THE GERMANIC CONTEXT OF
“CYNEWULF AND CYNEHEARD” REVISITED*

Abstract

Because of its inclusion in practically every Old English reader, the entry for 755 from the Anglo-Saxon Chronicle enjoys a wide popularity. It reports a struggle for the Wessex throne, the loyalties within factions and the bloody effects of feuding, which are generally held to be exemplary of the Germanic heroic ethos. Much discussed as the entry is, my paper seeks to elucidate some aspects that have received less critical attention, but which also can only be understood in a wider contextual reading, based especially on Old Norse and Old Frisian sources. The Germanic topoi I discuss are: (a) the kinship relation between Cynewulf and Cyneheard: uncle and nephew; (b) the woman’s rôle: rape; and (c) the alliterative phrase feoh and feorh: a king’s prerogative.

Probably the best known annal from the Anglo-Saxon Chronicle is that of 755 AD which vividly describes the rebellion of the atheling Cyneheard against King Cynewulf of Wessex. The attraction of “Cynewulf and Cyneheard,” as the annal is generally known, rests, for one thing, in its rising above the merely factual annalistic writing which so much characterizes the Chronicle, anyway before 755, and often enough after that year.¹ The story is self-contained, lively and dramatic, with a faint touch of sex, and a good deal of violence. The magnetism of the story especially lies in its treatment of the conflicting loyalties which lead to the eventual clash between the rebel Cyneheard and his followers on the one hand, and the faithful retainers of the murdered King Cynewulf on the other. Cyneheard, who has all but cleared his path to the West-Saxon throne, is faced by Cynewulf’s men determined to revenge their lord. When it appears that he cannot induce them to choose his side, he tries to win them over by offering material benefits. Seeing that this strategy does not work, Cyneheard seeks to ward off a final battle by telling his opponents that some of their kinsmen are on his side who do not want to leave him. The answer of Cynewulf’s retainers has become exemplary of the Germanic comitatus spirit:² Pa cwædon hie þæt him næning mæg leofre nære þonne hiera hlaford.³ (“Then they said that no kinsman was dearer to them than their lord.”) As both parties show an equal degree of determination to fight it out, the outcome is a massacre, albeit one with poetic justice. Just as in an earlier fight there had been one survivor among Cynewulf’s bodyguard, likewise there was now only one survivor among Cyneheard’s band.

Another aspect which has attracted at least three generations of critical attention,⁴ is the annal’s narrative mode. It contains many features that might be indicative of an oral origin for the story. These features have even led

to the opinion, as expressed by C. L. Wrenn, that the account contained
the germ of Anglo-Saxon saga composition.\(^5\) The narratological aspects
of “Cynewulf and Cyneheard” have been extensively dealt with by Rory
McTurk in an exhaustive paper.\(^6\) Basing his analysis on the work of the
famous Danish Scandinavist, Axel Olrik, McTurk concluded that it is not
so much the general style of “Cynewulf and Cyneheard” which bears the
stamp of orality, as its frequently obeying the laws which Olrik had for-
mulated with respect to the unilinear progression of oral narrative.

Most recently, Fredrik Heinemann has pointed out why the episode does
not even come close to the genre of saga. Most importantly, this is because
Icelandic sagas rely on the presence of intertextuality. They constantly
refer to other sages and thus are important comments on other representa-
tives of the corpus. The episode in the \textit{Chronicle} lacks such intertextual
links. We know next to nothing about its characters apart from what the
annal itself tells us. Moreover, Heinemann argues, the episode lacks context.
The chronicler has not developed (or was not able to do so within the
space allotted to him) the main characters into recognizable stereotypes.
We are stuck with too many questions that cannot be answered from the text,
such as: “How old are Cynewulf and Cyneheard? Where has Cyneheard
stayed during Cynewulf’s long reign?” and many more. Heinemann arrives
at the conclusion that it is impossible to come to an interpretation that
pushes beyond the literal account. But critical frustration can be turned
into gratitude for “what [the episode] shows us about the difficulty of
reading narrative cut loose from its context.”\(^7\)

Notwithstanding the popularity of the annal for 755 and despite the
critical attention it has attracted over the years, I do not think that every-
thing has been said about “Cynewulf and Cyneheard” that needs to be
said, even though no less a critic than T. A. Shippey has stated that “this
short passage has been analyzed all too often already.”\(^8\) I agree with
Heinemann’s opinion that “many discussions of ‘Cynewulf and Cyneheard’
suffer from overexplication,” but I would not discard with him the applic-
ability in this case of Roberta Frank’s opinion that “a useful working
principle for the study of Germanic legend is that all the details in the
text are capable of explanation, even at the cost of oversubtlety and error.”\(^9\)
There are details in the annal for 755 that have either been left untouched
in critical discussions or insufficiently explained. I am thinking, for example,
of the precise nature of the kinship relation between Cynewulf and
Cyneheard. In what way are they related? (A question that Heineman con-
siders unanswerable). And how are we to interpret the unnamed woman’s
role in the episode? Why does she start screaming only after Cynewulf
has been slain? What exactly are the implications of Cyneheard’s two offers
to Cynewulf’s retainers? It is the purpose of this essay to show that new
answers to these old or unasked questions can be found if we widen the
horizon of our reading from Anglo-Saxon texts to that of the legal and
literary traditions of Germanic culture at large. What I propose to do here is a macro-contextualization that leads us away from the immediate context of the annal.

1. *Cynewulf and Cyneheard: uncle and nephew*

   As is the case with so much information in this *Chronicle* entry, the annalist is tantalizingly concise when he states about Cynewulf and Cyneheard that *hiera ryhtfedereuncyn geþ to Cerdic* (“their direct paternal ancestry goes back to Cerdic”). The mention of Cerdic here is to assure the audience/readership that the two protagonists descended in a straight line from the founder of the West-Saxon royal dynasty, and that as such both men were entitled to the throne. In other words, neither man was a mere upstart.  

   The annalist becomes more specific when he informs us that Cyneheard was a brother of Sigebryht, the king who had been deposed by Cynewulf with the consent and support of the West Saxon *witenagemot* (“National Council”) for his unjust deeds. The relation between Cynewulf and Sigebryht is characterized by the use of the generic term *mæg*, meaning ‘kinsman, relative’. The fact that the main protagonists of our annal have names that begin with the same element is indicative of their being close relatives. Anglo-Saxons preferred to mark their close blood ties by giving alliterative names. King Alfred, for example, had three brothers and a sister whose name began with *Æthel-* and two nephews with the same first element. Three of Alfred’s children likewise have names beginning with *Æthel-*.  

   Later authors seem to have felt somewhat uneasy about the vagueness with which the relation between Cynewulf and Cyneheard was indicated in the *Chronicle*. In the twelfth century, the Anglo-Norman historian Geoffrei Gaimar sat down to write a history of the English for his courtly Francophone audience. The *Anglo-Saxon Chronicle* served as one of his main sources. Without the help of an elementary grammar he had managed to master the first principles of Old English, so as to get direct access to primary information. In composing his history, Gaimar did a lot of rewriting and reinterpreting, as so many medieval authors before and after him. As a result, the social relations in the Germanic Anglo-Saxon society are translated into terms that belong to a Norman feudal society. The *witan*, ‘councillors,’ of our prose account that support Cynewulf in the dethronement of Sigebryht, appear as *barouns* in his verse *Estoire des Engleis*. Gaimar, apparently, was not satisfied at leaving the kinship relation as unspecified as the *Chronicle* does, and he has Cyneheard refer to Cynewulf as *mien uncle* ‘my uncle.’ Since, as we have seen, they are related on the paternal side, it would appear on the basis of this late witness that Cynewulf was Cyneheard’s father’s brother.

   Why is it so important to establish this relationship? According to
McTurk, a nephew fighting his father’s brother would make the story “all the more tragically ironic, since there is evidence for a special relationship between uncle and nephew in early Germanic.” McTurk also adds that the relationship between paternal uncle and nephew has been less well investigated than that between maternal uncle and nephew.

The bond between a mother’s brother and a sister’s son was very affectionate, and a reality not only among the ancient German tribes, but also among many other Indo-European peoples. It finds its origin in the clan-like organisation of society in those early days. If a woman married, she would join her husband’s clan and leave behind an empty place in her own clan. This economic loss was of course partly compensated for by the bridegroom and his party’s paying a bride-price to the clan of his wife-to-be. But on top of that, we often see that if a son is born to the new couple, he would often be educated in the house of his mother’s parents. There he could develop a special relationship with his mother’s brother, who did not exercise the same authority over him as his father would have done at home, or, as the case might be, his father’s unmarried brothers who also lived in the same extensive household. The nuclear family which is so characteristic of our modern western society was unknown at the time. Elsewhere I have amply documented the presence of a cordial bond between a mother’s brother and a sister’s son among the Anglo-Saxons and demonstrated what implications this has for our reading of *Beowulf*. The best known instance of such a pair is of course Beowulf and his uncle Hygelac, the one always true to the other. Beowulf was brought up in the house of his maternal grandfather from the age of seven. Other instances of this special bond from the poem are the dragon killers Sigemund and Fitela, and Hnaef and his unnamed nephew, Hildeburh’s son, both tragic characters in the Finnsburg episode.

In *Beowulf* the relation between maternal uncles and nephews is the reverse of that between paternal uncles and nephews. In this respect, too, *Beowulf* reflects the aristocratic society of early Anglo-Saxon England. If a boy stayed at home, he would be raised not only by his father, but also by his father’s brother. In such an environment the potential father-versus-son conflict could easily shift to a conflict between father’s brother and brother’s son. It is noteworthy in this context that the near identity of father and father’s brother in Indo-European societies is reflected in the languages. The Anglo-Saxons called them *fæder* and *fædera*, respectively. The Romans, for example, designated them with *pater* and *patruus*. But it is not only a psychological or generation conflict, involving the acknowledgment of paternal authority. Particularly when material interests are at stake, we can also detect a heightened tension between paternal relatives. At the time of our annal, succession to the throne was not automatically secured for the son, but could also be granted to the brother of the king. A good illustration of this turn of events is found in the case of King Alfred.
He was the fourth son to succeed his father, his brother Athelbald, Athelberht and Athelred having all occupied the throne before him. So if succession first moved sideways, rather than to a son of the last king, it implied that a line could be excluded from the throne afterwards. That is the reason why in royal dynasties nephews and uncles are frequently in conflict.18

A simple example would be Hamlet’s conflict with his father’s brother Claudius. Shakespeare has understandably obliterated the succession problem in his play because he was interested in other aspects, but his source makes the dynastic theme plain,19 and there are plenty of indications left in the play where the original tension surfaces.

In the context of Anglo-Saxon literature, the best known example of the conflict can be found in Beowulf.20 In Denmark, King Hrothgar had not succeeded his father Healfdene, but his brother Heorogar. In his hall he had given hospitality to Hrothulf, the son of his younger brother Halga. The poem quite clearly brings out the doom that surrounds Hrothgar and his nephew Hrothulf. Immediately after the scop has finished his performance of the Lay of Finnsburh, the poem continues:

IP a cwom Wealhþeow ford
gan under gyldnum beage ðær þa godan twegen
sæton suhtergefederan: þa gyt wæs hiera sib atgædere,
æghwylc oðrum trywe.  
Beow 1162b–65a

[Then Wealhþeow stepped forwards under the golden torque to the place where the two good men, father’s brother and brother’s son, were seated: at that time they still retained peace, each one was loyal to the other.]

Shortly before the scop starts singing his account of the tragedy in the hall of King Finn in Frisia, we come across Hrothgar and Hrothulf drinking gladly together in the royal hall of the Danes: nalles facenstafas Peod-Scyldingas þenden fremedon (Beow 1018b–1019) (“The Scyldings did not at that time perform deeds of treachery”). By implication, the poet makes clear what lies ahead. Also Queen Wealhþeow fears for the future and tries to secure Beowulf’s support for her son Hrethric. Beowulf himself anticipates a conflict between Hrothgar and Hrothulf when he suggests that Hrothgar’s son Hrethric would always be welcome at the court of the Geats. Evidence from outside the poem reveals that after Hrothgar’s death, Hrothulf indeed seized the throne, and in this way fulfilled the prophecy as it were. More than once, critics – including McTurk in the above-mentioned study – have tried to deny the smouldering conflict in Beowulf between the Danish king and his nephew Hrothulf, but they have not really adduced convincing arguments for such a denial.21 However, elsewhere in the poem we have another, unmistakable example of such an internecine struggle, namely that between the Swedish King Onela, and his brother’s sons Eamund and Eadgils. Onela employed an assassin to kill his nephew
Eadmund, and did not shed a single tear over his death. Eadgils was driven into exile, but eventually, with Beowulf’s help, he killed his uncle and succeeded to the Swedish throne.

Another example which McTurk adduced as an argument in his attempt to question the reality of the problematic relationship between a father’s brother and a brother’s son is taken from the Old English poetic version of Genesis. In a way it falls outside the scope of this paper as we are dealing here with non-Germanic material. Nonetheless, it is instructive to see how the Anglo-Saxon poet treats his source in this respect. Abraham had left his fatherland, together with Lot, a son of his brother Haran. During their wanderings friction arose between Abraham and Lot about the sharing of pastures in Canaan. Lot’s eyes had fallen on the greener patches, but before affairs could come to a head, Abraham discussed the matter with his nephew. According to the King James version he said to Lot: “Let there be no strife, I pray thee, between me and thee, and between my herdmen and thy herdmen; for we be brethren” (Genesis 13: 8). In the Anglo-Saxon poetic paraphrase this one verse is considerably expanded upon and much is made by Abraham of the exact nature of their kinship relation where the Vulgate only had *fratres*:

\[
\text{Ic eom fædera þin} \\
\text{siðgebyrdum, þu min suhterga.} \\
\text{Ne sceolon unc betweenan teonian weaxan,} \\
\text{wroht wrīðan – ne þet wille God!} \\
\text{Ac wit synt gemagas; unc gemæne ne sceal} \\
\text{elles awiht nymþe eall tela} \\
\text{lufu langsnumu.} \\
\text{Gen 1900–1906}
\]

[I am your father’s brother by blood, you are my brother’s son. Wrongs must not grow up between the two of us, strife spring up – may God not want that! But we are kinsmen; nothing else must be in common for the two of us except a longlasting love.]

We see Abraham here in a position almost exactly similar to Wealhtheow in *Beowulf*. He attempts to ward off a slumbering conflict with Lot by verbal power, but his efforts would prove to be of no avail. Their ways do part, albeit, owing to Abraham’s wisdom, in a peaceful way.

In order to gain a fuller picture of the relation between paternal uncle and nephew, it is essential to take a look at the literature of other Germanic peoples. McTurk’s attempt to illustrate a tragic clash between a father’s brother and brother’s son from Icelandic sagas falls rather short. But then his choice of saga genre perhaps was wrong. In *Íslendingasögur* such as *Laxdœla saga* or *Vatndœla saga* one is not likely to find a conflict in which the throne is involved. The *Konungasögur*, on the other hand, prove to yield better examples.

In *King Harald’s Saga*, part of Snorri Sturluson’s *Heimskringla*, we read how Harald in his youth leads a life in exile and performs deeds of valor
in the service of the Byzantine emperors. Having thus gained martial experience and amassed an enormous fortune, he journeys back to his native country, Norway. The rumor of his arrival precedes him, so that Magnus, the king of Norway and Denmark and Harald’s paternal nephew, learns that Harald is about to invade his kingdom. Diplomatic moves bring about that they are reconciled and will share the throne. Yet this coregency was not to last for very long. Small irritations lead up to estrangement between the two kinsmen. One night King Magnus has a dream in which his father, King Olaf the Saint, appears to him, offering him the following choice: “Which would you prefer, my son: to come with me now, or to live to be the most powerful of kings and grow very old – but also to commit such a crime as you would scarcely ever, if at all, be able to expiate?” Magnus leaves the decision to his father, who tells him to come with him to heaven. Shortly afterwards Magnus dies without having to kill Harald, his paternal uncle.25

Other examples are not difficult to find. The red thread that runs through the Saga of Hakon the Good is the constant challenge that is put to King Hakon’s authority by the sons of his brother Eric who eventually succeed their uncle to the throne.26 A considerable part of the introductory chapters of Olaf Tryggvason’s Saga is taken up by the plotting of King Harald of Denmark against his brother’s son Gold Harald. Earl Hakon retorts to the king’s scruples: “The Danes will say that it was better to kill a Norwegian viking rather than a Dane, and his own brother’s son.” Through treachery the nephew is captured and hanged by Earl Hakon, who, according to Snorri “easily settled with [King Harald] for the killing of his relative Gold Harald.”27 The incident in this saga is remarkably reminiscent of the Onela episode in Beowulf in which Hakon plays the part of Wihstan.28

At the other side of Europe we meet with similar situations. In Paul the Deacon’s History of the Lombards,29 written towards the close of the eighth century, we never come across strife between a maternal uncle and his nephew, but, on a number of occasions, we learn of brother’s sons who are at loggerheads with their uncles. The first such victim that Paul mentions is Tato. Tato was the seventh king of the Lombards and had led his people southwards from Northern Germany, gaining victory upon victory. But, according to Paul, “[a]fter these expeditions Tato indeed did not long rejoice in the triumph of war, for Waccho, the son of his brother Zuchilo, attacked him and deprived him of his life” (HL I, 21). In this way Waccho became the eighth Lombard king in succession.30 Likewise, Paul does not fail to report that in the Merovingian realm, Theudepert and Theuderic waged war against their paternal uncle, King Clothar (HL IV, 28). The Lombards Radoald and Grimoald voluntarily went into exile, because they scorned to live under the power of their father’s brother, Duke Grasulf (HL IV, 39). It is noteworthy in this context to see that when he made up a legal statute regarding the plotting of a relative’s death, King Rothair
foresaw that in such internecine conflicts a nephew could kill an uncle on his father’s side but not on his mother’s side (Edict 163). Further witness of disharmony is provided by another of Rothair’s provisions, in which he laid down the steps taken if, particularly, the paternal uncle, and barbas or barbanus as he is called amongst the Lombards, calls his nephew a bastard, or, in more modern terms, a son-of-a-bitch (Edict 164). After all, one was always sure of the ties of blood with one’s sister’s children, but for the children of the brother this was much harder to prove.

In Flandres, too, succession proved a dangerous affair. When in 1070, Count Baldwin VI died, he was succeeded by his minor son Arnulf. With guardians like the Frankish king and Count William Fitz Osborn, Arnulf’s future seemed secure, were it not for the aspirations of his paternal uncle Robert “the Frisian” who killed both Arnulf and his guardian count, and put the Frankish king to flight. Compared to the Lombard laws the medieval Frisian law codes – in many respects the most conservative and most detailed of all the various Germanic legal systems – show few traces of contention between paternal uncle and nephew, but this is to be expected in a society which consisted of freeholders and in which a class of (feudal) nobility was signally absent. Only in cases in which a father had died and his brother refused to share the inheritance with his deceased brother’s son or even his nephew’s sons, do we get a glimpse of discord. In such a situation, according to the Twenty-Four Landlaws, the brother’s son is allowed to hire conjurors who will appear with him in the people’s legal gathering. If his claim proved to be justified, the uncle had to render the land to his nephew, if with due compensation to prevent future disharmony:34

. . . and tha federia alsadene minna te retzia bi asega wisdome, thet hira sibbe unslitande se.

[. . . and to the father’s brother such a compensation must be given according to the judgment of the asega (‘lawspeaker’), that their sib relation will not suffer any damage.]

From Anglo-Saxon England, via Norway, Lombardy, Flanders and Frisia we must turn back to England, to see whether the conflict occurs in historical sources apart from that between Cynewulf and Cyneheard. As was to be expected, dynastic struggles within the royal houses of the various Anglo-Saxon kingdoms are numerous. Bede is one of our most important informants about Northumbria. One of the pivotal kings in his Ecclesiastical History is King Edwin. He, who had suffered involuntary expatriation himself, did not hesitate to send his brother’s sons into exile. There is a complicating factor, though, involved in understanding the events of his reign (616–632) and the first few decades following upon it. In Edwin’s days the two small kingdoms of Deira and Bernicia were merging into one political entity. The first king to rule both kingdoms was
Æthelfrith of Bernicia (539–616) who had married Edwin’s sister Acha of the Deiran royal house. It was this Æthelfrith who had driven his young brother-in-law Edwin into exile, to wander “as an unknown fugitive for many years through many lands and kingdoms” (HE II, 12). When eventually Edwin had defeated Æthelfrith and ascended the Northumbrian throne, he wasted no time in expelling his seven sister’s sons. Whereas, generally speaking, the relation between a mother’s brother and his sister’s son is cordial, the merging of Deira and Bernicia into the kingdom of Northumbria both politically and dynastically, has frustrated the expected picture here. The fusion also accounts for the fact that while in general succession in Anglo-Saxon England was arranged through the agnatic line, here cognate relatives form a serious threat to the throne. Upon Edwin’s death, the Northumbrian kingdom temporarily fell apart into its former constituents, but after a year Oswald, the son of Edwin’s sister Acha, became sole ruler of Northumbria again. When he died, Oswald was succeeded, not by his son Æthelwold, but by his brother Osy. Osy, too, had to face a rebellion, not only from his own son Alchfrith, but also from his nephew Æthelwold Oswalding (HE III, 14). Father and son were reconciled, however, and together they went to meet the pagan King Penda of Mercia. But the enemy army had found an apt guide in Æthelwold, who directed Penda’s troops contra patriam et patruum (“against fatherland and father’s brother”) as Bede nicely remarks in an alliterative mood (HE III, 24).

Perhaps a better known event is the revolt of Æthelwald, son of King Alfred’s older brother Æthelred, against King Edward. Rather than opposing the powerful and popular king, Æthelwald seized his chance immediately upon the death of his uncle, and claimed his rights. This is how the Chronicle reports the events for 901:

Then the atheling Æthelwold, [Edward’s] father’s brother’s son, rode and seized the residence at Wimborne and at Twinham, against the will of the king and his councellors. Then the king rode with the army till he encamped at Badbury near Wimbourne, and Æthelwold stayed inside the residence with the men who had given allegiance to him; and he had barricaded all the gates against him, and said that he would either live there or die there. Then meanwhile the atheling rode away by night, and went to the Danish army in Northumbria, and they accepted him as a king and gave allegiance to him. Then the woman was seized whom he had taken without the king’s permission and contrary to the bishop’s orders – for she had been consecrated a nun.

As will be clear, the Chronicle entry for 901 bears a remarkable resemblance to that of 755: a barricaded fortification with a rebel inside, a loyal retinue, an immanent clash, and a resolve to fight till the end. There is even a woman involved. The outcome, though, is rather stale as compared to the enduring loyalty which resulted in destructive violence in the annual for 755.

Of course, fighting was not the only way out of an immanent dynastic conflict. Instead of driving a brother’s son into exile, a king might grant him a considerable amount of property by way of appeasement. This is what
the West Saxon King Cenwealh did when he gave his paternal nephew Cuthred three thousand hides of land near Ashdown, as the Anglo-Saxon Chronicle (MSS ABC) records for the year 648.

It is time to state explicitly what I have been driving at by parading all these quarreling paternal uncles and nephews before you: contrary to what Rory McTurk argued, it is clear that the relations between a father’s brother and a brother’s son were usually troubled, particularly where the succession of the throne was concerned. Therefore, the relationship between Cynewulf and Cyneheard can best be understood as that of paternal uncle and nephew. It provides a context in which the struggle for power spirals to violence according to a familiar pattern.

2. The woman’s rôle

We are told that Cynewulf was in Merantune on wifcyþþe, a hapax commonly translated as “visiting a woman”.Æthelkweard, in his later tenth-century Latin translation of the Chronicle, is more specific. Cynewulf was not simply having tea with the woman – wif, after all, is the generic term for ‘woman who is no longer a virgin.’ In Æthelweard’s account she is a quadam meretri[x], ‘a certain whore.’ A king visiting a woman of easy virtue – a mistress or concubine rather than a (professional) whore – should not surprise us. There is ample evidence of Anglo-Saxon kings entertaining extra-marital relationships.

The text makes clear that Cynewulf and the nameless woman are sharing the same bedroom, until the king involuntarily had to interrupt his business. No critic so far has observed that the woman starts screaming only after Cynewulf has been killed. And it is upon her screaming that Cynewulf’s retainers hurry to the place of the disaster. Why did not the woman shout for help right away? Was she not aware of what was going on? Was her screaming an outburst of hysterics or perhaps something else?

In one of the medieval Frisian legal texts it is stated that:

Hwersa ma ene frowa ur wald and ur willa a nede nimith and hiu wepande and hropande ther sitte and thet bifolgie thi frana and tha liude . . . sa istet alsa iechta.

[Whenever a woman has been taken by force (i.e. raped) against her wish and will, and she sits there weeping and shouting, and the legal officer pursues it (the deed) with the people, . . . it is a manifest crime.]

Elsewhere in Frisian law texts, we read that a woman had to scream and shout if a man abducted her against her will and wish, and dragged her through the door and over the threshold into his house. The shouting was necessary as evidence that the woman did not approve of the abduction, and it turned the action into a public crime. Scandinavian laws appear to contain similar provisions. In the Swedish Östgöta law (c. 1250), for example, the case is stated as follows:
Now we have a case that a man rapes a woman: then he has broken the law. It is visible on the man or on his clothes, how the woman scratched him, or on the woman [how he bruised her]; or screaming and calling is heard: then the district court must establish the truth. Now we have the case that he wrestles with her, but cannot complete his intentions; he tears her clothes, screaming and calling is heard: then he has broken the law.

According to Gotland law, too, shouting was hard evidence for a rape. If no one had heard the woman’s cries, she would be worse off. She had to go to the village on the same day, make a declaration and mention the man’s name. If she failed to do so on the same day, she had better forget about raising a complaint at all. Finally, Frankish law, written during the middle of the eighth century, knew of similar provisions, possibly influenced by Romand law, as did non-Germanic Indo-European peoples. These various Continental and Scandinavian examples have made clear that the combination of a woman and shouting is indicative of a sexual assault.

Unfortunately, we do not find similar statements concerning rape in Anglo-Saxon law. Shouting as a legal procedure, however, was widely known to the Anglo-Saxons but is connected mainly with theft and murder. Strangers and foreigners who left the regular road had to shout or blow a horn to make their presence known. If they failed to do so, they were considered to be thieves and could be killed on the spot, unless they paid their wergeld, according to the laws of King Wihtred (Wi 28 = Ine 20). Shepherds had to guard their flock against preying beasts and rustlers by raising the alarm cry, as King Cnut stipulated in one of his laws (I cn 26, 1). Thiefs caught red-handed had to be prosecuted with hue and cry. Any witness who failed to raise the alarm cry or who ignored it was considered an accomplice of the crime, and had to pay a fine to the king, amounting up to a full wergeld. King Edward prescribed that a killer should be followed with shouting by everyone who wants to establish justice (EGu 6, 9 = II Cn 48, 2).

So how does the wide-spread custom of raising the alarm cry relate to the woman in “Cynewulf and Cyneheard”? For one thing, we may safely conclude that she played no part in Cyneheard’s coup d’état. Her shouting can be interpreted, most obviously, as an attempt to make public the king’s murder. Or should we see the late moment when the Chronicle mentions her screams as a flaw in the narrator’s account, perhaps on account of his incapability to tell what exactly was going on in the confusion of Cynewulf’s attack? I find it equally attractive, though, to see it as an indication of rape. This would be my reconstruction of what happened: During the fight, the woman stays (hides?) in the bedroom. After Cynewulf has been killed, Cyneheard and his men rush into the bur to inspect it. They discover the woman and in a violent spree of victory Cynewulf, wounded though he might be, assaults her to demonstrate who is the new leader. Only then does she start to shout. Of course, this is speculation. For the
more sober minded the one thing that can be said with certainty about the
woman’s part in this piece of docu-fiction in the Chronicle is that we have
another vignette here of a woman who falls prey to the machinations of men
thursting for power. Here, too, we can say: “That was a pitiful lady!”

3. Cyneheard’s offer of feoh and feorh
It must be said with due respect, nephew Cyneheard does not emerge from
the story as a relentlessly ambitious man, comparable to someone like
Macbeth, who would wade through streams of blood to reach his goal,
the throne. He rather appears to be the diplomat who will only use force
if needs be. On more than one occasion in the episode he prefers negoti-
ation over confrontation. After Cyneheard has surrounded the king’s bur,
it is on Cynewulf that the chronicler focusses our attention. The camera,
as it were, suddenly moves away from the nightly shadows outside the
bur into the building itself. Cynewulf gets up, puts on his trousers and dashes
for the doorway, defends himself in no mean way, only to rush out in
blind anger once he sees the atheling – from a defensive badger he turns
into a charging boar, the comparison is Tom Shippey’s. It is Cynewulf who
deals the first wounds to Cyneheard, and they are serious ones if we are
to believe the chronicler. Cyneheard and his men prove far superior to the
king, although they kill him only after prolonged fighting. When
Cynewulf’s bodyguard has been aroused by the woman’s screams, they rush
to his rescue, only to find that they are too late. Instead they are approached
not by the naked sword, but by Cyneheard’s offer of feoh and feorh to
each of them – the pronoun gehwelcum suggests that Cyneheard knew
who they were and approached them individually. What does this offer
mean? In the many translations of this annal, there are as many different
interpretations, ranging from a neutral “money and life” to a more sug-
gestive “riches and immunity.” Is Cyneheard’s offer a case of “part bribery,
part threat,” as one critic has stated? With such a range of different
opinions, there is clearly need for clarification.

Until recently it has escaped critics that the phrase feoh and feorh is
an alliterative expression which is not unique to “Cynewulf and Cyneheard”.
It is also found in Anglo-Saxon legal texts, and, in cognate forms, in Old
Norse and Old Frisian legal texts or contexts. The mere presence of the
phrase in three different Germanic languages suggests that we are dealing
here with an inherited Germanic concept. If we want to understand the
phrase properly as it occurs in the Chronicle annal for 755, we must first
see in what contexts it is used elsewhere, for only then can we hope to
gain a clearer insight into the nature of Cyneheard’s offer.

The occasion in which the alliterative phrase occurs in an Anglo-Saxon
text is in Edmund’s law for the Danelaw, issued after he had reconquered
it from the Danes (early 10th c.). Special measures are taken for those
without a lord:
Gyf man gehadodne ðððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððððð
have I ever done to you?,” is Skolli’s surprised answer. “Nothing at all,” says Odd, “but I want to have your property and your life (fé þitt ok fjór), because you’ve been plundering the kingdom of the ruler here.”63 The king he refers to is Edmund, King Alfred’s grandson, and it is probably a curious coincidence that we find the phrase here in his presence, so to speak, if we bear in mind that the first time the phrase is found in an Anglo-Saxon legal document is exactly in one promulgated by the same Edmund. Were it not for the annal of 755, we might just as well have assumed that Old English *feoh and feorh* was a legal term adopted from the Scandinavian settlers. At any rate, we seem to see Odd here as a prize-hunter, ready to cash in on the elimination of a criminal. Is such an interpretation right? There is a good chance that the author of *Arrow-Odd’s saga* somehow or other had some knowledge of Anglo-Saxon legal traditions. In one of Alfred’s laws (Af 4, 5) we find the following provision:

Gif hwa ymb cyninges feorh sierwe, þurh hine ðurh wreccena feormunge ðurh his manna, þe he his feores scyldig 7 ealles þæs þars ðe he age.

[If anyone should plot against the king’s life by himself or by harboring an outlaw or his men, let him forfeit his life and all that he owns.]

It is evident that Odd interprets Skolli’s raids as a deed of insurrection against the king. The same kind of punishment for treason and treachery is recorded in the Norwegian *Hirðskrá*, or “Statutes for the King’s Bodyguard.” To ensure absolute internal coherence and mutual loyalty, every member of this *Männerbund* was obliged to make known if one comrade was intending to slander or hurt another. And whoever of the members threatened a comrade in his “life or property” (fjóres eða fjár) would lose “life or property” if he were found guilty.64

It was not only insurrection that could be punished in this way. In the *Instituta Cnuti*, a Latin law text issued by Cnut, the authorship of which has sometimes been attributed to Archbishop Wulfstan, the *rectitudines* or rights of the English kings are listed. The last one of the list is “*vita aut pretium* publici latronis” (III Cn 47), that is, “either the life or the property of a manifest thief.” So here, too, we see the king as the one entitled to either life or property of a criminal.

Unlike in Old English, the phrase is also found in Old Norse poetry, as might be expected for alliterative verse. I will give only one example here, from the gnomic part of *Hávamál*:

Ár scal rísa, sá er annars vill
fé eða fjór hafa;
sialdan liggiandi úlfr lær um getr,
né sofandi maðr sigr.

[He must rise early who wants to have another man’s money or life; a lying wolf rarely gets a joint of ham, nor a sleeping man victory.]
The stanza is a free variation on the theme of “The early bird gets the worm,” and if we remember the situation depicted in the Chronicle annal for 755, we see the applicability of this piece of Germanic wisdom to Cynewulf lying in bed in the arms of his mistress with quite a different joint of ham on his mind than Cyneheard has.

If all the examples I have given so far are considered in their contexts, it is striking to see that whenever property and life is involved, it is either because one party is at risk of losing it or has already lost it, or because another party seeks to win it from somebody else.

The situation is different for Old Frisian texts. The alliterative phrase occurs in the Fifth Londriucht. This statute settles the problems of disputed ownership of land. A farmer who has been accused of occupying land unlawfully may defend himself by saying:

Thit lond ther thu mi vmbe to that thinge lathad hest, thet capade ic et ene Rumfara. Hi lette inur berch fia and ferech end nerede mitha fia bethe lif ande sele.

(The land for which you have summoned me to court – that I bought from a pilgrim on his way to Rome. He brought across the mountain [i.e. the Alps] money and life and saved with the money both his life and soul.)

The new owner had to swear to it that this had been the proper course of events, and only then was he allowed to keep the land. The background to this provision is that land was not thought of as being private property. Instead, according to the notions of the time land belonged to the clan. The owner, so to speak, only administered the land on behalf of his clan, and as such he had to pass it on to the next generation. Only in a few cases could land be alienated from the sib. One of the earliest exceptions was the selling of land to provide money for a pilgrimage undertaken as penitence for one’s sins. Here we have such a case. The former owner had sold his landed property, and with the money he had travelled to Rome in order to die there and be buried there mith boke and stole “with a book [i.e. missal] and a stole,” that is to say by way of synecdoche, in a ceremony conducted by a proper priest. The pilgrim had given his everything to the church. We can find a parallel idea in the C-text of William Langland’s Piers Plowman, when Piers cries out:

Of þe dede þat y haue do y do me in þoure grace.
Bothe my lond and my licame at þoure likynge taketh hit,
and haue mercy on me, rigifol Iesu!

[Concerning the deeds I have done I put myself into your mercy. Both my land and my property, take it as you please. And have mercy upon me, merciful Jesus!]

The Frisian example of the phrase, in fact, is the first in my survey to be used in a non-violent context. There is no threat here, only the gift, as it were, of money and life. For it will by now have become clear that the
remarkable thing about the phrase in “Cynewulf and Cyneheard” is that it is not used as a threat but as an offer. It follows from his superior strategic position that Cyneheard does not offer his own life and money to Cynewulf’s men. In the Anglo-Saxon context, as we have seen, whenever feoh and feorh, or similar wordings, are mentioned, the king is involved.

What Cyneheard is doing here is assuming royal pretensions. To the king, according to law, belong the life and property of those plotting against either him or the community. Cyneheard, therefore, refers in so many words to the king’s prerogative, and simultaneously attempts to exercise the royal right of granting mercy to offenders. In other words: Cyneheard is the rightful king, and Cynewulf’s men are turned into rebels!

His pretensions are reiterated publicly in the second episode of the event, when the tables have turned and Cynheard is surrounded by Cynewulf’s followers. Then he offers them money and land of their own choice, hiera agenne dom, if they would grant him the kingdom.

While “Cynewulf and Cyneheard” has rightly been recognized as breathing the Germanic spirit with respect to loyalties, it has also been noticed that the story contains an element that seems to stem from Germanic legal procedure. The phrase hiera agenne dom ‘of their own judgement’ is paralleled by OIce sjéalðdæmi. This ‘self-judgment’ implied that, instead of submitting a case to arbitration or to the judgement of a court, one party gave it over to his adversary to give judgement himself. Particularly in the Fornaldursögur it was considered to be the most honorable way of putting an end to a feud or a suit, and it was often allowed to an injured man. It gave him the sole right to decide and assess the penalty or compensation. When in Njáls saga Gunnar wants to make amends for a theft committed by his wife, he says to Otkel that the best men in the district should assess the compensation. Otkel rejoins that in view of Gunnar’s popularity this assessment might well be too low. Hereupon Gunnar reacts: “Then I offer you to assess your compensation myself. I’ll pay you the double amount of the losses.” But Otkel is advised not to grant Gunnar self-judgement, so that Gunnar finally says: “Come, assess the compensation yourself, then.” Even this is refused by Otkel, a refusal which leads to a dramatic conclusion.

But returning to “Cynewulf and Cyneheard”, who in Anglo-Saxon England was in the comfortable position of being able to offer money and land? This again was the lord or king. Gift-giving was an important instrument with which kings secured the service of their retainer. Weapons, jewelry and suchlike chattels were presented to the young warriors, the geoguth, while the experienced warriors, the duguth, after a long service would be given land. Land, after all, implied settled life and familiar duties, while the young men could easily move about.

There is also evidence for this custom in, for example, Beowulf. King Hygelac rewards his thegns Eofor and Wulf Wonreding with hund þusenda
landes and locenra beaga, ‘a hundred thousands’ worth of land and inter-
locked rings’. For Eofor there is settled life, too. He is given Hygelac’s
daughter hamweorðunge, ‘as an ornament to the home’ (Beow 2989–2998).
Beowulf himself was granted seven thousand hides by Hygelac upon his
return from Denmark, a sign that he had passed on to the category of

duguth.72

So when Cyneheard in his final round of negotiations offered ‘property
and land’ to Cynewulf’s retainers, he was still assuming royal preroga-
tives, able to share out such rewards as was expected of a king to his
young as well as to his experienced retainers. At the same time, we observe
that Cyneheard’s position had considerably weakened when compared with
his earlier bid of feoh and feorh. He must have realized that behind the
palisade he was not in a proper position any longer to grant his opponents
life. Also, the addition hiera agenne dom, “of their own choice,” marks a
shifting of initiative from the rebel to the royalists. Finally, the additional
condition gif hie him þes rices unon, “if they granted him the kingdom,”
abundantly makes clear that Cyneheard is no longer in the superior position
he was in when he offered feoh and feorh. Even his offer of feos and londes,
“of property and land,” could not win over the men outside to participate
in his revolt. The game was over.

While the literary qualities of “Cynewulf and Cyneheard” have long been
recognized, and especially have been used to illustrate the conflict between
a retainer’s loyalty to his lord or to his relatives,73 recent work on the
annal has overlooked the presence of less obvious topoi that also find their
origin in the Germanic ethos and traditions. Recently, Joseph Harris has
demonstrated the value of a “nativist” approach to Beowulf, perhaps the
most important monument of Germanic literary discourse in the English
language.74 I hope to have shown that such a macro-contextual approach
is equally rewarding when it comes to a smaller, but no less intriguing
specimen of Old English literature as this annal in the Anglo-Saxon
Chronicle.

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Notes

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Kalamazoo, May 1989, and at The Newberry Library, Chicago, April 1991. I would like to
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draft of this paper.

1. Its popularity is borne out by its being included in practically every Old English
textbook, despite its notoriously confusing usage of pronouns. Sweet selected it as the opening
text for his Anglo-Saxon Reader.


11. Therefore the kinship relation between Sigebrht and Cynewulf is just as well-defined (or ill-defined) as that between Cyneheard and Cynewulf. They are kinsmen, and, as we have seen, related on the paternal side.


18. The conflict between paternal uncle and nephew is exploited in Walt Disney’s recent success movie “The Lion King,” in which the wickled uncle Scar usurps the throne of his (underage) brother’s son Simba.

20. All quotations are from Frederick Klaeber, ed., Beowulf and the Fight at Finnsburg, 3rd edn (Lexington, 1950).
25. Gwyn Jones, A History of the Vikings (Oxford, 1973), p. 403, erroneously makes Harald Magnus' maternal uncle. Actually, Magnus’ father Olaf and Harald were half-brothers sharing the same mother, so that this is not quite a pure instance of paternal uncleship, as Joseph Harris points out to me. But note that independently from Snorri’s account, the Anglo-Saxon Chronicle (MS D, s. a. 1049) unequivocally calls Harald Magnus fædera 'Magnus’s paternal uncle.'
42. The plural ending in *gebærum*, ‘cries,’ expresses the intensity of her alarm.
44. Buma and Ebel, *Das Emsiger Recht*, V, 3.
47. Hammerich, *Clamor*, pp. 46–47. Mosaic law (Deuteronomy 22: 24, 27) also stipulates crying as evidence for a rape.
50. Though Cynewulf is said to have severely wounded Cyneheard (hine miclum gewundode), Cyneheard’s subsequent actions suggest that he could still play a dominant rôle.
51. “Þæt was geomuru ides!,” the poet’s comment on Hildeburh’s plight, *Beowulf*, line 1075b.
53. The duration of the fight appears from the usage of the progressive form wærun feohþende.
58. Lieberman, *Gesetze*, EGu 12. This decree is repeated in II Cnut 40 (25 December 1027–1034) and elaborated upon in VIII Æthelred 33 (1014, after February). Both these later decrees retain the alliterative formula.
59. Vilhálmur Finsen, ed., *Grágás. Íslandernas Lovbog i Fristatens Tid*, 2 vols (Copenhagen, 1852), I. ch. 125, p. 239.
60. Finsen, ed., Grágás, II, ch. 244, p. 189.
63. Richard C. Boer, ed., Órvar-Odds Saga. Altnordische Saga-Bibliothek 2 (Halle, 1892), ch. 25, p. 44.
64. R. Meissner, ed., Hirdskrá (Weimar, 1938), 41, 3; cf. R. Meissner, trsl., Das Gefolgschaftsrecht, Germanenrechte 5 (Witzenhausen, 1938), 41, 3.
68. William Langland, Piers Plowman, the C-Text, ed. Derek Pearsall, improved edn. (Exeter, 1994), XX, 93–95; cf. Pearsall’s note to line 94.
69. Cf. The Battle of Maldon (ed. D. G. Scrugg [Manchester, 1981]), line 37, in which the Viking messenger offers the English to fix their price for peace on hyra sylfra dom “at their own judgement,” as pointed out by Plummer, Anglo-Saxon Chronicle, II, p. 46.
70. Sveinsson, Brennu-Njáls saga, ch. 49.