Leis Willelme

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Leis Willelme (The laws of William) is an unofficial text which claims to record the laws and customs of Edward the Confessor that were later confirmed by William I (1066–87). It survives in two Anglo-Norman French versions as well as in a Latin translation. The short version contains 28 chapters, which are concerned mostly with criminal law and judicial procedures. The long version adds chapters based on Justinian's *Digest* and a translation of selections from Cnut's Winchester code (c. 1020 or 1021). It is a clear statement of the law in the century after the Norman Conquest and represents the earliest use of French for recording law, not only in England but also in France itself. While its language is the conquerors', many of its technical terms are loans from Old English. These loans are strong evidence for the continuities of English criminal and procedural law over the Conquest.

Almost nothing is certain about authorship, date of composition, or purpose. Felix Liebermann (1903–16, 3.284–85) argued from circumstantial evidence for a southeast Mercian origin of the author and text and thought the author was a cleric with some schooling (Wormald 1999, 409). The range for the date of composition, like that for many of the legal treatises composed in the century after the Norman Conquest, is broad, extending from c. 1090 to c. 1175, the date assigned on paleographical grounds to its earliest copy, which is in the Holkham lawbook (O'Brien 2012). The short and long versions are believed to be by the same author based on style, though most scholars wisely hedge their answers to the question (Liebermann 1903–16, 3.283–86; Wüest 1969, 82). The long version survived in no medieval manuscripts but only in early modern transcriptions of now lost manuscripts of a spurious late medieval chronicle known as the *Historia Croylandensis* (History of Croyland Abbey). The Latin translation of the long version is thought to have been composed in the last quarter of the twelfth century. The purpose of any version of the *Leis Willelme* has been difficult to identify. Some scholars have suggested that law books such as *Leis Willelme* were practical manuals for local law; others argue that they were exercises in cultural nostalgia; still others say that these codes, while not constituting black letter law, were statements of the politics of Conquest and law, and as such were of interest both to the crown and its opponents (Wormald 1999; O'Brien 2015).

In most ways the *Leis* is similar to the other treatises and translations which claim to represent pre-Conquest English law (O'Brien 2015). All of them focus on the king's peace and the penalties for its breach as well as on the mechanisms for enforcing lawful behavior. What is different about the *Leis Willelme* is not merely its language but the great extent to which that language had absorbed Old English legal terminology. Although Latin legal texts similarly borrowed Old English terms, the words' appearance in Anglo-Norman French shows more strongly just how powerfully conservative English legal jargon was in the century after 1066. Why legal texts like the *Leis Willelme* borrowed so much English legal jargon can only be explained by extralinguistic phenomena. Here, the Norman kings' affirmation of pre-Conquest law, called the *laga Edwardi*, strengthened

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the authority of texts that claimed to record that law. Beyond this affirmation, records of actual inquests, including Domesday Book, show the reliance of scribes on the English vocabulary of law – a vocabulary the twelfth-century treasurer Richard fitz Nigel was probably referencing when he spoke of the "common words" in which Domesday Book is written (Clanchy 2013, 37–38). It is no surprise, therefore, that both French and Latin treatises and translations of the *laga Edwardi* adopted the English register of law since these words retained their descriptive authority. There is no clear pattern governing which Old English terms were borrowed and which were not. Terms for particular criminal fines or jurisdictions – such as *hamsochne* ("home invasion") – were often borrowed, while words related to procedures and status or position were more often French (e.g., *seniour* "lord" instead of Old English *hlaford*). The issue behind this pattern was not the untranslatability of terms but rather their continuing authority as the language of law.

This Anglo-Norman treatise, unique in its own day, was followed in the later twelfth and early thirteenth centuries by more Anglo-Norman legal texts, including, for example, translations of the *Leges Edwardi* (Laws of Edward); coronation charters of Henry I, Stephen, and Henry II; and of Magna Carta. The legal texts chosen for translation were all politically charged by the Becket Conflict, the nature of Angevin kingship, the rise of the Common Law, and the rebellion that led to Magna Carta.

The three versions of the text have been edited several times (Liebermann 1903–1916, 1.492–520; Short et al. 2014). Images of the manuscript folios for the earliest manuscript and for the solitary original witness to the Latin translation are available online at *Early English Laws* (Institute of Historical Research 2011).

SEE ALSO: Anglo-Norman; Cnut; Domesday Book; Edward the Confessor; French in Britain; Legal Writing; Magna Carta; Norman Conquest; Translation.

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ABSTRACT

The *Leis Willelme*, an anonymous legal treatise of the twelfth century, is the first collection of laws written in French. It not only provides an important witness to English criminal and procedural law in the century after the Norman Conquest but it also, by mixing Old English loan-words into French, constitutes important evidence of the contact situation after 1066 and for the nature of Anglo-Norman governance.

KEYWORDS

1100 – 1199; crime; government; law; Norman Conquest; politics; translation