

## A. ÆTHELBERHT'S "CODE"

in LISI OLIVER, THE BEGINNINGS OF ENGLISH LAW 60–81  
(Toronto, 2002)<sup>†</sup> [footnotes renumbered]

**Pis syndon þa domas þe Æðelbirht cyning asette on AGustinus dæge.**<sup>1</sup>

1. **Godes** feoh 7 ciricean XII gylde. [1]
2. **Biscope**s feoh XI gylde.
3. **Preoste**s feoh IX gylde.
4. **Diacones** feoh VI gylde.
5. **Cleroces** feoh III gylde.
6. **Ciricfriþ** II gylde.
7. **M**[æthl]friþ<sup>2</sup> II gylde.
8. **Gif** cyning his leode to him gehateþ 7 heom mon þær yfel gedo, II bóte, 7 cyninge L scillinga. [2]
9. **Gif** cyning æt mannes ham drincæþ 7 ðær man lyswæs hwæt gedo, twibote gebete. [3]
10. **Gif** frigman cyninge stele, IX gylde forgyld. [4]
11. **Gif** in cyninges tune man mannan of slea, L scill gebete. [5]
12. **Gif** man frigne mannan of sleahþ, cyninge L scill to drihtinbeage. [6]

<sup>†</sup> Copyright © The University of Toronto Press Incorporated 2002. Boldface in the Anglo-Saxon text indicates that the scribe has decorated the upper-case letter. Although he is not totally consistent, this is a good clue to what he regarded as separate clauses. In the notes I have replaced Professor Oliver's boldface renditions of the manuscript text with italics.

1. This is in red ink, different from the black of the text proper. The diphthong in Latin "Augustinus" is anglicized to a monophthong.

2. Only a hook from what could have been the *t* remains legible in the manuscript. The restoration is based on the transcription made by Francis Tate in 1589.

## A. ÆTHELBERHT'S "CODE"

in Lisi Oliver, *BEGINNINGS OF ENGLISH LAW* 60–81  
(Toronto, 2002)<sup>†</sup> [footnotes renumbered and integrated]

These are the decrees which King Æthelberht set in Augustine's time.

1. God's property and the church's [is to be compensated] with 12-fold compensation.<sup>1</sup>
2. A bishop's property [is to be compensated] with 11-fold compensation.
3. A priest's property [is to be compensated] with 9-fold compensation.
4. A deacon's property [is to be compensated] with 6-fold compensation.
5. A cleric's property [is to be compensated] with 3-fold compensation.
6. [Violation of] church peace [is to be compensated] with 2-fold compensation.
7. [Violation of] assembly peace [is to be compensated] with 2-fold compensation.
8. If the king summons his people<sup>2</sup> to him and a person does any harm to them there, 2[-fold] restitution and 50 shillings to the king.
9. If the king drinks at a person's home, and a person should do anything seriously dishonest<sup>3</sup> there, let him pay two[-fold] restitution.
10. If a freeman should steal from the king, let him compensate with 9[-fold] compensation.
11. If a person should kill someone in the king's dwelling,<sup>4</sup> let him pay 50 shillings.
12. If a person kills a free man, 50 shillings to the king as lord-payment.

<sup>†</sup> Copyright © The University of Toronto Press Incorporated 2002. Professor Oliver's commentary (*id.*, 82–116) is not reproduced here, but is well worth looking at if one is puzzling over the possible meaning of various provisions. In the notes have replaced Professor Oliver's boldface renditions of the manuscript text with italics.

<sup>1</sup> As discussed in Chapter One, the block of church laws almost surely represents the most recent addition to the body of laws; previous editions have therefore grouped them under a single number. These first seven clauses are syntactically ambiguous, as *gylde* can be technically translated as a dative/instrumental noun (*as compensation*) or a subjunctive verb (*let him compensate*). This block of laws could thus also be translated along the template: [*For*] *God's property and the church, let him pay 12[-fold compensation]*. Other than in these clauses, *gelde* appears in this text four times with a nominal reading (§10, §28.1, §75, §83) and twice with a verbal reading (§30, §70.1). Felix Liebermann, *Die Gesetze der Angelsachsen* (Halle: M. Niemeyer), 3:4 argues for a nominal reading on the basis of other Germanic parallels, where, for example, the term *angylde* 'single compensation' is attested; in his Glossary (*Gesetze*, 2:103) he enters these terms as compounds, such as *siexg~* 'six-fold compensation' or *nigong~* 'nine-fold compensation.' This could be an instrumental use of the dative, or a denominal adverbial suffix, as in *twibote* in §8 and §9 (*Gesetze*, 2:216). As comparative evidence disambiguates the Old English grammatically ambiguous structure, I have followed Liebermann's lead in translating *gylde* as a noun.

<sup>2</sup> According to J. M. Wallace-Hadrill, *Early Germanic Kingship in England and on the Continent* (Oxford: Clarendon, 1971), 38, the term *leod*, with its Frankish equivalent *leudes*, "may reveal a social rank common to Franks and Kentings; or just possibly one of Augustine's Frankish interpreters may have had a hand in writing down the Kentish vernacular and used an English verbal equivalent of something he was familiar with at home." But the Germanic term is derived from an Indo-European root *\*leudh-* 'offspring, people' (See Julius Pokorny, *Indogermanisches etymologisches Wörterbuch* (Bern: Francke), 684), and therefore its appearance in written records of the Franks and the Kents could simply be a case of common retention unattested in other remaining Germanic texts. Given the skimpy records which have come down to us in the early West-Germanic vernaculars, I would hesitate to place too much reliance on this term to argue strongly for a Frankish/Kentish connection here.

<sup>4</sup> See Christine Fell, "A 'friwif locbore' Revisited," *Anglo-Saxon England* 13 (1984): 157–66 for the interpretation of *lyswæs* as 'seriously dishonest.'

<sup>5</sup> Whitelock translates *tun* as 'estate'; see, however, discussion in Commentary under *Theft*.