missing.

The skull and attached vertebrae do not seem to have been stored under this catalogue number. The correct catalogue number is unknown. This individual was a juvenile. The only fused epiphysis was on the distal end of the humerus, placing the age somewhere between 9 and 14. As the individual was a juvenile, no examination of sex was performed.

No. 31 (cat. no. Eu.1.2.194)

This individual was found with an extra cervical vertebra which was horizontally cut through. The skull and attached vertebrae do not seem to have been stored under this catalogue number. The correct catalogue number is unknown. This individual was an adult. The articular surface gave an age range of 25-30. The sexually dimorphic traits on the pelvis were fairly indeterminate, but leant slightly more toward the masculine range.

No 36 (cat. no. Eu.1.2.173A)

The head of No. 36 was in anatomical position, but a cut on the C4 demonstrated decapitation.

The cut skimmed the superior surface of C4, slicing the top of the left articular facet, some of the vertebral body and the superior surface of the spinous process. The same cut may also have removed the right transverse process of C3. The M3s were just erupting on the mandible and mostly erupted on the maxilla, placing the individual at around 15-21 at the time of death. The sexually dimorphic traits were indeterminate, which is explained

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by the young age. Two pieces of copper slag were stored with the body. It is assumed that they were found in the grave.

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A second individual was stored with No. 36, cat. no. Eu.1.2.173. It is not known to which excavation number this skeleton belongs. The inferior surface of the vertebral body and the transverse process were sliced off. Such a cut would likely have produced cutmarks on the C₃ as well, but that vertebra was missing. It is unfortunate that this individual cannot be identified with one of the excavated skeletons, because it probably represents another decapitation. The long bones were fused, which suggests this individual was an adult. Only a portion of pelvis remained and no skull was present, so age and sex could not be examined further.

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No. 38

The head of this individual was in anatomical position, but was apparently severed at C₂. It would have been interesting to examine the C₂ of this skeleton. Unfortunately, no associated catalogue number was recorded for this skeleton, and it proved impossible to figure out which skeleton in the Duckworth collection might have been Bran Ditch No. 38.

No. 39 (cat. no. Eu.1.2.175)

This was a loose skull which was found with No. 38. There was a cut on the back of the left ramus. This may have been the result of an attempted decapitation blow which missed its aim. Without the cervical vertebrae, decapitation cannot be confirmed.

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The individual was probably male and, based on the sutures and teeth, around 30-40 years old at death.

No 41 (cat. no. Eu.1.2.176)

This individual was thought to have been decapitated at the C6 and the head replaced in the proper position.

All of the cervical vertebrae were present except the C6. As the description notes that the head was severed at C6, but mentions nothing about cutmarks, perhaps the C6 was missing when the skeleton was found. The mandible was also missing. The skeleton was an older adult, 45 or older. The only diagnostic material for sex was the sciatic notch, which was roughly indeterminate. Duckworth's notes state that the individual was male.

No. 45 (cat. no. Eu.1.2.179)

The excavation report states that the projection of the axis was cut off, although Duckworth was not sure if this would have led to full decapitation.

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The projection of the axis was cleanly sliced off. There was a fragment of a lower cervical vertebra, but no other cervical vertebrae were missing. The individual was around 30-40 based on teeth wear and sutures. The pubic symphysis provided a later age of around 44-50. The individual was probably male. Duckworth's notes concur that the individual was male.

There was an extra right side of a pelvis stored with No. 45.

No. 47 (cat. no. Eu.1.2.197)

This individual was found without a head. The vertebral column ended with half of the C₄. All the cervical vertebrae were missing from the collection. The pelvis has a wide sciatic notch, but all other features are characteristically male. Duckworth's notes concur. The pubic symphysis gives an age of 25-40.

No. 48 (cat. no. Eu.1.2.198)



No. 48 was found headless and the vertebral column ended with the C₃, which was cut through.

Most of this skeleton was missing from the collection. Only a few long bones, the pelvis and a talus survived. Sex and age were taken from the pelvis. The sex was indeterminate. Duckworth's notes state that the individual was male. The age at death was 35-45.

Appendix D

KEITH'S NOTES ON THE GUILDOWN SKELETONS

The following is a transcription of Sir Arthur Keith's notes on the Guildown burials. Keith's analyses of the individual skeletons were never published, and are currently archived at the Royal College of Surgeons London, who have graciously allowed me to include them in this project. Keith only analysed a small sample of the burials: forty-eight individuals, including both individuals from the sixth-century pagan cemetery and execution victims. Keith's notes included maps and further notes on measurements, but I have included only the finalised notes on individual skeletons. I have transcribed his notes fairly exactly, although for comprehension I have fixed spelling and grammatical errors where possible.

38 (4.21.34)

[No further information was provided about this skeleton]

56 (4.20.9)

Male

Incomplete adult male.

Femora - tibiae - fibulae - incomplete sacrum - pelves incomplete - humerii incomplete - ulnae incomplete - radii incomplete - left scapula - clavicles - vertebrae (5 lumbar, 10 dorsal frag). Bones of hands & feet.

57 (4.21.26)

Male

Age 35-40

Skull & fairly complete skeleton.

Femora - tibiae - fibulae - pelves - sacrum - humerii - ulnae - radii - scapulae - clavicles - bones of the hand & feet.

Description.

Facial part largely missing. Occipital boss - obelion flat.

Teeth lost in life Mand M₁ & M₃ on right & ?M₁ left Max.

Femora slight hypo. troc. fossae.

Strong M/S groove in humerus.

73 (4.21.4)

Female.

Young adult female under 20 years of age.

Incomplete skull, mandible & skeleton almost complete.

Femora - tibiae - fibulae - pelves - sacrum - humerii - ulnae - radii - scapulae frags - clavicles - sternum frag. - vertebrae complete - ribs - bones of hands & feet - patellae.

Description.

Slight caries max. M1. Condition of 3rd M's unknown, parts missing.

Epiphyses un-united, femoral head trochanter lower end, both ends tibiae & fib. Upper end humerus, medial epicondyle. Both ends radii, lower end ulnae, sacrum. Both end of epiphyses of clavicles. Vert. bodies epip. lacking. Rib heads tubercles & pelvic epip. missing.

74 (4.20.10)

Female

Elderly adult female skeleton. Incomplete skull. Mandible. Pelvic girdle and long bones almost complete, fragments of other bones.

Femora - tibiae - fibulae incomplete - sacrum - pelves - humerii - ulnae - radii - scapulae frag - clavicles - 1 lumbar vert. - sternum frag - patellae - some bones of hands & feet.

76 (4.21.27)

Female.

Age 25-30

Skull & very incomplete skeleton.

Clavicles - scapulae - humerus - sacrum - vertebrae.

Max. all teeth present at death. No disease [sic].

Deep canine fossae.

77 (4.20.11)

Female.

Complete skull & mandible.

Femora - tibiae [sic] - incomplete fibulae - sacrum - pelves - humerii - ulnae - incomplete scapulae - 3 ribs - 23 vert - including axis & atlas - patellae - some bones of hands & feet.

85 (4.21.32)

Male

Skull only. Age 35-40

Metopic suture. Bony exostosis on maxilla.

87 (4.20.12)

Female?

Incomplete skeleton of a young female adult.

Femora - fibula frag. - incomplete pelves - humerii - ulnae - left radius - patellae - bones of hands & feet.

Skull & half mandible.

109 (4.21.29)

Male

Skull only of male adult. Age 30-35

Some tendency mid. sagittal keeling.

Deep canine fossae [*sic*]

117 (4.21.18)

Male

Age 30-35

Skull and skeleton of male adult

Femora - tibiae [*sic*] - fibulae - pelves - sacrum - humerii - ulnae - radii - scapulae - clavicles - vert. (20) - bones of hands & feet. Ribs.

Description.

Slightly built individual.

Keeling of occipital boss.

Teeth max. all present.

Left max. M₃ unduly small. (see Col)

Mand. M₃ unerupted. Mand. left M₂ carious, rest show crown wear.

Sacral canal open dorsally.

Femur small head & slight hypo. troc. fossa.

118 (4.21.17)

Male

Age 40-45

Skull & fairly complete skeleton.

Femora - tibiae [sic] - fibulae - pelvis - sacrum - humeri - ulnae - radii - scapulae - clavicles -
vert. 16 - bones of hands & feet

Description.

Medium build.

Occipital boss, obelionic gutter, small mastoids.

Max left M₃ unerupted (see Collier re shape max. teeth).

Mand. excessive M/H ridge, ant. crowding. Tarter.

M₃'s unworn M₁'s worn plus plus.

No disease.

Sacrum coccyx fused.

Humeri excessive deltoid tuberosity.

Pronounced M/S groove.

119 (4.21.16)

Male

Age 30-35

Skull & skeleton complete.

Description.

Excessive oblique wear max. M's.

Crowding mand. anterior teeth. M₁ & 2 crown wear plus plus - M₃ unworn.

Mastoid massive. 3rd trochanter right femur.

Clavicles lack sternal epip.

121 (4.21.7)

Age 30-35.

Almost complete skull & skeleton of young adult female.

Femora - tibiae - fibulae - sacrum - pelvis - humeri - ulnae - radii - scapulae fragmentary -

Clavicles - vertebrae - sternum - patellae - bones of hands & feet.

Description

All maxillary teeth present.

Disk [sic] between S₁ & S₂ persists.

135 (4.20.15)

Female.

Left femur - sacrum - pelves - vertebrae - left humerus - ulnae - radii - scapulae - clavicles - bones of hands & feet - patellae.

Adult female, incomplete.

136 (4.20.8)

Male.

Immature skull and skeleton.

Complete except for a few tarsus & carpus bones & phalanges of hands & feet.

141 (4.21.3)

Female.

Almost complete female adult age 25-30.

Skull mandible and skeleton.

Only first ribs present the others missing.

Description.

Wormian in lambdoid suture.

Maxillary 3rd molars only through gum.

Mandibular 3rd M fully erupted.

[Mandibular] 2nd incisor malplaced.

Slight caries in mand. left M.

Skull typically female.

Skeleton.

Traces of epiphyseal lines on iliac crests, the ischio-pubic rami & the vert. bodies & sacrum, scapulae

Scapulae, bilateral independent ossification of the tip of the acromion.

Bilateral sacralisation [*sic*] by diarthrosis of the 5th lumbar.

144 (4.21.23)

Mid aged. 40-50.

Skull mandible & skeleton of adult female.

Healed fracture of the right ulna (lower third)

Femora - tibiae - fibulae - pelves - sacrum - humeri - ulnae - radii - scapulae - clavicles - 18 vertebrae - patellae - bones of hands & feet.

Description

Abscess max. PM₂

Mand. Complete erosion M₁ L due to abscess bursting externally. Right M₁ carious & probably has abscess formation. Foci initial caries man. Right M₂ M₃.

145 (4.21.22)

Male

Age 40-45.

Skull & nearly complete male adult skeleton.

Femora - tibiae [*sic*] - fibulae - pelves - sacrum - humerii - incomplete scapula - clavicles - ulnae - radii - patellae - sternum - vertebrae - cones of hands & feet.

Description:

Tall medium build.

Teeth, tartar. Max. M₁ Right & left lost during life.

Crown wear - no disease.

146 (4.21.21)

Male

Age 40-50

Incomplete skull & skeleton of adult male.

Femora - tibiae - fibulae - pelves - humerii - sacrum - left ulna - radii - scapulae - clavicles - sternum - vertebrae 22 - bones of hands & feet. A few ribs.

Description

Large bones individuals.

Massive mastoids.

Mand. M₃ absent.

Lipping in lumber bodies.

147 (4.21.33)

Male

Age 35-40

Skull only.

No facial skeleton.

Mand. anterior crowding.

Right M₃ erupted.

Crown wear. No disease.

149 (4.21.14)

Female.

Age 30-35.

Skull mandible, skeleton appears to belong to a younger individual. It has the lower part missing.

Sacrum - humerii - ulnae - radii - clavicles - scapulae - vertebrae (complete) - some bones of hands & feet

Description of skull.

Max M₃? present (bone missing)

Mand. M₃s present & unworn. Some tartar.

Great crown wear. No disease. Supra occipital wormian bones. Sagittal open anteriorly oblit. posteriorly.

Skeleton

Epip, unjoined, - vert bodies, spines trans. proc.

Sacral vert discrete.

Epip. unjoined - humerus top, medial epicondyle clavicle, both ends radius, ulna, distal end, acromion tip & conoid.

Sternum segmented.

150 (4.21.20)

Male

Age mid.

Incomplete skeleton of male adult.

Femora - tibiae [sic] - fibulae - pelvis - left humerus - ulnae - clavicles - vert. - bones of hands & feet.

Description

Lipping in dorsal lumbar region with fusion of two vert.

154 (4.20.14)

Immature skeleton very incomplete with mandible fragment.

Femora - tibiae [sic] - fibulae - some bones of foot.

Sex?

155 (4.21.24)

Male

Age 40-45.

Skull & rather fragmentary skeleton of male adult.

Femora - tibiae [*sic*] - fibulae frags. - pelves - sacrum - humerii - ulnae - radii - right scapula - clavicles - vertebrae - some bones of hands & feet.

Description.

Max. M's lost in life through abscess formation. Tartar.

Mand. PM₁ lost in life.

Sacral canal open dorsally.

158 (4.20.13)

Male

Incomplete adult male. Skull & incomplete mandible.

Femora - tibiae - fibulae frag - incomplete pelves - Humerii - ulnae - right radius - 1 scapula - 10 vert. (atlas & axis) - sternum.

159 (4.21.15)

Male

Age 40+

Skull & fairly complete skeleton.

Femora - tibiae - fibulae - pelves - sacrum - humerii - ulnae - radii - scapulae - clavicles - vertebrae - bones of hands & feet

Description.

Big boned individual.

Much tartar.

Crown wear plus plus, mand teeth M₁s obliquely worn down to gum. M₂s less severely worn.

Mand. some crowding ant. teeth, destructive crown wear PM's & M₁'s & 2's.

Right M₃ has not cut the gum.

Small inionic [*sic*] exostosis.

Slight lipping lumber vert.

Sacral canal open dorsally.

Pronounced muscular spinal groove on humerus.

171 (4.21.1)

Age 25-30 yrs.

Skull & skeleton of [sic] adult male.

Femora - left tibia - fibulae - incomplete pelvis - humeri - ulna - radii - left scapulae - clavicles - vertebrae - sternum - bones of the hands & feet.

Description.

Age 25-30

Teeth enamel worn

3rd troc. wk.

172 (4.21.2)

Male

Age 30-40.

Skull & nearly complete skeleton of male adult.

Femora - tibiae - fibulae - pelvis - sacrum - humeri - ulnae - radii - scapulae - clavicles - sternum - vert. 22 - bones of hands & feet - 1 patella

Description.

1st coccygeal fused with sacrum.

Slight mushroom deformity at head of femur.

173 (4.21.30)

Male

Skull only of elderly male adult.

Obelion gutter.

All max. teeth present.

Extreme oblique destruction crown M₁ PM's & M₁'s

Enamel denuded M₂.

176 (4.21.13)

Female.

Age 30+.

Skull & skeleton of adult female.

Humeri - ulnae - radii - pelvis - sacrum - femora - tibiae [sic] - fibulae. Bones of hands & feet

Description

Facial skeleton absent.

Mandible teeth greatly worn.

Max. [teeth greatly worn]

179 (4.21.89)

Male

S Age 20?

Skull & skeleton of young male adult.

Heavy boned individual of stocky build.

Femora - left tibia - fibulae - sacrum - humerii - right radius - scapulae - clavicles - vertebrae
- bones of hands & feet - patellae.

Description.

Max M₃ & mand PM₃ not present.

Enamel denuded in places on crowns P Ms and M's.

Epip unjoined vert bodies, spines, and trans. proc.

Sacral vert discrete.

Epip. unjoined - iliac crest & rami, lower end femur, top humerus, lower end radius and ulna.

Tip of acromion & both ends of clavicles and fibulae.

Ischial spine massive, 3rd trochanter and hypo troc fossae.

Vigorous marking great trochanter.

180 (4.21.8)

Male

Age 40-50

Skull & fairly complete skeleton of adult male.

Femora - tibiae [sic] (1 cut in half) - right fib. - pelvis - humerii - left ulna - left radius - left
clavicle - sternum - a few vertebrae - patellae - bones of hands and feet.

Description.

Skull much mutilated.

Teeth very worn.

Caries in max. PM₂ on left & mand. PM₂ on left.

Slight exostosis on small trochanter R & L.

Ossification rhomboid of clavicle.

182 (4.21.12)

Male

Age 35-40.

Skull & skeleton of male adult.

Femora - tibiae - pelvis - sacrum - humeri - ulnae - radii - scapulae - clavicles - vertebrae - rib frags - bones of hands & feet.

Description.

Metopic suture.

Mand. M3 left unerupted.

Teeth healthy.

Large wormian R lambdoid, 2 small wormian in coronal.

Sacral canal open dorsally.

Stout lig. cervical tubercle on femur.

Great trochanter moderate.

200 (4.21.31)

Male

Skull only. Aged 20-25

Teeth unworn.

201 (4.21.6)

Male

Age 25-30.

Almost Skull & almost complete skeleton of adult male.

Femora - tibiae [sic] - fibulae - sacrum - pelvis - humeri - ulnae - radii - scap. - clavicles - vertebrae (19) - sternum - patellae - bones of hands & feet.

Description.

Occipital bossing.

Plus plus attrition, max M1s.

Teeth well worn.

Epiphyses of clavicles united.

Disk persists between S1 & S2

204 (4.21.10)

Male

Age 30-35

Skull (incomplete) & skeleton.

Femora - left tibia - pelvis - sacrum - 1 scapula - clavicles - sternum - 22 vert. - some bones of the hands & feet.

Description.

All teeth present.

Extreme crown wear - no dental disease [sic].

Osteo arthritis spine C7

Strong gluteal ridge.

205 (4.21.28)

Male

Skull only of male adult. Age 25-30

Metopic suture.

Max. disease, caries left M2 & 3 Right M1

Tarter.

Extra cusp ? on canine.

207 (4.21.5)

Male

Age 30-40.

Skull & nearly complete skeleton of male adult.

Femora - tibiae [sic] - pelvis - sacrum - fibulae - humeri - right ulna - left radius - scapulae - clavicles - sternum - vertebrae - some bones of hands & feet

Description.

Teeth moderately worn.

Osteoarthritis dorsal vert. 10-11 lumbar vert. 3-4-5 trans. proc.

Beheaded through atlas left side towards the back, incised wound.

Incipient lig.? ossification both hip joints.

Some mushrooming in right femoral head plus exostosis from a capsul [sic] attachment on the front neck.

208 (4.21.11)

Female.

Age 20 -

Immature female, skull mandible & skeleton.

Femora - tibiae - fibulae - pelves - sacrum (incomplete) - humerii - ulnae - radii - scap - clavicles - sternum - vertebrae complete - bones of hands & feet.

Description

Large boned individual with bronze stain on sacrum & pelvis due to contact with the buckle of a belt.

Metopic suture.

Teeth - max. 3rd M's not erupted

Mand. PM2 lost in life

[Mand.] M3s not erupted.

Crown wear severe M1s, all enamel gone mand. L PM2

Epiphyses unjoined - vert bodies, spines trans. proc.

Pelves, clavicle ends, top corocoid.

Top humerus, distal end of radius & ulna, distal end of femora & both ends of fibulae.

Fusing at top of tibia & femur.

210 (4.20.16)

Female

Fairly complete skull & mandible only.

212 (4.21.19)

Male

Age 25-40.

Skull & incomplete skeleton of adult male.

Femora - tibiae - fibulae (1 frag) - pelves - sacrum - left humerus - left ulna - left clavicle - scapulae - sternum - vert. (17) - bones of hands & feet.

Description.

Medium build.

Max M3 absent.

Mand M3 left absent. Tarter plus plus.

Lipping of dorsal bodies.

Left hip joint excessive.

Destructive ? Acetabulum.

Mushrooming of femoral head.

Excavation Number Unknown (4.21.25)

Male.

Age circa 20.

Nearly complete skeleton of young (immature) male.

Femora - tibiae - fibulae - sacrum - pelvis - humeri - ulnae - radii - clav. - scapulae - sternum
- ribs - vertebrae complete - patellae - bones of hands & feet.

Description.

The epip. unjoined are - vert bodies, sternal claviclar, scapula, vert border.

Upper end of humerus joining. Tibia joined.

Joining lower end radius, upper end fibula.

Femoral epip joined.

Joining ramal epip. pelvis & iliac crest

Sacrum imperfectly consolidated.

Excavation Number Unknown (4.21.39)

Age 30-35

Deep pointed palate. No disease [sic].

Excavation Number Unknown (4.21.40)

Age 25-30

Occipital boss

Abscess max. PM2 left

Mand M1 right carious.

Excavation Number Unknown (4.21.41)

Age 30-35

Small bregmatic ossicle.

All teeth present.

Caries max. M3 left.

Excavation Number Unknown (4.21.42)

Female

Age under 20 years.

Skull only.

Metopic suture

All 3rd MJs unerupted.

Teeth unworn.

Excavation Number Unknown (4.21.43)

Female.

Skull only. Age 35-40

Elderly person.

Anterior crowding mandibular, right M₁ & M₃ lost before death.

Focus caries M₂.