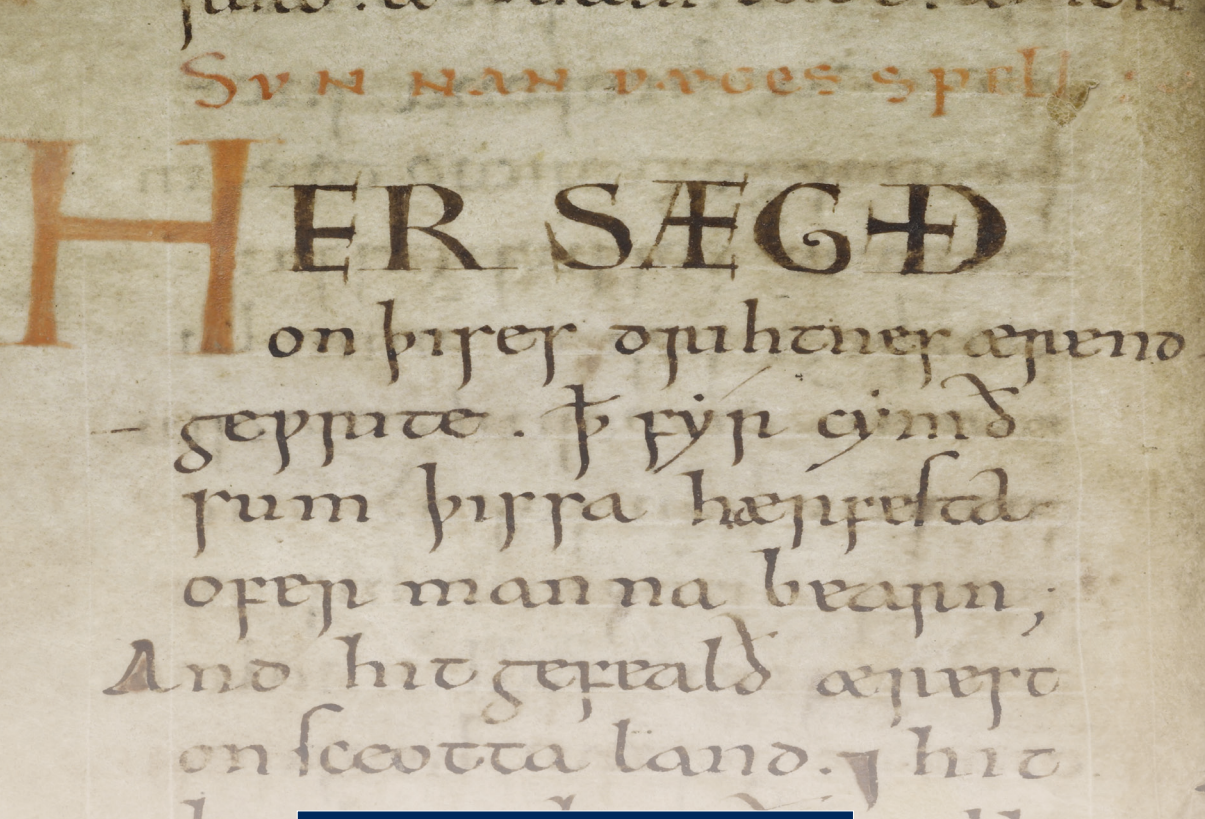

Sunday Observance and the Sunday Letter in Anglo-Saxon England

Edited
and translated
by

DOROTHY HAINES

Anglo-Saxon Texts

8

SUNDAY OBSERVANCE AND THE SUNDAY LETTER IN ANGLO-SAXON ENGLAND

Few issues have had such far-reaching consequences as the development of the Christian holy day, Sunday. Every seven days, from the early Middle Ages on, the Christian world has engaged in some kind of change in behaviour, ranging from participation in a simple worship service to the cessation of every activity which could conceivably be construed as work. An important text associated with this process is the so-called *Sunday Letter*, fabricated as a letter from Christ which dropped out of heaven. In spite of its obviously spurious nature, it was widely read and copied, and translated into nearly every vernacular language. In particular, several, apparently independent, translations were made into Old English.

Here, the six surviving Old English copies of the *Sunday Letter* are edited together for the first time. The Old English texts are accompanied by facing translations, with commentary and glossary, while the introduction examines the development of Sunday observance in the early Middle Ages and sets the texts in their historical, legal and theological contexts. The many Latin versions of the *Sunday Letter* are also delineated, including a newly discovered and edited source for two of the Old English texts.

Dorothy Haines gained her Ph.D. from the University of Toronto, where she currently teaches Old English.

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Edited with a translation by

DOROTHY HAINES

D. S. BREWER

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Preface

Few issues are likely to have had as far-reaching consequences as the development of the Christian holy day, Sunday. Every seven days since the early Middle Ages the Christian world has engaged in some kind of change in behaviour, ranging from participation in a simple worship service to the cessation of every activity which could conceivably be construed as work. The restrictions which arose in the medieval world are by no means trivial: they called for bringing to a complete halt all physical labour, all commerce, all legislative activity, and, in some cases, even such private activities as bathing and sexual intercourse. How did these beliefs arise? They certainly find little support in the pages of the New Testament, nor do the early Church fathers seem to promote the creation of a kind of taboo day to replace the Jewish sabbath.

A close examination of the surviving testimony reveals that Sunday observance involving rest did not and, in truth, could not have been an important dogma until the Church was able to gain some influence in the secular affairs of the state, placing its inception in the time of Constantine. From that time on, the Church sought to free Sunday from the pursuits of everyday life so that Christians might devote the day to the practice of religion: attendance at church services, private devotion and prayer and the performance of good deeds. This could not have been an easy matter. The economic rewards for Sunday work and the temptation to make the day when everyone was already gathered for church the favourite market day were strong incentives to ignore the Church's edicts. And as if such pressures were not enough to make enforcing Sunday rest difficult, the Church was also faced with the uncomfortable fact that, as noted above, there were no early and universally accepted authorities which had spoken unambiguously in favour of a work-free Sunday.

At a time when some were encouraging an increase in Sunday restrictions, but when no firm Church tradition had yet been established, one enterprising churchman decided to take matters into his own hands and wrote a document that would clearly solve this predicament. This is the so-called Sunday Letter, a message which claims to have been written by Christ himself and sent to Rome (or Jerusalem). It urges a strict observance of Sunday and imitates the Old Testament in promising blessings for those who comply and a variety of afflictions for those who dare to disobey. Almost immediately it was condemned as spurious, but it appears to have proven quite valuable to certain priests desperate for some strong words with which to exhort their congregations. Not only did it survive, but it was translated into every medieval vernacular, spreading to the East and as far north as Scandinavia. So we also hear of its presence in ninth-century England, and there

are no fewer than six extant copies of the Sunday Letter in Old English, all dating from the eleventh century.

Once one has read the Sunday Letter, one cannot help but wonder about its audience and reception. It stands out, even among the rhetorical excesses of Old English sermons, as an extreme diatribe which could not possibly have been taken seriously. Or could it? The multiple versions and the respectable manuscripts in which they are found argue that it was not some fringe group which fostered the Sunday Letter, but rather mainstream churchmen who found it worthy of being copied, collected and, perhaps, read to their congregations.

In order to resolve this apparent contradiction, the following chapters will attempt to reconstruct, as thoroughly as possible, the cultural environment which made acceptance of the Sunday Letter conceivable in eleventh-century England. I have drawn on several types of evidence. First, I have examined the development of Sunday observance on the Continent and in Ireland, including its mention in secular and ecclesiastical legislation, narrative sources, and homiletic texts. This provides the foundation for a similar study of the same kinds of materials during the Anglo-Saxon period. As in so many matters, the Anglo-Saxons were greatly influenced by their continental counterparts while also resisting a wholesale embrace of their norms.

The picture that emerges clarifies the place of the Sunday Letter in the practice of Sunday observance during the early Middle Ages. It does not stand alone in prohibiting a large number of activities; such restrictions were increasingly a part of the legislative standard. If it caused offence after the eighth century, this was probably due more to the preposterous claim of divine authorship and the extravagant language it uses to support that claim rather than to the kind of Sunday observance that it encourages. The historical background reconstructed for this edition of the Old English Sunday Letters situates this sermon in a cultural environment that found some measure of usefulness and perhaps even appreciation for it, despite its shortcomings. It is my hope that the Sunday Letter will no longer elicit simply curiosity or dismissal as a misguided theological tract, but that it will be read with a new appreciation for its contribution to our understanding of Anglo-Saxon culture.

Acknowledgements

Whenever I have had the opportunity to share the subject of this research with other scholars, I have, without exception, been pleasantly surprised by the interest shown and encouragement offered. Many have also been generous with their time and knowledge. To David McDougall must go the dubious honour of drawing my attention to the Old English Sunday Letter. I am enormously grateful for his continuing help throughout the project's development. I am also grateful to Michael Lapidge, Roberta Frank, Toni Healey and especially George Rigg and Ian McDougall for their inspiration and aid.

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Several libraries gave permission for my study of the manuscripts housed there. I would especially like to thank librarians and assistants at the Parker Library at Corpus Christi College, Cambridge (in particular, Gill Cannell), the Lambeth Palace Library, the British Library in London and the University Library in Basel for access to the manuscripts used in this edition. In addition the Murhardsche Bibliothek and Landesbibliothek of Kassel and the Dominikanerkloster in Vienna kindly supplied me with images for the texts edited in Appendix III. Thanks are also due to two interlibrary-loan librarians at Shorter College, Karen Simpkins and Julie Harwell, who went to incredible lengths to procure the obscure materials needed for this study and did so with unfailing patience and perseverence.

A good portion of this book was written during evenings and weekends (yes, on Sundays) while working as a drafting editor (without research leave) at the Dictionary of Old English. The person most to be thanked for maintaining my sanity and good spirits is my husband John, who provided endless support in every way imaginable, and it is to him that I would like to dedicate this book.

Abbreviations

(For full bibliographical references, see the Bibliography)

A–F	The Old English Sunday Letters A–F, as edited in the present volume, followed by line numbers
Assmann	Assmann, *Angelsächsische Homilien und Heiligenleben*
Belfour	Belfour, *Twelfth-Century Homilies in MS Bodley 343*
Bethurum	Bethurum, *The Homilies of Wulfstan*
BL	British Library, London
Blickling	Morris, *The Blickling Homilies*
BN	Bibliothèque nationale de France, Paris
Bodl.	Bodleian Library, Oxford
BTS	Bosworth and Toller, *An Anglo-Saxon Dictionary*, with supplement
CCCC	Cambridge, Corpus Christi College
CCSL	Corpus Christianorum, Series Latina
CH I	P. A. M. Clemoes, ed., *Ælfric's Catholic Homilies: The First Series: Text*
CH II	M. R. Godden, ed., *Ælfric's Catholic Homilies: The Second Series: Text*
Cmpb.	Campbell, *Old English Grammar*
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
DANW	F. Robinson, 'The Devil's Account of the Next World'
DOE	A. diPaolo Healey *et al*., *Dictionary of Old English*
EETS	Early English Text Society (ES: Extra Series; OS: Original Series; SS: Supplementary Series)
EWS	Early West Saxon
Gmc	Germanic
Hogg	R. M. Hogg, *A Grammar of Old English*
Kalbhen	U. Kalbhen, *Glossen und kentischer Dialekt im Altenglischen*
Ker	N. R. Ker, *Catalogue of Manuscripts Containing Anglo-Saxon*
LS	W. W. Skeat, ed., *Ælfric's Lives of Saints*
LWS	Late West Saxon
Mansi	P. Mansi, ed., *Sacrorum conciliorum nova, et amplissima collectio*
MGH	Monumenta Germaniae Historica

Napier	A. S. Napier, ed., *Wulfstan: Sammlung der ihm zugeschriebenen Homilien*
nWS	non-West Saxon
OE	Old English
PGmc	Primitive Germanic
PL	Patrologia Latina
Pope	J. C. Pope, ed., *Homilies of Ælfric: A Supplementary Collection*
S–B	E. Sievers and K. Brunner, *Altenglische Grammatik*
Schaefer	'An Edition of Five Old English Homilies'
Vercelli	D. G. Scragg, ed., *Vercelli Homilies and Related Texts*
WGmc	West Germanic
WS	West Saxon

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.[1] 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.[2]

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)[3]

1 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.

2 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).

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

> 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)[4]

Whereas the passage from Exodus traces the origin of the sabbath back to the Creation,[5] 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.[6]

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).

4 '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.'

5 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.'

6 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).

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.[7] 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.'[8] 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.[9] 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.[10] 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.[11]

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

7 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.

8 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').

9 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*.

10 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*).

11 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.

12 See Huber, *Geist und Buchstabe*, pp. 49–61.

and Eusebius, and later Jerome, Augustine and perhaps Gregory the Great all make use of this interpretation.[13] The typological exegesis similarly equates Christ's rest in the tomb with the final rest of Christians after their work on earth.[14] 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.[15] 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.[16]

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.[17] 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.[18]

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.[19] The new edict was not a blanket demand for a work-free day, however:

13 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.

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

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

16 '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.

17 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).

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

19 *Omnes 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*

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.[20]

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.[21] 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.[22] 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'.[23] 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.[24] 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).

20 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*.

21 Huber, *Geist und Buchstabe*, pp. 43–5.

22 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).

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

24 P. Wormald, *The Making of English Law*, p. 44.

For example, the code compiled in Rhaetia in eastern Switzerland known as the *Lex Romana Raetica curiensis* or simply *Lex Romana curiensis*, copies the Theodosian Code when it forbids court proceedings and exaction of debts (8.3), and enjoins special care of prisoners on Sundays (9.2.3).[25] Similarly, the influence of Roman law can be seen in this statute (II.I.12, c. X) from the Visigothic *Liber iudiciorum* (654):

> Die dominico neminem liceat executione constringi, quia omnes causas religio debet excludere; in quo nullus ad causam dicendam nec propter aliquod debitum fortasse solvendum quemquam inquietare presumat.[26]

This decree by King Chintasvintus (r. 642–53), which also applied to other festivals, goes on to explain the precise circumstances under which court cases may proceed, allowing, for instance, that some accused of crimes punishable by execution should be kept in custody until after the holy day, whereas others accused of lesser crimes could be required to return to court.[27]

Another group of the Germanic codes exhibits a basic similarity in that they emphasize the payment of penalties for the breaking of the Sunday rest. The most straightforward edict is that of the *Lex Frisionum*, probably compiled in 802, but drawing on earlier sources:[28]

> Qui opus servile die dominico fecerit, ultra Laubachi solid(os) XII, in caeteris locis Fresiae IIII solidos culpabilis iudicetur. Si servus hoc fecerit, vapuletur, aut dominus eius IIII solid(os) pro illo componat.[29]

25 *Lex Romana Raetica curiensis*, ed. K. Zeumer, MGH, LL, 5 (Hanover, 1889), 360. Appended to one manuscript (St Gall 72, *c*. 800) are the *Capitula Remedii*, attributed to Bishop Remedius of Chur (d. 820); in its first capitulary, this text goes well beyond the Theodosian Code, proscribing a list of rural activities similar to Charlemagne's *Admonitio generalis* (789) and requiring that anything produced on a Sunday should be confiscated by the local judge and distributed to the poor by a priest; Zeumer, p. 442. See E. Meyer-Marthaler, *Lex Romana curiensis*, lviii–lix; and idem, 'Die Gesetze des Bischofs Remedius von Chur', *Zeitschrift für schweizerische Kirchengeschichte* 44 (1950), 81–110, 161–87, at 93–6.

26 'No litigation shall be commenced on Sunday, for religion should take precedence of all legal matters, and upon that day no one shall presume to subject another to annoyances either for the trial of a case, or for the payment of a debt', S. P. Scott, trans., *The Visigothic Code (Forum Judicum)* (Boston, 1910) p. 21; *Lex Visigothorum*, ed. Zeumer, pp. 59–60. Cf. *Leges Burgundionum* (XI, 5), which draws on the Theodosian Code (XII, 8.19, interpretation); *Leges Burgundionum*, ed. L. R. de Salis, MGH, LL nat. Germ., 2/1 (Hanover, 1892), 136.

27 Book II.1.12 (*Lex Visigothorum*, ed. Zeumer, pp. 59–60). More details about Sunday observance in Visigothic Spain may be gleaned from the section which concerns the Jews, added to the Visigothic Code by King Ervig in 681. Here we find both the celebration of the sabbath (along with other Jewish festivals) and work on Sunday – including such household chores as spinning and weaving – strictly prohibited. Even masters of Jewish slaves could be fined 100 solidi for permitting them to engage in any labour (Book XII.3.6, *Lex Visigothorum*, ed. Zeumer, pp. 434–5); see R. Collins, *Visigothic Spain 409–711* (Malden, MA, 2004), pp. 235–6.

28 N. E. Algra, 'Grundzüge des friesischen Rechts im Mittelalter', in *Handbuch des Friesischen*, ed. H. Munske (Tübingen, 2001), pp. 555–70.

29 'He who does servile work on the Lord's day, should be judged guilty of [a payment of] twelve solidi beyond the Lauwers, and four solidi in the other areas of Frisia. If a slave does this, he shall be flogged, or his lord shall pay four solidi for him' (Tit. XVIII), *Lex Frisionum*, ed. K. A. Eckhardt

So also *Pactus legis Salicae*,[30] in an addition composed under Childebert II, king of Austrasia (r. 575–95) states:

> De die dominico similiter placuit obseruari, ut si quis<cumque> ingenuus, excepto quod ad coquendum uel ad manducandum pertinet, alia opera <seruilia> in die dominico facere praesumpserit, si Salicus fuerit, .xv. solidos culpabilis iudicetur. Romanus .vii. semis solidos conponat. Seruus uero aut .iii. solidos reddat aut de dorsum suum conponat.[31]

One might compare this relatively straightforward capitulary with the following, from the eighth-century Bavarian code, *Lex Baiuvariorum*:[32]

> Si quis die dominico operam servilem fecerit, liber homo, si bovem iunxerit et cum carro ambulaverit, dextrum bovem perdat; si autem secaverit fenum vel collegerit aut messem secaverit aut collegerit vel aliquod opus servile fecerit die dominico, corripiatur semel vel bis; et si non emendaverit, rumpatur dorso eius .l. percussionibus et si iterum praesumpsit operare de dominico, auferatur de rebus eius tertiam partem; et si nec cessaverit, tunc perdat libertatem suam et sit servus, qui noluit in die sancto esse liber. Si servus autem, pro tale crimine vapuletur; et si non emendaverit, manum dextram perdat. Quia talis causa vetanda est, quae deum ad iracundiam provocat et exinde flagellamur in frugibus et penuria patimur. Et hoc vetandum est in die dominico. Et siquis in itinere positus cum carra vel cum nave, pauset die dominico usque in secunda feria. Et si noluerit custodire praeceptum domini, quia dominus dixit: 'Nullum opus facias in die sancto neque tu neque servus tuus neque ancilla tua neque bos tuus neque asinus tuus neque ulla subiectorum tuorum', et qui hoc in itinere vel ubicumque observare neglexerit, cum .xii. solidis condamnetur; et si frequens hoc fecerit, superiora sententia subiaceat.[33]

and A. Eckhardt, MGH, Font. iur. Germ. ant. 12 (Hanover, 1982), 62.

30 The *Pactus legis Salicae* was originally issued by Clovis I between 507 and 511; see K. F. Drew, *The Law of the Salian Franks* (Philadelphia, 1991), p. 52. This portion was drawn up by the chief legal officer, Asclepiodatus, who had worked for Childebert's uncle, Guntram, issuer of an edict in 585 which also prohibits all physical work (*ab omni corporali opere*) on Sunday except that pertaining to food preparation, but including lawsuits; *Capitularia regum Francorum I*, ed. Boretius, p. 11; see also I. Wood, 'Roman Law in the Barbarian Kingdoms', in *Rome and the North*, ed. A. Ellegård and G. Åkerström-Hougen (Jonsered, Sweden, 1996), pp. 5–14 at 11.

31 'It is pleasing that this be observed with regard to the Lord's day. If any freeman presumes to do any servile work on the Lord's day, except for that pertaining to cooking and eating, if he is a Salic Frank, he shall be liable to pay fifteen solidi. If he is a Roman, he shall pay seven and one-half solidi as compensation. If he is a slave he shall pay three solidi or pay composition by his back [i.e., be flogged]' (III.7), Drew, trans., *The Law of the Salian Franks*, p. 159; *Pactus legis Salicae*; ed. K. A. Eckhardt, MGH, LL nat. Germ., Legum, Sectio I, t. 4, pt. 1 (Hanover, 1962), p. 269.

32 Cf. Wormald, *The Making of English Law*, p. 43.

33 'If anyone does servile work on Sunday, for a freeman, if he yokes oxen and drives about in a cart, let him lose the right-hand ox. If, however, he cuts or collects hay, or cuts and collects a harvest, or does any servile work on Sunday, let him be warned once or twice. And if he does not correct himself, let him be beaten upon his back with fifty blows, and if he presumes to work on Sunday again, let a third of his property be carried off. And if he still does not cease, then let him lose his freedom and be a slave, because he does not wish to be free on a holy day. If he is a slave, however, let him be flogged for such a crime. And if he does not correct himself, let him lose his right hand, since

Although the basic outlines of monetary penalities, flogging and even loss of freedom are similar to the *Pactus legis Salicae*, this is clearly a much more elaborate production. It not only provides more detail concerning illicit work – riding in a cart, yoking an ox and harvesting – but it also features a paraphrase of Deuteronomy V.14 as a rationale for the prohibitions (conflating the sabbath and Sunday by shrewdly substituting *die sancto* for *dies sabbati*), and suggests that one consequence of non-compliance may be widespread disaster in the form of crop failure, a threat similar to those found in the Sunday Letter. Yet the basic building blocks of various penalties assigned for the breaking of this law are still clear in this code. Though presumably carried out by secular authorities, they seem severe; one possible explanation for this that has been put forward is that the absence of Sunday observance was one way of identifying any recalcitrant pagans who were seen as resisting efforts towards a unified Christian society.[34]

Sunday Observance in Early Church Councils

At the same time, various Church councils provide parallel evidence for a growing sabbatarianism. More clearly than the secular legislation, these show the tension which accompanied the transitional nature of this time period, particularly evident in the testimony from Merovingian Gaul. A striking early record is the Council of Orleans (538), which notes that 'the people are persuaded that one may not ride out with horses or with a cart and oxen, may not prepare anything to eat, may not exert oneself in the beautification of house or person' on Sunday.[35] The

such acts are prohibited that incite God to anger, and, furthermore, we will be punished regarding our crops and afflicted with want. Thus, this [work] is forbidden on Sunday. And if one is taking a journey with a cart or boat, let him pause from Sunday until Monday. And if he does not wish to observe the Lord's command, because the Lord has said, "No work shall you do on the holy day, neither you nor your servant nor your maidservant nor your ox nor your ass nor any which is subject to you", and if he neglects to observe this either on a journey or anywhere, let him be fined twelve solidi. And if he does this frequently, let him be fined the punishment described above'; T. J. Rivers, trans., *Laws of the Alamans and Bavarians* (Philadelphia, 1977), p. 137; K. A. Eckhardt, ed., *Die Gesetze des Karolingerreiches, 714–911* (Weimar, 1934), II, 114–16. A similar but shorter version also appears in the Laws of the Alamans, c. 38; cf. *Lex Alamannorum*, c. 38; *Leges Alamannorum*, ed. K. Lehmann, MGH, LL nat. Germ. 5/1 (Hanover, 1888), 98. The ultimate source is Theodore of Canterbury's penitential; see C. Schott, 'Pactus, Lex und Recht', in *Die Alemannen in der Frühzeit*, p. 147.

34 Schott, 'Pactus, Lex und Recht', p. 147.

35 *Quia persuasum est populis die Domineco [*for *Dominico] agi cum caballis aut bubus et veiculis [*for *vehiculis] itinera non debere neque ullam rem ad victum praeparari vel ad netorem [*for *nitorem] domus vel hominis pertenentem ullatenus exerciri [*for *exerceri], quae res ad Iudaicam magis quam ad Christeanam [*for *Christianam] observantiam pertenere [*for *pertinere] probatur, id statuimus, ut die Dominico, quod ante fieri licuit, liceat. De opere tamen rurali, id est arata vel vinea vel sectione, messione, excussione, exarto vel saepe, consuimus abstenendum [*for *abstinendum], quo facilius ad ecclesiam venientes orationis gratiae vacent. Quod si inventus fuerit quis in operibus supra scriptis, quae interdicta sunt, exercere qualiter emundari debeat, non in laici districtione, sed in sacerdotis castigatione consistat*; Council of Orleans, c. 31, *Concilia aevi Merovingici*, ed.

council finds such taboos more Jewish than Christian and notes, rather vaguely, that whatever was permitted before is still permitted, showing an awareness of the shift in belief and practice. However, in an illustration of the ambiguities of the times, the canon then oddly goes on to forbid rural labour and provides a detailed list of forbidden work, ostensibly making a distinction between spurious populist taboos and the prohibition of labour that might interfere with Sunday church attendance.

Later Church councils, however, follow the direction of the new trend. Even as early as the late sixth century, only fifty years after the Council of Orleans, the Council of Mâcon (585) castigates the people for their neglect of the Lord's day rather than for improper sabbatarianism, and, in addition to prohibiting 'servile work' (*opus servile*), oxen are not to be used,[36] and no court proceedings are to take place; severe punishments, including some that reflect the secular legislation mentioned above, are threatened: automatic loss of the court case, flogging for farmers and slaves and six months' isolation from the brethren for a monk.[37] As in the *Lex Baiuvariorum*, the notion that pestilence and infertility may be avoided through proper observance of the Lord's day echoes the kind of collective punishment used to compel obedience in the Sunday Letter.[38] By the mid-seventh century, the authors of a statute decided at the Council of Châlon (639–54) can state, citing from the Council of Orleans (538), that the prohibition of farm labour is nothing new, but rather a restoration of what has already been decreed, while silently omitting concern expressed in that earlier council about 'Judaizing' sabbatarianism.[39]

At the beginning of that century, no less a figure than Gregory the Great weighs in on sabbath and Sunday observance in a letter to the citizens of Rome, which has often been interpreted as a last hold-out of the Augustinian view. Curiously, he begins by condemning those who observe the Jewish sabbath, calling them 'preachers of the Anti-Christ' (*praedicatores Antichristi*) and states that when the Anti-Christ comes, he will want to see both sabbath and Sunday free from work,

Maassen, p. 82.

36 All labour and specifically the use of oxen is also prohibited in canon 16 of the Diocesan Council of Auxerre (between 573 and 603): *Non licet die Dominico boves iungere vel alia opera exercere*; *Concilia aevi Merovingici*, ed. Maassen, p. 181.

37 Council of Mâcon, c. 1f.; *Concilia aevi Merovingici*, ed. Maassen, pp. 165–6. Similarly, the Council at Narbonne in 589 threatens fines of 6 solidi for freemen and 100 lashes for slaves: *Quod si quisque presumpserit facere, si ingenuus est, det comiti ciuitatis solidos sex; si seruus, centum flagella suspiciat* (c. 4, Mansi IX, col. 1015). Cf. the decree of Childebert II in the *Pactus legis Salicae*, where the penalties are 15 solidi for the Salic Frank, 7½ solidi for the Roman and 3 solidi or a flogging for the slave (cited above, p. 7).

38 *Haec namque omnia et placabilem erga nunc Dei animum reddunt et plagas morborum vel sterilitatum amovent atque repellunt*; *Concilia aevi Merovingici*, ed. Maassen, pp. 165–6.

39 *Non aliquid novi condentes, sed vetera renovantes instituemus*, Council of Châlon, c. 18; *Concilia aevi Merovingici*, ed. Maassen, 212. It is the Council of Rouen (650) which seems to be the first use of the phrase *a vespero usque ad vesperam* (used in Leviticus XXIII.32 in reference to the day of atonement): *ut dies festi a vespera usque ad vesperam absque opere servili cum debito honore celebrentur* (c. 15, Mansi X, col. 1203).

a comment that has been seen as frowning on Sunday rest. Gregory does insist that the sabbath is to be observed spiritually, rather than literally,[40] but, especially in light of the trend towards a work-free Sunday, it seems peculiar that he would then single out the prohibition of bathing on Sundays as excessive, a prohibition which is not found in most civil or ecclesiastical laws, rather than condemning Sunday rest in general.[41] Furthermore, he clarifies what may be seen as his notion of appropriate Sunday observance: the practice of prayer and the cessation of 'earthly work', for which, however, the term *labor terrenus* and not the more common *opera servilia* is employed.[42] The letter does not, in the end, represent an unequivocal censure of Sunday rest, but only of sabbath observance and certain immoderate restrictions in regard to the Lord's day.

Homiletic and Narrative Sources

Gregory's letter draws attention to another side of Sunday observance during this period: the possibility that what one might call 'popular' conceptions of it perhaps differed from the official statements examined thus far. We have seen that a tendency towards extreme sabbatarianism was condemned in the Council of Orleans, which notes that some people believed it was forbidden to travel by horse or cart, prepare food or, as in Gregory's letter, clean house and person. Additional glimpses of sixth-century popular thought and practice may be found in sermons and hagiographical writing such as the works of Caesarius of Arles (d. 542), Martin of Braga (d. 580) and Gregory of Tours (d. 593/4). For instance, Caesarius, the influential bishop of Arles, notes in his homilies that his parishioners still engage in the pagan practice of refraining from work on Thursday (Jove's/Donar's day). He blames them for transferring to Thursday what ought to be done on Sunday,[43] and instead for working on Sunday without fear or shame.[44] He particularly singles out women who will not spin or weave on Thursday in honour of Jove.[45] These interesting references to a pagan Germanic taboo-day have led

40 *Epistola* XIII,3, *Gregorii I papae registrum epistolarum. Libri VIII–XIV*, ed. P. Ewald and L. M. Hartmann, MGH, Epp. (Berlin, 1891), 367.

41 *Aliud quoque ad me perlatum est, vobis a perversis hominibus esse praedicatum, ut dominicorum die nullus debeat lavare*; ibid. 368. The source of this restriction may have been penitential literature; see below, pp. 29–31.

42 *Dominicorum vero die a labore terreno cessandum est atque omni modo orationibus insistendum*; ibid. p. 368. For the view that Gregory's letter represents a protest against sabbatarianism applied to Sunday, see, for example, L. L. McReavy ('The Sunday Repose from Labor', 317) who notes that *labor terrenus* is 'a more general term applicable to any earthly occupation calculated to distract a man's attention from God and fix it to the things of this world'; cf. Huber, *Geist und Buchstabe*, pp. 124–6.

43 *Sermo* XIX.4, ed. Morin, CCSL 103, p. 90: *qui, quod obervari die dominico debet, in die Iovis hoc sacrilege transferunt*.

44 *Sermo* XIII.5, ibid. p. 68: *Isti enim infelices et miseri, qui in honore Iovis quinta feria opera non faciunt, non dubito quod ipsa opera die dominico facere nec erubescant nec metuant*.

45 *Sermo* LII.2, ibid. pp. 230–1. *Sermo* XIII.5; ibid. p. 68. Various forms of Thursday rest have also

some scholars to speculate that a 'transference' of practice was a contributing factor in the influx of Sunday prohibitions during the fifth and sixth centuries.[46] However, evidence of another possible origin is also mentioned in Caesarius' sermons: Jewish sabbath observance. In two of his sermons, he holds Jews up as examples of piety in their honouring of the sabbath, urging Christians similarly to devote themselves solely to God on Sundays.[47] Caesarius does not himself provide a list of any prohibited activities – he only states that proper observance of Sunday for the Christian involves church attendance, reading and prayer[48] – but his comments concerning Jewish practice would appear to invite sabbatarianism even if he did not intend to do so.[49]

Caesarius' reference to Jewish observance of the sabbath does raise the question of how much influence it might have had on the development of the Christian Sunday. Certainly the earliest conception of Sunday resembled that of the sabbath in certain respects: a day of celebration on which it was forbidden to fast. And even though, beyond the scriptural sources,[50] our knowledge of precise Jewish practice in the early-medieval period is at best sketchy, at least one list of restrictions contains many of the same activities which appear in the various documents under

been observed among Germanic peoples; cf. Hoffmann-Krayer and Bächtold-Stäubli, 'Donnerstag', *Handwörterbuch des deutschen Aberglaubens* (Berlin, 1927–42), cols. 331–45. Thursday observance is also condemned by a contemporary of Caesarius, Martin of Braga (*c.* 515–579), in his *De Correctione Rusticorum*, and not long thereafter at the Synod of Narbonne in 589 (Mansi IX, col. 1014). For additional examples and discussion, see D. Harmening, *Superstitio: Überlieferungs- und theoriegeschichtliche Untersuchung zur kirchlich-theologischen Aberglaubensliteratur des Mittelalters* (Berlin, 1979), pp. 155–64.

46 Thomas, *Der Sonntag im frühen Mittelalter*, pp. 17–23.

47 *Sermo* XIII.3 (ed. Morin, CCSL 103, 66): *Si enim infelices Iudaei tanta devotione celebrant sabbatum, ut in eo nulla opera terrena exerceant, quanto magis christiani in die dominico soli deo vacare, et pro animae suae salute debent ad ecclesiam convenire?*; cf. *Sermo* LXXIII.3 (ibid. p. 308).

48 *Sermo* XIII.3; ibid. p. 66. *Sermo* LXXIII.4 (ibid. pp. 308–9). However, Caesarius probably influenced the 538 Council of Orleans which prohibits farm work; see O. Pontal, *Die Synoden im Merowingerreich* (Paderborn, 1986), p. 79; and E. F. Bruck, 'Cæsarius of Arles and the Lex Romana Visigothorum', in *Studi in onore di V. Arangio-Ruíz nel XLV anno del suo insegnamento*, vol. I (Naples, 1953), 201–17 at 211.

49 One restriction which has received some attention in connection with Caesarius is that forbidding sex on both feast days and Sundays. While the prohibition itself is not unusual, the threatened divine discipline seems extreme: in one passage, children conceived on Sundays or feast days may be born either *leprosi aut epileptici aut forte etiam daemoniosi* ('lepers, or epileptics or perhaps demoniacs'); *Sermo* XLIV.7; ed. Morin, CCSL 103, 199. Cf. *Sermo* XVI.2; ibid. p. 78. See discussion in Klingshirn, *Caesarius of Arles: The Making of a Christian Community*, pp. 155–6. This cruel punishment is reminiscent of the fate of children conceived on Sunday in the Sunday Letter, who it is said will be born blind, deaf, weak, leprous and lame (see D89–90 and its Latin source; see also A73–5 and B123–5 in which the children are similarly punished). For the prohibition of sex on Sunday and other holy days, see R. Kottje, *Studien zum Einfluss des Alten Testaments auf Recht und Liturgie des frühen Mittelalters (6.–8. Jahrhundert)*, Bonner historische Forschungen 23 (Bonn, 1970), 69–83.

50 Exodus XVI.23–5 (gathering manna); XX.8 (work, generally); XXIII.12 (work); XXXIV.21 (work); XXXI.15 (work); XXXV.2–3 (work, kindling of fire); Leviticus XXIII.3 (work); Deuteronomy V.12 (work); Nehemiah X.31 (buying), XIII.15–22 (buying and selling); Jeremiah XVII.21–2 (carrying burdens, work); Amos VIII.5 (buying and selling).

discussion here as well as in the Sunday Letter. Robert Goldenberg discusses a list in the third-century Mishnah which includes farm work, the baking of bread, spinning, weaving, hunting, writing, kindling a fire and the carrying of burdens.[51] Goldenberg notes, however, that this list is artificial and partial, leaving out such obvious choices as buying and selling. The frequent labelling in Christian sources of excessive restrictions as 'Judaizing' as well as the implied knowledge of what those practices were lend further support to the notion that they were perceived as resulting from undue Jewish influence.[52] Thus it seems reasonable to see the influence of the Jewish sabbath as at least partially responsible for the development of the character of the Christian Sunday during the early Middle Ages.

Southern Gaul and Spain would appear to have been likely areas for this to occur. In his sermon *De correctione rusticorum*, which condemns a variety of pagan practices, Martin of Braga sets a quite specific standard for the honouring of the Lord's day. He is clear that no servile work – defined here as work in field, meadow or vineyard – and no lengthy journeys must be undertaken on Sunday.[53] Martin, like Caesarius, castigates Christians for showing less zeal in honouring their holy day than pagans do for Thursday (Jove's day) or that of other demons. It is indeed remarkable that already in the sixth century such a clear statement regarding the Christian obligation to rest on Sunday could be made.

An even better idea of how these new Sunday rules were presented to the public and how the fear of immediate divine retribution was used to enforce them may be seen from a phenomenon that is particularly in evidence in hagiographical writing but is also found elsewhere:[54] the anecdotes which involve *Strafwunder* (miracles of punishment), such as tales of farmers and craftsmen whose limbs

51 'The Jewish Sabbath in the Roman World up to the Time of Constantine the Great', in *Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung*, ed. H. Temporini and W. Haase, II.19.1 (Berlin, 1972), pp. 414–47 at 423–4. Goldenberg also provides citations from Josephus that mention travel and appearances at court (pp. 416–18).

52 Cf. the Council of Laodicea and the Council of Orleans (538), discussed above. The possibility is entertained by Robert Priebsch (*Letter from Heaven*, pp. 26–7). Some scholars suggest a widespread Christian fascination in Jewish festivals during late antiquity and the Merovingian period, as evidenced by the repeated legal injunctions against Christian participation; see Geisel, *Die Juden im Frankenreich*, pp. 146–8, and Goldenberg, 'The Jewish Sabbath', pp. 441–4. As late as the end of the eighth century, the Council of Friaul (c. 13) suggests that in some rural areas the sabbath was still being observed by non-Jews; see Schreckenberg, *Die Christlichen Adversus-Judaeos-Texte*, p. 479.

53 *Martini episcopii Bracarensis opera omnia*, ed. C. W. Barlow, p. 202: *Opus servile, id est agrum, pratum, vineam, vel si qua gravia sunt, non faciatis in die dominico, praeter tantum quod ad necessitatem reficiendi corpusculi pro exquoquendo pertinet cibo et necessitate longinqui itineris. Et in locis proximis licet viam die dominico facere, non tamen pro occasionibus malis, sed magis pro bonis*.

54 See the summary by R. Van Dam in *Leadership and Community in Late Antique Gaul* (Berkeley, 1985), pp. 285–7. Van Dam provides an intriguing, though perhaps too fanciful, rationale for the development of these beliefs, arguing that the forbidden activities all have to do with a 'civilized way of life' which was to be eschewed on Sundays and feast days in favour of living 'in conformity with nature' (pp. 285–8).

are immobilized as they attempt to engage in forbidden activities on Sunday.[55] Gregory of Tours and other writers of the period offer many examples of such stories. One of these illustrates the taboo-like restrictions which take the idea of Sunday rest to its extreme:

> Puella quaedam die dominico dum caput suum componeret, pectine adprehenso, credo ob iniuriam diei sancti, in manibus eius adhæsit, ita ut adfixi dentes tam in digitis quam in palmis magnum ei dolorem inferrent.[56]

The girl is delivered from her agony when she prays at the tomb of St Gregory, but the notion that even the combing of hair was forbidden indicates the discrepancy between what was popularly thought to be required and official prohibitions against Sunday labour seen above. A more typical recipient of such punishment is the common labourer who was in the process of completing some kind of farm work:[57] ploughing,[58] the mending of a fence or hedge,[59] yoking of oxen,[60] making a key,[61] running a mill,[62] or a woman of the same status engaged in household duties such as baking bread.[63] One narrative tells of a poor man called Sisulf who wakes to find his hand painfully disfigured. He is told by St Martin to travel throughout the countryside to preach against perjury, usury and Sunday work to avert God's wrath; once he does so, his hand is healed.[64]

Into this category of *Strafwunder* falls also the mention of a deformed child that is said to have been conceived on Sunday, reminding us of Caesarius' (and

55 See the discussion and examples cited by Huber, *Geist und Buchstabe*, pp. 110–14; F. Graus in *Volk, Herrscher und Heiliger im Reich der Merowinger. Studien zur Hagiographie der Merowingerzeit* (Prague, 1965), pp. 481–4; and by G. Scheibelreiter, 'Sonntagsarbeit und Strafwunder: Beobachtungen zu hagiographischen Quellen der Merowingerzeit', in *Der Tag des Herrn: Kulturgeschichte des Sonntags*, ed. R. Weiler (Vienna, 1998), 175–86. See also I. Wood, 'How Popular was Early Medieval Devotion?', online.

56 'A certain girl was fixing her hair on a Sunday. I believe because of the injury done to the holy day that when she took hold of the comb, it stuck to her hand so that the teeth pressed as much into her fingers as into her palm and caused great pain', *Liber vitae patrum* VII.5, *Gregorii Turonensis opera*, ed. B. Krusch, MGH, SSRM I/2 (Hanover, 1885), 690.

57 These agree generally with those mentioned in the Council of Orleans (538) in c. 31, which prohibits ploughing, pruning of vines, harvesting, winnowing, tilling and mending fences (*Concilia aevi Merovingici*, ed. Maassen, p. 82).

58 Gregory of Tours, *Liber de virtutibus S. Iuliani* 11, *Gregorii Turonensis opera*, ed. Krusch, MGH, SSRM I, pt. 2, p. 119.

59 Gregory of Tours, *Libri I–IV de virtutibus sancti Martini episcopi* III.29, 45; *Gregorii Turonensis miracula*, ed. Krusch, pp. 189, 193. *Liber vitae patrum* XV.3; *Gregorii Turonensis miracula*, ed. Krusch, p. 690. Venantius Fortunatus, *Vita sancti Germani* L.138; *Venanti Honori Clementiani Fortunati presbyteri Italici opera pedestria*, ed. B. Krusch, MGH, Auct. Ant. 4/2 (Berlin, 1885), 22.

60 Gregory of Tours, *De virtutibus sancti Martini* IV.45 (pp. 210–11).

61 Gregory of Tours, *De virtutibus sancti Martini* III.7 (pp. 183–4).

62 *Vita Audoini episcopi Rotmagnensis*, ed. B. Krusch and W. Levison, MGH, SSRM 5 (Hanover, 1920), p. 559. Gregory of Tours, *De virtutibus sancti Martini* III.3 (p. 183).

63 Gregory of Tours, *Liber in gloria martyrum* 15; ed. Krusch, *Gregorii Turonensis miracula*, p. 48. Gregory of Tours, *De virtutibus sancti Martini* III.31, 56 (pp. 190, 195–6).

64 Gregory of Tours, *De virtutibus sancti Martini* II.40 (pp. 173–4).

the Sunday Letter's) threat of just such an outcome.[65] As will be seen, many of the prohibitions listed in the Sunday Letter coincide with the broad range of obligations implied in these narratives. Curiously, however, the promised punishments are not as individual as they are in the latter; the Sunday Letter's threats are more collective in nature including disasters such as famine, disease or foreign invasion which will affect an entire community or nation. In a few instances the narrative sources also approach this kind of communal discipline: in one story many are struck by heavenly fire for working on the Lord's day and in another, land worked on a Sunday becomes sterile.[66]

A more immediate source of correction for wrongdoing may also have been taken into account by would-be offenders. The earliest penitential texts include prohibitions against a variety of activities including many which do not appear with any frequency in the legislation such as bathing or sexual relations. These will be discussed in the next chapter, but it is worth noting here that another layer of restriction is reflected in these texts.

Whatever one might deduce about its origins from the sum of the evidence collected above, it is fair to say that by the sixth century there was a powerful movement towards a sabbath-like Sunday of rest and worship. What was lacking was a solid theological basis for the shift.[67] While Sunday was always seen as exceptional since it was the day of the Resurrection, that was an insufficient argument for making it also a day of complete physical rest; the notion of a 'transference' of the sabbath to Sunday was only beginning to take on that role. The realization of this lacuna goes a long way towards explaining the existence of the Sunday Letter which was composed at some point before the end of the sixth century. It reflects the desire for a more authoritative, indeed, a divine, statement on the subject. Nevertheless, while the device of a letter sent from heaven is clearly an extravagant piece of apocryphal invention, the other main ingredients are not unique to the Sunday Letter. Already we have encountered most of the prohibitions listed in the letter, whether in official pronouncements or circulating in popular belief. And the notion that God may send terrible disasters on a people for non-compliance also had some currency during this time period. No wonder that the Sunday Letter appears to have been in great demand as soon as it was penned, especially as Sunday rest continued to be the subject of legislation in the following centuries.

65 *De virtutibus sancti Martini* II.24 (p. 167). The wording is similar: *Quia, cum evenerit, exinde aut contracti aut ephilentici aut leprosi nascuntur*.

66 Gregory of Tours, *Gregorii Episcopi Turonensis libri historiarum X*, X.30; ed. B. Krusch and W. Levison, MGH, SSRM I/1 (Hanover, 1951), p. 525. *Vita et miracula Leutfredi abbatis Madriacensis* 22. B, ed. B. Krusch and W. Levison, MGH, SSRM 7 (Hanover, 1920), p. 8.

67 As R. J. Baukham notes: 'The laws for Sunday rest . . . existed for several centuries as rules in search of a theological context and justified by a divine authority curiously difficult to locate'; 'Sabbath and Sunday in the Medieval Church in the West', in *From Sabbath to Lord's Day: A Biblical, Historical, and Theological Investigation*, ed. D. A. Carson (Grand Rapids, 1982), p. 303.