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J.R. Schwyter

OLD ENGLISH LEGAL LANGUAGE

The Lexical Field of Theft

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TYPOGRAPHICAL CONVENTIONS

Italics

1. For lexemes, expressions, syntagms, and quotations from primary sources (Old English and Latin)
2. For titles of books and various headings in text and appendices
3. For *ad hoc* borrowings into ModE or the emphasis of a word in the text

Bold

1. For the marking of THEFT-lexemes (or other features discussed) in quotations from OE or Latin
2. For technical linguistic terms when first introduced in the text, all of which are explained in the Glossary
3. For manuscript sigla and various headings in the text and appendices

CAPITALS

1. For a concept covered by a lexical field
2. For sense-components

A plus sign (+)

1. For co-occurrences of lexemes and expressions
2. For certain sense-components inherent in certain lexemes

A slash (/)

For alternative lexemes and expressions

*One asterisk

For reconstructed forms, phrases or clauses

**Two asterisks

For phrases or clauses not well formed (syntactically or semantically)

Slashed zero (∅)

For zero occurrence

ABBREVIATIONS

A Adverbial

ACC Accusative

ADJ Adjective

ADV Adverb

AP Adjectival Phrase

ASC All references to the Anglo-Saxon Chronicle are made *sub anno* from the edition of J. Earle and C. Plummer 1892-9.

D Determiner

DAT Dative

GEN Genitive

Law-codes All the abbreviations used are Liebermann's (1898-1916 I:xi). These are (in alphabetical order):

(a) The so-called Royal Laws

Abt	Æthelbert
Af	Alfred
AfEl	Alfred's Biblical Introduction
Af-Ine	AfEl, Af, Ine, Rubrics to Af and Ine
Af-IneRbs	Rubrics to Alfred and Ine
AGu	Alfred-Guthrum
As	Æthelstan
AsAlm	Æthelstan's Ordinance on Charities (OE is forgery)
Atr	Æthelred
Cn	Cnut
Eg	Edgar
EGu	Edward-Guthrum
Em	Edmund
Ew	Edward
Hl	Hlothhere and Eadric
Hu	Hundred Ordinance (IEg)
SacrCor	Sacramentum Coronationis
Wi	Wihtred

(b) Miscellaneous (only those abbreviated)

Blas	Blaseras
Duns	Dunsæte
Episc	Episcopus
Excom	Excommunicatio
Forf	Forfang
Had	Hadbot
IudDei	Iudicium Dei
Mirce	Mircna laga
NorGrið	Norðhymbra cyricgrið
Norðleod	Norðleoda laga
Northu	Norðhymbra preosta lagu
Rect	Rectitudines singularum personarum
Swer	Swerian
Wal	Walreaf
Wif	Wifmannes beweddung
WlLad	William I: Lad

For a complete list and chronology see Tables 1a and 1b (§1.1.1). For the texts containing Latin translations of the laws, the following abbreviations are used:

ConCn	Consiliatio Cnuti
Hn	Leges Henrici Primi
InCn	Instituta Cnuti
Q	Quadripartitus

An entry such as 'Af5Q' therefore refers to the Latin translation in the Quadripartitus of chapter 5 of the code of Alfred.

ModHG Modern High German

ModE Modern English

N Noun

NP Noun Phrase

O Object

OE Old English

OHG Old High German

PREP Preposition

PRON Pronoun

REL Relative

S 1. Subject
2. Charters in Sawyer 1968

V Verb

THE MANUSCRIPTS

All the data for the law-codes in this study have been taken from the manuscripts listed below (details have always been given when a siglum was first used). These are the texts in the leftmost column in Liebermann's edition (1898-1916 I), which were also used by Venezky and Healey (1980) for their *Microfiche Concordance to Old English.* Where lexical evidence from other manuscripts has been used, specifications will be given (i.e. date and number in Ker 1957, if not already listed below for another code).

(a) The so-called Royal Laws (in chronological order)

Abt **H**	(Rochester, Cathedral Library, MS A.35; Textus Roffensis. Ker 1957:443-7, no. 373. Dated s. XII[1].)
Hl **H**	
Wi **H**	
Af-Ine **E**	(Cambridge, Corpus Christi College, MS 173. Ker 1957:57-9, no. 39. Dated s. IX/X-XI[2].)
AGu **B**	(Cambridge, Corpus Christi College, MS 383. Ker 1957:110-13, no. 65. Dated s. XI/XII.)
IEw **H**	
IIEw **H**	
IAs **D**	(Cambridge, Corpus Christi College, MS 201. Ker 1957:82-90, no. 49B. Dated s. XI med.)
IIAs **H**	
VAs **H**	
IVAs **H**	
VIAs **H**	
IEm **D**	
IIEm **H**	
Hu **B**	
II-IIIEg **G**	(London, British Library, MS Cotton Nero A.i. Ker 1957:210-11, no. 163. Dated s. XI med.)
IVEg **F**	(London, British Library, MS Cotton Nero E.i. Ker 1957:217, no. 166. Dated s. X/XI.)
IIAtr App **B**	
SacrCor **Cp**	(London, British Library, MS Cotton Cleopatra B.xiii. Ker 1957:182-5, no. 144. Dated s. XI[3/4].)
IIAtr **B**	
IAtr **H**	
IIIAtr **H**	
EGu **H**	

VAtr **G**
VIAtr **K** (London, British Library, MS Cotton Claudius A.iii. Ker 1957:177-8, no. 141. Dated s. X/XI-XI[1].)
XAtr **Vr** (Rome, Vatican City, MS Christina Regina 946. Ker 1957:459, no. 392. Dated s. XI[1].)
VIIa Atr **D**
VIIIAtr **D**
IX Atr ([London, British Library, MS Cotton Otho A.x.] Wanley transcript. Ker 1957:220-1, no. 170.)
Cnut1018 **D**
Cnut1020 (York, York Minster, Documents and Sermons. Ker 1957:468-9, no. 402. Dated s. XI[1]-XI[2].)
I-IICn **G**

(b) Miscellaneous (in alphabetical order)

Að **D**
Becwæð **H**
Blas **H**
Duns **B**
Episc **X** (Oxford, Bodleian Library, MS Junius 121. Ker 1957:412-18, no. 338. Dated s. XI[3/4].)
ExcomVII **Cx** (Cambridge, Corpus Christi College, MS 303. Ker 1957:99-105, no. 57. Dated s. XII[1].)
Forf **H**
Gerefa **B**
Geþyncðo **D**
Grið **G**
Had **D**
IudDeiIV **Du** (Durham, Cathedral Library, MS A.IV.19. Ker 1957:144-6, no. 106. Dated s. X[1], X[2], XI[1].)
IudDeiV **Du**
IudDeiVI **Du**
IudDeiVII **Ci** (Cambridge, Corpus Christi College, MS 146. Ker 1957:50-1, no. 37. Dated s. XI in.)
Iudex **G**
Mirce **D**
NorGrið **G**
Norðleod **D**
Northu **D**
Ordal **H**
Pax **H**

Rect **B**
Romscot **G**
Swer **H**
Wal **H**
Wer **H**
Wif **H**
WlLad **H**
Ymb Æbricas **Ot** (London, British Library, MS Cotton Otho B.xi + Otho B.x. Ker 1957:230-4, no. 180. Dated s. X med.-XI[1].)

I have not listed the manuscripts of the Quadripartitus (or manuscripts containing parts thereof), although in a few instances the Latin translation of an Old English lexeme may differ from manuscript to manuscript. In such an instance the difference has been recorded and the corresponding manuscript siglum (always Liebermann's) given. For details see Liebermann 1892:58-72, and 1898-1916 I:xxxviii, 529. Wormald 1994:113-21 contains an excellent, up-to-date description of these manuscripts.

0. INTRODUCTION

Historians have, to a very considerable extent, drawn on the evidence provided by law-codes and charters for their enquiries not only into the Anglo-Saxon legal process, but also into Anglo-Saxon kingship, government, institutions, and structures of society. Although historical investigations of this kind often include discussions of selected, usually specialized terms, few attempts have so far been made to describe the general vocabulary, syntax, and style of these unique documents in a systematic way. This is the more surprising as, first, any historical interpretation hinges on the language of its sources, and, secondly, the language itself may contain important information — linguistic as well as historical — hitherto undiscovered.

By systematically analysing a lexical sub-system in two different but related corpora of Old English legal sources, this study takes a different approach. The paradigmatically defined lexical field of THEFT (theft and related crimes undoubtedly being those offences most frequently referred to in the law-codes as well as the lawsuit documents) serves as starting-point. Each lexeme of the field, regardless of its word-class, is then contrasted with the other lexemes of the field with reference to frequency, distribution, collocation patterns, wider syntax, and, where applicable, evidence from Latin translations — in short, with reference to application in a very broad sense. Such a detailed and comprehensive analysis brings to light not only, on the semantic level, operational differences between pseudo-synonyms, but also, on the syntactic and textual levels, the different styles of the law-codes and charters, their discourse strategies, possible mutual influences, and important developments in sentence-structure and complexity.

Although the focus of the investigation is primarily linguistic, the historical nature of the evidence is always kept in mind and careful consideration given to the chronology of the documents, the development of conventions, questions of literacy, and the workings of the Anglo-Saxon legal process.

1. THE LEGAL CORPUS AND QUESTIONS OF METHOD

1.1. *Definition and description of the corpus*

1.1.1. *The law-codes*

The unique position of Anglo-Saxon legal texts among early Germanic legislation has long been recognized. Not only were the early Anglo-Saxon codes the first Germanic laws written in the vernacular, but also a whole succession of codes — from the early seventh century to the first half of the eleventh — survived into our own age. It is this relative continuity of vernacular legal texts, unknown to other Germanic legislation, that, in Dorothy Bethurum's words, 'offers a unique opportunity to observe the development of a very ancient prose' (1932:263).[1]

The Anglo-Saxon law-codes are best approached through Felix Liebermann's monumental three-volume edition and commentary, *Die Gesetze der Angelsachsen* (1898-1916).[2] Liebermann's dating of some of the texts has been revised by more recent scholarship. As (relative) chronology plays an important part in any linguistic investigation of a corpus whose texts cover more than four centuries, the major points must be briefly discussed:

As Liebermann himself recognized, IIEg and IIIEg form a single code, and, similarly, ICn and IICn are one code, imitating the model of Edgar — the first part dealing with ecclesiastical, the second with secular matters. Liebermann deliberately kept to Reinhold Schmid's (1858) old and misleading editorial

---

[1] A third and abundantly reported characteristic of the Anglo-Saxon codes, especially the early ones, is their embodiment of 'pure Germanic law' or 'Ursprünglichkeit'. See Pollock 1893:256; Adams et al. 1905:6; Brunner 1909:4-5; Amira 1960:73; Pollock and Maitland 1968:xcviii, 11; Stenton 1971:60, 62; Munske 1973:10. For critical voices see Wallace-Hadrill 1971:37-40, who suggested that the missionaries brought models or copies (*exempla*) of legal texts with them to Kent, and Korte 1974:6, 103. A brief and general introduction to OE legal language can be found in Mellinkoff 1963:36-59.

[2] For a lucid account of the history of editing the Anglo-Saxon laws and a discussion of some of Liebermann's editorial shortcomings see Dammery 1994. In the *Microfiche Concordance to Old English* (Venezky and Healey 1980), all the words occurring in Liebermann's collection have been conveniently marked with the prefix 'Law'. It must be emphasized, however, that even among the so-called Royal Laws, Liebermann printed documents other than laws in a strict sense, such as treaties with the Danes (AGu and IIAtr), royal communications (IEw; IAs; AsAlm [in Latin]; Cn1020 and Cn1027 [in Latin]), and various non-royal documents (the London Peace Guild or VIAs; even a report to the king from a shire-court, IIIAs [in Latin]). Two texts, the brief Ymb Æbricas and Cnut's code of 1018 are not in Liebermann's edition. Ymb Æbricas is in Otho B.xi, f. 255, following Af-Ine and preceding the text of the Burghal Hidage. It is printed in Flower 1937:62. Cnut 1018 is discussed further below in this section.