

## Doom! Anglo Saxon Laws

By Oswyn of Baðon mka Sean Wilson oswyn969@gmail.com

### Shire of Wurmwald, Middle Kingdom, Known World

## Table of Contents

Anglo Saxon laws in general .....	1
Laws of Aethelberht of Kent .....	2
Status of Women .....	3
Laws of Hlothhere and Eadric .....	3
Laws of Wihtred .....	4
Drunken Duck.....	5
Laws of Ine .....	5
Status of Women .....	7
Laws of Alfred .....	8
Status of Women and Children .....	9
The Laws of Edward the Elder.....	10
The Laws of Aethelstan .....	11
References .....	12

### Anglo Saxon laws in general

Anglo Saxon law begins as Germanic tribal laws but eventually get codified. There are undoubtedly law codes we don't know about that didn't survive but the earliest one we know of are the Laws of Aethelberht of Kent. From there we get a few more Kentish law codes and then transition into the Laws of Ine of Wessex, Albert, and then various Wessex Kings until the Conquest.

In general, the laws deal with weregilds, man-gold. These are fines for various offenses often payable to the injured party or their family for various crimes. Many of the early crimes deal with death or injury but as the society gets more complex, thief, property inheritance, and property usage enter the codes. Also, as time moves on, relations with the Church enter the law codes as well. Other potential penalties include slavery for a period of time and eventually death of the offender.

We can somewhat look at the various law codes as additive. That is, the Laws of Aethelbert are assumed to be in force unless a later law contradicts them. The Laws of Alfred explicitly repeat many of the earlier laws, especially the Laws of Ine.

Anglo Saxon law still forms the basis of English Common Law, although credit where it is due, Henry II is the main person who codifies existing Anglo Saxon and Norman law to make that basis. However, some

of the earliest principles on which modern English Common Law (the basis for modern American law) are still here and present.

Some of what is interesting in the various law codes is seeing how certain parts change over time. For instance, the status and worth of women is different over time. Another interesting part of these codes is seeing what is considered important. These were law codes that people were expected to be familiar with. If there is a law, it means that the King thought there was an issue that needed addressing. So when there is a specific type of crime mentioned, it is either actually happening, has happened and the King wants to make sure it stops (or reduces), or the King is afraid it might happen.

Below, I look at the law codes in general with some established baselines for fines. I will also call out some of the more unusual and/or humorous laws from my perspective. I will also try to chart out how some categories of law change over time.

### Laws of Aethelberht of Kent

The Laws of Aethelberht of Kent date from the early 600 AD. The Law Code we have lists 90 laws. A large portion of the laws deal with compensation for an injury to a person with lesser portions dealing with property crimes and the status of women.

Let's establish a baseline. Highway robbery is listed as a fine of 6 shillings. Punching someone in the nose is at 3 shillings. Weregild for a freeman is 100 shillings.

Some of the more interesting laws are:

- Theft of property from the Church is expensive. It starts at 3 times the value of the property if from a clerk and goes up to 11 times the value from a bishop. There is a 12 times for God's property. I am not sure what qualifies as God's property.
- Committing crimes in front of the King or near him is expensive as well. If the King calls for his lieges and someone hinders them, it is 2 times the weregild and then 50 shillings on top of that to the King! Stealing from the King is a 9 times the value of the property. Notice that is less than a bishop! And don't interrupt the King's meal. If he is feasting, all penalties are doubled.
- Breaking and Entering is better if done in a group. The first man to enter pays 6 shillings, the next 3 shillings, and each afterwards is 1 shilling each.
- There must have been a concern about weapons in a brawl. If you supply a weapon to someone in a quarrel but there are no injuries, the supplier pays 6 shillings.
- Weregild can be paid on installments. 20 shillings is due at the grave closing and the balance within 40 days.
- Breaking a fence is more expensive. It is 6 shillings for just breaking the fence then 3 times damages for stealing after that. If the man left his gate open and you walk in, it is 4 shillings.
- The most expensive injury is destroying another man's penis. 3 times the weregild! Other than that, knocking an eye out or striking off a foot is the next most expensive at 50 shillings.

## Status of Women

We can see a little of the status of women. Obviously, it is not good but at least they are mentioned in the law code and have some rights that they would later lose under Norman rule.

- If a freeborn woman with long hair commits misconducts herself, it is a 30 shilling fine. The long hair is important as it tells us that it is a status marker; slaves are shaven. We don't know what qualifies as misconduct though.
- Compensation to an unmarried woman is the same as a freeman. So at least there is some parity there.
- A woman is entitled to half the goods of the marriage if the husband dies before her and she has a child.
- If a woman wishes to leave her husband with her children, she gets half the marital goods.
- If the woman doesn't have children, her goods and morning gift go to her father. Assumedly, that is where she is most likely to go as well.
- Stealing a maid without consent of her owner or family is a 50 shilling fine plus having to buy consent plus 20 shillings if she is already engaged to another. If people have to go and get her back forcibly, it is another 35 shillings to the family and 15 shillings more to the King!
- If you sleep with another freeman's wife, the fine is the husband's weregild as a fine and you have to find him another wife with your own money.
- So the lesson is stealing women and sleeping around is expensive.

## Laws of Hlothere and Eadric

This is the next set of Kentish law that we still have. There are only 16 laws listed in this code. Given that there are only 16 laws and 5 of them deal with killing by a servant, this must have been a problem. Several of the laws also deal with providing surety for appearance in court. Again, this must have been a problem.

We have to assume the baselines are still the same as before.

- If a servant slays a nobleman, the owner of the servant shall surrender the servant for the homicide and pay the value of three men (slaves). If the servant "escapes" and can't be turned over, the owner owes another man in value and needs to provide good witnesses that he couldn't find the servant to turn over for the crime.
- We learn that effectively the age of majority is 10 years old. If a man dies with a wife and child, one of the man's relatives shall be guardian of the property until the child is 10 years old.
- Two laws about drinking: if a man takes away another man's cup, who has committed no offense, he shall pay 1 shilling to the house, 6 shillings to the man's who cup he took, and 12 shillings to the King. It is cheaper to punch him in the nose than take a man's cup.
  - If men are drinking and a man draws his weapon but there is no injury, 1 shilling to the house and 12 shillings to the King. Recall this is twice as expensive as a brawl with no injury but no drinking. If there is injury (the law says "house stained with blood"), the

house is paid his mundbyrd (violation of protection) and 50 shillings to the King. I have not found what the mundbyrd is supposed to be in this case.

- London must have recently come into possession of the Kings of Kent. The last law deals with purchasing property in London and the need to have it properly witnessed.

## Laws of Wihtred

This is the last of the Kentish law codes we have access to. There are 28 laws. The majority deal with church issues or at least where the church and state intersect. Theft seems to remain an issue.

- The Church is free from taxation. This is the first law of this code. In many ways, the Church is made equivalent to the Crown. Bishops and the King are often valued equally.
- There is a lot of mention of “illicit unions.” I am taking this to mean non-Christian marriages. Germanic paganism is still strong in Kent, even after a century after Aethelberht’s conversion. Non-Christian marriages had to be redone in the Christian style or people had to leave or pay fines. Interestingly, the fine is higher for a nobleman than a commoner. We also know that this law is often overlooked. Many English kings were married in the “Danish” style to one woman and then married to another woman in the Christian style.
  - If a priest consents to an illicit union, or neglect to baptize a sick man, or is too drunk to do his duty, he shall abstain from his job.
- There is finally a law about the mendicant monk scandal. If a tonsured man asks for hospitality, he shall be granted that hospitality once only unless he has permission from his bishop or abbot.
- There are also references to offerings to devils. Again, I take this as really meaning sacrifices to non-Christian deities.
- Swearing an oath is often enough to clear one of a charge. Kings and Bishops can just swear they didn’t do it. Most others have to swear on an altar and in front on witnesses.
- If you catch someone in the act of thievery, you can kill them with no weregild penalty.
- There is an acknowledgement of the difference between husbands and wives. If the husband sacrifices to “devils”, he loses his property but she does not lose hers.

## Drunken Duck

Based on the laws of Kent, I made this sign for Baroness Verena Entenwith's tavern, The Drunken Duck.



As per the Ancient and Honorable Laws of Kent and later enshrined in the Laws of All England, [be advised](#):

- If anyone takes away another's cup, who has committed no offense, they shall pay 1 shilling to the House, 6 shillings to the [one](#) whose cup they took, and 12 shillings to the King!<sup>1</sup>
- If people are drinking and a someone [draws](#) a weapon but there is no injury, 1 shilling to the House and 12 shillings to the King!<sup>2</sup>
- If you supply a weapon to someone in this quarrel but there are no injuries, the supplier pays 6 shillings to the King! <sup>3</sup>
- If the House become stained with blood (i.e., there is an injury in this quarrel), the house is paid 30 shillings for violation of hospitality and 50 shillings to the King! <sup>4</sup>

**ALL PENALTIES ARE DOUBLED SHOULD THE KING BE PRESENT!<sup>5</sup>**

## Laws of Ine

We now move to the Laws of the kings of Wessex. Ine's laws are roughly contemporaneous with Wihtred's. Part of why we still have Ine's laws is that Alfred the Great copied them into his law code as well. The Laws of Ine comprise 76 laws.

As with Wihtred's laws, it starts with some church oriented business.

One of the early laws however is similar to but quite different from Wihtred. Wihtred 9 says that if a servant works on the Sabbat, contrary to his lord's command, he owes the lord 80 pennies. It says nothing about if the lord commands him to work. I guess it is assumed that the lord, being more educated and a Christian would honor the Sabbat. Ine has a different take on it.

- If a slave is commanded to work on Sunday, the slave is freed and the lord owes him 30 shillings.
- However, if the slave works on Sunday and the lord is not aware of it, the slave is to be lashed or pay a fine.
  - If a freeman works on Sunday, except by his lord's command, the freeman is reduced to slavery or pay 60 shillings. A priest shall pay double. So we see that a freeman might be commanded to work on Sunday for some reason. Given that, perhaps a Kentish servant could also be commanded to work on Sunday. It is unknown.

- Ine was very concerned about baptism. Children were to be baptized within 30 days or a fine of 30 shillings. If the child dies before baptism, the guardian owes all of his possessions as fine. Were children baptized immediately? Death in childbirth or shortly thereafter would still be a real possibility so there must have been a grace period of some sort.
- We get the first reference to sanctuary. If anyone is liable to the death penalty and he flees to a church, his life is to be spared but he must pay a fine instead (to be determined).
- Brawling is still an issue.
  - Fighting in the King's house is a fine of all your property and maybe your life as the King decided.
  - Fighting in a monastery is 120 shillings
  - Fighting in an ealdorman's house is 60 shillings to the householder and 60 to the King.
  - Fighting in a gebur's house, is 6 shillings to the householder and 120 to the King. So much less to the householder but twice as much to the King.
  - Fighting outside is 120 shillings.
  - And more about drinking, if two men fight while drinking and one endures it patiently, the other owes him 30 shillings.
- Ine was concerned about justice outside of his court. If anyone exacts redress before he pleads for justice, the exactor shall give up what he took, pay as much again, and 30 shillings as compensation to the other party.
- Recall slavery was not forever and slaves did have rights. Ine has a law, if anyone sells one of his own countrymen overseas (as a slave), the seller shall pay the other's wergild.
- Thievery remains a concern. Ine tells us how many people are a group. 1 to 6 people are just thieves. 7 to 35 are a band of marauders. 35+ is a raid. Thieving penalties were based on what kind of group you were in.
- Because we are in Wessex and Wessex recently conquered land owned by the Welsh, there are many laws that describe the difference between penalties a Welshman would pay and an Englishman. As you can guess, penalties were harsher on a Welshman.
- Escaping servants seemed to be thing. If you lend a sword to a servant and the servant runs away, the lenders shall pay the owner of the servant third of the servants value. If you lend a spear, the payment is half the value of the servant. If you lend a horse, the payment is the full value of the servant.
- Ine has several laws about livestock and their habits.
  - A commoner's premises shall be fenced both in summer and winter. If not, and a beast enters your property, you can make no claim.
  - If a beast breaks through your hedges though, you can kill it and keep it and the owner shall take its hide and flesh.
  - If a pig intrudes on your mast pasture, it is has been only one time (as sworn by the owner), the penalty is 1 shilling. If it has been twice, it is 2 shillings. More than that is 6 shillings.

- If you are providing pannage for someone else's pigs in kind, you are entitled to bacon equal to three fingers thick from every third pig, 2 fingers thick from every fourth pig, and one thumb thick from every 5 pig.
- Killing a ewe with her lamb before a fortnight after Easter is a 1 shilling fee. Basically, if you sell a ewe without her lamb up until a fortnight after Easter, you have to discount the cost of the sheep by 1 shilling.
- Apparently mutilating cattle is a problem. There are a few laws that says what the fine is for taking various parts of cattle.
- A sheep shall retain its fleece until Midsummers, or it is a 2 pence fine. Basically, if you sell a sheep without its fleece before Midsummers, you have to deduct 2 pence.
- Trees are important to Ine as well.
  - If you destroy a tree in the wood by fire, the fine is 60 shillings because fire is a thief.
  - But if you are going to chop down trees, the fine is 30 shillings per tree up to 3 trees (so 90 shillings). More trees than three are free at that point because the axe is an informer not a thief.
- Ine has several laws about how land should be used.
  - Roughly 50 to 60% of land is expected to be in use at any time.
  - If a man take a parcel of land at fixed rent and ploughs it, and if the lord of that land requires service as well as rent, the tenant can back out of the agreement unless the lord provides him a dwelling.
  - Here is where we have the food rent expected from every 10 hides of land: 10 vats of honey, 300 loaves of bread, 12 ambers of Welsh ale, 30 ambers of clear ale, 2 full-grown cows or 10 wethers, 10 geese, 20 hens, 10 cheeses, a full amber of butter, 5 salmon, 20 pounds of fodder, and 100 eels. We are not 100% sure how much an amber was. Perhaps it was a quarter bushel but we don't really know.

### Status of Women

A few of the laws mention women. For instance, if a man steals a beast and brings it to his house and it is discovered, only the man loses his share of the property.

If a woman's husband dies, the husband's family is responsible 6 shillings per year, a cow each summer, and an ox each winter until the child reaches maturity (still about 10). The family also has to keep up the family home.

If a man steals without the knowledge of his wife and child, the fine is 60 shillings. But if they knew about it, the whole household goes into slavery. Not great but at least there is an acknowledgement that wives are separate entities.

## Laws of Alfred

We now move forward to ~890 AD. Alfred's laws are much more complicated than those before and a bit more spread out. Alfred starts his law code by reiterating the laws of Moses as found in Exodus. In some ways, Alfred was trying to show that he was a lawgiver like Moses and the preface was a way to do that.

As to his actual laws, the code has 77 laws but then 5 more laws in his treaty with Guthrum.

Another thing to remember is that Alfred wrote his law code after making peace with Guthrum. There was close to 2 decades of war to drive the Danes out of Wessex and Mercia. Several laws seem sympathetic to some potential lawbreakers. In reality, the laws recognize that for some people, many of their normal support structures were destroyed by the Danes. For example:

- If a person pledges himself to something which is lawful and is false to that pledge, he gets 40 days in prison and has to provide his own food. If he can't provide his food, his relatives shall. If he has no relatives, the King's reeve shall feed him. This probably really applies to an oath to provide military service.
- Many of Alfred's laws are similar to Aethelberht's and Ine's but the fines are increased. As stated previously, violating the King's protection is a fine of 5 pounds of silver pennies. This is compared with the 50 shillings earlier.
- We get the first reference to regicide. Plotting against the king, either on his own or by harboring outlaws, is a death sentence.
- Stealing from a church is removing of a hand, unless you have permission to pay a fine instead. That fine is your wergild.
- There is a reference to previous fines for stealing gold, horses, and bees. We don't have those fines. But Alfred sets the fine for all thefts (excepts kidnapping) at 120 shilling.
- Destroying trees is now more expensive. 5 shillings per big tree and 5 pence per other tree is paid to the owner of the trees and 30 shillings as a fine to the Crown.
- Lending weapons is again addressed. If you lend a weapon to someone and they commit murder, the two parties can combine resources to pay the wergild. If they don't want to combine, the lender is assessed 1/3 of the both the wergild and the fine. Or the lender can swear that he didn't know a crime was going to be committed.
- Dog attacks were a concern. If a dog bites you, it is a 6 shilling fine for the first offense, 12 shillings for the next offense, and 30 shillings for the third offense. Beyond that, the fine is the victim's full wergild. You can't say you don't have the dog anymore, you still have to pay the fines.
- Alfred tried to crack down on private justice as well. Laying bonds (tying up) an unoffending commoner, the fine is 10 shillings. Scourging him is 20 shillings. Placing him in the stocks is 30 shillings. Cutting his hair is 10 shillings. Forceably tonsuring him without tying him up is 30 shillings. Cutting off his beard is 20 shillings. Tonsuring him with tying him up is 60 shillings. Remember your appearance often told you what someone's station was.

- There is a proper way to carry a spear. If you carry a spear over your shoulder and accidentally stab someone with it in the back, the penalty is the full wergild without the fine. If you stab them in the front, the penalty is the wergild and the fine. This is only true if the point is higher than the butt by 3 fingers or more. If the spear is level, it is not the spear carriers fault. Anglo Saxons were just as tall as we are modernly. Let's assume 6 foot on average. The shoulder would be ~ 5 ish feet off the ground. Basically, this is a law about stabbing people in the face/head with your spear. If your spear is level, the other guy should have gotten out of the way. If it is slightly raised, it is your fault for stabbing the other person in the head.
- If someone does you harm and you know where they live, you can surround the house but you can't hurt the person. You can besiege them for seven days. If they remain inside, you can't go in after them. After seven days, the besieged is supposed to surrender and the besieger is obligated to keep him safe for up to 30 days while they inform the besieged family and the law.
  - If the besieged flees to a church, then the besieged has sanctuary.
  - If you can't besiege them yourself, you have to go to your Ealdorman first and then the King.
  - The main exception to this is if you find a man in bed with your wife, daughter, sister, or mother (provided your mother is actually married to your father). In that case, you can kill the man.
- Alfred set up some "federal" holidays to all freemen: The 12 days of Christmas, 15th February, 12th March, the 7 days before Easter and the 7 days after, The Festival of St Paul and St Peter (June 29), the full week before St Mary's Mass (August 15), and one of All Saints.
  - Slaves were granted the four Wednesdays in the four fasting weeks as holidays where there work was their own. They could make things for their own sale.
- Most of the rest of the Law Code updates the fines for various injuries.
- The treaty between Alfred and Guthram is short.
  - It establishes the boundaries between the territories.
  - It establishes that Danes and English are worth the same if slain at 8 half marks of gold.
  - It establishes who and how many witnesses are needed if a thane is murdered on either side.
  - It establishes that every man (on either side) will know who warrants the sale of slaves, horses, or oxen. Basically, you will get the knowledge who is selling these things and that you are indeed buying things that are legitimately for sale.
  - It establishes that slaves or freemen are not allowed to just run off for the other side. But trade is allowed as long as hostages are exchanged.

### Status of Women and Children

A few of the laws deal with nuns. Why is this important? Some nuns were of noble or royal blood. It has happened and would continue to happen that a would-be noble or king would kidnap (willing or unwilling) a nun and use her bloodline to establish legitimacy.

- If anyone takes a nun without the permission of the king or bishop, the fine is 120 shillings, split half and half between the Crown and Church
  - If she lives longer than he, she doesn't inherit his property
  - If she bears a child, the child does not inherit either.

- If the child is slain, the part due the mother's family goes to the King but the father's family is paid their part. I find that interesting. It tells us that there is a wergild for children and both the mother and father are owed a part of it.
- If anyone lustfully seizes a nun by her cloths or her breast, without her permission, the fine is twice that of woman of the laity.
  - It gets confusing because it is under the nun law. But if a young woman who is betrothed commits fornication, she shall pay 60 shillings if she is a commoner. The payment must be paid in livestock, not slaves. It is unclear. Does this apply to all commoner women? Did Alfred mean, if the nun is a willing participant, she must pay. It is interesting again, not in slaves. That shows that commoners may have had slaves.
  - If her wergild is 600 shillings, she must pay 100 shillings.
  - If her wergild is 1200 shillings, she must pay 120 shillings.
  - So, assuming a commoner has a wergild of 100 shillings, it is a sizeable portion of that for the fine. But as the status increases, the percentage of her wergild as fine goes down by a lot. If you are a noble, it is not that big of a fine.
- If anyone seizes a young commoner woman by the breast, the penalty is 5 shillings (payable to the woman).
  - If he throws her down but doesn't lie with her, it is a 10 shillings fine.
  - If he lies with her, it is a 60 shillings fine.
  - If another man has previously lain with her, it is only half that.
  - If these things were done to a noble born woman, the fines are increased in proportion to the wergild.
- If anyone slays a woman with child, he pays the full wergild for her and half the wergild of the child.
- If you give your child in keeping to a helpless person and the child dies, you have to prove yourself not guilty.

## The Laws of Edward the Elder

Next on our journey is the Laws of Edward the Elder. These laws cross three documents. The first is a series of 12 laws in his Treaty with Guthram. Then we have a small code of 5 laws followed by another of 8 laws.

Most of the Treaty laws have to do with common offenses but give their penalties in both Danish and English currencies. The laws are mostly religious in nature as well, ensuring the confession is available to the condemned, baptism to the newly born, tithing, etc.

In his first code, the 5 laws have to do with transactions. The main law states that all transactions should be held in a town and witnessed by the port-reeve.

The second law set has the idea of bail.

- If someone is accused of theft, he needs his lord or friends to stand as surety for him. If he can not, he can put up property as security. If neither, then he is held until trial.
- He also introduces the idea of a speedy trial. Every reeve shall hold a meeting every four weeks and they shall see to it that every man obtains the benefit of the public law and that every suit shall have a day assigned to it on which it shall be heard and decided. If anyone neglects to do this, he shall pay compensation.

## The Laws of Aethelstan

Finally, we come to the laws of Aethelstan. There are seven separate codes here of varying lengths. The first is mainly ecclesiastical with 5 laws about tithing. Next is an ordinance about charities with 2 laws. Next is about the administration of justice with 26 laws. The next three law codes repeat some of what is in one and two. They are basically letters to various regions outlining the administration of justice in those regions. The next is 7 laws in Latin, instead of English, as the English version has been lost. The next is 8 laws again in Latin for the same reason. The next is 3 laws. The last deals with the administration of London with 12 laws. Many of these missives repeat themselves but they are addressed to different audiences.

- In the ordinance relating to charities, Aethelstan commands his reeves to provide meals to any destitute Englishman. They are to be supplied from the King's rents, an amber (~ a 1/4 bushel) of meal (ground grain), a shank of bacon, or a ram worth four pence every month. They are also to have clothes for 12 months.
  - He also instructs his reeves to free one man every year who has been reduced to penal slavery.
  - The penalty for not doing this is 30 shillings to be divided amongst the poor on that estate.
- Theft is again addressed. No thief shall be spared if they are over 12 years old and if they stole more than 8 pence worth of things (later 12 pence worth).
  - Later it becomes clear that it is not death but spared from punishment. There are fines for not turning in a thief, etc.
  - Aethelstan lays out several circumstances here. If the thief runs, if he is a man, he can just be killed. If the thief is a free woman, she is to be thrown from a cliff or drowned.
  - If it is a male slave, 80 other slaves shall stone him to death and if any of those 80 miss more than 3 times, they are to be scourged. Then those 80 slaves must give the lord of the dead slave 3 pennies each.
  - If it is a female slave, 80 female slaves shall bring a log and burn that thief. And then those 80 slaves have to pay 3 pennies as well.
- There are many references to ordeals in Aethelstan's laws.
- Again, a reference to making sure you have witnesses for transactions.
- Aethelstan makes reference to moneying.
  - There shall be one coinage.
  - Money must be minted in a town
  - A moneyer who makes light coins shall have his hand cut off and hung up at the mint.
  - Aethelstan declares how many moneyers in certain mint towns and who they work for. For instance, Canterbury shall have 7 moneyers, 4 for the king, 2 for the archbishop, and 1 for the abbot.
- No shield maker shall cover a shield with sheepskin. Not sure what that is about.
- There is an increase in the amount of military conscription. Under Alfred, 1 man was required per 5 hides. Now it is 2 men per ploughland (~ the same as a hide). That is a lot!
- No man shall send a horse across the sea unless it is a present.
- You can only miss 3 assembly meetings before facing a fine.

## References

All of these laws and law codes can be found in

F. L. Attenborough, M.A, *The Laws of the Earliest English Kings*, Cambridge at the University Press, 1922. Available for free on google books.