



UNIVERSITY OF
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REFLECTIONS OF THE ANGLO-SAXON LAY ÉLITE IN THE LAW CODES (7–11TH CENTURIES)

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What is an *élite*?

“The elites consist of all those who enjoy a high social position (...) [which means] the possession of wealth, power and knowledge as well as recognition by others” (*Les élites se composent de tous ceux qui jouissent d’une position sociale élevée (...) [ce qui signifie] la détention de la fortune, du pouvoir et du savoir ainsi que la reconnaissance par autrui*) (Feller 2006, 6).



Introducing the problematics

Theoretical dimension:

- What sociological model(s) of society should historians adopt when describing the 'Anglo-Saxon society'?
- What sociological model(s) of social stratification should historians adopt when describing the 'Anglo-Saxon upper strata'?

Historiographical dimension:

- 'Anglo-Saxon studies' have historically been a branch of philology, not history in the narrow sense (Niles 2015) => visible heritage of literary methodology.
- British school of history writing has historically been antipathetic to 'over-theorising'. Some departments have long overcome this animosity, but not 'Anglo-Saxon [social] history'.

Terminological dimension:

- Due to the gap between the [early medieval] history writing and sociology, anglophone historiography frequently adopts non-terminological vocabulary usage.

Methodological dimension:

- 'Constitutional history' does not always communicate well with sister disciplines.

Bottom-up structure of the presentation

1) A case study:

- What was a *þegn*'s wergild?

2) How did the wergild function in the Anglo-Saxon legal framework?

- What can we tell about the Anglo-Saxon legal system from the extant sources (i.e. the legal codes)?

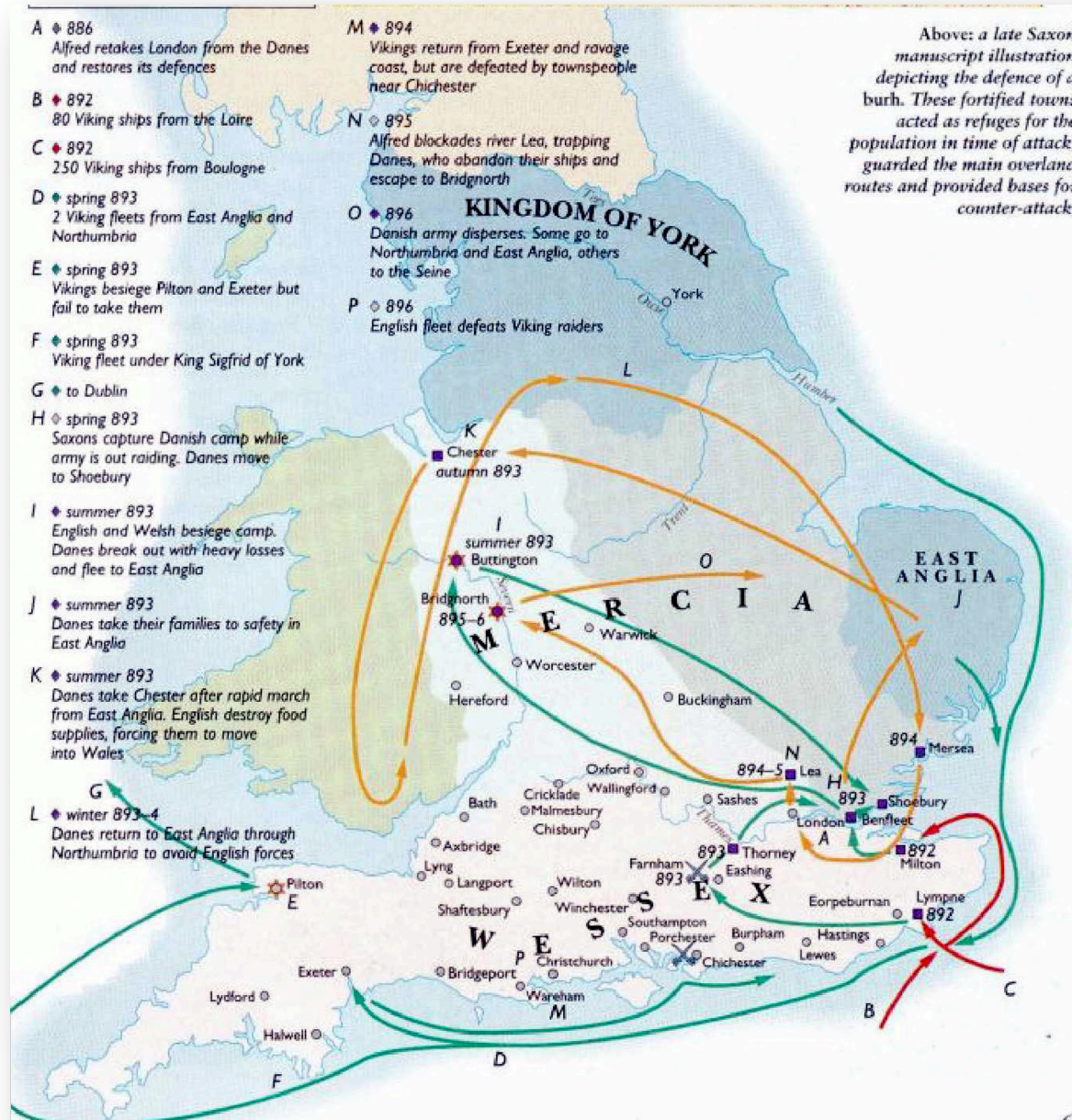
3) How does the functioning of the wergild in the legal system tie in with the sociological model(s) of society?

- Is wergild actually a valuable source of information when studying a 'historical ontology' of a given society?

4) What does establishing a *þegn*'s wergild and the latter's functioning actually tell us about the former's place/role/function in the 'Anglo-Saxon society'?

- Are wergild regulations actually a good clue in studying the élite(s) and, given their prominence, what are we to make of them?

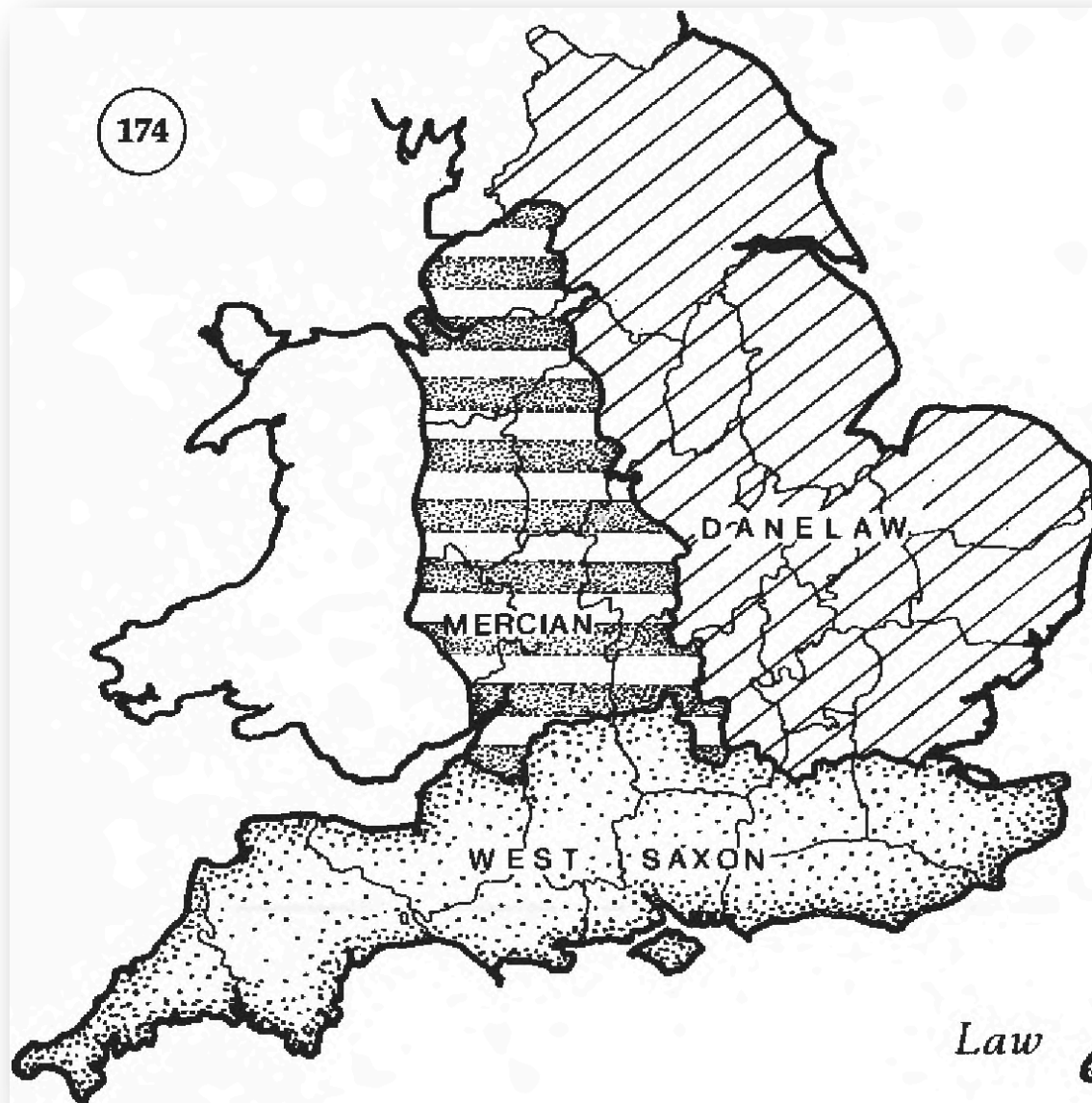
Geographical and political contextualisation



Above: a late Saxon manuscript illustration depicting the defence of a burh. These fortified towns acted as refuges for the population in time of attack, guarded the main overland routes and provided bases for counter-attack.



Geographical and political contextualisation



Anglo-Saxon England legal division by the 11th century (after Hill 1981, 98)

1) A case study: What was a *þegn's* wergild?

1) What is a wergild?

- “Das W war in Spätant. und Früh-MA die Ausgleichsleistung (Buße), die von dem Totschläger eines Mannes, einer Frau, eines Unfreien an die Familie oder an den Herrn des Getöteten zu entrichten gewesen ist. Die Annahme des W.s verpflichtete die Familie zum Verzicht auf die Forts. von → Fehde und → Blutrache, durch die ganze Geschlechtsverbände vernichtet werden konnten.” (Schmidt-Wiegand 2006, 458).
- “The compensation to be paid to the victim’s kin for emendable homicide was his wergeld. The laws specify wergelds according to the status of the man slain.” (Hudson 2012, 179).

2) What was a *þegn's* wergild?

Conventional explanation: a *þegn's* wergild was [West Saxon] 1,200 shillings = 6,000 pence = £25. A regular freeman’s (*ceorl*) wergild was only 200 shillings.

Implications: a 1,200-shilling wergild appears much more frequently in the royal legislation from the 7th to the 11th century than the word *þegn*. If they mean one and the same people, our understanding of the Anglo-Saxon society deepens.



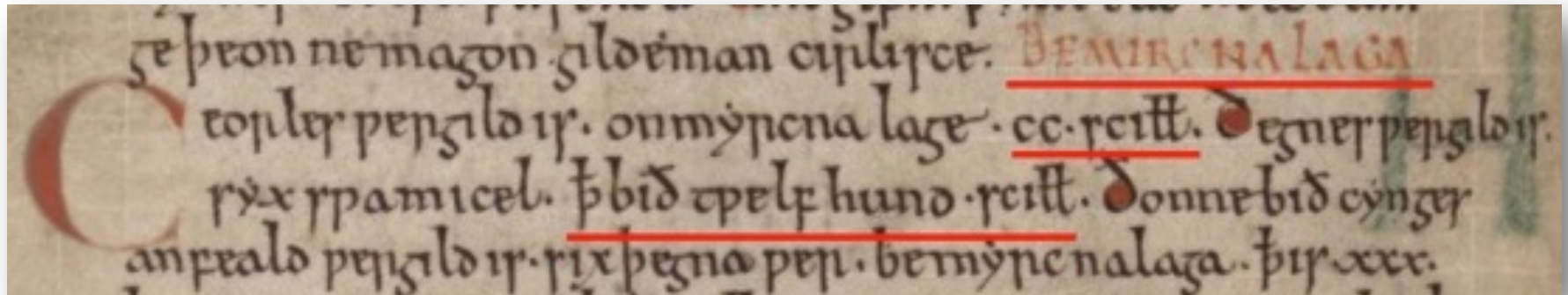
A case study: was a *þegn*'s wergild 1,200s?

Main arguments: Two types of shillings (a unit of accounting, not an actual coin), a 4-pence and a 5-pence ones, but one type of penny (Chadwick 1905, 1–31; 76–114).

Source evidence:

- *Mircna laga* ('Mercian Laws', 10th century?): “**Ceorles wergild is on Myrcna lage CC scill'. Ðegnes wergild is syx swa micel, þæt bið twelf hund scill'.**” (Liebermann 1903, 462), that is:

A ceorl's wergild = 200 shillings, a *þegn*'s wergild = 1,200 shillings (6 times the wergild of a ceorl)



Corpus Christi College, Cambridge, MS 201, p. 101
(courtesy of <http://www.earlyenglishlaws.ac.uk/laws/manuscripts/d>)



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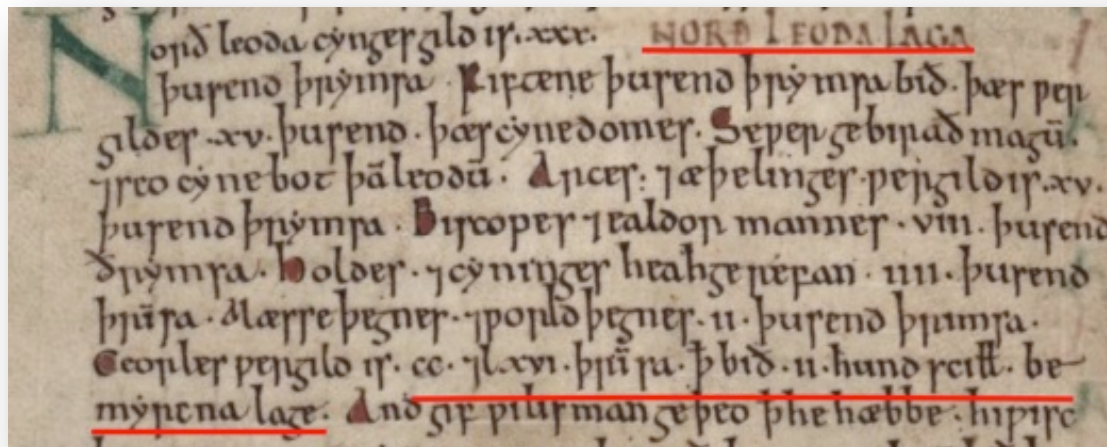
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- *Norðleoda laga* ('The Laws of the Northern People' [= the Northumbrians?], 10th century?): “**Mæsseþegnes 7 worldþegnes [werigild] II þusend þrimsa. Ceorles wergild is CC 7 LXVI þrimsa, þæt bið II hund scill' be Myrcna lage.**” (Ibid, 460), that is:

A *þegn's* wergild = 2,000 *þrimsas*, a ceorl's wergild = 266 *þrimsas* = 200 Mercian shillings.



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Arithmetical evidence:

- if 1 Mercian shilling = 4 pence, then [Mercian] 200 shillings = 800 pence (200×4);
- then 1 *þrimsa* = 3 pence ($800 \div 266 \approx 3$);
- then 2,000 *þrimsas* = 6000 pence (2000×3);
- if 1 West Saxon shilling = 5 pence, then a *þegn*'s wergild = 1,200 shillings ($6,000 \div 5$).

Problems with the *þegn's* 1,200-shilling wergild

Source problems:

- *Mircna laga* and *Norðleoda laga* lack any historical context and are anonymous. Were they even ever promulgated?
- *Mircna laga* and *Norðleoda laga* are not independent sources and were edited by Archbishop Wulfstan of York (d. 1023) or his pupils.

Logical inconsistencies. Using *Norðleoda laga's* evidence requires a chain of mutually dependent concessions:

- Ratios' inconsistencies: *Mircna laga*: a *þegn's* wergild = 6 *ceorl's* wergilds ($1200 \div 200$), but *Norðleoda laga*: a *þegn's* wergild = 7.5 *ceorl's* wergilds ($2000 \div 266$). Otherwise, if the 6:1 ratio stands, either a *þegn's* wergild = 1,596 *þrimsas* ($\approx 1,600$), or a *ceorl's* wergild ≈ 333 *þrimsas*. How does this accord?
- Currency switch: *Norðleoda laga* must have combined both types of shillings without visible reasons: The *ceorl's* wergild is reported in Mercian currency, the *þegn's* – in West Saxon. Why?
- Regional gaps: The evidence for a 1,200-shilling wergild as such is exclusively West Saxon, whilst both *Mircna laga* and *Norðleoda laga* supposedly report non-West Saxon norms. How do they accord?

Possible solution:

If Mercian and West Saxon shillings did differ, but the actual coin did not, and if £1 = 240 pence, then the Mercian *þegn's* wergild was simply lower (?): 4,800 pence against 6,000. Secondary evidence: *Leis Willeme* § 8 ('Laws of William the Conqueror', 1150s?): "De were diuersorum. Est autem were theni in Merchenelahe XX libr., in Westsaxenelahe XXV libr." (£20 = 4,800p, £25 = 6,000p; cf. II Æðelred § 5,1 (991): "Gyf Ænglisc man Deniscne ofsleo, frigman frigne, gylde hine mid XXV pundum [...] 7 do se Denisca ðone Engliscan ealswa, gif hine ofslea"; Liebermann 1903, 222; 499).

Problems with the *þegn*'s 1,200-shilling wergild

Possible implications: Perhaps, the wergild-tariffs recognised the precedence of accounting units (shillings/*þrimsas*) over actual monetary value (pennies)?

In Wessex,

- From the 7th century on, the society divided itself into the *twehþundimenn* and *twelfþundimenn*, whose wergilds accounted as 6:1 (6,000 and 1,000 pence).

In Mercia,

- Either the 6:1 social division was aboriginal, too, but due to a different currency value, made up 4,800 and 800 pence; hence, *Mircna laga* could have reported the already established practice; OR
- After the integration into the West Saxon polity, the new authorities enforced the West Saxon wergild ratios while preserving the native currency system, which lowered the value of wergilds in monetary expression, 4,800 and 800 pence (NB: “**De were diuersorum...**”). *Mircna laga* could be one of such enforcement tools (NB: “**...on Myrcna laga**”).

In Northumbria,

- Perhaps, *þrimsas* used to be the standard local unit of accounting at the rate 1 *þrimsa* = 3 pence. The weird-looking figure of 266 *þrimsas* is likely the editor/copyist's addition and attempt to harmonise the accounting systems, hence the ratio 266 *þrimsas* = 200 Mercian shillings = 800 pence is the most probable. If so, then either the Northumbrian wergild ratio had always been 7.5:1, or one of the wergilds was artificially imposed from above.

Either way, despite the authorities' ambitions for equalising, the wergilds were *de facto* uneven throughout the country.

2) How did the wergild function in the Anglo-Saxon legal framework?

Did the practise of monetary compensation for homicide actually exist in the Anglo-Saxon social reality?

Arguments *pro*:

- The wergild payments are present in virtually all extant Anglo-Saxon legislation.
- The practice of exculpating homicide with monetary payments is recorded in modern anthropology (e.g. in modern-period Albania). Other legal traditions record wergild stipulations as well.

Arguments *contra*:

- There is very little extant record of wergilds ever being paid in the Anglo-Saxon period (Wormald 1977).
- We know relatively little about the Anglo-Saxon feud; two things are certain: 1) feuds in early medieval societies usually occurred within families, not between them (Sawyer 1987); 2) the monarchy in the 900s was extending its legal authority in pursuit to delegitimise feuding (Lambert 2012).

Arguments against *contra*:

- Argumentation *e silentio* is bad science: lack of evidence is not the evidence of lacking.
- Modern anthropology confirms that monetary homicide exculpations usually follow the *ad hoc* principle.
- Levi Roach (2013) made a case that royal legislation was likely treated as a form of 'guidelines' that needed not be applied verbatim in the actual courtroom. Hence little written record, but also possibility for inevitable deviations in potential wergild-payments.



3) How does the functioning of the wergild in the legal system tie in with the sociological model(s) of society?

If the practice of wergild actually existed after all, but we can know only very little about its real implementation, is it a useful piece of evidence at the end of the day?

The answer depends on the question, because

“There are no good or bad sources, there are only good or bad ways to use them” (*Det finns inga bra eller dåliga källor, det finns bara bra och dåliga sätt att utnyttja dem på*; Janson 1999, 71).

The extant legal codes reflect the perspective of the legislative authority, i.e. West Saxon monarchy. Therefore, we may observe the royal perspective of the Anglo-Saxon social composition and kings' attempts to mould it (cf. striving to harmonize *þegn*'s wergilds in different regions). We then may try to collate both this vision and activities against sociological models.



4) What does establishing a *þegn*'s wergild and the latter's functioning actually tell us about the former's place/role/function in the 'Anglo-Saxon society'?

In all likelihood, wergild relates to the modern sociological concept of 'status' (or *der Stand*) that bears upon legal, honorific, and prestigious standing of an individual. Max Weber:

“‘*Stände*,’ in contrast to classes, are normally communally based *Gemeinschaften*. However, they are often of an amorphous sort. In contrast to ‘class situation,’ which is purely determined by the economy, we want to characterize the *Stände* situation as resulting from the typical integral part of life, in which the fate of men depends on a specific positive or negative social assessment of honor” (Weber 1968, 142).

Timothy Reuter (1997, 167–8) separates the ‘aristocrat’ (“someone who exercises power as a result of being well-born in a socially rather than legally defined sense”) from the ‘nobleman’ (“a person whose (normally privileged) status is legally defined, which means that one can be a noble without exercising power”): though in practice they are often one and the same people, this is not a must.

Perhaps, the rather late explicit legal bestowal of a 1,200-shilling wergild upon a *þegn* testifies to the kings’ deliberate ‘social engineering’ of a new social ontology, whereby a formerly aristocratic but not necessarily noble group was legally defined and merged with a pre-existing nobility?..



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THANK YOU!

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