



St Andrews
Law Journal
Institute of Legal and Constitutional Research



Title: In Search of Mercian Law

Author(s): Thomas Vare

Source: *St Andrews Law Journal* 2, no. 1 (September 2022): 29-42.

Published by: Institute of Legal and Constitutional Research, University of St Andrews

Stable URL: <http://standrewslawjournal.wp.st-andrews.ac.uk/files/2022/08/Mercian-Law.pdf>

DOI: <https://doi.org/10.15664/stalj.v2i1.2463>

This work is protected under [Creative Commons Attribution 4.0 International \(CC BY 4.0\) License 2020](https://creativecommons.org/licenses/by/4.0/).

The author(s) retain copyright holding, having permitted the *St Andrews Law Journal* to distribute (publish) their work.

The *St Andrews Law Journal* is an Open Access publication of the University of St Andrews, published by the Institute of Legal and Constitutional Research with support from the University of St Andrews Journal Hosting Service

Copyright © 2021 St Andrews Law Journal

All use subject to:

<https://creativecommons.org/licenses/by/4.0/>

ISSN 2634-5102

IN SEARCH OF MERCIAN LAW

by Thomas Vare

Introduction

Mercia was an independent polity between the sixth century and the late ninth century, after which it was absorbed into Wessex. Mercia was originally based upon the Trent Valley but during the seventh, eighth and early ninth century it dominated the lands between the Humber and the Thames.¹ There are five extant English law codes from the sixth to the ninth century, none of which are Mercian. Three seventh century Kentish royal law codes survive in a single twelfth century manuscript; the laws of Æthelberht (c. 590-616), the laws of Hlothere (673-685) and Eadric (685-686), and the laws of Wihtred (c. 690-725). Two West-Saxon law codes survive; the laws of Ine, King of Wessex (689-726) was appended to the *domboc* of Alfred the Great (871-899).² The early English legal record is, therefore, thin and there are no extant law codes from the major Anglo-Saxon kingdoms of Northumbria, East Anglia, or Mercia.

The lack of an extant Mercian law code is perhaps unsurprising as very little evidence produced within Mercia survives; no Mercian chronicle or annal exists.³ Indeed, lack of extant legal material does not necessarily mean that Mercia had no law or that no Mercian law code ever existed. The title of this essay alludes to Michael Wood's famous documentary series 'In Search of the Dark Ages' (1979-81) in which Wood narrated and discovered the lives of British historical figures from Boudicca to William the Conqueror.⁴ Wood asked the question and then looked for the evidence and this essay takes a similar approach; asking first what Mercian law was and whether a Mercian law code ever existed?

In the sixth and seventh centuries, Mercia almost certainly drew upon a European wide Germanic oral legal tradition. For obvious reasons oral law did not survive unless it became fossilised in a written text, as it did in the law code of Æthelberht. By comparing European law codes, it is possible to adumbrate the form, if not the substance, of Mercia's oral law. As Christianity gradually spread throughout England during the seventh century, literacy increased Anglo-Saxon kingdoms were introduced to Rome's literate heritage. This alongside contact with the written legal culture of Frankia encouraged Kent and Wessex to produce law codes. Mercia, however, was relatively isolated from these developments in the seventh

¹ Nicholas Brooks, "The formation of the Mercian kingdom," in *The Origins of Anglo-Saxon Kingdoms*, ed. Steven Bassett (Leicester: Leicester University Press, 1989), 160.

² Lisi Oliver, "The Emergence of Written Laws in Early England," in *The Laws of Alfred*, ed. Stefan Jurasinski, (Cambridge: Cambridge University Press, 2021), 5.

³ Simon Keynes, "The Kingdom of the Mercians in the Eight Century," in *Æthelbald and Offa*, ed. David Hill and Margaret Worthington (Oxford: BAR Publishing, 2005), 1.

⁴ Michael Wood, *In Search of the Dark Ages*, BBC TV Documentary series (London: British Broadcasting Corporation, 1979 –1981).

century; it was the last major kingdom to convert and had weak ties with the Continent and it is unlikely that a written law code was created during this period.

In the late ninth century, Alfred's law code referred to the laws of Offa, King of Mercia (757-796). These laws are no longer extant, nevertheless, Alfred probably referred to a Mercian law code similar to those produced in seventh century Kent. In the eighth century, during the reigns of Æthelbald, King of Mercia (716-757) and Offa, Mercia became the dominant kingdom in southern England.⁵ Mercian hegemonic power extended over smaller Anglo-Saxon kingdoms such as, East-Anglia, Sussex, Kent, and Essex. Offa's reign marked the zenith of Mercian learning, political sophistication, and supremacy.⁶ His reign was a period of governmental innovation within Mercia; he established the Archbishopric of Lichfield in 787 and was the first English king to mint a large volume of silver pennies bearing his name. Moreover, Offa was also an important figure within Europe; he corresponded with Charlemagne, King of the Franks (768-814), and c. 784 Pope Hadrian I (772-795) believed that Offa was conspiring against the papal throne.⁷ Offa's European contacts and the increased sophistication of his court possibly provided the context for the formation of a Mercian law code. It is further possible that Offa's laws drew upon earlier precedents produced under Æthelbald, although the evidence of a thriving literate Mercian court during the early eighth century is not clear. Ultimately, the little evidence we have suggests that the Mercian legal tradition started in the eighth century, somewhat later than in Kent or Wessex.

Oral Law

Mercia in the sixth and early seventh centuries was an oral society and Mercian law likely drew upon a wider Germanic oral tradition. In the ethnographic monograph *De Origine et Situ Germanorum*, Tacitus described Germanic law and the 'fine going to the king or state, part to him who is avenged or his kin'.⁸ The *Germania*, written in 98 A.D., was imbued with classical tropes and contained a political and moral agenda for a Roman audience.⁹ Thus, the specific content of the laws described in the *Germania* probably did not reflect Germanic law at the time let alone in sixth century Mercia. Nevertheless, Tacitus' continued insistence on Germanic law suggests that there was a strong oral legal tradition in pre-migration Germania. Indeed, early Germanic law codes, created in the centuries after the fall of the Western Roman

⁵ Ian Walker, *Mercia and the making of England* (Stroud: Sutton Publishing, 2000), 1-19.

⁶ Frank Stenton, *Anglo-Saxon England* (Oxford: Clarendon Press, 1971), 224.

⁷ J. Wallace-Hadrill, "Charlemagne and England," in *Early Medieval History*, ed. J. Wallace-Hadrill (Oxford: Basil Blackwell, 1975), 155-180.

⁸ Tacitus, "The Origin and Situation of the Germani," trans. and ed. James Rivers (Oxford: Oxford University Press, 1999), ch. 12.

⁹ M. Miller, "Style and Content in Tacitus," in *Tacitus*, ed. Thomas Dorey (London: Routledge, 1969), 106.

Empire in 476, appear to be based upon a common oral tradition.¹⁰ For instance, Æthelberht's law code, the earliest of the English law codes, used the same physiological structure to deal with compensation of physical injuries as the Edictum of Rothari and the *Lex Baiuvariorum*.¹¹ It is very unlikely that there a direct textual relationship exists between southern Germanic and Kentish texts and this suggests they were drawn from a common oral tradition. Indeed, Æthelberht's laws were possibly based, at least in part, upon a sixth century 'oral text'; it contains evidence of the archaic dative and has simple syntax and vocabulary, and a clear structure.¹² Indeed, all pre-Alfredian Anglo-Saxon law codes, unlike their Continental contemporaries, were written in their native language; this suggests that English law was based upon a native oral tradition rather than replicating Roman law.¹³ Overall, therefore, the evidence suggests that the Anglo-Saxons shared in a common Germanic legal tradition that dated back to the pre-migration period. Mercia almost certainly shared in this common tradition, although the specific form and substance of Mercian law has been irrevocably lost.

Mercia's Seventh Century Law Code?

Mercia was the dominant political power in England during the reigns of Wulphere (658-675) and Æthelred (675-704). Despite this political dominance, no Mercian legal code survives from this period and no contemporary or later author referred to such a text. This does not conclusively prove that no legal code ever existed, nevertheless, it is very unlikely that oral Mercian law was codified in the seventh century. By the end of the seventh century and the beginning of the early eighth century, the promulgation of a law code was considered noteworthy. For instance, in the *Historia ecclesiastica gentis Anglorum* (c. 731) Bede mentioned the 'code of law' produced by Æthelberht and stated that Eorcenberht, King of Kent (640-664), 'prescribed suitably heavy punishments for offenders'.¹⁴ Bede was a Northumbrian monk at Monkwearmouth-Jarrow and his *Historia* represented a Northumbrian view of the seventh century. The Northumbrians and Mercians were consistently at war throughout the seventh century and Bede likely viewed Mercia as an aggressive rival.¹⁵ Indeed, despite Mercia's political dominance in the late seventh and early eighth centuries, Bede did not name

¹⁰ Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (Oxford: Blackwell, 1999), 101.

¹¹ Nicholas Brooks, "The Laws of King Æthelberht of Kent," in *Textus Roffensis: Law, Language and Libraries in Early Medieval England*, ed. Bruce O'Brien, (Turnhout: Brepols, 2015), 117.

¹² Lisi Oliver, "Legal Documentation and the Practice of English law," in *The Cambridge History of Early Medieval English Literature*, ed. Clare Lees (Cambridge: Cambridge University Press, 2013), 499-529.

¹³ Oliver, "The Emergence of Written Laws," 13.

¹⁴ Bede, *The Ecclesiastical History of the English People*, trans. and ed. Judith McClure (Oxford: Oxford University Press, 2008), 78, 122.

¹⁵ Patrick Wormald, "Bede, the Bretwaldas and the Origins of the *Gens Anglorum*," in *Ideal & Reality in Frankish & Anglo-Saxon Society*, ed. Patrick Wormald (Oxford: Wiley-Blackwell, 1983), 110.

a Mercian king in his list of seven kings who ruled ‘over all the southern kingdoms’.¹⁶ Nevertheless, the mention of Æthelberht’s law code in the *Historia* indicates that by the first half of the eighth century the production of law codes was considered important. The lack of references to a Mercian law code in any contemporary source is noteworthy and heavily suggests that none were produced.

In the seventh century Mercia was relatively isolated from the socio-political influences that led to the codification of oral law in Kent and Wessex. There were three interlinked factors that encouraged the production of written law codes in England during the seventh century; conversion to Christianity, contact with Rome, and Frankish influence. Conversion to Christianity appears to have been a pre-requisite to the production of written law in post-Roman Germanic kingdoms.¹⁷ Christianity was and is a religion of books, in the medieval period the component books of the Bible often circulated independently rather than together, and ecclesiastical institutions, therefore, required a literate class to communicate, understand, and propagate the Bible. The church, therefore, provided a consistent stream of literate clergymen whose skills were used not only theologically but also administratively; early medieval charters were almost exclusively written by clergymen.¹⁸ The church not only trained a consistent supply of literate men but also created a demand for written documents. The church was founded in a literate Roman world, and, despite the collapse of the Western Roman Empire, literacy remained important to the church’s administrative ideology. The church, therefore, encouraged secular leaders embrace literacy, indeed, it has been suggested that charters were introduced to England by Theodore of Tarsus, Archbishop of Canterbury (668-690).¹⁹ Furthermore, the Bible provided and provides clear examples of written law in Deuteronomy, Leviticus, and most famously the Decalogue in Exodus 20.²⁰ Indeed, Christianity was clearly important to the production of the seventh century English legal codes; the first six clauses of Æthelberht’s law code deal with the harsh compensations due for crimes against the church, Wihtred’s laws primarily dealt with ecclesiastical issues, and Ine 70.1 echoed 1 Kings 4: 22-23.²¹ Christianity therefore, encouraged literacy and provided the template for written legal codes in England.

¹⁶ *Ibid.*, 78.

¹⁷ Patrick Wormald, “Legislation and Germanic Kingship,” in *Early Medieval Kingship*, ed. P. H. Sawyer and Ian N. Wood (Leeds: University of Leeds, 1977), 131.

¹⁸ Simon Keynes, “Church Councils, Royal Assemblies, and Anglo-Saxon Royal Diplomas,” in *Kingship, legislation and power in Anglo-Saxon England*, ed. Gale Owen-Crocker and Brian W. Schneider (Suffolk: Boydell Press, 2013), p. 83.

¹⁹ Pierre Ghaplais, “The Origin and Authenticity of the Royal Anglo-Saxon Diploma,” *Journal of the Society of Archivists*, 3 (1965): 25.

²⁰ Wormald, “Legislation and Kingship,” 132.

²¹ R. Lavelle, “Ine 70.1 and Royal Provision in Anglo-Saxon Wessex,” in *Kingship, legislation and power in Anglo-Saxon England*, ed. Gale Owen-Crocker and Brian W. Schneider (Suffolk: Boydell Press, 2013), 259-272.

Contact and engagement with Rome encouraged the creation of written law. Rome was the theological, ideological, and literary centre of Western Europe and, despite the fall of the Western Roman Empire, the Petrine church, through the arts of simulation and preservation, maintained the appearance, if not the actuality, of the Imperial heritage. Roman law, both before and after the fifth century, was written and institutionalised. For instance, in the second century A.D the jurist Gaius wrote the *Institutes*, a legal textbook, and later Emperors such as Theodosius II and Justinian I attempted to codify and collate the written tradition.²² Indeed, Roman law provided an archetype for Germanic legal codes throughout Europe; most clearly evidenced by the use of Latin in all Continental early medieval legal documents.²³ In Britain Roman society and administration fell almost entirely after the Anglo-Saxon invasions and it was Augustinian mission sent by Pope Gregory the Great (590-604) in 597 that reintroduced Rome's legacy to southern England.²⁴ The link created between Kent and the papacy endured, for instance, the first seven Archbishops of Canterbury were Italian. Further, although no mission was sent directly to Wessex from Rome, the West-Saxons did have a strong relationship with the papacy; both Cædwalla, King of Wessex (685-688), and Ine retired to Rome. Moreover, the prevalence of Celtic place names in western Wessex and the strange inclusion within Ine's code of eight laws concerning Britons may suggest that more Romano-Britons survived within Wessex than other Anglo-Saxon kingdoms.²⁵ Indeed, Daniel, Bishop of Winchester (c. 705-744), bore a typically British name. It is possible, although in no way provable, that the subjugated British population encouraged or possibly introduced the West-Saxons to Rome's legacy.²⁶ A close connection to the papacy did not necessarily mean that Rome's legal heritage would be adopted. For instance, Northumbria did not produce a law code despite it having very close theological, ideological, and academic links to Rome in the seventh century. Nevertheless, Rome and the papacy was ideologically committed to the supremacy of the written word and its legal tradition encouraged the production of legal documents and codes. Indeed, although Anglo-Saxon law codes were always written in English, there was still an association between Rome and written law; Bede stated that Æthelberht's laws were promulgated 'after the Roman manner'.²⁷

Frankish contacts also encouraged the codification of English oral tradition. After the victory of Clovis, King of the Franks (481-511), at the Battle of Vouillé in 507, Frankia became

²² Katherine Drew, "Introduction," in *The Laws of the Salian Franks*, ed. Katherine Drew (Philadelphia: University of Pennsylvania Press, 2012), 18.

²³ Wormald, "Legislation and Kingship", 115.

²⁴ Guy Halsall, *Worlds of Arthur* (Oxford: Oxford University Press, 2013), 174.

²⁵ Louis Alexander, "The legal status of the native Britons in late seventh-century Wessex as reflected by the Law Code of Ine," *Haskins Society Journal* 7 (1995): 32.

²⁶ Martin Grimmer, "Britons in Early Wessex," in *Britons in Anglo-Saxon England*, ed. Nick Higham (Woodbridge: Boydell & Brewer, 2007), 111.

²⁷ Bede, *Ecclesiastical History*, 78.

the dominant political and military power in Western Christendom.²⁸ More of Roman civil society survived in Gaul than Britain, indeed, Aquitanians were referred to as Romans throughout the early Middle Ages.²⁹ The Franks, like their Visigothic adversaries, were, therefore, able to draw more heavily upon the Roman legal tradition; indeed, the Laws of the Salian Franks, produced in the first decade of the sixth century, were compiled by legally trained Roman bureaucrats.³⁰ Frankish contacts, therefore, indirectly introduced Anglo-Saxon kingdoms to the written Roman tradition. Kent was, and strangely still is, the closest part of England to France and it is unsurprising that the early Kentish kingdom had close cross-channel contacts. Indeed, Ian Wood has suggested that in the sixth and early seventh century Kent may have been under Frankish hegemony.³¹ There is not time to discuss presently the merits of this argument, nevertheless, it is evident that there were frequent exchanges between the two kingdoms; Æthelberht of Kent introduced gold coins modelled on Frankish predecessors and married Bertha, daughter of Charibert I, King of the Franks (561-567).³² There are less obvious political contacts between Wessex and Frankia, however, by the end of the seventh century there was a significant amount of trade between the two kingdoms. For instance, a considerable volume of Rhenish pottery and Frisian ware was found at *Hamwic*, the West-Saxon 'emporium' near Southampton.³³ However, despite the links between Æthelberht's laws and southern Germanic codes, none of the seventh century English law codes were directly modelled on Frankish documents. Nonetheless, Frankish political, economic, and ideological contacts likely encouraged both Kentish and West-Saxon kings to emulate the legal tradition of the dominant polity of Western Europe.

Mercia, however, was late to convert and its contacts with Rome and Frankia were weak during the seventh century. Bede stated that 'the whole Mercian race were idolaters and ignorant of the name of Christ' until Peada, King of Mercia (655), embraced Christianity.³⁴ Mercia was therefore two or three generations later than other Anglo-Saxon kingdoms to convert; Æthelberht of Kent converted in the first years of the seventh century and Cynegils King of Wessex (c. 611-c.643) converted in 635. Furthermore, just as Mercia was late to convert so it appears the kingdom had less physical and ideological contact with Rome and Frankia. In the sixth and seventh centuries Mercia was militarily involved in conflicts with Northumbria and in the western part of the kingdom. Indeed, Mercia comes from the Old English word *merce*, border, and it is likely that the nascent kingdom was defined by conflict

²⁸ John Drinkwater, *The Alamanni and Rome 213-496* (Oxford: Oxford University Press, 2007), 354.

²⁹ Archibald Lewis, *The Development of Southern French and Catalan Society, 718-1050* (Austin: University of Texas Press, 1965), 130.

³⁰ Drew, *The Laws of the Salian Franks*, 18.

³¹ Ian Wood, *The Merovingian Kingdoms 450-751* (London: Routledge, 1994), 66.

³² Stuart Brookes and Sue Harrington, *The Kingdom and People of Kent, AD 400-1066* (Stroud: The History Press, 2010), 90.

³³ Richard Hodges, *Dark Age Economics: A New Audit* (London: Duckworth, 2007), 104.

³⁴ Bede, *Ecclesiastical History*, 105.

with the Welsh and the Hwicce, whom Penda, King of Mercia (c. 626–655), conquered in 628.³⁵ Mercia was, therefore, politically focused upon local quarrels and was neither politically or economically integrated into the Frankish world nor engaged with the ideological ramifications of Rome's Christian heritage. This contrasts with Wessex and Kent during the seventh century, and possibly explains why no Mercian law code was produced despite Mercian political dominance in the latter part of the century.

The Laws of Offa

The prologue to the laws of Alfred the Great mentioned the sources upon which his *domboc* drew:

But those which I found, which seemed to me most just, either in the time of my kinsman, King Ine, or of Offa, king of the Mercians, or of Ethelbert, who first among the English received baptism, I collected herein, and omitted the others.³⁶

This is the only direct reference to Mercian law, and it suggests that at some point in the second half of the eighth century Offa produced a now lost law code. The same influences that Mercia had been isolated from in the seventh century were now active in the eighth; Mercia was firmly Christian, had contacts with Rome, and emulated Frankia. Mercia's political agenda had also changed; throughout the eighth century it focused, with varying degrees of success, on establishing a political hegemony on the south-east over Kent, Sussex, and Essex. This southern focus brought Mercia more firmly into the Frankish and Roman sphere which possibly provided the political framework for the production of a Mercian law code.

Patrick Wormald argued that Alfred's reference to Offa's laws was not to a now lost text but rather to the Legatine Capitulary, written after the visit of papal legates to England in 786.³⁷ The Capitulary, written in Latin, recorded twenty canons ten of which deal explicitly with ecclesiastical matters and ten which have a more political nature.³⁸ The Capitulary was promulgated first in Northumbria and then at 'the council of the Mercians, where the glorious King Offa had come together with the senators of the land'.³⁹ It was also read aloud in English 'both in Latin and in the vernacular', and may have, therefore, had an English gloss.⁴⁰ Further, it was known in tenth century Canterbury and Wormald contended that the association with

³⁵ M. Gelling, *The Early Charters of the Thames Valley* (Leicester: Leicester University Press, 1979), 67.

³⁶ 'The Laws of Alfred', in *English Historical Documents*, ed. Dorothy Whitelock (London: Eyre Methuen, 1979), 332.

³⁷ Wormald, *The Making of English Law*, 107.

³⁸ Bryan Carella, "Alcuin and the Legatine Capitulary of 786," *The Journal of Medieval Latin* 22 (2012): 221-225.

³⁹ "The Legatine Report," in *English Historical Documents*, ed. Dorothy Whitelock (London: Eyre Methuen, 1979), 839.

⁴⁰ *Ibid.*, 840. Wormald, *The Making of English Law*, 107.

Offa and the possible English gloss may have led Alfred's court to mistakenly believing it was Offa's law code. However, Alfred clearly stated that he drew from these sources and he appended Ine's law code to his own laws, yet there are no clear similarities between the Legatine Capitulary and Alfred's *domboc*.⁴¹ Indeed, the Legatine Capitulary appears to have left no trace on Alfredian literature and it does not appear to have been known or used in ninth century Wessex. It is, therefore, better to take Alfred's words at face value; that a now lost text of Offa's laws existed and was known in ninth century Winchester. Indeed, Offa appears to have been well respected within the West-Saxon court; Asser stated, 'he had a great dyke built between Wales and Mercia', and Offa's sword appeared in Æthelstan's will.⁴² It is, thus, not unlikely that Alfred would have drawn from Offa's legal text in his own work.

Offa established extensive links with Rome and Frankia in the years after 780 which possibly encouraged the production of a law code. Unlike previous Mercian kings, Offa attempted to conquer and subdue Kent; in 764 he was the first Mercian king to grant land in Kent and by 770 he granted land in the region without reference to a Kentish king.⁴³ Despite a period of Kentish independence between 776-784, Offa eventually began to dominate Kent; he installed a Mercian Archbishop of Canterbury in 793 and used the Canterbury mint to produce coins bearing his name.⁴⁴ Offa's conquest likely introduced Mercia to a more sophisticated literary and political culture as, regardless of Mercia's political domination, Kent remained the ideological and theological centre of southern England.⁴⁵ By the end of the seventh century written law was evidently part of Kentish society; the laws of Wihtræd were disorganised and give the impression that written law was responding to individual cases as they appeared.⁴⁶ The conquest of Kent, therefore, possibly introduced Mercia into a political culture in which written law was a key component. Moreover, the control of the Archbishopric of Canterbury drew Mercia into the wider ideological sphere of Rome. After 780 Offa was in frequent contact with Rome; a letter from Pope Leo III to Coenwulf, King of Mercia (796-821) mentioned that Offa 'would send every year as many mancuses as the year had days', indeed, a gold mancus bearing Offa's name was found in Rome.⁴⁷ Moreover, the aforementioned Legatine Capitulary was the first English papal mission since Gregory the Great sent Augustine in 597. These canon laws were promulgated at Offa's court and may even have influenced or inspired Offa to codify his own laws. There is no direct evidence that Offa directly emulated either Roman or Kentish

⁴¹ Oliver, "The Emergence of Written Laws," 5.

⁴² Asser, "Life of Alfred," in *Alfred the Great*, ed. Simon Keynes (Harmondsworth: Penguin, 1983), 71.

⁴³ Eric John, *Reassessing Anglo-Saxon England* (Manchester: Manchester University Press, 1996), 54.

⁴⁴ Rory Naismith, "The Coinage of Offa Revisited," *British Numismatic Journal* 80 (2010): 83-94.

⁴⁵ Wormald, "Bede, the Bretwaldas and the Origins", 110.

⁴⁶ Wormald, *The Making of English Law*, 107.

⁴⁷ "Letter of Cenwulf to pope Leo III," in *English Historical Documents*, ed. Dorothy Whitelock (London: Eyre Methuen, 1979), 861. Derek Chick, "The Coinage of Offa in the light of Recent Discoveries," in *Æthelbald and Offa*, ed. David Hill (Oxford: BAR Publishing, 2005), pp. 111-122.

political models let alone the codification of his legal code, nevertheless, the late eighth century brought Mercia into contact with written legal traditions both on the Continent and in Kent.

Mercia also had increasing links with Frankia during Offa's reign. Two letters from Charlemagne to Offa remain extant in which economic, political, and diplomatic issues were discussed and, although none of Offa's responses survive, it appears there was constant contact between the two courts that far exceeded anything in the seventh century.⁴⁸ Furthermore, Offa emulated Charlemagne, for instance, in 787 the Anglo-Saxon Chronicle recorded that 'Ecgrith [Offa's son] was consecrated king', and this likely paralleled the consecration of Charlemagne's sons Louis and Charles in 781.⁴⁹ Likewise in 793 Offa radically reformed Mercian coinage and brought it into line with the weight and style of Charlemagne's coins.⁵⁰ During Charlemagne's reign Frankish laws were collated and edited; Einhard stated in the *Vita Karoli* that Charlemagne 'ordered that the laws of all the peoples under his which were not written should be written down'.⁵¹ Indeed, manuscripts of Bavarian, Saxon and Lombardic law codes, all of which claim an antique origin, appear during Charlemagne's reign.⁵² It is, therefore, possible that Offa attempted to emulate Frankish legal policy just as he emulated Charlemagne's monetary and theological reforms.

Alfred's words suggest that Offa promulgated a legal code and the conquest of Kent, and the links with Rome and Frankia, lend credence to Alfred's testament. The law code was likely produced in the 780s or 790s when Offa's hegemony stretched over all the southern English and when he was increasingly influential on the European stage. It is possible that Offa was building on earlier written Mercian law codes; Æthelbald of Mercia extended his hegemony over southern England, corresponded with the missionary Boniface, and promulgated canon laws at the Council of Clovesho 747.⁵³ However, there is no mention of Æthelbald producing a law code and he did not have extensive contact with either Rome or Frankia. The contents of Offa's law code have now been lost, however it was probably written in Old English and dealt with a mixture of ecclesiastical and royal laws. Alfred speaks of it in the same breath as Æthelbald and Ine's law codes and the code must be considered in this legal tradition rather than that of the Legatine Capitulary.

⁴⁸ Joanna Story, *Carolingian Connections: Anglo-Saxon England and Carolingian Francia, c. 750-870* (Aldershot: Taylor and Francis, 2003), 195.

⁴⁹ "The Anglo-Saxon Chronicle," in *English Historical Documents*, ed. Dorothy Whitelock (London: Eyre Methuen, 1979), 179.

⁵⁰ Derek Chick, *The Coinage of Offa and his Contemporaries* (London: Spink, 2010), 123-128.

⁵¹ Einhard, "The Life of Charlemagne", in *Two Lives of Charlemagne*, ed. David Ganz (London: Penguin Classics, 2008), 38.

⁵² Matthew Innes, "Charlemagne, Justice and Written law," in *Law, custom and justice in late antiquity and the early Middle Ages*, ed. Alice Rio (London: Centre for Hellenic Studies, 2011), 170.

⁵³ Sarah Zaluckyj, *Mercia: The Anglo-Saxon Kingdom of Central England* (Almeley: Logaston Press, 2001), 70.

Final Thoughts

Mercian law, as with all Germanic law, originated in a predominantly oral society with roots into the pre-migration age. In the seventh century Mercia was late to convert and, unlike Kent or Wessex, had very little links to the written legal tradition in either Rome or Frankia. Indeed, despite political dominance under Wulfhere, Æthelred, and Æthelbald it is very unlikely that a law code was produced during this period. The prologue to Alfred's *domboc* suggests that Offa produced a written law code, which was possibly the first and only law code produced by a Mercian king. Offa's political power in Kent, and his contact with Frankia and the papacy, likely influenced the promulgation of this now lost code.

BIBLIOGRAPHY

Alexander, Louis. "The legal status of the native Britons in late seventh-century Wessex as reflected by the Law Code of Ine." *Haskins Society Journal* 7 (1995): pp. 31-38.

"The Anglo-Saxon Chronicle." In *English Historical Documents*, edited by Dorothy Whitelock, 145-261. London: Eyre Methuen, 1979.

Asser. "Life of Alfred." In *Alfred the Great*, edited by Simon Keynes, 48-59. Harmondsworth: Penguin, 1983.

Bede. *The Ecclesiastical History of the English People*. Translated and edited by Judith McClure. Oxford: Oxford University Press, 2008.

Brooks, Stuart and Sue Harrington. *The Kingdom and People of Kent, AD 400-1066*. Stroud: The History Press, 2010.

Brooks, Nicholas. "The formation of the Mercian kingdom." In *The Origins of Anglo-Saxon Kingdoms*, edited by Steven Bassett, 159-171. Leicester: Leicester University Press, 1989.

Brooks, Nicholas. "The Laws of King Æthelberht of Kent." In *Textus Roffensis: Law, Language and Libraries in Early Medieval England*, edited by Bruce O'Brien, 105-136. Turnhout: Brepols, 2015.

Carella, Bryan. "Alcuin and the Legatine Capitulary of 786." *The Journal of Medieval Latin* 22 (2012): 221-256.

Chick, Derek. "The Coinage of Offa in the light of Recent Discoveries." In *Æthelbald and Offa*, edited by David Hill, 111-122. Oxford: BAR Publishing, 2005.

Chick, Derek. *The Coinage of Offa and his Contemporaries*. London: Spink, 2010.

Drew, Katherine. "Introduction." In *The Laws of the Salian Franks*, edited by Katherine Drew. Philadelphia: University of Pennsylvania Press, 2012. 3-56.

Drinkwater, John. *The Alamanni and Rome 213-496*. Oxford: Oxford University Press, 2007.

Einhard, "The Life of Charlemagne." In *Two Lives of Charlemagne*, edited by David Ganz, 15-44. London: Penguin Classics, 2008.

Gelling, M. *The Early Charters of the Thames Valley*. Leicester: Leicester University Press, 1979.

Ghaplais, Pierre. "The Origin and Authenticity of the Royal Anglo-Saxon Diploma." *Journal of the Society of Archivists*, 3 (1965): 20-35.

Grimmer, Martin. "Britons in Early Wessex." In *Britons in Anglo-Saxon England*, edited by Nick Higham, 102-114. Woodbridge: Boydell & Brewer, 2007.

Halsall, Guy. *Worlds of Arthur*. Oxford: Oxford University Press, 2013.

Hodges, Richard. *Dark Age Economics: A New Audit*. London: Duckworth, 2007.

Innes, Matthew. "Charlemagne, Justice and Written law." In *Law, custom and justice in late antiquity and the early Middle Ages*, edited by Alice Rio, 155-182. London: Centre for Hellenic Studies, 2011.

John, Eric. *Reassessing Anglo-Saxon England*. Manchester: Manchester University Press, 1996.

Keynes, Simon. "Church Councils, Royal Assemblies, and Anglo-Saxon Royal Diplomas." in *Kingship, legislation and power in Anglo-Saxon England*, ed. Gale Owen-Crocker and Brian W. Schneider, 17-185. Suffolk: Boydell Press, 2013.

Keynes, Simon. "The Kingdom of the Mercians in the Eight Century." In *Æthelbald and Offa*, edited by David Hill and Margaret Worthington, 1-26. Oxford: BAR Publishing, 2005.

Lavelle, R. "Ine 70.1 and Royal Provision in Anglo-Saxon Wessex." In *Kingship, legislation and power in Anglo-Saxon England*, edited by Gale Owen-Crocker and Brian W. Schneider, 259-272. Suffolk: Boydell Press, 2013.

"The Laws of Alfred." In *English Historical Documents*, edited by Dorothy Whitelock, 330-336. London: Eyre Methuen, 1979.

"The Legatine Report." In *English Historical Documents*, edited by Dorothy Whitelock, 836-840. London: Eyre Methuen, 1979.

"Letter of Cenwulf to pope Leo III." In *English Historical Documents*, edited by Dorothy Whitelock, 858-861. London: Eyre Methuen, 1979.

Lewis, Archibald. *The Development of Southern French and Catalan Society, 718-1050*. Austin: University of Texas Press, 1965.

Miller, M. "Style and Content in Tacitus." In *Tacitus*, edited by Thomas Dorey, 99-112. London: Routledge, 1969.

Naismith, Rory. "The Coinage of Offa Revisited." *British Numismatic Journal* 80 (2010):76-106.

- Oliver, Lisi. "Legal Documentation and the Practice of English law." In *The Cambridge History of Early Medieval English Literature*, edited by Clare Lees, 499-529. Cambridge: Cambridge University Press, 2013.
- Oliver, Lisi. "The Emergence of Written Laws in Early England." In *The Laws of Alfred*, edited by Stefan Jurasinski, 4-39. Cambridge: Cambridge University Press, 2021.
- Stenton, Frank. *Anglo-Saxon England*. Oxford: Clarendon Press, 1971.
- Story, Joanna. *Carolingian Connections: Anglo-Saxon England and Carolingian Francia, c. 750-870*. Aldershot: Taylor and Francis, 2003.
- Tacitus. "The Origin and Situation of the Germani." Translated and edited by James Rivers. Oxford: Oxford University Press, 1999.
- Walker, Ian. *Mercia and the making of England*. Stroud: Sutton Publishing, 2000.
- Wallace-Hadrill, J. "Charlemagne and England." In *Early Medieval History*, edited by J. Wallace-Hadrill, 155-180. Oxford: Basil Blackwell, 1975.
- Wood, Ian. *The Merovingian Kingdoms 450-751*. London: Routledge, 1994.
- Wood, Michael. *In Search of the Dark Ages*. BBC TV Documentary series. London: British Broadcasting Corporation, 1979 –1981.
- Wormald, Patrick. "Legislation and Germanic Kingship." In *Early Medieval Kingship*, edited by P. H. Sawyer and Ian N. Wood, 105-134. Leeds: University of Leeds, 1977.
- Wormald, Patrick. "Bede, the Bretwaldas and the Origins of the *Gens Anglorum*." In *Ideal & Reality in Frankish & Anglo-Saxon Society*, edited by Patrick Wormald, 99-130. Oxford: Wiley-Blackwell, 1983.
- Wormald, Patrick. *The Making of English Law: King Alfred to the Twelfth Century*. Oxford: Blackwell, 1999.
- Zaluckyj, Sarah. *Mercia: The Anglo-Saxon Kingdom of Central England*. Almeley: Logaston Press, 2001.