

**Legal culture in the early medieval West: law as text, image and experience** By Patrick Wormald

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<i>Rect.</i>	<i>Rectitudines singularum personarum</i> , ed. Gesetze
<i>RHDFE</i>	<i>Revue historique des droits français et étranger</i>
<i>RoASCh</i>	A. J. Robertson (editor), <i>Anglo-Saxon Charters</i> (2nd edn, Cambridge, 1956)
<i>Roch.</i>	A. Campbell (editor), <i>Charters of Rochester</i> (Anglo-Saxon Charters 1, Oxford, 1973)
<i>RS</i>	Rolls Series
<i>S</i>	P. H. Sawyer (editor), <i>Anglo-Saxon Charters: An Annotated Handlist and Bibliography</i> (Royal Historical Society Handbooks, London, 1968)
<i>S*</i>	Sawyer's <i>Anglo-Saxon Charters</i> , revised by S. Kelly and S. Keynes (forthcoming)
<i>SE</i>	H. M. Cam (editor), <i>Selected Historical Essays of F. W. Maitland</i> (Cambridge, 1957)
<i>Sermo</i>	D. Whitelock (editor), <i>Sermo Lupi ad Anglos</i> (3rd edn, Methuen's Old English Library, London, 1963)
<i>Sett. Spol.</i>	<i>Settimane di studio del Centro Italiano di studi sull'alto medioevo</i> (Spoleto)
<i>SS</i>	Selden Society
<i>Swer.</i>	<i>Swerian</i> , ed. Gesetze
<i>Three Lives</i>	M. Winterbottom (editor), <i>Three Lives of English Saints</i> (Toronto Medieval Latin Texts 1, 1972)
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
<i>ÜLH</i>	F. Liebermann, <i>Über das englische Rechtsbuch Leges Henrici</i> (Halle, 1901)
<i>VÆR</i>	F. Barlow (editor), <i>Vita Edwardi Regis</i> (London, 1962)
<i>Vit. Ken.</i>	R. C. Love (editor), 'Vita et Miracula Sancti Kenelmi', <i>Three Eleventh-Century Anglo-Saxon Saints' Lives</i> (Oxford, 1996)
<i>Wal.</i>	<i>Walreaf</i> , ed. Gesetze
<i>Wer.</i>	<i>Wergeld</i> , ed. Gesetze
<i>WhW</i>	D. Whitelock (editor), <i>Anglo-Saxon Wills</i> (Cambridge, 1930)
<i>Wi</i>	Laws of Wihtraed, ed. Gesetze
<i>Wit</i>	<i>Wifmannes Bewodduna ed Gesetze</i>

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## *Lex Scripta and Verbum Regis: Legislation and Germanic Kingship, from Euric to Cnut*

I must confess at once that my objectives in this essay are more limited than its title may imply.<sup>1</sup> I am not here concerned with the relationship between kingship and law, to which Fritz Kern devoted a classic study, and which has been discussed with reference to the central figure of Hincmar of Rheims by Professor Nelson.<sup>2</sup> Nor am I directly concerned with the extent to which a Germanic king of the early middle ages was considered responsible for making and promulgating law; this is an issue which cannot but come up in the course of my discussion, but, for the moment, I wish to take the fact of royal responsibility more or less for granted, and ask not what kings did for legislation, so much as what legislation did for kings. Why, in fact, did Germanic kings make laws in the period between the fall of the Roman Empire and the revival of Roman Law? And how far did this activity change the status and authority of kingship within Germanic society?

The answer to the first at least of these questions may seem obvious. Why does anyone ever make laws? The prologues to many barbarian codes and edicts give the legislator's ostensible motives, and in their emphasis on the promotion of peace and order, the redress of injustice and the resolution of difficult cases these are exactly what one would expect.<sup>3</sup> Why should one suppose that the purpose of Germanic law-making was other than the enforcement of law in the courts, as at least some of the texts imply, and as the giants of the nineteenth-century German *Rechtsschule*, upon whose

WI Art.	William I, 'Articles', ed. <i>Gesetze</i>
WI lad	William I, Decree on Exculpation, ed. <i>Gesetze</i>
<i>Wulfstan MS</i>	H. R. Loyn (editor), <i>A Wulfstan Manuscript: BL, Cotton Nero A.1</i> (EEMSF XVII, 1971)
<i>WulfstanSt.</i>	K. Jost, <i>Wulfstanstudien</i> (Swiss Studies in English 23, Bern, 1950)
ZSS	<i>Zeitschrift der Savigny Stiftung für Rechtsgeschichte</i>

<sup>1</sup> Like the other papers in this collection, this paper is reprinted more or less in its original form; but see the Preface, p. xvi.

<sup>2</sup> F. Kern, *Gottesgnadentum und Widerstandsrecht* (2nd edn, edited by R. Buchner, Darmstadt, 1954); J. L. Nelson, 'Kingship, Law and Liturgy in the Political Thought of Hincmar of Rheims', *EHR* 92 (1977), pp. 241–79.

<sup>3</sup> Cf., e.g., *Leg. Vis.* I ii; *Ed. Ro. Pr.*, *Leg. Grim. Pr.*, *Leg. Liutpr.* (717) Pr., (724) Pr., (731) Pr., *Leg. Ra.* (746) Pr., *Leg. Ah.* (755) Pr.; *Lex Sal.* (C) Pr.; *Cap.* 22:Pr., 33:1, 77:Pr., 98:Pr., 137, 185; *Ine Pr.*; *II Ew Pr.*; *V As Pr.*