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# Contents

Preface	vii
Acknowledgements	ix
Abbreviations	x

## Introduction

1. The Development of Sunday Observance in the Early Middle Ages	1
2. Sunday Observance in Anglo-Saxon England	19
3. The Latin Sunday Letter	36
4. The Old English Sunday Letters	63
Editorial Conventions	110

## The Old English Sunday Letter: Texts and Translations

Letter A	112
Letter B	118
Letters C and D	126
Letters E and F	146

<b>Commentary</b>	177
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## Appendices

I. Paris, Bibliothèque nationale de France, lat. 12,270 (31v–32v)	199
IIa. Vienna, Österreichische Nationalbibliothek, 1355 (89r–90v)	201
IIb. London, British Library, Add. 19,725 (87v–88r)	204
IIc. Basel, Universitätsbibliothek, B VII 7 (1r)	206
III. Vienna, Dominikanerkloster 133 (134vb–135vb), Kassel, Murhardsche Bibliothek der Stadt Kassel und Landesbibliothek, theol. 39 (158r)	207
IV. Manuscripts Containing Latin Versions of the Sunday Letter	211

Glossary	215
Bibliography	241
Index	251

# Introduction

## 1

### The Development of Sunday Observance in the Early Middle Ages

In order to understand the Sunday Letter and its roots in the culture of the early Middle Ages, it will be helpful to examine the history of Sunday observance, insofar as this is possible from the limited witnesses of legislative, homiletic and narrative records.<sup>1</sup> At first glance the language and the beliefs found in the Sunday Letter seem to be excessive; however, a careful study of the historical context will show that they would not necessarily have appeared so to a medieval audience. As the sanctity of the Lord's day grew in significance, so did the need to employ unconventional theology and forceful rhetoric in order to undergird the practice of complete Sunday rest from labour and attendance at the required church services. In the following, the issue of rest, rather than Sunday worship, will be the focus of the discussion, since that is the subject of the Sunday Letter.<sup>2</sup>

The question would never have caused much concern had it not been a part of the one element of Old Testament law that was adopted wholesale into Christianity: the Ten Commandments. The two biblical listings of the decalogue formulate the commandment in quite different ways. They are reproduced in full here because of the recurrence of many of the following elements in medieval conceptions of Sunday observance:

Memento ut diem sabbati sanctifices; sex diebus operaberis et facies omnia opera tua; septimo autem die sabbati Domini Dei tui non facies omne opus, tu et filius tuus, et filia tua, servus tuus et ancilla tua, iumentum tuum et advena qui est intra portas tuas. Sex enim diebus fecit Dominus caelum et terram et mare et omnia quae in eis sunt et requievit in die septimo; idcirco benedixit Dominus diei sabbati et sanctificavit eum. (Exodus XX.8–11)<sup>3</sup>

<sup>1</sup> The history of Sunday observance has been the subject of many scholarly treatments. Those that cover the medieval period are H. Dumaine, 'Dimanche', *Dictionnaire d'archéologie chrétienne et de liturgie*, ed. F. Cabrol and H. Leclercq, 15 vols. (Paris, 1907–53), IV, cols. 859–994; W. Rordorf, *Der Sonntag; Geschichte des Ruhe- und Gottesdiensttages im ältesten Christentum*, Abhandlungen zur Theologie des Alten und Neuen Testaments 43 (Zürich, 1962); W. Thomas, *Der Sonntag im frühen Mittelalter*, *Studia Theologiae Moralis et Pastoralis* 4 (Göttingen, 1929); H. Huber, *Geist und Buchstabe der Sonntagsruhe* (Salzburg, 1958); and L. L. McReavy, "'Servile Work' I. The Evolution of the Present Sunday Law", *The Clergy Review* 9 (1935), 269–84.

<sup>2</sup> Scholars are not all agreed that Sunday was the Christian day of worship from the outset. Some have argued that it remained the sabbath; see, for example, S. Bacchiocchi, *From Sabbath to Sunday: A Historical Investigation of the Rise of Sunday Observance in Early Christianity* (Rome, 1977).

<sup>3</sup> 'Remember that thou keep holy the sabbath day. Six days shalt thou labour, and shalt do all thy works.

## *Sunday Observance and the Sunday Letter in Anglo-Saxon England*

Observa diem sabbati ut sanctifices eum sicut praecepit tibi Dominus Deus tuus. Sex diebus operaberis et facies omnia tua; septimus dies sabbati est id est requies Domini Dei tui; non facies in eo quicquam operis tu et filius tuus et filia, servus et ancilla, et bos et asinus, omne iumentum tuum et peregrinus qui est intra portas tuas, ut requiescat servus et ancilla tua sicut et tu. Memento quod et ipse servieris in Aegypto et eduxerit te inde Dominus Deus tuus in manu forti et brachio extento idcirco praecepit tibi ut observares diem sabbati. (Deuteronomy V.12–15)<sup>4</sup>

Whereas the passage from Exodus traces the origin of the sabbath back to the Creation,<sup>5</sup> the second passage mentions God's deliverance of the Israelites from slavery in Egypt as a rationale, but both make clear that the entire household was to cease from all work in acknowledgement of God's rest after creation. Infraction of this commandment was a serious matter and could result in death, as can be seen from an incident recorded in Numbers XV.32–6, in which a man is stoned to death for gathering wood on the sabbath.<sup>6</sup>

### *Interpretations of the Mosaic Sabbath Law*

To the early Church, it was not immediately clear how or whether this commandment of rest should be transferred to Sunday, the day on which the early Christians worshipped in celebration of Christ's Resurrection, and thus the observance of Sunday as a day of rest developed only gradually in the following centuries. The New Testament has little to say on the subject; the Gospels, after all, record

But on the seventh day is the sabbath of the Lord thy God: thou shalt do no work on it, thou nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thy beast, nor the stranger that is within thy gates. For in six days the Lord made heaven and earth, and the sea, and all things that are in them, and rested on the seventh day; therefore the Lord blessed the sabbath day, and sanctified it.' All biblical quotations are taken from the Latin Vulgate, *Biblia sacra iuxta vulgatam versionem*, ed. R. Weber, 3rd ed. (Stuttgart, 1975); English translations are from the Douai-Rheims version (rev. R. Challoner; London, 1914).

<sup>4</sup> 'Observe the day of the sabbath, to sanctify it, as the Lord thy God hath commanded thee. Six days shalt thou labour, and shalt do all thy works. The seventh is the day of the sabbath, that is, the rest of the Lord thy God. Thou shalt not do any work therein, thou nor thy son nor thy daughter, nor thy manservant nor thy maidservant, nor thy ox, nor thy ass, nor any of thy beasts, nor the stranger that is within thy gates: that thy manservant and thy maidservant may rest, even as thyself. Remember that thou didst serve in Egypt, and the Lord thy God brought thee out from thence with a strong hand, and a stretched out arm. Therefore hath he commanded thee that thou shouldst observe the sabbath day.'

<sup>5</sup> See Genesis II.2–3: 'And on the seventh day God ended his work which he had made: and he rested on the seventh day from all his work which he had done. And he blessed the seventh day, and sanctified it: because in it he had rested from all the work which God created and made.'

<sup>6</sup> Death was the required punishment, as stated in Exodus XXXI.14–15: 'Keep you my sabbath: for it is holy unto you: he that shall profane it, shall be put to death: he that shall do any work on it, his soul shall perish out of the midst of his people. Six days you shall work: in the seventh day is the sabbath, the rest holy to the Lord. Every one that shall do any work on this day, shall die' (cf. Exodus XXXV.2–3).

## 1. The Development of Sunday Observance

unsettling encounters between Christ and the religious leaders of his time, who were incensed by his breaking of the Jewish sabbath as they conceived it.<sup>7</sup> One would expect the writings of the Apostle Paul to resolve the difficulty as they do in the case of other Jewish practices such as circumcision and dietary restrictions, but he provides only the barest hint that any controversies concerning the day of worship or rest even existed: 'For one judgeth between day and day: and another judgeth every day: let every man abound in his own sense.'<sup>8</sup> This remark, though it names neither sabbath nor Sunday, may be seen as emblematic of the early Church's struggle between Christian freedom and Jewish custom: what was pious observance to one was reprehensible 'Judaizing' to another.

Thus, the writings of the earliest fathers indicate that Sunday was observed primarily as a day of worship rather than rest.<sup>9</sup> This was based on the belief that it was the day when Christ had risen from the dead, hence the designation 'Lord's day' (*dies dominica*). On this day of joyful celebration it was forbidden to kneel and fast, the very first Sunday prohibitions.<sup>10</sup> During this early period it would have been impractical, if not impossible, for Christians to keep Sunday free from work, particularly for those who were servants or slaves. Furthermore, there is evidence that in certain places, the Jewish sabbath continued to be kept among Jewish Christians.<sup>11</sup>

The third commandment was accordingly interpreted in various ways, offering anagogical, typological and moral interpretations.<sup>12</sup> The first sees the Old Testament sabbath rest from work as a prefiguration of the eternal rest of the believer. Origen

<sup>7</sup> These usually concern Christ's performance of miracles on the sabbath, most often acts of healing, presumably in order to expose the extreme legalism of his contemporaries; see Matthew VIII.14–17, XII.1–14; Mark I.29–34, II.23–8, III.1–6; Luke IV.38–9, VI.1–11, XIII.10–17; and John V.1–18, IX.1–41.

<sup>8</sup> Romans XIV.5: *Nam alius iudicat diem plus inter diem alius iudicat omnem diem unusquisque in suo sensu abundet*. See also Colossians II.16: *nemo ergo vos iudicet in cibo aut in potu aut in parte diei festi aut neomeniae aut sabbatorum* ('Let no man therefore judge you in meat or in drink or in respect of a festival day or of the new moon or of the sabbaths').

<sup>9</sup> Rordorf, *Der Sonntag*, pp. 154–6. In this view, early mentions of cessation from work, such as that by Tertullian (c. 160–220) in his *De Oratione* (*Quinti Septimi Florentis Tertulliani opera. Pars I*, ed. A. Reifferscheid and G. Wissowa, CSEL 20 (Vienna, 1890), pp. 196–7), are interpreted as a reservation of a space of time for the purposes of worship, presumably in the early morning or late evening, rather than a setting aside of the entire day for rest; Rordorf, *Der Sonntag*, pp. 158–62. For the view that both worship and rest from labour were a part of Sunday observance from the second century on, see Bacchiocchi, *From Sabbath to Sunday*.

<sup>10</sup> Huber, *Geist und Buchstabe*, pp. 71–2; Rordorf, *Der Sonntag*, pp. 267–8; Tertullian, for example, states this as already well established in *De Corona* 3 (*Quinti Septimi Florentis Tertulliani opera. Pars II.2*, ed. E. Kroymann, CSEL 70 (Vienna, 1942), 158: *Die dominico ieiunium nefas ducimus vel de geniculis adorare*).

<sup>11</sup> See McReavy, 'Servile Work', p. 271; Ignatius (c. 50–117), 'Letter to the Magnesians' (section 9), edited by K. Bihlmeyer in *Die apostolischen Väter, Neubearbeitung der Funkschen Ausgabe* (Tübingen, 1924), pp. 88–92 (no. 15). Later, the Council of Laodicea (c. 360) forbids Christians to rest on the sabbath, and suggests that they do so on Sunday instead, if possible; canon 29, *Die Kanones der wichtigsten altkirchlichen Concilien nebst den apostolischen Kanones*, ed. F. Lauchert (Frankfurt am Main, 1961), p. 75.

<sup>12</sup> See Huber, *Geist und Buchstabe*, pp. 49–61.

## *Sunday Observance and the Sunday Letter in Anglo-Saxon England*

and Eusebius, and later Jerome, Augustine and perhaps Gregory the Great all make use of this interpretation.<sup>13</sup> The typological exegesis similarly equates Christ's rest in the tomb with the final rest of Christians after their work on earth.<sup>14</sup> Most common and persistent, however, is perhaps the moral or tropological interpretation, in which, eventually, the *opera servilia* cited in Mosaic law become the 'works of the world', i.e. sins, from which Christians are to rest daily.<sup>15</sup> So, for instance, Augustine states that this commandment alone is to be observed figuratively:

Spiritualiter observat sabbatum christianus, abstinens se ab opere servili. Quid est enim ab opere servili? A peccato. Et unde probamus? Dominum interroga: 'Omnis qui facit peccatum, servus est peccati'. Ergo et nobis praecipitur spiritualiter observatio sabbati.<sup>16</sup>

Such interpretation was not necessarily abandoned once a transference of the sabbath rest to Sunday became commonplace, but rather continued to be used as a supplemental explanation of the third commandment or to bolster the case for the sanctity of Sunday.<sup>17</sup> However, most of the early Church fathers do not mention a Christian obligation of ceasing all physical labour, though some may appear to encourage it.<sup>18</sup>

## *Sunday Observance in Roman Law*

How is it then, that even during the lifetimes of Augustine and Jerome, in the late fourth and early fifth centuries, the prohibition of various kinds of Sunday work emerged among Christian peoples? This question has elicited several answers. A shift in attitude can be traced back to Emperor Constantine's promulgation of the first official Sunday legislation in 321. The 'day of the sun' (*dies solis*) is to be set aside for rest; singled out were the activities of judges and those living and working in cities.<sup>19</sup> The new edict was not a blanket demand for a work-free day, however:

<sup>13</sup> See, for example, Augustine, *Epistola 55 (Aureli Augustini Hipponiensis episcopi epistulae)*, ed. A. Goldbacher, CSEL 34 (Prague, 1895–1923), pp. 194–5; further references in Dumaine, 'Dimanche', cols. 920–4; cf. also Hebrews IV.9–10.

<sup>14</sup> Dumaine, 'Dimanche', cols. 924–5; Huber, *Geist und Buchstabe*, p. 53.

<sup>15</sup> Dumaine, 'Dimanche', cols. 925–6; Huber, *Geist und Buchstabe*, pp. 54–61. The term *opus servile* occurs in Leviticus XXIII.8.

<sup>16</sup> 'The Christian observes the Sabbath spiritually, abstaining from servile work. What is it to abstain from servile work? From sin. And how do we prove it? Ask the Lord: Everyone who commits sin, is the servant of sin. Therefore the observance of the Sabbath spiritually is commanded to us', *In Iohannis Evangelium tractatus cxxiv*, 3.19 (PL 35, col. 1404); the biblical quotation is from John VIII.34.

<sup>17</sup> See, for example, statements by Ælfric discussed on pp. 33–4, or of Alcuin, *Commentaria in sancti Iohannis Evangelium* 3.9 (PL 100, col. 806).

<sup>18</sup> See Eusebius of Caesarea's (c. 260–340) commentary on Psalm 91, *Commentaria in Psalmos* (PG 23, cols. 1168–72).

<sup>19</sup> *Omnnes iudices urbanaeque plebes et artium officia cunctarum venerabili die solis quiescant. Ruri tamen positi agrorum culturae libere licenterque inserviant, quoniam frequenter evenit, ut non alio aptius die frumenta sulcis aut vinea scrobibus commendentur, ne occasione momenti pereat*

## 1. The Development of Sunday Observance

field-work was allowed on the grounds that farmers need to take advantage of favourable weather without regard to the day of the week. Whatever Constantine's motives may have been, this official recognition at the very least introduced the concept of Sunday as a day of rest rather than solely as a day of worship.<sup>20</sup>

Subsequent emperors continued to restrict Sunday and feast day activities, particularly in the areas of judicial operations and certain public entertainments; these laws were not as novel as they seem, however, since Roman law had already prohibited such things on pagan feast days (*feriae*), even going beyond them to include rural labour and any kind of work for personal profit.<sup>21</sup> The Theodosian Code, a collection of imperial decrees published in 438, mentions prohibitions against activities of the courts (except for emancipations and manumissions) and of tax collectors, the exaction of the payment of debts and also of games in the circus and theatre performances.<sup>22</sup> Judges were to make special inquiry into the welfare of prisoners to ensure that they received food, water and a bath on Sunday (section 9.3.7). The rationale for these laws concerning Sunday – in the earlier decrees again often called the 'day of the sun' – is that they interfered with worship services. They reveal a gradual strengthening and elaboration of Constantine's pronouncement, which is also cited (without the exclusion for rural labour), and thus they may be seen as a part of a general 'reordering [of] public religion into a Christian framework'.<sup>23</sup> In some respects they correspond to what remains of the medieval Sunday in most Western societies today: the closure of banks and public offices.

Parts of the Theodosian Code were incorporated into the body of law often referred to as the Germanic or barbarian codes, since these were, in fact, regional collections modelled on Roman precedent, particularly in the southern regions of the Continent.<sup>24</sup> The dating of this legislation presents some difficulties. Although the original formulation of these laws may have occurred as early as the beginning of the sixth century, the earliest manuscripts date from the early eighth century, many being part of a Carolingian effort to collect and record these local codes. Thus certain accretions, particularly those which pertain to a distinctly Christian practice such as Sunday observance, could have been added at any time between these two dates.

*commoditas caelesti provisione concessa, Codex Iustinianus III.12.2 (Corpus juris civilis, ed. P. Krüger, vol. 2 (Berlin, 1888), p. 127).*

<sup>20</sup> Constantine's intent in the formation of this edict has been disputed. There is some indication that it was designed to placate members of the cult of Mithras, who were sun-worshippers, rather than the Christians in the empire. It may also have been an attempt to accommodate both groups, though there is little evidence that Sunday rest was a requirement of the Church at this time. Cf. Huber, *Geist und Buchstabe*, pp. 78–80. For Mithraic influence on the development of the Christian Sunday, see Bacchiocchi, *From Sabbath to Sunday*.

<sup>21</sup> Huber, *Geist und Buchstabe*, pp. 43–5.

<sup>22</sup> The relevant laws are 2.8.1, 18–20; 8.8.1, 3; 11.7.10, 13; 15.5.2, 5; *Theodosiani libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, ed. T. Mommsen and P. M. Meyer, vol. I, 2nd ed. (Berlin, 1954).

<sup>23</sup> D. Hunt, 'Christianising the Roman Empire: The Evidence of the Code', p. 145.

<sup>24</sup> P. Wormald, *The Making of English Law*, p. 44.

# Index

Page references in bold type indicate texts of the Sunday Letter.

- Admonitio generalis* 6 n. 25, 15, 25, 28 n.51, 39  
Ælfric: *Colloquy* 35, 70, 71 n.50; homilies 69, 70, 185 n.3, 186 n.14, 187 n.16, 189 n.9, 193 n.35; Letter C and 82; as source 64; writings on Sunday 22, 32, 33–5, 93; writings on the sabbath 26  
Ælfsige, Abbot 63  
Æthelred, King 21, 22, 24  
Æthelred, law codes of 27, 191, 192 n.29  
Æthelstan, King 21  
Æthelstan, law code of 21, 23, 27  
Æthelwold 74 n.60  
Aldebert 38, 54  
Alfred, law code of 21, 22  
Anglo-Saxon Chronicle 186 n.14  
Anlezark, D. 85 n.120  
*Annals of Inisfallen* 18 n.86, 42 n.37  
Annals of St Bertin 42 n.40, 184 n.42  
*Annals of the Four Masters* 42, 84  
*Annals of Ulster* 42, 84  
Ansegisus 21 n.14, 25  
*Apocalypse of Mary* 61  
Audelay, John 44, 47 n.66  
Augustine, Saint 4
- Bately, J. 86  
Bath Abbey 63  
Baukham, R. J. 14 n.67  
*Be þam drihtenlican sunnandæg folces lar*  
see Letter D  
Benedictine reform 32  
Benedictine Rule 70  
Bethurum, D. 65  
biblical sources: Apocalypse 179 n.23; Colossians 3 n.8; Deuteronomy 2, 8; Ezekiel 188 n.21; Genesis 2 n.5, 183 n.36, 189; Isaiah 52, 78, 183 n.38, 187 n.19; Jeremiah 58, 185 n.10, 186 n.12; John 182 n.21, 183 n.37, 187 n.18; Joshua 193 n.38; Leviticus 22, 36, 58; Luke 183 n.28; Mark 182 n.22, 183 n.28; Matthew 178 n.10, 180 n.30, 182 n.21, 183 n.28, 193 n.37; Numbers 86, 186 n.11, 193, 194 n.41; Peter 189 n.6; Proverbs 185 n.5; Psalms 179 n.23, 182 n.20, 183 n.38, 185 n.8, 193; Romans 3 n.8; *see also* Exodus
- Binchy, D. A. 17–18, 40 n.20  
Bittner, M. 44, 54 n.113  
Blickling homilies 32, 186 n.14, 187 n.16  
BN lat. 12,270: Letter A and 74, 177–80; Letter B and 78, 182 n.21; Letter D and 187 n.17; text of Sunday Letter **199–201**; in transmission of Sunday Letter 44, 45, 73; *see also* manuscripts
- Boniface, Archbishop 38  
Breatnach, L. 18–19, 40 n.20  
Budny, M. 64 n.7, 68 n.33  
Byrhtferth 65, 93, 190 n.11
- Caesarius of Arles: on children conceived on Sundays 30 n.59, 56, 180 n.26, 187 n.17; homilies 187 n.16; on pagan and Jewish practices 10, 11, 12, 16, 55 n.118; on sexual abstinence 30 n.60  
*Cáin Domnaig* 17–18, 40, 41, 44  
‘Canons of Edgar’ 24, 27  
Canterbury 64, 66, 68, 71, 103  
Cassiodorus 185 n.8  
*Catachesis Celtica* 41–2, 49, 194 n.38  
*Céli Dé* 17 n.86, 18, 42, 96 n.178  
Charlemagne 6 n.25, 15, 25, 28, 39  
Childebert II, king of Austrasia 7  
Chintasvintus, King 6  
Christ Church, Canterbury 71  
*Chronicum Scotorum* 42  
Church councils: Aachen 192 n.28; Auxerre 9 n.36; Châlon 9; Cloufesho 21; Frankfurt 16; Friaul 12 n.52; Laodicea 12 n.52; Mâcon 9, 56; Narbonne 9 n.37; Orleans 8, 9, 10, 13 n.57, 15 n.70, 29 n.56, 56; Paris 16; Rouen 9 n.39; Soissons 38; Verneuil 15 n.70  
Clayton, M. 60 n.141  
Clemens 38

*Sunday Observance and the Sunday Letter in Anglo-Saxon England*

- Clovis I 7 n.30  
Cnut, King 20, 22, 25  
Cnut, law codes of 26, 27, 28, 190–2  
Conall mac Coelmaine 42, 48 n.73, 83  
Constantine, Emperor 4–5, 24  
Corbie 74  
Cummean, penitential of 30 n.58
- Danes 23, 27  
*De correctione rusticorum* 12, 55  
*De ecclesiasticis officiis* 59  
*De Oratione* 3 n.9  
Delehaye, H. 43–4, 46, 54  
Deletant, D. 54 n.113  
dialectal features 71–2, 99–109  
*Diu vrône botschaft ze der christenheit* 44  
divine punishments: for children conceived on Sunday 13, 30 n.59, 56, 80, 180 n.26, 187 n.17; disasters and calamities 14, 36, 58; flying serpents etc. 46, 47, 49, 179 n.25, 183 n.30, 184 n.41, 195 n.51; see also *Strafwunder* narratives  
Dunstan, Saint 24 n.30
- Ebostol y sul* 188 n.22  
Ecgred, bishop of Lindisfarne: condemnation of Sunday Letter 39; dating of Letter 41, 54; source of Letters E and F 40, 82, 83, 84, 190 n.11  
Edgar, King 22, 24 n.30  
Edgar, law codes of 26, 28, 62 n.150, 86, 191  
*Enchiridion* 93, 190 n.11  
Ephrem the Syrian 56  
*Epistol Isu*: Conall mac Coelmaine episode 42, 48 n.73; links to Letters C and D 52; links to Letters E and F 82–3, 196 n.54; Sunday Letter and 17, 40–1, 48; Sunday List in 60 n.139, 96; in transmission of Old English Letters 75 n.66, 77  
Ervig, King 6 n.27, 55  
Eusebius of Alexandria 47 n.69, 56, 59  
Eusebius of Caesarea 4, 177 n.6  
Eustace of Flay 53  
*Examinatio in ordinatione episcopi* 70, 71  
Exeter 64, 65, 66, 67, 68  
Exodus: Letter A and 177 n.5, 179 n.13; Letters E and F and 47, 87, 190 n.12; on the sabbath 1, 2, 181 n.5, 181 n.9, 190 n.12, 193 n.34
- flagellants 44 n.45, 53  
Follett, W. 17 n.86, 18 n.88, 43 n.41  
Frantzen, A. 29 n.55, 31 n.66, 32  
Friday observance 33, 47
- Garmonsway, G. N. 103 n.230  
Gaul 8, 12, 38, 54, 56  
Germanic law codes 5–8, 19  
Gneuss, H. 70, 71  
Godden, M. R. 64 n.9, 67 n.27, 68 n.34, 72 n.51, 103 n.228  
Goldenberg, R. 12  
Graz 248: Letter A and 75 n.64, 177 n.4, 179 n.14, 180 n.25; Letter B and 181 n.9, 182 (nn. 16, 18, 23), 183 n.34, 184 (nn.41, 44); in transmission of Sunday Letter 44, 45, 76; see also manuscripts  
Gregory of Tours 10, 13, 30 n.59, 56  
Gregory the Great 4, 9–10
- Halitgar 30 n.58, 50 n.91  
Hall, T. 64 n.4, 82, 185 n.8, 193 n.38  
Haymo of Auxerre 33 n.76, 186 n.14  
Herbst, L. 103 n.230  
Homiliary of Toledo: details of Letter 42 n.40, 46 n.63, 47, 49, 195 (nn.45, 47–8, 51); provenance 47, 55 n.119; sermon by Eusebius of Alexandria 56 n.125, 59 n.137; in transmission of Letter 76; see also manuscripts  
Hrabanus Maurus 59, 93 n.163  
Hugo of Reutlingen 54, 62  
Hull, V. 19 n.94, 40 n.20
- Ine, King 19  
Ine, law code of 20, 21, 22, 23, 28  
*Institutes of Polity* 30 n.59, 32 n.74  
Ireland: Sunday Letter in 39–43, 50; Sunday observance in 17–19; transmission of Letter to England 52, 82, 85, 86, 95  
Irish Canon Collection 187 n.16  
Isidore of Seville 59, 179 n.13
- Jerome 4, 185 n.8  
Jordan River, reversal of 96, 193 n.38  
Jost, K. 66 n.22, 80 n.89  
*Judicium Clementis* 29 n.56
- Kelly, F. 17 n.85  
Ker, N. R. 67 n.25, 72, 103 n.230  
Kornxl, L. 103 n.230
- Lateran Synod of 745 38, 44, 54  
'Laws of Edward and Guthrum' 23, 27  
Leabhar Breac 79 n.85  
Lees, C. 59–60, 94  
*Leidarvisan* 190 n.11  
Leofric, Bishop 67, 79  
Letter A: language 99; manuscript 63–4;

- text **112–17**; transmission 73, 74–8
- Letter B: language 99–101; manuscript 64–6; source 178 n.8; Sunday List 97–8, 183 n.35; text **118–37**; transmission 74–8; Wulfstan's works and 73
- Letter C: language 101; manuscript 67–8; source 51–2; Sunday List 96–7, 98; text **126–45**; transmission 78–82, 85–6; Wulfstan's influence 73
- Letter D: language 102–3; manuscript 68–70; source 51–2; Sunday List 96–7, 98; text **126–45**; title 73; transmission 78–82, 85–6
- Letter E: insertion of legal code 40 n.21; language 101–2; manuscript 64–6; source 47, 48–50; Sunday List 93, 95–6; text **146–75**; transmission 46, 75, 77, 82–93; Wulfstan's works and 73
- Letter F: language 103–9; manuscript 70–2; source 47, 48–50; Sunday List 93, 95, 190 n.13; text **146–75**; transmission 46, 75, 77, 82–93, 95; Wulfstan's works and 73
- Lex Alamannorum* 8 n.33
- Lex Baiuvariorum* 7, 9, 56
- Lex Frisionum* 6, 20
- Lex Romana Raetica curiensis* 6
- Lex Salica* 20
- Liber iudiciorum* 6
- Licinianus, bishop of Cartegena 37–8, 44, 54, 55
- Liuzza, R. M. 63 n.2
- Lynch, J. H. 76 n.68, 179 n.22
- manuscripts:
- Basel, Universitätsbibliothek, B VII 7 44, 45, 76, 180 n.25, 184 (nn.45, 47), **206–7**
  - Brussels, Bibliothèque royale, 8558-63 31
  - Cambridge, Corpus Christi College 140 (Letter A) 63–4
  - Cambridge, Corpus Christi College 162 (Letter D) 68–70, 73, 95, 103
  - Cambridge, Corpus Christi College 201 92
  - Cambridge, Corpus Christi College 419 (Letters B and E) 64–6, 68, 73, 77, 92, 192 n.28
  - Cambridge, Corpus Christi College 421 65
  - Einsiedeln, Stiftsbibliothek, 281 79 n.85, 188 n.25
  - Erlangen, Universitätsbibliothek, 306 (444) 53 n.111
  - Graz, Universitätsbibliothek, 248 (*see* Graz 248)
  - Hamburg, Bibliothek der Hansestadt, S. Petri-Kirche 30b 47
  - Kassel, Murhardsche Bibliothek der Stadt Kassel und Landesbibliothek, theol. 39 (*see* VK manuscripts)
  - London, BL Add. 19,275 44, 45, 76, 178 (nn.8–9), 181 (nn.5, 7), 182 (nn.16, 24, 25), **204–5**
  - London, BL Add. 30,853 (*see* Homiliary of Toledo)
  - London, BL Cotton Caligula A.xv 177 n.6
  - London, BL Cotton Claudius A.iii 192 n.28
  - London, BL Cotton Cleopatra B.xiii 67, 81
  - London, BL Cotton Nero A.i 25
  - London, BL Cotton Otho B.x (Wanley) 72–3
  - London, BL Cotton Tiberius A.iii (Letter F) 70–2, 73, 89, 92, 103, 197 n.63
  - London, BL Royal 11 B.x 46 n.63
  - London, BL Royal 8 F.vi 47
  - London, Lambeth Palace 489 (Letter C) 67–8, 73, 79, 81, 188 n.26
  - Munich, Bayerische Staatsbibliothek, clm 9550 (*see* Munich 9550)
  - Munich, Bayerische Staatsbibliothek, clm 14,364 79, 188 n.24
  - Munich, Bayerische Staatsbibliothek, clm 21,518 53, 183 n.32
  - Oxford, Bodl., Hatton 42 25
  - Oxford, Bodl., Hatton 115 178 n.6
  - Oxford, Bodl., Junius 86 187 n.16
  - Oxford, Bodl., Junius 121 31
  - Oxford, Bodl., Laud Misc. 482 31
  - Paris, BN lat. 8508 46, 50 n.91
  - Paris, BN lat. 12,270 (*see* BN lat. 12,270)
  - Tarragona, Cathedral Library (lost) (*see* Tarragona manuscript)
  - Todi, Perugia (lost) 46, 55 n.117
  - Toulouse, Bibliothèque Publique, 208 53, 76 n.68, 182 n.20, 185 n.4
  - Vatican City, Biblioteca Apostolica Vaticana, Reg. lat. 49 49, 50, 93 n.161, 188 n.1, 195 n.53, 196 n.55
  - Vienna, Dominikanerkloster 133 (*see* VK manuscripts)
  - Vienna, Österreichische Nationalbibliothek, 1355 44, 45, 178 (nn.8–9), 179 n.24, 180–4, 196 n.54, **201–3**
  - Vienna, Österreichische Nationalbibliothek, 1878 46
  - Vienna, Österreichische Nationalbibliothek, lat. 510 53

*Sunday Observance and the Sunday Letter in Anglo-Saxon England*

- Margaret, Saint, life of 70, 71, 103 n.230  
Martin, Saint 13  
Martin of Braga 10, 12, 55  
McDougall, I. 186 n.12  
McNally, R. E. 45 n.57, 94  
McNamara, M. 42  
McReavy, L. L. 10 n.42, 19  
Middle English 51, 105  
Middle High German texts 37, 44, 53 n.111,  
83 n.107, 95 n.172, 194 n.40  
Mishnah 12  
Mithras, cult of 5 n.20  
Morin, G. 47 n.70  
Mosaic law 2–4, 18, 43  
Muirchú moccu Maethéni 18  
Munich 9550: Letter A and 177 n.4; Letters  
E and F and 48–9, 188 n.1, 189 n.9, 190  
(nn.15, 16), 192 n.32, 195–6; in transmis-  
sion of Sunday Letter 46, 48–9, 52; *see*  
*also* manuscripts
- Napier, A. 103 n.230, 181 n.5  
New Testament 2 *see also* biblical sources  
Niall, deacon in version Y<sup>2</sup> 39, 42 n.40, 48  
n.73, 71, 82, 83, 84–5, 87  
Niall mac Ialláin 84  
Nicodemus, Gospel of 183 n.38  
'Northumbrian Priests' Law' 27, 28
- Oakley, T. P. 29 n.54  
Oda, Archbishop 21 n.14  
O'Keeffe, J. G. 96 n.183  
Old English Sunday Letter *see* Sunday Letter  
(Old English)  
Old French 37, 51  
Old Irish texts 37, 40–3, 79 n.85, 94 n.169  
Old Norse texts 37, 190 n.11, 194 n.40  
Old Testament 1, 3, 57 *see also* biblical  
sources  
Origen 3, 185 n.8  
Orosius 185 n.8, 186 n.14
- Pactus legis Salicae* 7, 8, 20  
paganism 5, 8, 10, 12, 45, 55 n.118  
Paul the Apostle 3  
'Peace of Edward and Guthrum' 27  
Pehtred 39, 41, 82, 83, 84, 189 n.11  
penalties: acts of penance 30, 31; fines 6,  
7, 20, 23, 27, 30, 40; flogging 7–8, 9,  
20, 23, 27; in Greek practice 29–30, 31;  
*hydgylt* 27; isolation from monastic  
brethren 9; loss of court cases 9 *see also*  
divine punishments  
penitentials 28, 29–32, 177 n.4, 192 n.28
- Pepin 15 n.70  
Petrus de Marca, archbishop of Paris 44 n.52  
Pope, J. C. 187 n.16  
Priebsch, R.: on Letter B 182 n.23; on the  
Letter's transmission 45, 48, 49, 74 n.60,  
83, 85 n.121; on the origin of the Letter  
54; on vernacular versions of Letter 44,  
53 n.111, 194 n.40  
prohibitions: on baking bread 13, 29, 177  
n.4; on bathing 10, 14, 18, 29, 30; on  
carrying of goods 28; on debt collection  
24, 27; on disputes 24, 27; on execu-  
tions 23–4, 27; on fasting 3, 34; on food  
preparation 8, 10, 18, 37, 44, 55; on  
garden work 44, 55; on hunting 24, 27,  
35; on idle speech and laughter 31; on  
indulgence in food and drink 31, 34; on  
judicial operations 4, 5, 6, 16, 23–4, 27;  
on kneeling 3, 34; on oaths 23–4, 27;  
on ordeals 23–4, 27; on physical labour  
4; on public assembly 24, 27; on rural  
labour 9, 12, 13, 25; on "servile," secular  
works 4, 9, 12, 27, 32, 34; on sexual rela-  
tions 14, 18, 24, 25–6, 29–30, 92 n.157,  
191 n.28; on spinning 44, 55; on splitting  
wood 18; on trade 21, 23, 24, 27, 28, 56,  
78; on travel 8, 12, 27, 29, 30, 37, 44,  
55; on wandering about 31; on women's  
work 10, 13, 15, 25; on writing 29
- Pseudo-Alcuin 60 n.137, 93 n.163  
Pseudo-Augustine 59
- Quadripartitus* 25
- Red Sea, twelvefold division of 79, 82, 97,  
185 n.8  
*Regularis concordia* 70, 71 n.50  
Remedius of Chur, Bishop 6 n.25  
Renoir, E. 44  
Rhaetia 6  
Richards, M. P. 68 n.34  
Robinson, P. R. 67  
Rochester 68, 103  
Roger of Hoveden 53  
Roman law 4–8
- sabbath: Christ and 3, 34; Gregory the Great  
on 9–10; interpretations 3–4, 26, 33–4,  
35; Jewish observance 6 n.27, 11–12, 16,  
30 n.61, 33; 'Judaizing' influence of 3, 9,  
11–12, 29 n.56, 37, 39  
St Augustine's Abbey 68  
Saxons 15 n.72  
Schabram, H. 103

- Schmitz, G. 25  
 Scotland 86  
 Scragg, D. 64 n.9, 69, 81 n.91, 89 n.142, 90 n.149, 197 n.60  
*Sermo ad populum [de] dominicis diebus* see Letter C  
*Sermo angelorum nomina* see Letter B  
*Sermo Lupi ad Anglos* 32 n.74  
 Silverstein, T. 61, 62 n.152  
*Solomon and Saturn* 178 n.6  
 Spain 6 n.27, 12, 50, 54, 55 n.119  
*Strafwunder* narratives 12–14, 16, 17, 40  
 Sunday: events associated with 2, 14, 16, 32, 33; terms for 3, 4, 8, 33, 59  
 Sunday Letter (Latin): author 36, 57; condemnation of 15, 19, 36, 37, 39, 62; origin 54–7; role in Church history 14, 16, 19, 36; synopsis 36–7; version Y<sup>1</sup> 48–50, 52, 83–4 see also manuscripts; Sunday Letter (Old English)  
 Sunday Letter (Old English): arrival in England 39–40, 41, 43, 52, 53, 82; reception 62, 74, 93, 98; version Y<sup>2</sup> 83–6 see also individual Letters  
 Sunday Letter (other languages) 37, 52 n.104, 60  
 Sunday List: early forms 16; in the *Epistil Ísu* 83; history and transmission 59–62, 185 n.8; in homiletic literature 33, 34; Latin Sunday Letter and 47, 49, 51, 52; Old English Sunday Letter and 77–8, 79, 86, 92, 93–8, 190 n.13; in *Theodulfi capitula* 32  
 Sunday observance: in Anglo-Saxon England 19–35; in Church history 2–4, 8–10; equation with the sabbath 1 n.2, 8, 57, 59, 181 n.10; in homilies and narratives 10–14; in Ireland 17–19; in law 4–8, 15–16, 19–29; time span 22, 26, 28, 30, 61, 86, 189 n.3; transference from other traditions 10–12, 14, 39 see also divine punishments; penalties; prohibitions; sabbath; Thursday observance; Friday observance  
 Sunday Respite 60–1, 83, 95 n.176, 189 n.10, 194 n.40  
*Sunnandæg*es spell see Letter E  
 Switzerland 6  
 Synod of Dingolfing 15 n.68  
 Synod of Mainz 23 n.23  
 Tarragona manuscript: Letter A and 177 n.4, 180 n.25; Letter B and 181 (nn.6, 13), 182 n.22, 184 (nn.40, 42, 44); Letters E and F 188 n.1, 189 n.10, 195 (nn.48, 50, 53); in transmission of Sunday Letter 44, 45–6, 50, 55 (nn.117, 119), 75 n.66 see also manuscripts  
 Ten Commandments 1, 3  
 Tertullian 3 n.9  
 Theodore, Archbishop 29–31, 177 n.4  
 Theodosian Code 5–6, 24  
 Theodulf of Orléans 30 n.60, 32  
*Theodulfi capitula* 24 n.26, 30 n.60, 31–2, 93, 182 n.23  
 ‘Three Utterances of the Soul’ 47 n.69  
 Thursday observance 10, 12, 35 n.94, 55 n.118  
 Townend, M. 186 n.12  
*Transitus Mariae* 180 n.25  
 ‘tremulous hand’ of Worcester 72  
 Tveitane, M. 194 n.40  
 Van Dam, R. 12 n.54  
 Vercelli Book: Letter A and 178 n.6; Letters E and F and 65, 71 n.48, 88–91, 193 n.37, 194 n.38, 196 n.60, 197 (nn.60–2, 64–5); silence on Sunday observance 32  
 Vincentius, bishop of Ibiza 37  
*Vindicta salvatoris* 186 n.14  
*Visio sancti Pauli* 60–2, 181 n.11, 197 n.64  
*Vita sancti Patricii* 18  
 VK manuscripts: Hiberno-Latin influences 82; relation to other Letters 76, 192 n.32, 193 n.33, 195 n.47; source of Letters C and D 51–2, 78, 79, 97, 185–8; text of Sunday Letter 207–11 see also manuscripts  
 Wanley, H. 72–3  
 Welsh texts 37, 51, 188 n.22  
 Wenisch, F. 101, 102, 108–9  
 Whitelock, D.: on the date of version Y<sup>2</sup> 86; on Irish versions of Letter 41; on the Letter’s transmission 48, 49, 52, 83, 84, 85 n.121, 96 n.184; on time span for Sunday observance 22 (nn.15, 19); on Wulfstan’s legal writings 23, 25 n.32  
 Wihtræd, King 19  
 Wihtræd, law code of 20, 22, 23, 27, 28, 62 n.150  
 Wilcox, J. 64 n.8, 65–6, 81 n.95, 101 n.217, 194 n.42  
 Willibrord 29 n.56  
 Wormald, P. 21 (nn.6–7), 25 (nn.32, 35), 27, 187 n.16  
 Wright, C. D. 89 n.138, 188 n.24  
 Wulfhelm, Archbishop 21

*Sunday Observance and the Sunday Letter in Anglo-Saxon England*

- Wulfsige, archbishop of York 39, 40, 84 n.115  
Wulfsige, bishop of Sherborne 22  
Wulfstan, Archbishop of York: Ælfric's letter  
to 33, 70; biblical translations 187 n.19;  
homilies 32, 65; influence 67–8, 73,  
80–1, 87, 185 n.6, 188 n.23; *Institutes  
of Polity* 30 n.59, 32 n.74; legal codes  
22–9, 35, 192 n.31; Letter E and 91–3  
Zacharias, Pope 38