Law and Language in the Middle Ages

Edited by

Jenny Benham, Matthew McHaffie and Helle Vogt

BRILL

LEIDEN | BOSTON

For use by the Author only | © 2018 Koninklijke Brill NV

Contents

Notes on Contributors VII
List of Illustrations IX

Introduction 1
Jenny Benham, Matthew McHaffie, and Helle Vogt

PART 1
Translation and Interpretation of Law

1 **Why Laws were Translated in Medieval England: Access, Authority, and Authenticity** 11
Bruce O'Brien

2 **Translating Justinian: Transmitting and Transforming Roman Law in the Middle Ages** 30
Ada Maria Kuskowski

3 ***Leges Iutorum*: The Medieval Latin Translation of the Law of Jutland** 52
Michael H. Gelting

4 **The Languages and Registers of Law in Medieval Ireland and Wales** 83
Paul Russell

PART 2
The Languages of Legal Practice and Documentary Culture

5 **Latin and the Vernacular in Medieval Legal Documents: The Case of Denmark** 107
Anders Leegaard Knudsen

6 **Between the Language of Law and the Language of Justice: The Use of Formulas in Portuguese Dispute Texts (Tenth and Eleventh Centuries)** 128
André Evangelista Marques

For use by the Author only | © 2018 Koninklijke Brill NV

7 **The Dangers of Using Latin Texts for the Study of Customary Law: The Example of Flemish Feudal Law during the High Middle Ages** 165
Dirk Heirbaut

8 **Sources of Legal Language: The Development of Warranty Clauses in Western France, *ca.*1030–*ca.*1240** 196
Matthew McHaffie

PART 3
Methodology, Interaction, and Language

9 **Law and Language in the *Leges Barbarorum*: A Database Project on the Vernacular Vocabulary in Medieval Manuscripts** 235
Anette Kremer and Vincenz Schwab

10 **'And Since We are No Lawyers, We Will Void the Lawsuit with Battle Axes'! Voiding a Lawsuit in Old Icelandic Procedural Law** 262
Werner Schäfke

11 **Biblical Analogues for Early Anglo-Saxon Law** 287
Carole Hough

Index 303

For use by the Author only | © 2018 Koninklijke Brill NV

CHAPTER 1

Why Laws were Translated in Medieval England: Access, Authority, and Authenticity

Bruce O'Brien

Translators of laws, indeed all translators of any texts, do not choose to translate simply because they want to move a text from one language to another. Moving a text is what they do after they decide to translate. Another way of saying this is that the motivation for translating comes from somewhere other than the linguistic act translators perform. The motives originate in the culture of translators and patrons. They arise from ideas which make particular source texts important. What makes legal texts important per se is not particularly mysterious to any prospective medieval translator. Usually, but not always, the translator will know that the specific legislating king, and the date and location of the laws' promulgation, determine the text's importance. It also might matter that the content is perceived to be useful, according to the intended user. Is it expected to be consulted by lawyers and judges wanting to know the current law? Or will it be read mostly by chroniclers and the lay elite, who are more interested in the historical evidence for what kings had done?

In this paper I will explore the reasons translations of laws, legal treatises, royal edicts, and custumnals were made in England between the tenth and the thirteenth centuries, a period during which there was a significant amount of legal translation undertaken. In fact, more texts describing some sort of law were translated in England by more translators than happened anywhere else in Europe during this time. This large and diverse body of translations provide examples of the different reasons such translations were undertaken. They allow us to reach some conclusions about the main drivers of this translation activity. First, I will raise some important issues about translations and their interpretation as historical artifacts. Next I will discuss examples of the three principal motives behind these translations: access, authority, and authenticity. Last, I will consider how these, while distinguishable, are often complementary goals of individual translations.

Before considering the motivations behind translations of legal texts, I want to stress a few important methodological points that make it hard for us to discern motive behind medieval translations. First, the motive for translating texts is separate from the motive for composing texts, and yet we almost never

© KONINKLIJKE BRILL NV, LEIDEN, 2018 | DOI 10.1163/9789004375765_003
For use by the Author only | © 2018 Koninklijke Brill NV

see a clean demarcation of the two in any translator's prologue. Second, while explicit statements of motive are, for all their faults, more useful evidence than what implicit clues reveal, we almost never find such statements in prefaces to translations of legal texts. Usually, then, implicit evidence is all we have to go on to identify a motive. Clues about motive can be found in the kinds of manuscript contexts in which the translation survives. They can be found in the choice of language and dialect for the translation. Especially common are texts where editorial interventions (when we can know they are the translators' and not someone else's) are the only evidence we have to go on. The worry with this last kind of implicit evidence is that in almost every case, we cannot be sure what the actual source looked like. We will often not know, in the end, whether or not the omission in the translation was already in the version of the source the translator used; or whether the addition present in the translation had not already been added to the particular copy of the source being used by the translator.

Last, it is only a matter of methodological convenience that the motives of patron and translator are considered to be the same.[1] Given what we know about the composition of medieval texts, it is likely that a patron stood behind each of the translations we are studying. The translator responsible for the late eleventh- or early twelfth-century collection of English laws known as *Quadripartitus* writes that he has been asked to do the work by a patron, but that is all he reveals.[2] Any other disentangling of the motives of *Quadripartitus*' translator from the motives of his patron will have to be performed by scholars who build circumstantial arguments by assigning different weights to various claims made in *Quadripartitus*' two prologues. This is a task worth some effort, however frustrating it might turn out to be. In most cases, however, there is no possibility of such a separation of motives. We should always be aware that

1 Bruce R. O'Brien, *Reversing Babel: Translation among the English during an Age of Conquest, c. 800 to c. 1200* (Newark, DE: 2011), 127–8, 140–6.

2 Quadr, *Dedicatio* 2–4, in Felix Liebermann, *Quadripartitus, ein englisches Rechtsbuch von 114* (Halle: 1892), 76; trans. Richard Sharpe, 'The Prefaces of "Quadripartitus"', in *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt*, ed. George Garnett and John Hudson (Cambridge: 1994), 151–2. Abbreviations for all codes are those used by Early English Laws: Cb Cn = *Colbertine Cnut*; Cons Cn = *Consiliatio Cnuti*; In Cn = *Instituta Cnuti*; ECf = *Leges Edwardi Confessoris* (versions 1–4); ECf Hk = *Holkham Leges Edwardi*; Leis Wl = *Leis Willelme*; Quadr = *Quadripartitus*. Citations will be to *Die Gesetze der Angelsachsen*, ed. Felix Liebermann, 3 vols. (Halle: 1903–1916) unless stated otherwise. New editions and translations for some as well as the standard edition of Liebermann for almost all are available at *Early English Laws*, at <http://www.earlyenglishlaws.ac.uk/laws/texts/>.

For use by the Author only | © 2018 Koninklijke Brill NV

what we are divining as the motive for a translation has to be attributed not to the translator alone, but to patron and translator together.

Providing Access

Translation is understood as principally a means of providing access for readers of one language to a text in another. That at least is the task accomplished by translation. The reason why a translator would want to change the language of a legal text, however, speaks to more than mere access. Instead, a motive will explain why the access was needed. In the aftermath of 1066, it was the Francophones who needed the access and it is they who were responsible for almost all of the legal composition and translation surviving from the period. The nature of the need is revealed by both explicit statements as well as by the method of translation itself. One translator in the preface to his work worried about the propensity of human societies to foster crime, the general ignorance of the law, the corruption of lawyers and judges, and the need to have a punishment for every vice.[3] The translation method in his and other translators' texts shows that the contents of the law were still relevant. Some at that time still felt a need to learn the laws of England by studying older texts, and also acted to bring these older texts into line with recent developments in law. These are most simply explained as evidence of interest in law's present, rather than as antiquarian curiosity about law's past.[4]

The translation of texts to provide in a new language practical guidance to institutions and practices is not confined to laws and legal treatises. It can certainly be said to characterize the majority of translated charters, writs, and surveys produced in the century after 1066, just as it explains the general preservation and reorganization of records by episcopal households and monastic communities.[5] For all the complications arising from its terminology, construction, and evolving purpose, it is at least clear that Domesday Book represents the record of a grand inquest meant to record in a single language

3 Quadr, *Dedicatio*, 9–12, 24–8, 32–4, 38; *Argumentum*, 9–11, 26–7 (Liebermann, *Quadripartitus*, 77–8, 80–3, 84–5, 88–9).

4 Cf. John Hudson, *The Oxford History of the Laws of England Volume II: 871–1216* (Oxford: 2012), 869–71.

5 Michael T. Clanchy, *From Memory to Written Record: England 1066–1307*, 3rd edn. (Oxford: 2013), 35–8; See, e.g., translation activity at the Abbey of Abingdon, in *Historia Ecclesiae Abbendonensis*, ed. and trans. John Hudson, 2 vols. (Oxford: 2007), I, 198–201. See discussion in O'Brien, *Reversing Babel*, 134–6.

For use by the Author only | © 2018 Koninklijke Brill NV

all of the rights, privileges, and claims of the king and his tenants which were at that time preserved orally or in writing in at least four or five languages. It was a particularly complex and useful product of countless acts of translation.[6] Nevertheless, the amount of technically adept translation in the legal field is noticeable.[7] This makes some sense, since the Normans were smart enough to recognize they needed a user's manual for the kingdom. Before 1066, most of these manuals would have been written in English.

A pragmatic desire for access explains a good deal of the legal translation. Support for this conclusion comes from the identity of those responsible for the translations. All of the post-conquest translations were produced by or for Francophones, rather than by nostalgic or nationalistic Englishmen as memoranda of their defeated culture.[8] This fact is revealed by occasional lapses into French, authorial perspective, and manuscript contexts, as well as by some direct allusions to differences between how the English say something and how the translator does. It is perhaps not far from the mark to say that the Normans did this translating because they came from a polity which had no written contemporary law. They did have books of law, but these were old and historical rather than current or recent.[9] A perusal of any of the libraries in Normandy, or in northwestern France in general, would turn up almost no law books that were not collections of sixth- to ninth-century Merovingian or Carolingian

6 Robin Fleming, *Domesday Book and the Law: Society and Legal Custom in Early Medieval England* (Cambridge: 1998), 11–17, 35.

7 Bruce O'Brien, 'Translating Technical Terms in Law-Codes from Alfred to the Angevins', in *Conceptualizing Multilingualism in England, c. 800–c. 1250*, ed. Elizabeth M. Tyler (Turnhout: 2011), 57–76.

8 Bruce O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia: 1999), 133–4, responding to R. W. Southern, 'Aspects of the European Tradition of Historical Writing: The Sense of the Past', *Transactions of the Royal Historical Society* 23, fifth series (1973), 243–63.

9 Mark Hagger, 'Secular Law and Custom in Ducal Normandy, c. 1000–1144', *Speculum* 85 (2010), 831–7. While the issuance of capitularies in the Frankish kingdoms declines and ends in the tenth century, English kings produced a string of royal codes stretching from the seventh century to the eleventh. The reasons why are complex, but involve the background of the Gregorian mission as well as the nature of the relationship between the missionaries, King Æthelberht, and his Merovingian overlords; the development of a kingship growing out of this missionary crucible where law was a way to be imperial and Christian; the late ninth and tenth centuries' accidental creation of a single English Christian kingdom; and the strength of the vernacular written culture throughout the kingdom, especially evidenced in the tenth and eleventh centuries. The progress on the continent moves in the other direction, from a literate unified empire using its vernacular (represented by Latin) to a splintered set of unstable polities, none of which has any longer a vernacular in which to issue its laws.

For use by the Author only | © 2018 Koninklijke Brill NV

leges and capitularies.[10] It is hard to understand why scribes and their masters, coming from such a desert of written texts of contemporary law, would translate laws unless they realized (or were told) that in England, written laws mattered.

The importance accorded to the laws as they were found is shown by the relative restraint translators of law codes exhibited when compared to the translators of other genres of pre-conquest English texts. Consider the treatment of the *Anglo-Saxon Chronicle* as a source by the generation of Anglo-Norman chroniclers at work in the first half of the twelfth century. The closest we have to a translation which attempts to preserve the shape of the source is the so-called F manuscript of the *Chronicle*. The translator, probably a member of Christ Church community in Canterbury, used a version of the *Chronicle* as his principal source, translating its passages from Old English into Latin mostly in the order in which they occur. This was only the start to what evolved into a very complex literary product. The F *Chronicle* is bilingual, recording both its Old English source and the Latin translation, but the translator has also added Latin chapters from other works or from his own knowledge, for which he generally provides English translations.[11] The final creation is something quite different in many respects from the text of its principal source. Much the same can be said of John of Worcester's *Chronicle*.[12] Several other Anglo-Norman historians writing in Latin and Anglo-French also used the Anglo-Saxon Chronicle as their principal source, but more as if it were a distrusted but occasionally useful informant than a text they wished to reproduce in another language.[13] Passages taken from the *Chronicle* constitute a substantial portion of these histories, but are much reworked. For instance, while by Diana Greenway's estimate forty percent of Henry of Huntingdon's *Historia* is derived from the Chronicle, it is rarely if ever a translation attempting to be merely the lexical equivalent of the source.[14]

---

10 See, e.g., Avranches, Bibliothèque Municipale, MS 145, described by Hubert Mordek, *Bibliotheca capitularium regum Francorum manuscripta: Überlieferung und Traditionszusammenhang der fränkischen Herrschererlasse*, MGH, Hilfsmittel 15 (Munich: 1995), 2–7.

11 *The Anglo-Saxon Chronicle: A Collaborative Edition, Volume 8: MS F*, ed. Peter S. Baker (Cambridge: 2000), lxix–lxxv.

12 John of Worcester, *Chronicle*, ed. R. R. Darlington and P. McGurk, trans. Jennifer Bray and P. McGurk, 3 vols. (Oxford: 1995–1998), II, xix.

13 E.g., Geoffrei Gaimar, *Estoire des Engleis*, ed. and trans. Ian Short (Oxford: 2009), 378 (notes to ll. 1806–1918), 380 (note to l. 1967), and 384 (note to line 2314).

14 Henry of Huntingdon, *Historia Anglorum*, ed. and trans. Diana Greenway (Oxford: 1996), lxxxv.

For use by the Author only | © 2018 Koninklijke Brill NV

Translations of the laws, on the other hand, while showing sources adjusted or edited, rarely move the text very far from the shape and contents of the sources. It is as if the sagacious Normans saw that written law mattered to the English, and so decided that laws had to remain in something like their pre-conquest form. Such a situation provides the context for the Norman invention of the *laga Edwardi*. Even if crafted by William I's chancellor, as George Garnett argued, to help bolster the propaganda supporting the conquest, nevertheless, the phrase's quick popularity must have come from some pre-existing condition which disposed people to think it must be true.[15] Such a condition was the respect for written laws in England before 1066. The Normans picked Edward as their standard bearer not because he had good laws, or in fact any laws, but because he was portrayed as the king who chose William as his heir. However, it was Edward's laws that mattered to England's rulers, and so it mattered to those wanting to follow the royal lead to have access to the contents of this celebrated and reaffirmed *laga*. Many of those interested in the law recognized that the *laga Edwardi* was in reality the laws of Cnut (which Edward had sworn to uphold), and so for them, the response was to translate Cnut's laws.[16] Almost all of these translators adjusted to some degree the texts they found in their sources. At times, this amounted to a reordering of chapters or the removal of some chapters or portions of chapters, which left the source relatively intact and recognizable in its new skin.[17] In other cases, this adjusting resulted in the invention of new texts, created by combining many different texts into one new collection of laws; such a collection would, unless sources were laid out in a sequence, have had a different structure than the sources' due to the large amount of omission and reordering of chapters and the redistribution of individual chapters from each source throughout the new text.[18] Such a collection would also show the selective revision of the descriptions of individual laws. These new creations show thoughtful attention

15 George Garnett, *Conquered England: Kingship, Succession, and Tenure 1066–1166* (Oxford: 2007), 106; Bruce O'Brien, 'Pre-Conquest Laws and Legislators in the Twelfth Century', in *The Long Twelfth-Century View of the Anglo-Saxon Past*, ed. Martin Brett and David A. Woodman (Farnham: 2015), 233–40.

16 Quadr, *Argumentum*, 1, 9–11.

17 This is the case for the texts in *Quadripartitus*.

18 The translators responsible for the *Instituta Cnuti*, its revision in the *Colbertine Cnut*, and another revised text I call the *Holkham Leges Edwardi*, all show significant revisions: see Bruce O'Brien, 'The *Instituta Cnuti* and the Translation of English Law', *Anglo-Norman Studies* 25 (2003), 177–97; O'Brien, 'Pre-Conquest Laws', 246–65; and Bruce O'Brien, 'An English Book of Laws from the Time of *Glanvill*', in *Laws, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand*, ed. Susanne Jenks, Jonathan Rose, and

For use by the Author only | © 2018 Koninklijke Brill NV

to the substance of English law as well as an attempt to organize it in a more sensible or transparent way.[19]

After 1066 this attempt to comprehend and make accessible the evidence of the *laga Edwardi* was not happening in isolation just with translations of pre-conquest English legal texts. There seems to have been a general attempt by the Normans to comprehend what England possessed, what made it tick, and how it might best be controlled. This keen focus on domination and exploitation, so carefully described for Norman expansion in the British Isles in the work of Rees Davies, is seen in England in laws, charters, writs, estate surveys, administrative treatises, and is backed up by the stories of Norman behavior which fill the pages of the chroniclers.[20] That this control was not just raw exploitation, but was to a large extent sensitive to the rules of English life, is the story told by the massive borrowing of English legal and administrative vocabulary into the bureaucratic Latin used by the Normans for official records.[21] There would have been no reason for the Normans to have adopted so much from these registers unless the meaning of the words mattered. Echoes of this borrowing are heard, according to Michael Clanchy, in Richard fitz Nigel's reference to the 'common words' in which Domesday Book was written.[22] Fitz Nigel did not mean that the language was some sort

---

Christopher Whittick (Leiden: 2012), 51–67. My edition of the *Holkham Leges Edwardi* is available at <http://www.earlyenglishlaws.ac.uk/laws/texts/ECf2-Hk/>.

19 The very structure of the *Instituta Cnuti* shows an attempt to arrange laws for easier access to areas of interest. Consider the headings of the five books in which it first appears, in Textus Roffensis *ca*.1123:
Book 1: Incipiunt quędam instituta de legibus regum anglorum.
Book 2: Hęc est institutio secularis quam ego per consilium et consensum optimatum meorum seruare per totum regnum meum statui.
Book 3: [2 ½ blank lines in MS between end of book 2 and first chapter of book 3].
Book 4: Istę sunt consuetudines regum inter anglos.
Book 5: Hic intimatur quid Willelmus rex anglorum cum principibus suis constituit post conquisitionem anglię.

20 R. R. Davies, *Domination and Conquest: The Experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge: 1990), 1–23.

21 Analogus to Old Norse loans (which themselves had been Anglicized and possibly begun the process of being Latinized before 1066): see Sara Pons-Sanz, *The Lexical Effects of Anglo-Scandinavian Linguistic Contact on Old English* (Turnhout: 2013), 156–92.

22 Richard wrote that 'totius terre descriptio diligens facta est … et uerbis communibus annotata in librum redacta est …' ('a careful survey of the whole country was made … and was set down in common language and drawn up into a book …'): Richard fitz Nigel, *Dialogus de Scaccario*, ed. and trans. Charles Johnson, F. E. L. Carter, and D. E. Greenway, 2nd edn. (Oxford: 1983), 63; Clanchy, *From Memory to Written Record*, 38.

For use by the Author only | © 2018 Koninklijke Brill NV

of Latin administrative vulgate, but that these words, which gave almost all of Domesday Book's measures meaning, were the universally used English words of the pre-conquest kingdom.

All of these loans gave access to new Norman (and presumably Francophone) lords—especially ecclesiastical lords like bishops and abbots. Translation was the key to this access, but it was not for the most part indiscriminate, and did follow the lines laid down by the new rulers. Translation provided access to those portions of the English legal past which had been identified as important.

Maintaining Authority

For a medieval legal text, whether a collection of laws or an individual edict, authority is the quality of being official, or being perceived to have the qualities that make it look official. Unlike the authority of a modern code, the authority of a medieval legal text is not reflected in its enforceability or by its actual enforcement. Nor was a legal text with authority necessarily one whose laws were trusted to be accurate representations of the law, in the sense of an authorized edition. Medieval legal texts often possess two distinct qualities—one practical and the other ideological. In their practical guise, legal texts might reflect accurately current or recent law. Ideologically, they might also serve as demonstrations of royal power and legitimacy. I do not want to rehearse the details of the arguments about whether or not pre- or post-conquest laws were intended as statements of actual norms intended to be enforced, or whether they were ideological statements meant to make kings look kingly by signalling to readers and hearers some quality of the actual nature of royal power.[23] I want instead to consider authority in the broadest sense, encompassing both of these qualities of the term.

Translation could either add to or detract from a legal text's authority. Translation could help a text written in one language assume new authority in

23 Patrick Wormald, '*Lex scripta* and *verbum regis*: Legislation and Germanic Kingship from Euric to Cnut', in *Early Medieval Kingship*, ed. Peter H. Sawyer and Ian N. Woods (Leeds: 1977), 105–38; Simon Keynes, 'Royal Government and the Written Word in Late Anglo-Saxon England', in *The Uses of Literacy in Early Mediaeval Europe*, ed. Rosamond McKitterick (Cambridge: 1990), 226–57; David Pratt, 'Written Law and the Communication of Authority in Tenth-Century England', in *England and the Continent in the Tenth Century: Studies in Honour of Wilhelm Levison* (1876–1947), ed. David Rollason, Conrad Leyser, and Hannah Williams (Turnhout: 2010), 337–49; Alice Taylor, '*Lex Scripta* and the Problem of Enforcement: Anglo-Saxon, Welsh, and Scottish Law Compared', in *Legalism: Community and Justice*, ed. Fernanda Pirie and Judith Scheele (Oxford: 2014), 47–75.

For use by the Author only | © 2018 Koninklijke Brill NV

another. The reason for this is simply that language mattered. Some languages were perceived to be the authoritative languages of law's publication, regardless of the language of the law's composition. King Alfred recognized this in the late ninth century while composing his laws. He was clearly aiming to join the authority of the Bible to the authority of his West Saxon laws by translating Mosaic laws from Exodus to serve as the first major section of his *Domboc*.[24] We should not be surprised. In Alfred's preface to his translation of Gregory I's *Pastoral Care*, he explained that

> I recalled how the Law was first composed in the Hebrew language, and thereafter, when the Greeks learned it, they translated it all into their own language.... And so too the Romans, after they had mastered them, translated them all through learned interpreters into their own language.[25]

Although the main thrust of Alfred's preface is his lament for the decline of knowledge of languages and of education in England in the ninth century, he is also acknowledging that all people translate important texts into their only language, and that the clearest and most important example of this is the translation of the laws received by Moses and recorded in the first five books of the Hebrew Bible. It is from these laws that the first portion of the *Domboc* was drawn.

With no prologue to explain the contents or the translation lying behind it, the selections from Exodus begin with the Decalogue: 'The Lord was saying these

24 David Pratt, *The Political Thought of King Alfred the Great* (Cambridge: 2007), 215–16, 222–3, 227–32; Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century, volume 1: Legislation and Its Limits* (Oxford: 1999), 416–30. Wormald covers both Alfred's agenda as an English king and the deeper Roman, Irish, and Carolingian context behind other classical and early medieval treatments of Moses as a lawgiver. For one example, see Moses' appearance at the head of the *Law of the Bavarians*, where the language of the prologue listing lawmakers from Moses, the Egyptian pharoahs, Greek and Roman legislators is all cribbed from Isidore of Seville's seventh-century encyclopedia: *Lex Baiwariorum*, ed. E. de Schwind, MGH, Legum Sectio I, Legum nationum Germanicarum V.2 (Hannover: 1926), 198–200.

25 'Ða gemunde ic hu sio æ wæs ærest on Ebr[e]isc geðiode funden, & eft, ða hie Creacas geliornodon, ða wendon hie hie on hiora agen geðiode ealle, & eac ealle oðer bec. & eft Lædenware swæ same, siððan hie hie geliornodon, hie hie wendon eall[a] ðurh wise wealhstodas on hiora agen geðiode': Alfred, *King Alfred's West-Saxon Version of Gregory's 'Pastoral Care'*, ed. Henry Sweet, 2 vols., Early English Text Society, o.s., 45 and 50 (London: 1871), 4–7, and trans. by Simon Keynes and Michael Lapidge in *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources* (Harmondsworth: 1983), 125–6.

For use by the Author only | © 2018 Koninklijke Brill NV

words to Moses, and thus said I am the Lord your God; I led you out of the land of Egypt and your slavery'.[26] What follows are a selection of commandments and laws, some of which have been significantly edited, and which cover issues from idolatry and murder to widowhood and theft. This portion of the *Domboc* ends as abruptly as it began, with the *explicit*: 'These are the judgments which almighty God himself had spoken to Moses'.[27] Alfred's own contributions—the laws explicitly said to be his—are three times as long as the Mosaic section, while Ine's, which follow Alfred's laws in all of their manuscript witnesses, is twice as long. The length, however, matters less than the investment in time and thought that went into placing God's laws, spoken by Moses, at the head of a code of West Saxon law. It is also important to recognize that the laws included from Exodus cover many of the same areas of law as are covered by Alfred's and Ine's laws. The Mosaic laws are not simply a rhetorical flourish, but an attempt to imply the parity of the law-makers alongside the development of the law. They are of the same class, and shoulder the same responsibilities, even if God was said to have spoken to only one of them.

In England, despite the authority of the Latin Bible, law was always issued in English. This was true of the first written laws issued *ca.*600 by Æthelberht, the convert king of Kent, and continued to be the case until shortly after the Norman conquest. When Alfred wished to combine biblical laws from Exodus with his and his predecessor's laws, he translated the biblical extracts into English. If English was the language of authority before 1066—meaning it was the language in which all laws were promulgated—then movement of laws into that language was intended to make them not only accessible, but also authoritative. What makes this point much more strongly are the hints we have that laws might at times have been composed first in Latin, and then translated into English for promulgation. There is not much evidence outside of canon law and penitentials that normative texts in England started life in Latin and ended up in English for publication.[28] It may be, however, that the most prolific writer of laws before the conquest, Archbishop Wulfstan of York, composed in Latin, and then translated his work into English; he would likely have done this because it was the authoritative language of law.[29]

26 'Dryhten wæs sprecende ðas word to Moyse 7 þus cwæð: Ic eom dryhten ðin god. Ic ðe utgelaedde of Egipta londe 7 of hiora ðeowdome', Intro., prol., ed. Liebermann, *Gesetze*, I, 26.

27 'Þis sindan ða domas þe se ælmihtega god self sprecende wæs to Moyse 7 him bebead to healdanne', ed. Liebermann, *Gesetze*, I, 42.

28 Enid Raynes, 'MS Boulogne-sur-Mer 63 and Ælfric', *Medium Ævum* 26 (1957), 65–73.

29 Wormald, *Making of English Law*, 333–5.

For use by the Author only | © 2018 Koninklijke Brill NV

After 1066 moving Old English laws into Latin was in part a response to the rising authority of Latin in the eleventh and twelfth century. Historians who study the impact of the conquest often explain this movement by reference to the low status of English because it was the language of the military losers. Occasional references to the barbaric sound of English seem to support this conclusion.[30] The choice to use Latin and avoid English, however, was not so much a judgement of English per se, but part of a devaluing of all vernaculars in comparison to the rising authority of Latin. We see this clearly in England because, unlike most western European kingdoms, it had a written vernacular tradition.

One legal translation seems to show this anti-vernacular bias. The translator who produced what is known as the *Consiliatio Cnuti* avoided using any English loans in his work.[31] If all we had were the *Consiliatio*, we would have to conclude that almost no English legal terms had been borrowed by Latin after 1066. However, what is just as striking as the avoidance of English by the *Consiliatio*'s translator is the peculiarly classical vocabulary which appears in its place.

The *Consiliatio*'s approach, however, is a minority position. Virtually all other legal texts moved in the opposite direction and made use of the Latinized forms of the Old English register of law. Instead of the heightened status of Latin in the twelfth-century Renaissance creating an impermeable barrier between it and lesser, 'barbaric' languages, in England at least Latin's rise drew a post-conquest invasion of English loans.[32] These loans were significant in many areas of life, but probably most of all in the register of law. Compared to the previous five centuries of contact between the English and Latin-speaking or Latin-using peoples or institutions, the loans from English to Latin in the century after 1066 constituted one of the most rapid and complete absorptions

30 E.g., William of Malmesbury, *Gesta regum Anglorum*, ed. R. A. B. Mynors, R. Thomson, and M. Winterbottom, 2 vols. (Oxford: 1998–1999), 1:14 (i.prol.4) and 70 (i.49.4); Gervase of Tilbury, *Otia Imperialia: Recreation for an Emperor*, ed. S. E. Banks and J. W. Binns (Oxford: 2002), 474–75 (ii.21). Most of these references are gathered and reviewed by P. V. D. Shelly, *English and French in England, 1066–1100* (Philadelphia: 1921), and in R. M. Wilson, 'English and French in England, 1100–1300', *History*, n.s., 28 (1943), 37–60.

31 Felix Liebermann, *Consiliatio Cnuti: Ein Übertragung Angelsächsischer Gesetze aus dem Zwölften Jahrhundert* (Halle: 1893), vi–viii.

32 R. E. Latham, D. R. Howlett, and R. K. Ashdowne, eds., *Dictionary of Medieval Latin from British Sources* (British Academy: 1975–2013), s.vv. (to cite a few examples) *ceapgildum, fyrdwita, grithbricha, hamsocna, hengewita, husbota, huscalrus, infangenetheofa, laga, lahceapum, lahslihta, wera, weralada*, and *wita*.

For use by the Author only | © 2018 Koninklijke Brill NV

of any register from a vernacular into Latin.[33] One obvious conclusion is that this register had authority, and it was the preservation of this register in the Latin translations of law codes that gave them authority.

Ensuring Authenticity

A striving for authenticity is perhaps the hardest to see of all of these motives for translating law codes. This difficulty in finding notions of authenticity is not confined to the evidence of laws. It is an open question how strong a sense medieval people had of what made anything authentic. I am using authentic here in a narrower sense seen from the perspective of the medieval observer: to be thought of as authentic, a text, idea, or object would have to be perceived to be what it claimed to be, appropriate in form and contents to both time and place. I am not so much concerned with uncovering forgeries, where authenticity is the principle question to answer, as I am interested in medieval recognition of anachronism.

It might appear a fool's errand to hunt for medieval writers who are aware of and concerned with anachronism. The period as a whole is often portrayed as a time of rampant anachronisms in texts and in art. It seems unlikely that anyone was at all concerned when the Biblical pharaoh of Genesis appears in the guise of an eleventh-century English king.[34] The Hellenistic era leaders of the Maccabees become valiant twelfth-century knights.[35] Critiques of Alexander the Great transform the ancient world's reliance on philosophy and Fate into Christian motives and the actions of the Lord God.[36] A vernacular translation of the Aeneid produces a chivalric Aeneas who would fit comfortably in any

33 There are very few pre-conquest texts which exist in both Old English source and Latin translation with which to compare the post-conquest translations. One, King Edgar's *Whitbordesstan* code (IV Eg), does survive in one place with both source and a Latin translation. Except for what appears to be the scribe's or translator's aural slips, where he left a phrase in Old English though he changed its form to fit the Latin sentence, there are no Old English loans, let alone any from the legal register: see IV Eg 8.1, where 'ðam hundrodes ealdre' is translated as 'domino þæs hundredes' (Liebermann, *Gesetze*, I, 210, 212–13). Both phrases were written by the same scribe.

34 London, British Library, MS Cotton Claudius B.iv, fol. 59r.

35 Sylvain Gougenheim, 'Les Maccabées, modèles des guerriers chrétiens des origins au XIIe siècle', *Cahiers de civilisation médiévale* 54 (2011), 3–120.

36 George Cary, *The Medieval Alexander*, ed. D. J. A. Ross (Cambridge: 1956), 80.

For use by the Author only | © 2018 Koninklijke Brill NV

twelfth-century court.[37] In a French Bible translation, the Philistines become the *gent Sarazine*, while the religion of the people of Canaan is *Mahomerie*.[38] Authenticity as we understand it seems not to be privileged or measured.

Nevertheless, there are hints that medieval writers or copyists at least had relative notions of time appropriateness and that this was relevant to a document's validity—thus a document's authenticity could be measured by considering the apparent date of its appearance (mostly). This was hardly more than a sense that something looked older than contemporary documents. We find such references here and there in western Europe during this period.

One such document that betrays some sense—albeit misconceived—of what an older document would look like is a letter said to have been discovered by the newly imported Cluniac monks who moved into the monastery of Much Wenlock.[39] The letter, discovered tucked away near the altar, or so the monks claimed, purported to identify where the remains of St Mildburg were buried. The account of the discovery of the letter tells us that the letter was written in English, which none of the monks knew. They found a translator, heard what the letter said, and then set off to excavate a sacred grave. We know the letter was a forgery. What is striking then is that it appears that the Francophone monks thought that this kind of letter from before the conquest would have been written in English, not Latin. Their fabricated letter was meant to appear authentic. They must have thought that a similar Latin letter would appear suspicious. The fact that we recognize that most such documents would have been written before 1066 in Latin rather than English just serves to emphasize the fact that the monks had made a judgement about which language was more authentic. They were thinking in terms of languages and texts appropriate in the past, but which were no longer in common use.

Such thinking about what was and was not an authentic legal text played no part in their production after 1066. All of the treatises purporting to be pre-conquest or from the reign of William I were composed in Latin and copied using Caroline script despite what must have been the overwhelming evidence that English was the language of pre-conquest laws and insular square minuscule

37 *Le Roman d'Eneas*, ed. Aimé Petit (Paris: 1997), 9; on this work's engagement with its time and place, see Laura Ashe, *Fiction and History in England, 1066–1200* (Cambridge: 2007), 124–46.

38 Pierre Nobel, ed., *Poème anglo-normande sur l'ancien testament*, 2 vols. (Paris: 1996), ll. 2599 and 9571.

39 Paul Antony Hayward, 'The *Miracula Inventionis beate Mylburge virginis* Attributed to "the Lord Ato, Cardinal Bishop of Ostia"', *English Historical Review* 114 (1999), 565–66 (c. 2).

For use by the Author only | © 2018 Koninklijke Brill NV

almost unanimously their script.[40] Two of the three major translations of pre-conquest laws refer neither to their original language nor to the effort made to translate these sources.[41] It looks as though the people reading lawbooks after 1066 assumed that Latin was the language of authentic laws.[42] That at least is the first impression. It is likely that only a select group of people after *ca*.1100 would have actually seen any earlier laws in Old English. It would have been easy for the rest to conclude that all law in England was written and promulgated in Latin. The fact that this Latin was peppered with English loans does not alter this conclusion. The phrases which to our eyes betray a translation (e.g., '*quod Angli dicunt*') also appear in works that are in no way translations.[43]

During the twelfth century in England, Latin was the almost exclusive language for law. This was true for both new law, like Henry II's assizes, and what was labelled as old law, such as the so-called forest laws of Cnut or apocryphal treatise known as the *Leges Edwardi Confessoris*. The copying during the first half of the twelfth century of a few manuscripts of pre-conquest laws in English does not challenge this conclusion. Interestingly, the later twelfth-century Anglo-French translation of the *Leges Edwardi* reminds readers repeatedly that it is subordinate to its source, and not anything else.[44] The *Leis de Sant Eduard* begins almost every chapter with an introductory phrase announcing that 'the chapter says this' or 'the chapter shows that'. By the time this translation was undertaken, sometime in the late twelfth century, English had disappeared as a language used for legal texts of all kinds and no one was copying the older English-language legal manuscripts anymore. Instead, Latin had become the language of law, and French was only aspiring to be a useful way to access it.

---

40 Even as late as the middle of the twelfth century, lawbooks holding English-language legal texts were being produced. The three surviving examples are Strood, Kent, Medway Archive and Local Studies Centre, MS DRc/R1 (*Textus Roffensis*), Cambridge, Corpus Christi College MS 383, and London, British Library, MS Harley 55.

41 These two are the *Instituta Cnuti* and the *Consiliatio Cnuti*.

42 Ironically, English was the badge of authenticity before the conquest. Michael Clanchy observed that 'writing in English prose had originated as a way of expressing authenticity and directness in legal and administrative contexts': Clanchy, *From Memory to Written Record*, 35.

43 See, e.g., ECfi 6.2, 12, 20; Leis Wl 5. I am not including the two instance of this practice in Wl art (cc. 4, 6) because it is unclear whether all of this text derives ultimately from Old English originals (as is certainly the case for c. 6).

44 This text only survives in the fourteenth-century Cambridge, University Library, Ee.1.1, fos. 3v–8r, and has never been edited; an edition is now being prepared by Sara Harris for Early English Laws. The manuscript images for the whole text are available at <http://www.earlyenglishlaws.ac.uk/laws/manuscripts/cu/>.

For use by the Author only | © 2018 Koninklijke Brill NV

Given these shifting language relationships, and given that only modest evidence at best attests to any sense of legal anachronism, the sense of what contemporaries deemed authentic in an English legal text is hard to find. In a copyist's selecting a script for legal texts, however, authenticity may have played a role. There is clear evidence that some in the eleventh and twelfth centuries had a notion that script changed with time, and that a document from an earlier time might best be written or rewritten using the script from that time.[45] This recognition is most obviously seen in a select group of forgeries where the forger has tried to imitate an earlier script.[46] The use of imitative script, however, is not limited to forgeries; some scribes who were merely copying older records seem to have felt that a new copy of an old document would do well to try to imitate the actual form of writing on that document. Since this imitation required effort and could end in failure, the decision to use an older script represents a choice and a commitment made by the scribe. The scribe would not then follow the easy path of copying works in his or her commonly used script. This association of script with previous times shows that some scribes had a sense of authenticity that was tied to the visual appearance of a text.

With one exception, there is no evidence for anything like this sense of authenticity in any of the copies of laws produced in England in the eleventh and twelfth centuries. There is one exception that might show an awareness of script as conveying authenticity to a copy, but because it is unique, it cannot tell us much about the ideas contemporaries generally had about the past. The manuscript I am speaking of is Paris, Bibliothèque nationale de France, MS Latin 4771, which has three Latin legal texts as well as a ducal and royal genealogy for the Normans, up to the time of Richard I. Someone responsible for the production of this book—patron, compiler, scribe—decided that some but not all of the Old English words in the otherwise Latin texts would not be written with the Pregothic minuscule used for the Latin and some of the Old English words. Instead, when an English term employed one of four special letters used for writing English—þ, ð, æ, and ƿ—the main scribe would not write the word but would leave a space, and the corrector of the volume would

45 Julia Crick, 'Historical Literacy in the Archive: Post-Conquest Imitative Copies of Pre-Conquest Charters and Some French Comparanda', in *The Long Twelfth-Century View of the Anglo-Saxon Past*, ed. Martin Brett and David A. Woodman (Burlington, VT: 2015), 159–90; Peter Stokes, 'The Problem of Grade in Post-Conquest Vernacular Minuscule', *New Medieval Literatures* 13 (2011), 23–47.

46 See, e.g., *Facsimiles of Anglo-Saxon Charters*, ed. Simon Keynes (Oxford: 1991), pp. 3 (no. 1), 4 (nos. 4, 6), and 11 (no. 11) are possibly all done in imitative script.

For use by the Author only | © 2018 Koninklijke Brill NV

add the English word using insular script.[47] The script itself is not deliberately archaizing—it does not pretend to be older than the copy itself. It is simply a contemporary vernacular script written by a scribe who was not terribly well-practiced in its execution. The letters exhibit unevenness of form, inconsistent aspect, and error. The words are, nevertheless, immediately visible to the reader, and mark English legal terms, whether Latinized or not, as distinct from the rest of the words of the texts.[48] Given that the whole book looks like a collection arguing for royal legislative power, founded on precedents from the pre-conquest past, it is possible that the vernacular script was used to give some authenticity to the book.[49] The scribe copying the translation heightened the visibility of the English terms by tying them to the way law had been written in the past.

Final Observations

It should be clear by now that all three of the goals I have identified—access, authority, and authenticity—are in fact not isolated from one another in practice. For instance, the use of an authentic script gave a translation authority. The authority a translation was perceived to have contributed significantly to its choice as a means of access to English legal culture. From another direction, the English legal loan words in Latin can and did lend access, authority, and authenticity, depending on context. Figuring out which of the three these loan words were intended to convey is hard, since they can in fact do all three at the same time. A retention of the lexis of English law grants an access the writers and their readers likely wanted, an access to the actual technical vocabulary of the English. They provided access to what the law actually was. This tactic could also be said to give the text authority. A translation which retained English technical terms of law was using words of sufficient weight that they made the whole authoritative. As time went by and this practice became ubiquitous, especially after Domesday Book, the presence of this Latinized register signaled the 'official' quality of the record. Finally, this tactic can be thought to

47 O'Brien, 'Pre-Conquest Laws', 246–55 (and esp. figs 12.3 and 12.4).

48 Cf. Oxford, Bodleian Library, MS Auct. F.1.9, fol. 99v; see discussion by Charles Burnett, *The Introduction of Arabic Learning into England* (London: 1997), 39–46.

49 This goal would support the newly composed prologue of the codes, which voices imperial legal ambitions for England's new conqueror, Cnut: see the edition and translation of the prologue (Cb Cn prol.) at O'Brien, 'Pre-Conquest Laws', 269–72.

For use by the Author only | © 2018 Koninklijke Brill NV

have lent authenticity to the record. It was what presumably at least one group of readers of law in the late twelfth century would have expected to find in a legal text, especially when the laws were attributed to the times of kings who had reigned in the distant past.

Bibliography

Manuscripts

Avranches, Bibliothèque Municipale, MS 145
Cambridge, Corpus Christi College, MS 383
Cambridge, University Library, Ee.1.1
London, British Library, MS Cotton Claudius B.iv
London, British Library, MS Harley 55
Oxford, Bodleian Library, MS Auct. F.1.9
Paris, Bibliothèque nationale de France, MS Latin 4771
Strood, Kent, Medway Archive and Local Studies Centre, MS DRc/R1 (*Textus Roffensis*)

Works Cited

Alfred. *King Alfred's West-Saxon Version of Gregory's 'Pastoral Care'*, edited by Henry Sweet, 2 vols., Early English Text Society, o.s., 45 and 50. London: 1871.
Ashe, Laura. *Fiction and History in England, 1066–1200*. Cambridge: 2007.
Burnett, Charles. *The Introduction of Arabic Learning into England*. London: 1997.
Cary, George. *The Medieval Alexander*, edited by D. J. A. Ross. Cambridge: 1956.
Clanchy, Michael T. *From Memory to Written Record: England 1066–1307*, 3rd edn. Oxford: 2013.
Crick, Julia. 'Historical Literacy in the Archive: Post-Conquest Imitative Copies of Pre-Conquest Charters and Some French Comparanda'. In *The Long Twelfth-Century View of the Anglo-Saxon Past*, edited by Martin Brett and David A. Woodman, 159–90. Farnham: 2015.
Davies, R. R. *Domination and Conquest: The Experience of Ireland, Scotland and Wales, 1100–1300*. Cambridge: 1990.
Early English Laws at <http://www.earlyenglishlaws.ac.uk/laws/texts/>.
Fleming, Robin. *Domesday Book and the Law: Society and Legal Custom in Early Medieval England*. Cambridge: 1998.
Garnett, George. *Conquered England: Kingship, Succession, and Tenure 1066–1166*. Oxford: 2007.
Geoffrei Gaimar. *Estoire des Engleis*, edited and translated by Ian Short. Oxford: 2009.
Gervase of Tilbury. *Otia Imperialia: Recreation for an Emperor*, edited by S. E. Banks and J. W. Binns. Oxford: 2002.

For use by the Author only | © 2018 Koninklijke Brill NV

Gougenheim, Sylvain. 'Les Maccabées, modèles des guerriers chrétiens des origins au XII[e] siècle'. *Cahiers de civilisation médiévale* 54 (2011): 3–120.

Hagger, Mark. 'Secular Law and Custom in Ducal Normandy, c. 1000–1144'. *Speculum* 85 (2010): 827–67.

Hayward, Paul Antony. 'The *Miracula Inventionis beate Mylburge virginis* Attributed to "the Lord Ato, Cardinal Bishop of Ostia" '. *English Historical Review* 114 (1999): 543–73.

Henry of Huntingdon. *Historia Anglorum*, edited and translated by Diana Greenway. Oxford: 1996.

Historia Ecclesiae Abbendonensis, edited and translated by John Hudson, 2 vols. Oxford: 2007.

Holkham Leges Edwardi, edited by Bruce O'Brien (Early English Laws, 2012) at <http://www.earlyenglishlaws.ac.uk/laws/texts/ECf2-Hk/>.

Hudson, John. *The Oxford History of the Laws of England, Volume II: 871–1216*. Oxford: 2012.

John of Worcester. *Chronicle*, edited by R. R. Darlington and P. McGurk, translated by Jennifer Bray and P. McGurk, 3 vols. Oxford: 1995–1998.

Keynes, Simon. 'Royal Government and the Written Word in Late Anglo-Saxon England'. In *The Uses of Literacy in Early Mediaeval Europe*, edited by Rosamond McKitterick, 226–57. Cambridge: 1990.

Keynes, Simon, editor. *Facsimiles of Anglo-Saxon Charters*. Oxford: 1991.

Keynes, Simon, and Michael Lapidge, editors. *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources*. London: 1983.

Latham, R. E., D. R. Howlett, and R. K. Ashdowne, editors. *Dictionary of Medieval Latin from British Sources*. Oxford: 1975–2013.

Le Roman d'Eneas, edited by Aimé Petit. Paris: 1997.

Lex Baiwariorum, edited by E. de Schwind, MGH, Legum Sectio I, Legum nationum Germanicarum V.2. Hannover: 1926.

Liebermann, Felix, editor. *Quadripartitus, ein englisches Rechtsbuch von 1114*. Halle: 1892.

Liebermann, Felix, editor. *Consiliatio Cnuti: Ein Übertragung Angelsächsischer Gesetze aus dem Zwölften Jahrhundert*. Halle: 1893.

Liebermann, Felix, editor. *Die Gesetze der Angelsachsen*, 3 vols. Halle: 1903–1916.

Mordek, Hubert. *Bibliotheca capitularium regum Francorum manuscripta: Überlieferung und Traditionszusammenhang der fränkischen Herrschererlasse*, MGH, Hilfsmittel 15. Munich: 1995.

Nobel, Pierre, editor. *Poème anglo-normande sur l'ancien testament*, 2 vols. Paris: 1996.

O'Brien, Bruce. *God's Peace and King's Peace: The Laws of Edward the Confessor*. Philadelphia: 1999.

O'Brien, Bruce. 'The *Instituta Cnuti* and the Translation of English Law'. *Anglo-Norman Studies* 25 (2003): 177–97.

O'Brien, Bruce. *Reversing Babel: Translation among the English during an Age of Conquest, c. 800 to c. 1200*. Newark (DE): 2011.

For use by the Author only | © 2018 Koninklijke Brill NV

O'Brien, Bruce. 'Translating Technical Terms in Law-Codes from Alfred to the Angevins'. In *Conceptualizing Multilingualism in England, c. 800–c. 1250*, edited by Elizabeth M. Tyler, 57–76. Turnhout: 2011.

O'Brien, Bruce. 'An English Book of Laws from the Time of *Glanvill*'. In *Laws, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand*, edited by Susanne Jenks, Jonathan Rose, and Christopher Whittick, 51–67. Leiden: 2012.

O'Brien, Bruce. 'Pre-Conquest Laws and Legislators in the Twelfth Century'. In *The Long Twelfth-Century View of the Anglo-Saxon Past*, edited by Martin Brett and David A. Woodman, 229–72. Farnham: 2015.

Pons-Sanz, Sara. *The Lexical Effects of Anglo-Scandinavian Linguistic Contact on Old English*. Turnhout: 2013.

Pratt, David. *The Political Thought of King Alfred the Great*. Cambridge: 2007.

Pratt, David. 'Written Law and the Communication of Authority in Tenth-Century England'. In *England and the Continent in the Tenth Century: Studies in Honour of Wilhelm Levison* (1876–1947), edited by David Rollason, Conrad Leyser, and Hannah Williams, 331–50. Turnhout: 2010.

Raynes, Enid. 'MS Boulogne-sur-Mer 63 and Ælfric'. *Medium Ævum* 26 (1957): 65–73.

Richard fitz Nigel. *Dialogus de Scaccario*, edited and translated by Charles Johnson, F. E. L. Carter, and D. E. Greenway, 2nd edn. Oxford: 1983.

Sharpe, Richard. 'The Prefaces of "Quadripartitus"'. In *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt*, edited by George Garnett and John Hudson, 148–72. Cambridge: 1994.

Shelly, P. V. D. *English and French in England, 1066–1100*. Philadelphia: 1921.

Southern, R. W. 'Aspects of the European Tradition of Historical Writing: The Sense of the Past'. *Transactions of the Royal Historical Society* 23, fifth series (1973): 243–63.

Stokes, Peter. 'The Problem of Grade in Post-Conquest Vernacular Minuscule'. *New Medieval Literatures* 13 (2011): 23–47.

Taylor, Alice. '*Lex Scripta* and the Problem of Enforcement: Anglo-Saxon, Welsh, and Scottish Law Compared'. In *Legalism: Community and Justice*, edited by Fernanda Pirie and Judith Scheele, 47–75. Oxford: 2014.

The Anglo-Saxon Chronicle: A Collaborative Edition, Volume 8: MS F, edited by Peter S. Baker. Cambridge: 2000.

William of Malmesbury. *Gesta regum Anglorum*, edited and translated by R. A. B. Mynors, R. Thomson, and M. Winterbottom, 2 vols. Oxford: 1998–1999.

Wilson, R. M. 'English and French in England, 1100–1300'. *History* 28, n.s. (1943): 37–60.

Wormald, Patrick. '*Lex scripta* and *verbum regis*: Legislation and Germanic Kingship from Euric to Cnut'. In *Early Medieval Kingship*, edited by Peter H. Sawyer and Ian N. Woods, 105–38. Leeds: 1977.

Wormald, Patrick. *The Making of English Law: King Alfred to the Twelfth Century, Volume 1: Legislation and Its Limits*. Oxford: 1999.

For use by the Author only | © 2018 Koninklijke Brill NV