Abstract

The main focus of the paper is to deliver the linguistic and lexical comparison of fragments of Germanic legal corpus; Anglo-Saxon legal texts: The Laws of Alfred and Ine, and Old Frisian: Seventeen statutes and Twenty-four land laws from First Riestring Codex. These two groups of texts provide certain legal limitations, however are of slightly different structure. Old Frisian laws are, most of the time, the result of analysis of individual cases which are later on generalized, whereas Anglo-Saxon legal codes are of more organized form, prepared for promulgation by one authority. The paper contrasts the lexical choices done by the scribes, especially the level of formality of the language, structures of the sentences, whether they are organized in a dialog or prescriptive vs. proscriptive form, as well as the sophistication and abstractness of the words and phrases. Furthermore, the styles of the texts are compared and analyzed with the main focus on the usage of the different text types. Thus, the presence of the descriptive, narrative or argumentative elements in the texts is taken into consideration while presenting the differences and similarities between them. The paper aims at showing the variety of stylistic methods used within the same Germanic linguistic culture, as far as legal texts are concerned.

Keywords: lexical and stylistic abstractness, asyndetic coordination, syndetic coordination, sanction clauses

1. Introduction

At the time of Germanic settlement of Britain, all the tribes already had well developed legal systems, which were based on the spoken tradition passed from generation to generation. However, it was not until the adoption of Christianity, the growth of the royal administration and the disappearance of the tribal structures, that the majority of those legal customs were written down.
With the codification of law, certain differences between the acts appeared too. The first and major difference between these two written legal traditions is that the Anglo-Saxon laws, being a kind of king’s enactments, clarified matters in order to create a single authoritative source, leaving aside the matters of family inheritance or other customary laws, whereas, Old Frisian manuscripts had their origins in private compilations resulting from historical and accidental legal cases of the people.

Due to the slightly different sources of the Anglo-Saxon and Frisian laws, the style they were written in is also different as far as the structure of the sentences, level of formality of the language, sophistication and the abstractness of the used words are concerned.

2. Structure of the sentences

In both Frisian and Anglo-Saxon legal texts, the majority of the sentences consist of two parts: one containing the crime, or the certain condition that must be committed, and the second part with the sanction to be implemented later on.

2.1. Conditional clauses

Following Bautkan (1996), most of the time the structure of a conditional clause in the legal texts has the structure: “if X, then Y” or “if X, then Z shall do Y”. Here, the conditional clause is in the majority of cases followed by the main clause. Nevertheless, structures such as “whoever commits X shall do Y” or “the man who commits X shall do Y” can also be traced.

Conditional clauses in Anglo-Saxon and Old Frisian texts were composed of an adverbial clause of condition with the conjunction *gif* in initial position, subordinated to the main clause.

2.1.1. Asyndetic coordination

The coordination of two or more conditional clauses or two or more predicates (parts of the sentence which state something about the subject) in a conditional clauses was also possible. Thus, we had asyndetic coordination in which no coordinating conjunction between the clauses was present, with the repetition of *gif* and change of subject like in for example:

1) *Gif mon ðonne þæs ofslægenan weres bidde, he mot gecyþan, þat he hine for þeof ofsløge, nalles þæs ofslægenan gegildan ne his hlaford. Gif he hit ðonne dierned, 7 weorded ymb long yppe, ðonne rymede he ðam deadan to ðam æde, þat hine moton his magas unsyngian.*

2) *Gif mon ðonne þæs ofslægenan weres bidde, he mot gecyþan, þat he hine for þeof ofsløge, nalles þæs ofslægenan gegildan ne his hlaford. Gif he hit ðonne dierned, 7 weorded ymb long yppe, ðonne rymede he ðam deadan to ðam æde, þat hine moton his magas unsyngian. (The Laws of Ine)*

3) *Ief hwa of herenede ieftha of othere nethe, ieftha of fengnese kemht (= kemth), ande hi muge bikenna sine ethel ende sine eckerar and sine federstathra, ac ief sin brother ieftha sine balemunda ieftha sin athem ieftha sin staipfeder sin lond urbruden hebbe ur sinne willa ieftha ur sine wald ieftha ur sine louethe, sa ach hi to farane uter stride uppa sin egen erwe, mith allera Fresena riuchte. (Seventeen Statutes, 14)*
4) Jef hit queth, hwanat him come, ief hi mi bi-sekth and queth, thet ik hia nomia skille, sa nomie
ik hia son; bi thiū mot ik th et erue halda buta stride mith ded-ethon. (Twenty-four land laws,
21)

2.1.2. Syndetic coordination

The syndetic coordination of clauses, in which a coordinating conjunction appeared, was additionally
used as a stylistic device, as in examples 5, 6, 7 from The Laws of Ine and 8 from Seventeen Statutes:
5) Gif hwa fare unaliefed fram his hlaforde ödde on ödre scire hinge bestele, 7 hinge mon geahsige,
fare þer he ær wæs 7 geselle his hlaforde .lx. scillinga.
6) Donne mon monnan bethyd, þæt he ceap forstele ödde forstolennge geformie, þonne sealde he
be .lx. hida on sacan þære þiefðe, gif he adwyrdæ bidd. Gif donne Englisc onstal ga ford, onscace
þonne be twyfealdum; gif hit donne bidd Wilisc onstal, ne bidd se ad na dy mara. Ælc mon mot
onascan frympe 7 werfæhðe, gif he mæg ödde dear.
7) Gif ceorl ceap forstilld 7 bired into his eerne, 7 befæð þærinne mon, þonne bidd se his dæl synnig
butan þam wife anum, forðon hio sceal hire aldore hieran: gif hio dear mid æde gecyðan, þæt
hio þes forstolenan ne onbite, nime hire driddan sceat.
8) Ac ief Fresena capmen an thira sogen stretena eng werthe benert, ieftha birawad werthe a
Saxena merkum ur riucht, sa scelmat him fellam mit hian liudmerkum, ande thra frana sin bon,
that is enenduintech scillenga. (Seventeen Statutes, 9)

Syndetic coordination in a protasis (opening clause) was widely used especially in Anglo-Saxon
texts (Schwyter 1996). Some parts of The Laws of Ine include syndetic coordination of clauses and
syndetic coordination of predicates, whereas other give the examples of syndetic coordination of clauses
with additional subordination:
9) Gif mon forstolenne man befo æt oprum, 7 sie sio hand odcwolen, sio hine sealde þam men þe
hine mon ætbefeng, tieme þonne þone mon to þas deade byrgelse, swa oðer fish swa hit sie,
7 cyðe on þam æde be .lx. hida, þæt sio deade hond hine him sealde. þonne hæfð he þæt wite
afylled mid þy æde, agife þam agendfrio þone monnan. Gif he þonne wite, hwa þaes deade ierfe
hæbbe, tieme þonne to þam ierfe 7 bidde ða hond þæt ierfe hafad, þæt he him gedo þone ceap
unbecneasne oppe gecyðe, þæt se deade nefre þæt ierfe ahte.

2.2. Relative clauses

Sentences expressing a certain legal act could also be shaped by means of using simple relative structure:
whoever does sth, he is to do sth else, like it is done in the Alfred’s Biblical Introduction, where we can see a
relative structure with the additional information added by means of predicate subordination:
10) Se de frione forstele 7 he hine bebycgge, 7 hit onbestæled sie, þæt he hine berececean ne mæge,
swelte se deade. (The Laws of Alfred)

2.3. Sanction clauses

Apart from conditional and relative clauses, there are also examples of sanction clauses with the then part
present in the main clause, as it is in The Laws of Ine presented in the example 11 and 12, or the directive
dependent or non-dependent phrases expressing sort of legal facts like for instance: ‘murder is 3 shillings’.
11) *Se deof gefehd, ah x. scillinga, 7 se cyning done deof; 7 þa mægas him swerian aðas unfaehða. Gif he donnæ oðierne 7 orge worde, þonne bid he wites scyldig. Gif he onsanacan wille, do he dat be dam feo 7 be dam wite.*

12) *Se de deof slihd, he mot ade gecydan, þæt he hine fleond ne for deof sloge, 7 þæs deadan mægas him swerian unceases ad. Gif he hit ponne dierne, 7 sie ef yppe, þonne forgielde he hine. Gif mon to þam men feoh geteme, ðæs ær oðswaren hæfde 7 eft oðswarian wille, oðswergie be dam wite 7 be ðæs feos worde; gif he oðswarian nytte, gebete þone menan ad twybyte.*

13) *Jef hi bi-seka wili, sa skil hi et there herna hwek and stride with-stonda mith fiuwer berskinzia campon, and et there hirth-stidi mith tha fifta campa, thruch thet, thet ma morth skil mith morthe kela. (sanction clause).*

14) *Jef thet is liodcuth, thet (…) him sines godes se ur-bruden tha ur-burnen tha thes nachtes thermithi ur-stelen se, sa ne thur hi ther-umbe nene ondwarde dwa, thruch thet ther ne mi nen mon otheres monnes god firor an plicht nema, thare sin ein god.* (Twenty-four land laws, 16)

As it has been shown, the "*gif, se de*" clauses and directives can be seen as style makers for the law codes. Clauses analysed above like: if-than conditions (including adverb clauses of condition), relative clauses, sanction clauses, clauses with syndetic or asyndetic coordination are present to the same degree in the Old Frisian as well as Anglo-Saxon legal texts. The only difference according to Bremmer (1998) is the orthographical and lexical one, as in Old Frisian the structures can begin with *jef* (*gef* spelled with *g*, *ef*, *iof*, *of, oft*), *jefma* [if one], *jefta, jef*, that is (…)that *jef*.

What is more, in contrast to the Anglo-Saxon legal texts, early Old Frisian laws like the land-laws or the statutes are never composed only of such conditional structures but also have narrative sentences, whose main role is to provide the reader or the listener with the background knowledge of the specific situation presented, or the conditions to be taken into account. Such features of the text appear, due to the mentioned in the beginning fact, that Frisian laws were established due to the certain legal cases (Bremmer 1998), whereas Anglo-Saxon laws, even though following certain tribal traditions, were mainly the product of one or two people writing down the word of the ruler. Therefore, it has to be clearly stated that narrative sentences in Anglo-Saxon laws do not convey any legal material as such, but give the reasons when and why a certain code was promulgated, or simply describe facts and states of affairs.

3. Level of formality of the language

As far as the level of formality of the language in both Anglo-Saxon and Old Frisian legal texts is concerned, it has to be stated that there are certain distinct differences. *Twenty-four land laws* from Frisian law, for example, are a collection of regional legal customs and precedents compiled and intended primarily for the use in internal Frisian legal matters. They were supposed to be used by “Allera Fresena” – by all the Frisians as O’Donnell (1998) points out, therefore the language used here had to be relatively simple and easy to follow for everyone. A good example of the usage of simple language is the 5th land-law which presents the situation in which a family has to defend its title to a piece of land bought from a pilgrim. Here the simple legal regulation is presented with the almost visual picture of a situation. We can see dramatically presented examples of possible events, which are deliberately created to make the law easy to understand. Nevertheless, the legal meaning is also clear and cannot be abused as at the mere beginning
of the law, we can read its bare form: “If one demands land from somebody, let the elder in the house say: that land for which you bring me before the Thing and demand from me, I bought it” (O’Donnell 1998: 247). Such a dramatized law and the whole procedure gives plenty of indication that it was intended to be read and understood far more generally than its detail would suggest. Similar style is visible in the Second land-law too. The law gives certain conditions on which a mother can sell an inheritance of the child who still has not reached the age of adolescence. The law is transferred into a kind of dramatic story with a suspense. Even though the reader can decipher the regular, universal meaning of the act (that a child has right to approve the actions of his mother when he comes of age, except when the mother was trying to support the stable future of the child) with no difficulty, still the so called “three needs” of the child are to be interpreted in a more general way, as it simple could happen very rarely if not never that a child would starve, the freezing wind would kill the wild animals and so on (Sterringa 1998: 291). Seventeen statutes also use similar stylistic level of sophistication. In the 7th statute one can find the procedure that should be followed in a situation when “a man flees with a woman through three houses and a church.” That visualized description does not prevent the reader from general understanding of the particular law, however.

When we compare the two styles of the Anglo-Saxon and Old Frisian legal texts we can clearly state that in Old Frisian texts, there is this predominant preference of the specific over general, whereas in Anglo-Saxon it is the other way round. Here, the legal declarations are rather proscriptive then prescriptive, and the language tends to be balanced and formal. What also should be added, is that as far as Old Frisian legal texts are concerned, they can be written in the third person, when they give a situational description, second person monologues (in case of the oaths of office – where the text is to be read by the representative of the administration) and first person complaints put into the legal message. When we compare it with the English legal texts, such situations are impossible, unless we talk about a monologue in the introduction, or the words directed to God.

Even if we analyze only such small amount of data, we can still find the major differences between the legal texts of Anglo-Saxon and Old Frisian communities. The sentences presenting the main legal points are constructed in a similar way, nevertheless, their stylistic and lexical composition is slightly different. Furthermore, the text types used in the Old Frisian legal acts are much more complex than in Anglo-Saxon legal codes, as they can be freely mixed to achieve the writer’s aim.

References


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