

THE DATING OF *QUADRIPARTITUS* AGAIN

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The Latin legal compilation known as *Quadripartitus* must be approached through the work of Felix Liebermann, who published the first systematic study of it in 1891 and printed its text discontinuously in the first volume of *Die Gesetze der Angelsachsen* between 1898 and 1903.¹ On the question of dating, he made several points. He thought the text could not have been completed before 1113, that it had to be complete no later than 1118, and that it was the labour of many years, perhaps as many as twenty. The weak point in his argument concerns 1113. If we set that aside, the text as we have it certainly includes a document now datable to 1108, and if 1113 × 1118 is implausibly narrow, 1108 × 1118 can be defended. The problem with these dates is that they depend on approaching the work as copied without reference to its textual history. This dimension of the dating question has never been clearly understood. The aim of this paper is to show how the evidence of the manuscripts provides grounds for thinking that 1108 is the last date at which any authorial alteration or addition was made to the text, which had been drafted some time earlier and revised within the previous couple of years.

This is not my first statement on the matter. When I translated the author's various prefaces for Patrick Wormald, publishing them alongside his paper in the volume of essays in honour of Sir James Holt, I made several points about Liebermann's argument towards a dating.² It is not possible to dissent from 1118 as the final term. The writer proposes a blessing on King Henry I:³

¹ F. Liebermann, *Über den Quadripartitus, ein englisches Rechtsbuch von 1114*, Sitzungsberichte der königlich Preussischen Akademie der Wissenschaften 37 (Berlin, 1891); also separately as *Quadripartitus, ein englisches Rechtsbuch von 1114* (Halle, 1892) [here cited from the latter].

² Richard Sharpe, "The prefaces of *Quadripartitus*," appendix to Patrick Wormald, "Quadripartitus," in George Garnett and John Hudson (eds), *Law and Government in Medieval England and Normandy. Essays in honour of Sir James Holt* (Cambridge, 1994), pp. 111–47, 148–72.

³ *Quad.* 2. pref. § 14 (*Gesetze*, 1: 543; Sharpe, p. 165). The whole clause is repeated almost verbatim at the start of *Leges Henrici* (*Gesetze*, 1: 547; Downer, *Leges Henrici Primi*, p. 80), where, as here, it immediately precedes Henry's Coronation charter.

quem Deus felicibus auspiciis et salutari, quesumus, corporis et anime prosperitate cum inclita coniuge sua Mathilde secunda et eorum liberis longis seculorum seculis et eterna pace gentis nostra faciat imperare.

May God grant him to reign with happy omens and with a healthy well-being of body and soul, together with his illustrious wife Matilda the second and their children, for ever and ever, and with the everlasting peace of our nation.

This could not have been written after the death of the queen on 1 May 1118. On the other hand, the argument that the work was not finished until after 1112–13 appeared to me “remarkably weak.” It was inferred by Liebermann from a statement about Henry’s victories in the second preface or *Argumentum* to the first part of *Quadripartitus*:⁴

qui Gallorum leuitatem, Normannorum pugnas, Brittannorum furias, Cenomannensium iactantiam, Flandrensiu uanitatem, Teutonicorum maiestatem, Pontei perfidiam, Andegauis periuria, Pictaurore ludicra, qui Danorum minas, Hiberniae barbariem, qui multorum lascessentes triumphauit ineptias et rapinas abstulit.

He triumphed over the fickleness of the French, the fights of the Normans, the rages of the Bretons, the boasting of the Manceaux, the vain-glory of the Flemish, the majesty of the Germans, the treachery of the Ponthevis, the perjuries of the Angevins, the trifles of the Poitevins, who triumphed over the threats of the Danes, the wildness of Ireland, who triumphed over the provoking follies of many and put an end to rapine.

Liebermann takes this as necessarily written after the peace agreement between King Henry and King Louis VI of France in March 1113, on the grounds, I suppose, that King Louis would not have conceded the truth of the statement at an earlier date. Given the opportunity to challenge this statement, other nations may also have objected to its boasting that Henry had defeated all opposition and to the manner of its expression. To tie this down to any specific moment is not realistic. Even so, Liebermann adds a further argument from silence—the writer does not mention Henry’s defeat of the Welsh in the summer of 1114—and arrives at a narrow dating April 1113 × July 1114.⁵ The theme of the *Argumentum* is to welcome Henry as the most powerful

⁴ *Argumentum* § 18 (*Gesetze*, 1: 534; Sharpe, “Prefaces,” p. 165).

⁵ *Quadripartitus*, *ein englisches Rechtsbuch*, p. 41 (§ 62). This absurd argument was allowed to stand by Downer, *Leges Henrici Primi*, pp. 36–7, and was adopted as *terminus a quo* for *Leges Henrici*.

and benign ruler of his time, and it is a strikingly English view. It lacks the necessary specificity to support a date of this sort.

I further argued that the *Dedicatio*, that is the earlier of the two prefaces to the first part of *Quadripartitus*, could well have been written before August 1100, when Henry became king. With the *Dedicatio*, however, it is necessary to make a distinction between the standpoint at the time of writing and that at the time of publication. The writer is all too conscious of current evils in the body politic, and in the *Dedicatio* he uses words such as “now” and “new.” He is writing in bad times:⁶

Opus enim, quod tuis exhortationibus et inconsulta, fateor, pollicitatione suscepi, maius est et creb<r>escentium cotidie malorum innouatione.

For the task, which I have undertaken with your encouragement and promise (imprudent, I admit), is made the greater by the daily renewal of ever more frequent evils.

He deplored the rule of William Rufus, but, it seems, he committed his thoughts to writing, even if he hardly dared to show the result to anyone but a trusted friend. In view of the contrast with the *Argumentum* and its welcome for the remedies offered by Henry I, it is surely likely that this was written before William’s death, even if it was not circulated until after Henry came to the throne.

Liebermann was no doubt conscious of this in arguing that the writer laboured long over this work. The evidence he actually adduces, however, will not, in my view, bear the weight he puts on it. He cites two passages, both from the *Dedicatio*:⁷

[§ 2] Haec ipse mecum reputans, unice tibi, quasi cordi meo, loquor, absonum et eneruem meae rusticitatis sermonem non erubescens, dum tuae paream uoluntati, cui me diutius debitorem ingenii mei diffidentia, sollicitudo plurima, nec ubique completiuiua desideria reddiderunt...

[§ 27] Inde sum, fateor, de rustico causidicus, et pene iam satyricus formidolosa tarditate praecurro: Occupet extremum scabies. Nuperne repenam? Insanire iuuat. Facit indignatio uersum.

⁶ *Dedicatio*, § 4 (*Gesetze*, 1: 529; Sharpe, “Prefaces,” p. 152).

⁷ Liebermann, *Quadripartitus, ein englisches Rechtsbuch*, p. 39 n. 7, citing *Dedicatio*, §§ 2, 27 (*Gesetze*, 1: 529, 531; Sharpe, “Prefaces,” pp. 151, 160). The passage ends with four short phrases from Horace and Juvenal.

[§ 2] Turning this over in my mind, I speak only to you as to my own heart, not blushing at my style, rough and feeble for want of education, provided that I do your bidding, in whose debt I have long been placed, on account of my lack of intellectual confidence, my great anxiety, and my unfulfillable aspirations...

[§ 27] For this reason I am, I admit, an advocate for the rustic, and I am now almost a satirist running ahead with trembling slowness: An itch take the hindmost! Am I never to riposte? It bids one be mad. Indignation produces poetry.

Once again, Liebermann is overreading the text, if he thinks that this demonstrates that the work had taken years or even had been put aside for years. I shall not challenge the notion that it had been started some years before and laid aside, but, as an argument, Liebermann's reading does not help to date the text. If this *Dedicatio* was written in the 1090s, as I think it was, the writer could have circulated copies of his translation of the Anglo-Saxon law-codes without great risk, simply by not including his *Dedicatio*. The *Dedicatio*, as it happens, is found, preceding the *Argumentum*, in only one now fragmentary copy of *Quadripartitus*, BL MS Cotton Domitian A.viii, fols. 96–110 [Dm]. Whether its presence or its absence results from decisions by copyists or by the writer himself, the evidence of the manuscripts warns against reasoning only from the whole text as brought together by Liebermann. The work is not unitary and cannot be treated in unitary terms.

In thinking about dating, there is a distinction to be borne in mind between date of writing and date of publication. The work was copied, so the writer must have put out copies to serve as exemplars for further copying. If time passed between writing and circulation, statements have not the same value for dating the two stages. Having referred to the queen and her children as living, that would have been changed if copies were distributed as a new work after her death in 1118 and the drowning of William Ætheling in November 1120. By contrast, references to the awful rule of King William Rufus, contrasted with the benign rule of King Henry, would need no editing for publication after 1100.

When I translated the writer's prefaces, I fudged the issue of dating, saying that the work could well have been begun before 1100 but it could not have been finished before 1108, since the second part of the work, as presented by Liebermann, includes copies of clerical decrees of that year and a royal *edictum* now datable between May and July 1108. I shall be bolder now.

Where my views have changed most is in my understanding of the second part, which Liebermann labelled Liber II. The work as transmitted is articulated by prefaces. The *Argumentum* introduces the translation of the Old English law-codes. Another preface introduces the recent texts that appear to form the second part with the heading, “Incipit praefatio super decretales emendationes Henrici Regis.” This structure is at odds with the division into two books alluded to in the *Argumentum* itself:⁸

Huius igitur operis primum librum transtuli, secundum collegi et, amplius euagatus, quarundam causarum necessaria capitula, cotidianis decertationibus apta, subiunxi, quod in quinque libellorum diapsalmate titulavi, sicut antiqua patrum disciplina praedocuit uel sicut noua modernorum sollertia castigauit.

The first book of this work, then, I have translated; the second I have assembled and, digressing rather widely, I have added necessary chapter-headings to certain suits, making the work suitable for the everyday courts. I have provided titles for a division into five booklets, just as the ancient teaching of the fathers showed and as the new subtlety of the moderns set right.

The first book here is obviously the translation from Old English. What is said here about the second book fits the second part of *Quadripartitus* far less well than it suits the separate work now titled *Leges Henrici*, which has long been thought to be by the same writer.⁹ Whether this is what the writer of the *Argumentum* had in mind is not sufficiently transparent for us to build on, and nowhere is *Leges Henrici* copied as a sequel to *Quadripartitus*. Yet there is absolutely nothing about the second part of *Quadripartitus* that could be thought “suitable for the everyday courts” and nothing that could be interpreted as five booklets.¹⁰

⁸ *Argumentum*, §§ 30–31 (*Gesetze*, 1: 535; Sharpe, “Prefaces,” p. 168). The very next sentence brings a further inconsistency, describing Books 1 and 2 in different words and adding two more books: “The first book contains the English laws translated into Latin, the second has some necessary writings from our own day, the third concerns the form and procedure of lawsuits, the fourth deals with theft and its parts” (§ 32).

⁹ The attribution of both works to one writer was first proposed by Frederic W. Maitland in 1895 and was taken up by Liebermann in his monograph, *Über das englische Rechtsbuch Leges Henrici* (Halle, 1901), p. 53; the question is explored more fully by Downer, *Leges Henrici Primi*, pp. 23–8.

¹⁰ It may be remarked here that Leslie Downer makes the passage about the second book quoted above more credibly point to the second part as copied by the simple

What follows the translation, then, forming the second part of *Quadripartitus*, is this further preface “super decretales emendationes.” Next, with the rubric “Incipiunt leges Henrici regis Anglorum,” there is a copy of Henry I’s Coronation Charter, drawn, it appears, not from any sealed copy as despatched but from the formula retained in the treasury.¹¹ I take it that both phrases, “decretales emendationes” and “leges Henrici regis Anglorum,” refer only to the Coronation charter, in which King Henry promised not to continue the impositions of King William Rufus. After this comes a surprising sequence of other documents from the first years of the twelfth century. Liebermann’s economy in presenting this in *Gesetze* may have contributed to its relative obscurity; one has to refer to his earlier monograph to approach the documents with any degree of comprehension.¹² With his editorial numbering in brackets, what we have after the preface and the Coronation Charter [3] are two letters from Henry I to Pope Paschal II, one of them probably datable to April 1101 [5], the other perhaps to October 1101 [7]; according to our writer both were delivered by the same named envoys, Bishop Robert of Chester and Bishop Herbert of Norwich; the second letter requests the pope to confer a pallium on Gerard, archbishop-elect of York.¹³ Some narrative follows about their mission to the pope, Anselm’s council held in September 1102, and his leaving the realm in April 1103 [8]. Next there is a succession of letters in the name of Archbishop Gerard, addressed to Pope Paschal [9], to Archbishop Anselm [10, 12, and 13], to Roger, duke of Apulia

expedient of ending his quotation with the word “assembled” (*collegi*); Downer, *Leges Henrici Primi*, p. 13.

¹¹ The best witness to the text of the Coronation charter is that sent to the shire court of Worcestershire and copied into the Red Book of the Exchequer, which is the chief source of Liebermann’s text (*Gesetze*, 1: 521–3; *Regesta* 488). *Quadripartitus* has neither names nor initials for bishop and sheriff in the address clause but only the generic element, “omnibus baronibus et fidelibus suis francis et anglis,” a difference also found in its copy of the proclamation concerning shires and hundreds (see below, n. 20).

¹² *Gesetze*, 1: 542–3; [the capitula on p. 544 are introduced from a late copy and should be ignored]; pp. 544–6 are to a considerable degree made up of cross-references. “Buch II.” is printed in sequence (though again with interpolated *capitula*) in *Quadripartitus, ein englisches Rechtsbuch*, pp. 146–66 (though even here he reduces Archbishop Gerard’s letter to Anselm to snippets).

¹³ Both are known only from *Quadripartitus* and from Brompton’s Chronicle, which followed a manuscript of *Quadripartitus*; they are printed by F. S. Schmitt, *Sancti Anselmi opera* (Seckau, Rome, Edinburgh, 1938–61), 4: 114 (*Ep.* 215), 4: 123 (*Ep.* 221) [from Twysden’s 1652 edition of Brompton and from Liebermann].

[14], to Pierleone, described as Roman consul [15], and to Bohemond, prince of Antioch [16], all datable to the period of Anselm's second exile from April 1103 to August 1106.¹⁴ The context in which they were composed was Anselm's cause against the king, and their inclusion was intended to show Gerard's involvement on Anselm's side in that dispute:¹⁵

Haec de causa sanctissimi Cantuariensis archiepiscopi Anselmi cum beatissimo rege nostro Henrico et de multa Girardi uenerabilis archiepiscopi sedulitate super eam pura coram Deo ueritate collegi.

I have assembled in pure truth before God these documents concerning the dispute of the most holy Archbishop Anselm of Canterbury with our most blessed King Henry and concerning the great effort made therein by the venerable Archbishop Gerard.

These letters were not gathered from the archives of their addressees. It is hard to resist the conclusion, therefore, that this dossier derives from close to the sender, Archbishop Gerard himself.¹⁶ Another striking point of contact between Gerard and our author is that both were enthusiastic readers of the fourth-century astrologer Julius Firmicus Maternus.¹⁷ The next item is the decrees of a synod held at Whitsuntide 1108 [18].¹⁸ Archbishop Gerard died on 21 May 1108, and the

¹⁴ With one exception, *Quadripartitus* is the only source of these letters and more particularly only MS T. The edition of Anselm's correspondence by F. S. Schmitt, *Sancti Anselmi opera* (Seckau, Rome, Edinburgh, 1938–61), vols. 3–5, includes the first four as *Epp.* 362–3, 373, and 386. *Ep.* 386, *Quad.* 2. [13], is also preserved among the principal collections of Anselm's later letters (which explains why its text is not given in full by Liebermann, *Quadripartitus, ein englisches Rechtsbuch*, p. 159); in those copies it is addressed to Anselm by six bishops, but our writer has omitted all except Gerard himself.

¹⁵ *Quad.* 2. [17] (*Quadripartitus, ein englisches Rechtsbuch*, p. 161; *Gesetze*, 1: 545). Liebermann notes the parallel with "secundum [sc. librum] collegi" (*Argumentum*, § 30), but a comparison of the whole sentences shows that this does nothing to tie this second part to the intention expressed there (see above, p. 000 and n. 9).

¹⁶ Liebermann concluded that in this period the writer is likely to have been Archbishop Gerard's private clerk (*Quadripartitus, ein englisches Rechtsbuch*, p. 37, § 58).

¹⁷ William of Malmesbury, *Gesta pontificum Anglorum*, 3. 118*, ed. M. Winterbottom (Oxford, 2007), p. 392, says that Gerard used to read Firmicus in secret every afternoon; he later deleted this remark from his working copy. More than twenty phrases are borrowed from Firmicus in the various prefaces to *Quadripartitus*, suggesting a close reading of the work by the writer. Liebermann was aware of this point of contact though not that it has the support of William of Malmesbury (*Quadripartitus, ein englisches Rechtsbuch*, p. 39, § 60). Firmicus's *Mathesis* (datable to AD 336) was edited by W. Kroll, F. Skutsch, K. Ziegler (Leipzig, 1907–13).

¹⁸ Edited from this and other sources with an introduction by Martin Brett in D. Whitelock, M. Brett, & C. N. L. Brooke (eds.), *Councils and Synods with other*

feast fell on 24 May. Both Eadmer and Hugh the Chanter tell us that Gerard died at his minster at Southwell on his way southwards and that at the synod on 27 May King Henry nominated his successor Thomas, who attended as archbishop elect. Curiously, the manuscripts of *Quadripartitus* have Gerard attend the synod alongside King Henry and Archbishop Anselm, apparently an alteration in the archetype of our witnesses introduced by a copyist who was carried away with Gerard's central role.¹⁹ Finally, the sequence closes with a copy of King Henry's proclamation concerning the holding of shires and hundreds [19], which was dated at Reading after the synod and before the king left England in July 1108.²⁰

The curious concentration on documents written by Gerard makes it appear that our writer had found himself dealing with Gerard's papers. The inclusion of two legal decisions from soon after Gerard's death in the early summer of 1108 may well be a sign that these papers came to him after the archbishop died. It is tempting also to wonder whether the writer had been at court—in whatever capacity—at this time to acquire texts of these acts. If he was the writer also of *Leges Henrici*, one can see that the shires and hundreds proclamation was of real interest to him: it is the latest datable point of reference in that work.²¹

documents relating to the English Church i AD 871–1204 (Oxford, 1981), pp. 694–704 (no. 116).

¹⁹ In the heading to the canons of the council, six manuscripts representing three traditions read (with minor variations) [statutes] “que Lundoniae statuerunt Anselmus Cantuariensis archiepiscopus et cum eo Thomas electus archiepiscopus Eboracensis”; the three manuscripts of *Quadripartitus* and the secondary witness to this tradition represented by Brompton's chronicle replace “Thomas electus” with “Girardus” and (less readily explained) “Lundoniae” with “Wintonie” (Brett, *Councils*, p. 700).

²⁰ Liebermann's edition, *Gesetze*, 1: 524, reconstructs the text, which is defectively transmitted by two lines of descent, one of them from the sealed act sent Worcester-shire and copied in the Red Book of the Exchequer, the other from the formula copy retained at Winchester and used by the writer of *Quadripartitus*. This has been the received text since 1903; R. H. C. Davis adopted it in the ninth edition of William Stubbs's *Select Charters* (Oxford, 1913), pp. 121–2, to replace the Red Book text, which had been printed for the first time by Henry Spelman in 1626. The act is calendared as *Regesta* 892. It is datable after Richard de Belmeis was nominated bishop of London, 24 May 1108, and before the death of Urse d'Abetot, 1108. The king left England for Normandy in July 1108. Liebermann's mistaken dating, May 1109 × August 1111, when the king was in England, was constrained by his disallowing the period before Bishop Richard's consecration in July 1108.

²¹ *Leges Henrici*, [7. 1], ed. Downer, *Leges Henrici Primi*, p. 98: “salutari regis imperio nuper est recordatione firmatum, generalia comitatum placita...” (“it has recently by the king's healthful command been confirmed by restatement that the general pleas of the shires...”).

The incoherence of this dossier in relation to the understanding of law has made me reconsider the role of the preface at the head of this part of the work as transmitted. It reads to me now as introducing *only* the Coronation Charter, the promises that marked the renewal of hope for improved governance under the new king. These surely could be called “decretales emendationes,” improvements by decree. Even so, the preface cannot have been penned in August 1100, when the charter was fresh, for it is this preface that ends with mention of the queen and her children. The king was married only in November 1100. The hope of children was not fulfilled until 1101 at the earliest. A strict reading of the plural “children” would necessitate a later date, but, if the wedding were recent, proleptic good wishes for a family might well have been uttered. It is possible, therefore, that the preface was written to introduce the Coronation Charter as early as 1101 or 1102.

The combination of *Dedicatio* and the translation of the old laws with a new preface and the Coronation Charter *might* have been circulated in the first enthusiasm for the new reign. No manuscript has preserved exactly that, and at that date the *Dedicatio* would surely have made an odd introduction to the translation.

The *Argumentum*, which does serve to introduce the translation, cannot have been written so early. Contrasting now with then, it says, “when we were worn out and almost done for, the peaceful times of the king and duke of Normandy, our lord Augustus Caesar, Henry, son of King William the elder, brought back the longed-for joys of peace and our former happiness.”²² And it refers, as we have seen, to Henry’s triumphs over all nations. Use of the title duke of Normandy is specific and datable. This cannot have been written in 1101, when Robert Curthose was secure in the duchy of Normandy. It ought not to have been said before the capture of Duke Robert left Henry able to allow the title duke of Normandy to be accorded to him. Its first use is in Anselm’s letter congratulating the king on his victory at Tinchebray.²³ The news would have gone round England in October 1106. This is therefore the earliest possible date for the *Argumentum*.

²² *Argumentum*, § 16 (*Gesetze*, 1: 533; Sharpe, “Prefaces,” p. 165).

²³ The editors of *Regesta* allowed dates before 1106 for a number of charters in which Henry is styled duke of Normandy. This was surely a staggering oversight on their part. The documents are each individually susceptible to a more appropriate, later, dating; Hugh Doherty, “La bataille de Tinchebray et les actes de Henri Ier,” in Véronique Gazeau & Judith Green (eds), *Tinchebray 1106–2006. Actes du colloque de septembre 2006* (Rouen, 2009), pp. 167–87.

With different dates possible for different components of the work, let us set out the results so far:

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|----------------------|-------------------------------|
| <i>Dedicatio</i> | before August 1100 |
| <i>Argumentum</i> | not before October 1106 |
| translation of laws | undatable |
| <i>Praefatio</i> | not before late 1101 |
| Coronation Charter | August 1100 |
| additional documents | assembled after May–July 1108 |

What occurs in sequence in the manuscript copies is also significant. Liebermann was well aware that the different manuscripts did not all include the whole of the work. Wormald went further by referring to different editions of the work, while remaining silent on the question of when *Quadripartitus* was composed and published or when it was reworked as different editions.²⁴ He describes the text as “overgrown with verdant complexity,”²⁵ and he notes evidence for the author’s occasional retouching of his translations as well as the reordering of his material. This is summed up in a rather frustrating manner:²⁶

Discussion of Q’s date and circumstances is another thing better left till attention is given to the rest of his work and its context. All that needs saying now is that there is a very marked change of tone between the bizarre *Dedicatio*, which is generally pessimistic and also hints at the excesses of Rufus’ court, and the exuberance of the *Argumentum* or second preface over what Henry I was offering. There is certainly little to uphold a date as late as Liebermann’s 1114; the only recognizable “recent event” referred to is Henry’s 1106 conquest of Normandy, and the latest texts in Part II are dated 1108.

This restates my views as published in 1994, and, even though a later section of the book is headed “The mind of the *Quadripartitus* author,” we get no nearer to understanding the progress of his work.

Two points can be made that help. First, the same “exuberance” that characterizes the *Argumentum* characterizes the preface to the Coronation Charter. If we take them as belonging to a coherent state of the text, put together at the same time, then October 1106 must be the *terminus a quo*. Indeed, Henry’s victory in Normandy may have

²⁴ Wormald, “*Quadripartitus*”, p. 133.

²⁵ Wormald, *Making of English Law*, p. 237.

²⁶ Wormald, *Making of English Law*, p. 244.

provided a cue for celebration. Second, the texts datable to 1108 are patently added rather unceremoniously after the end of the dossier of Gerardian letters without forming any meaningful part of the argument. It is rather as if the writer wants to preserve the Gerardian texts and at the same time has a couple of recent legislative documents. All are strung along together at the back of his working copy of *Quadripartitus*. The coherent work must have been finished some time before this incoherent extension.

We can now rearrange the growth of the work as a sequence of stages rather than as a series of component elements:

1. *Dedicatio* and translation composed before 1100, perhaps shared with its addressee but probably not circulated
2. *Argumentum*, *Praefatio*, and copy of Coronation Charter added after Tinchebray, in late 1106, when the text may have been circulated
3. additional material from Gerard's archive and recent legislative documents added to the author's copy in or soon after June 1108

This eschews the additional complexity of allowing that the Coronation Charter and its *Praefatio* could have been added in 1101 or 1102, since the *Argumentum* could not have been.

Finally, we need to consider how this relates to what we find in the manuscripts. There are five principal witnesses to the text of *Quadripartitus*.

The table below presents a simpler picture than Wormald's tabulation of the legal texts translated, but it is not inappropriate to simplify. Wormald's table appears to have been drawn up with the manuscripts taken in order of copying.²⁷ It led him to some correct conclusions about the relationship of the majority of the manuscripts.²⁸ If the table had been

²⁷ The table in his paper "*Quadripartitus*," p. 122, arranges the manuscript witnesses in the order Dm, M, R, T, Hk, London, in line with his discussion of manuscripts which begins with Dm, "the oldest manuscript" (p. 114), and M, "the second oldest" (p. 115). Dating is the underlying principle, though this is not spelt out. The equivalent table in *Making of English Law*, pp. 240–41, arranged them in the order Dm, M, R, Hk, T, London, transposing Hk (saec. xii ¾) and T (saec. xii/xiii) on grounds of dating.

²⁸ On the basis of content alone, he realised that MHk form a pair, and that T, while closely related "represents an earlier stage in the collection's history than MHk" ("*Quadripartitus*," p. 123). This is amply supported by their individual readings. Merging three columns for separate manuscripts into one for their common text would have reduced the table from six to four columns. London could have been omitted, since London does not provide a copy of *Quadripartitus* but is a new edito-

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|---|---|
| Dm = BL Cotton Domitian A. viii (s. xii ^{2/4}) | has Dedic., Arg.; breaks off too early to know about Pref. |
| T = BL Cotton Titus A. xxvii (s. xii/xiii) | has Arg., Pref.; lacks Dedic. |
| M = JRUL lat. 420 (s. xii ^{med}) | both lack Dedic., Arg. and Pref. |
| Hk = BL Add. 49366 (s. xii ^{3/4}) | |
| R = BL Royal 11 B. ii (s. xii ^{3/4}) | has Arg; lacks Dedic. and Pref. |
| London version (s. xiii ⁱⁿ , four later copies) | lacks Dedic., Arg. and Pref. |

reorganized to reflect these conclusions, much of the complexity would have disappeared. I am not persuaded that the accessible evidence is strong enough to sustain an interpretation based on any notion of editions. The most important witness textually is T, which, though not the oldest by any means, is the fullest. It is the only manuscript to have delivered the whole work, lacking only the *Dedicatio*. If the reading proposed here is accepted, that the Gerardian material was a contemporary addition in the author's working copy, T alone has preserved that intact. Two other manuscripts are closely related to T, namely M and Hk; there are many distinctive readings on which all three agree, but it is also apparent that MHk share many errors between themselves not present in T. The parent of this pairing must be considerably older than T, probably dating from the first half of the twelfth century, but behind that and T lies the author's copy. This version opens with the *Argumentum*; the older *Dedicatio* was not part of the text as polished up after Tinchebray towards the end of 1106. It does, however, include the *Praefatio* with the Coronation Charter. The omission of *Argumentum* and *Praefatio* from MHk is just one aspect of the pruning that has affected the parent of those two copies, since MHk and T derive from the one archetype with the Gerardian texts. The parent of MHk not only omitted the difficult prefaces entirely; it also stopped short of copying the Gerardian material in its entirety, omitting most of the letters and passing straight on to the synodal decrees.²⁹ R stands

rial compilation from very early in the thirteenth century, which had *Quadripartitus* among its chief sources. This simplification would have focused attention on where the textual questions really lie. Since Dm is incomplete to the point of non-comparison, it is simply to establish the status of R.

²⁹ The omission extends from "Vnde Girardus archiepiscopus..." (*Quadripartitus, ein englisches Rechtsbuch*, p. 155 line 1) to "...aliqua dei miseratione transiret" (p. 163 line 15).

apart from these three, retaining only the *Argumentum*; it has not only shed the *Praefatio* but also the Coronation Charter. It may be seen as evidence of further cutting back as later users decided that they did not want to retain all that the author had brought together. A future editor should concentrate on the testimony of T, though there are erroneous readings in T that would need to be corrected from other witnesses.

The puzzle is provided by Dm. This happens to be the oldest witness, but it has lost leaves and as a result the text breaks off too early for us to know what it, or its exemplar, included from the second section of the work. It alone has preserved the *Dedicatio*, in addition to the *Argumentum*, where the others have only *Argumentum*. It is not possible to know whether this is what the writer intended. It would make sense if, in giving out copies of an optimistic form of the text in late 1106, he chose not to include the older *Dedicatio*. A text like that of T but ending with the Coronation Charter would have been the result. No manuscripts have delivered precisely this, but such a text could lie behind R. In that case, to explain the presence of the *Dedicatio* in Dm, we should need to posit that it was retrieved from an older witness and included for preservation at the discretion of a copyist. The absence of the *Dedicatio* from TMHk, a text going back to disorderly augmentation by the author of his working copy, argues strongly that it was his intention to drop the *Dedicatio*.

In that case Liebermann's presentation of the text, or perhaps we should say rather the use readers have made of it, has tended to obscure the change of mood between the writing of the *Dedicatio* and the preparation of the work for circulation without the *Dedicatio*, most likely towards the end of 1106. We should remember, however, that Liebermann did not set out to edit *Quadripartitus* but to capture and present all that he thought relevant to a reading of the Old English codes. An editor of *Quadripartitus* might stick close to the arrangement of TMHk, marking off the material after the Coronation Charter as additions copied into a primary manuscript but not part of the work as designed. The *Dedicatio* should be relegated to a discussion of the early evolution of the work.