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Translation, Conquest, and the Law: The Medieval English Experience

What can we learn about the nature of a conquest by studying the decision to or not to translate laws in the aftermath? It is not simple to answer this question in part because of the complicated role of translation in the very creation of law texts. Translation itself is not a single thing but can aim at producing quite different products depending on the desires of the translators and their patrons. Translations also participate in a broader culture and are not at all isolated from other texts made or used at the same time. Translation's role can only be understood in the broader context of the historical experiences of speech and textual communities: our task, then, is to lay out their proportions, roles, and relationships with one another.

I will focus on England, which famously for a post-Roman region began its legal history in the Germanic vernacular of recent invaders and immigrants. I will describe the baseline of English laws of the tenth and early eleventh century in order for us to have something by which to measure the changes afterwards. Using the laws of one king, Cnut (1016–1035 CE), I will then survey the varied products of England's scriptoria to see where one would likely find Cnut's law, and in what form or language. Last, we will follow the course of twelfth-century developments in the recording and translating of Cnut's codes and raise the possibility that what we are witnessing in the rise and fall of translations of Cnut from favour are the after-effects of a point-counterpoint conflict between the old and the new, between ancient and contemporary law, all coded with appeals to a past context in order to hide innovation.

Æthelberht, king of Kent (560–616), issued the oldest law code produced by the Germanic settlers in Britain.¹ What is surprising is that he chose his vernacular, the Kentish dialect of Old English, as the vehicle, despite there existing no tradition in either writing or in the use of his vernacular as a written language. His successors produced codes not only in English, as is well known, but also, according to one recent argument, in Latin. The textual history of English law did not, then, begin with a "tradition" of vernacular legislation, as it is usually described, but rather, it appears, with experimentation involving composition in either Latin or Old English as well as, arguably in one case, of translation from Latin to Old English (Ivarsen 2022). It appears

1 Edited, translated, with commentary by Oliver (2002).

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that the brief law code of Wihtred, king of Kent (690–725), was drafted in Latin before being translated into Old English. Ine's code for his West Saxon kingdom was arguably composed in Latin with no following plan to translate it into English.

English kings were dealing with the choice which other Germanic invaders had to make. When Clovis reigned in Gaul, the people subject to his authority would for the most part have been speaking the late Latin of the province, while the small minority which his own people made up would have spoken some form of German or been bilingual (Wright 1982). One can argue that because of the numbers, Clovis or his advisers chose the local Romance vernacular as the vehicle for Frankish customs, rather than issue laws in German, a language with little presence in written form at the time (Uhl 2017). Within a few generations of Clovis' death, the Franks had become Romance speakers who could read or understand Latin texts without any need for translation. Could kings in England have made a similar choice, but chose not to? It is hard to know what drove the linguistic choices in Britain. We don't know how many Romano-Britons were under the control of new Germanic kings. We don't know what languages they spoke – whether Latin had put down roots, or whether the British Celtic languages had survived in all areas, lowland or highland (Ward-Perkins 2000; Schrijver 2012). It does seem that some of the English made the same choice as Clovis, while others did not.

Translation played a more explicit role in the late ninth century before disappearing from the records of law codes. The credit for the role of translation can be given to King Alfred, who issued a law code in English as well as conducted a campaign of translating Latin classics into Old English. In creating a law code, Alfred chose to translate Latin passages from the Bible as a preface to his own laws (Meeder 2009). This was probably when Ine's code, issued in Latin during his reign (688–726), was translated into English in order to accompany Alfred's code. The king's reason for including Ine's laws with his own have been investigated, but one of its effects was to emphasize the long roots of Christian West Saxon law. Translating Biblical injunctions and his ancestor's code, along with issuing his own laws in English, fits nicely with the king's campaign to revive use of the vernacular, revive literacy, and encourage learning – explicitly among his officials and judges (Asser, *Life of King Alfred*, c. 106, 94–95). Crucial was the choice of the English vernacular to make this plan practicable.

Following Alfred, English kings produced texts of laws in nothing but Old English. Five of Alfred's successors – Edward the Elder, Athelstan, Edmund, Edgar, and Æthelred – issued twenty-five law codes, almost all of which survive in English.² In addition, there are another score at least of legal texts whose official status is not always clear, but almost all of which survive in English (analysed by Wormald 1999, 366–397). It is safe to say that by the early eleventh century, there was a strong tradition of com-

² Edited with commentary *Die Gesetze der Angelsachsen*, ed. Liebermann (1903–1916); see also *The Laws of the Earliest English Kings*, ed. and trans. Attenborough (1922); *The Laws of the Kings of England from Edmund to Henry I*, ed. and trans. Robertson (1925). A few survive only in Latin translation from the twelfth century, but it seems clear that they were originally issued in English.

position of royal laws in English, a tradition that also appears to have included non-royal codes, or treatises. English was firmly the language of English law.

At the end of this tradition, during the latter half of the reign of Æthelred (991–1016), there is a hint of a change. Æthelred issued more law codes than any earlier king. During the first half of his reign, the four codes he issued resemble those of his predecessors: they represent written record of the results of deliberations of the king's council and are for the most part not derivative of the other law codes of Æthelred or of any earlier kings. Because of this, their evidentiary value is high. They are trustworthy witnesses to the thoughts and plans of the king and his councillors.

The appearance of Wulfstan, bishop of London (996–1002), later bishop of Worcester and archbishop of York (from 1002), in the king's court as the king's legal amanuensis changed this pattern in two ways. First, it looks like the whole idea of what constituted a law code changed radically when entrusted to Wulfstan. Under the influence of continental canon law collections, Wulfstan began treating older English texts as material for redeployment in new royal collections (O'Brien, forthcoming; Elliot 2013).³ Second, it appears that Wulfstan at times preferred to draft the codes in Latin and then translate them into Old English.⁴ Wulfstan is not alone in preferring to compose in Latin before translating into English; the most prolific writer of the entire pre-conquest period, Wulfstan's contemporary Ælfric, abbot of Eynsham, also at times composed texts in Latin in preparation for translating them into English (Raynes 1957). While interesting, what matters is not Wulfstan's method, but rather the fact that his target language for the final issuance was always English.

The creation of a law code by mining older works is certainly what Wulfstan did when he made the code we are going to focus on for the remainder of this paper: the Winchester code of Cnut. Whether or not he drafted these laws in Latin we don't know but given that it uses a good deal of material he had earlier drafted in Latin and then translated into English, it is doubtful (Richards 2010). Wulfstan had already followed these steps. Given that he was using almost entirely derivative materials which he himself had composed, there was little need for him to employ any step consisting of translation.

The Winchester Code, conventionally known as I–II Cnut, mirrors Edgar's two-part code, ecclesiastical and secular, and covers the topics found throughout the corpus: heavy on procedure and criminal penalty, light on jurisprudence and civil law. This code proved to be the unexpected culmination of the pre-conquest legislative tradition. None of Cnut's four successors issued a code, despite the reputation of two of

³ Michael Elliot's editions of the various versions of Wulfstan's collection are found at: <http://indiv.ual.utoronto.ca/michaelelliot/manuscripts/texts/wig.html>.

⁴ Wormald (1999, 192) says that VI Atr Old English is a version of VI Atr Latin, and was then subsequently used as a basis for Cnut 1018 or Cnut 1020/1021. The foundational work is Sisam (1953, 278–287).

them as kings who made good laws and abolished bad ones (O'Brien 2015a, 238–240).⁵ It seems like the legislative momentum had died with Wulfstan and Cnut. Future kings and councils were content with reaffirming in a general way Cnut's laws as the laws of the land without adding anything else (Maddicott 2004).

Fifty years after Cnut's conquest, the kingdom suffered a military invasion from Normandy. The aim of this invasion was to place the duke of Normandy, William, on the English throne. Despite the shared goals, this conquest did not follow the same course as Cnut's. It was, however, as brutal. In the course of a single battle, the English kingdom lost the better part of its aristocracy as well as its king. These roles were then filled with Normans and their continental allies. Norman control was never seriously threatened by the natives, and in fact was defended by native levies in the serious uprising of Norman barons and their English allies launched in 1075.

In several relevant matters, the Norman conquest of 1066 was similar to the Danish one of 1016 (O'Brien 2020, 41–64). Neither Danes nor Normans had much of a tradition of written law before conquering England. Once in charge, both Danes and Normans relied on existing English law-making practices and institutions of governance to maintain their hold. Both dressed up in English cultural garb in order to minimize visible disruptions. Both tied England into a grander international world: A North Sea empire ruled by Cnut and a more modest Norman empire established by William I (Bolton 2009; Le Patourel 1976). After both conquests, the kingdom was multilingual and produced texts in several languages (after 1016, the principal languages were Welsh, English, Scandinavian dialects; after 1066, Flemish, Welsh, French, Breton, Hebrew, English, and Scandinavian dialects) (O'Brien 2011, 69–121). Both Danish and Norman royal courts were at times patrons of literature in Latin as well as in vernaculars (Tyler 2017).

In one area of comparison, however, there was an important difference. Although the Danes who invaded spoke a dialect of Germanic that differed from the one the English spoke, it has been argued that there was in the early eleventh century no significant unintelligibility between English and Scandinavian vernaculars (Townend 2002, 181–211). The Danes and the English could generally understand one another. After 1066, that intelligibility was not the case for the Romance-speaking Normans and the Germanic-speaking English. This difference explains the very different course of languages and translation in the laws that followed each conquest (O'Brien 2011, 72–81).

So, unlike Cnut's conquest, the Norman conquest shifted the language of governance. There was not really much choice of which language to shift to. Written French existed but was hardly likely to be considered an option; by 1066, there were only a few texts existing in French, all of which suggest that the utility of writing in French had not yet come to the attention of the ducal court or Norman clergy. The Normans did share a language with the English: Latin. In the decade following 1066, as continental clergy and barons infiltrated more and more areas of English life, more of the

5 Both Edward the Confessor and Harold Godwinson are praised for their law-making.

business of the kingdom, its church, its laws, its business, shifted from English to Latin as the preferred medium. The kingdom-wide inquest near the end of William the Conqueror's reign, the Domesday Inquest, with its final Latin record of thousands of jurors swearing oaths in their vernaculars, attesting to the contents of vernacular documents, and its employment of professional translators, marked the final shift of weight from English to Latin, a shift visible from time to time in the years leading up to 1086 (Rigg 1992; Fleming 1998; Clanchy 2012, 35–38).

Moving from governance to the narrower subject of legislation, one finds a landscape transformed. The first three Norman kings produced very little of what we might call legislation.⁶ The full collection consists of two writs of William I on proof and Church courts, and three writs or proclamations by Henry I on his coronation, the schedule of public courts, and coinage. The reason perhaps for so little new output might simply be that the Normans acknowledged that the laws of Cnut, England's legal standard in the reign of William's predecessor Edward the Confessor, remained the legal standard after 1066 (*Quadripartitus*, 83–85; Sharpe 1994, 148–172).⁷

In the half century after the conquest, copies of Cnut's Winchester code multiplied and received special treatment from compilers, scribes, and translators. Cnut's laws dominate the scene of written law. After this first period, there follows another half century when a very different kind of law code rises up in popularity, rivalling Cnut's laws. Translation plays a role in both movements. The nature of those roles tells us a good deal about the status of written law and ancient custom in post-conquest England.

Copies of Cnut's Winchester code were copied after the new Norman regime had conquered the kingdom: only one copy, in fact, might arguably predate 1066.⁸ King Cnut's long Old English text circulated in stand-alone pamphlets or, when appearing in the two large vernacular collections of laws, might be placed first.⁹ Translations of Cnut's laws from English into Latin were also undertaken during the first decades of Norman rule. Between possibly before c. 1100 and the 1130s, several Latin versions of Cnut's Winchester code were produced. In two of three versions, what was produced was more than simply a Latin translation of Cnut's laws. In these two translations, the compiler or scribe has acted as an editor, cutting out some chapters, revising the rest and adding other legal texts to Cnut's code, all of which travel as if part of Cnut's pro-

6 Although the size and number of Anglo-Norman edicts is not entirely dissimilar to that of tenth-century kings, their overall proportion is extremely small when measured by all of the legal literature produced during the reigns of William I, William II, Henry I, and Stephen.

7 The attribution is attested by William of Malmesbury, *Gesta regum Anglorum*, ed. and trans. Myrners, Winterbottom, and Thomson (1998–1999, 1:328–30 [2.183.9]).

8 London, British Library, MS Cotton Nero A. i: See Ker (1957, 210–215); Wormald (1999, 224–228).

9 London, British Library, MS Harley 55; MS Cotton Nero A. i; Cambridge, Corpus Christi College MS 383: See Ker (1957, 302–303 [Harley 55] and 110–113 [CCC 383]); Wormald (1999, 253–255). Detailed recent descriptions of all of these can be found at Da Rold, Kato, Swan, and Treharne (2010 [2013]), available at <http://www.le.ac.uk/ee/em1060to1220>.

mulgation.¹⁰ In their translated forms these are new law codes, in a new language, but they remain for the most part made up of existing laws. Chapters added to Cnut's laws are almost always taken from other existing codes, from Alfred-Ine to Æthelred. In the third Latin version, the translator has created a true historical encyclopedia of English laws from Ine to the time of Henry I, but has arranged it so that his translation of Cnut's Winchester code is first.¹¹ This translation aimed to represent the contents and structure of the Old English source.

Two matters ought to be noted. Not only do these translations of Cnut stand in lieu of authentic new legislation by the Norman kings, but they serve in fact as the preferred vehicle of the few post-conquest texts that survive. The so-called Ten Articles of William I is likely the intended fifth and last book of the translation and revision of Cnut and other laws known as the *Instituta Cnuti*.¹² Henry I's edicts appear in the second book of a grand translation of Old English laws known as *Quadripartitus* (ed. Liebermann, 14–15, 146–166). The early law books join old and new, give precedence to Cnut, and translate everything into Latin. The second matter of note is more surprising. Two of these three translations fall into the same methodological camp as Wulfstan and the codes he created for Æthelred and Cnut. They both rearrange their sources and combine separate texts to create not, strictly speaking, a new law, but instead a law newly structured. The path of influence between Wulfstan's experiments c. 1000 and the decisions of these anonymous and private compilers of laws a century later is hard to see. There are differences between the two; the later compilers are more likely to assemble lightly edited blocks of existing sources, while Wulfstan revised and rearranged his sources (usually ones he himself had authored). What both Wulfstan and the later compilers do have in common is knowledge of the world of contemporary canon law, where just such a method lies behind the creation of the collections which served as the principal vehicles for transmitting ecclesiastical law (Brett 1992; Rolker 2005; Elliott, 2013).

The impact of these translations on developments that occurred in twelfth-century records of English law is clear. One of the key decisions made by this first wave of translators was to choose Latin as the target, but to continue to rely on the Old English register of law for their technical terms. They did this by transliterating key Old English terms in their translations.¹³ By doing so, these translators threw their weight behind something happening in other places in Norman government. This phenomenon was

¹⁰ The two translations are the *Instituta Cnuti* and the *Consiliatio Cnuti*. See O'Brien (2003) and Liebermann (1893).

¹¹ Most recently described and analysed by Wormald (1994).

¹² The *Instituta* and *Articuli* are presented as if one text in their earliest manuscript, *Textus Roffensis*: see Strood, Medway Archive and Local Studies Centre, MS DRc/R1, fol. 80r. For the argument that they originally formed one text, see O'Brien (2015b, 6 and n13).

¹³ Their appearance and significance as they appear in the writs and charters of William I has most recently been studied by Timofeeva (2022).

the absorption of Old English legal terminology into the Latin texts and court proceedings in general. The Domesday inquest was arguably critical in this phenomenon, though it is hard to imagine the decision by those in charge of the inquest to adopt so much non-Latin vocabulary without that already being the practice of courts and the agents of the crown.¹⁴ Exceptions to this rule – that scribes Latinized English terms – are rare enough to suggest that the practice was a result of a policy decided on by the new royal administration. Evidence that this was a policy discussion, albeit in a much later text, comes from Richard fitz Nigel's *Dialogus de Scaccario*, which refers to the use of *verbi communes* ('common words') in the text which recorded the results of the inquest, Domesday Book. It was Michael Clanchy who pointed out that this phenomenon was what Richard fitz Nigel was likely referring to when he pointed to the adoption of these *verbi communes*.¹⁵

A shift happens after this wave of translations of the laws of Cnut. While in the half century after the conquest those interested in the fundamental law of the land were content with some form of Cnut's laws – most often in Latin translation though at times in English – this preference changed in the later years of Henry I's reign or in the reigns of Stephen or Henry II. Those constructing law codes describing the *laga Edwardi* would be much less likely to use Cnut as the vehicle and more likely to simply invent a treatise on the laws and customs of the kingdom. These later texts were not at all derivative of existing law codes, neither of Cnut's Winchester Code nor of anyone else's laws. They claim to represent a different royal authority: the laws of Edward the Confessor as confirmed by William I. One of these texts was in Anglo-French and it enjoyed very little popularity. The other, a Latin treatise known as the *Leges Edwardi Confessoris*, was likely the most popular of all of the legal compositions produced before the end of the twelfth century (O'Brien, 2015a, 231–146).

The relationship between these two groups of texts – the translations of Cnut and the original compositions crediting their authority to King Edward and King William – has never been considered as anything other than coincidental. Both were simply part of the response to the Norman king's attempt to maintain the status quo – two paths to follow for anyone interested in producing a law code. One of the early twelfth-century translators explained, as mentioned earlier, that the laws of Edward meant the laws of Cnut (*Quadripartitus*, Argumentum, c. 1, 83). It looked like there was no difference other than in taste and skill that stood between choosing to create an original treatise or making a translation. But such a lumping misses the importance of chronology and authority. Chronologically, all but one of the texts attributed to Cnut have their origin in texts produced in the aftermath of the conquest, and all of these texts are translations or

¹⁴ The scope of the inquest seems to require that the decision had already been made: see the description of the process Fleming (1993).

¹⁵ The connection was first noticed by Clanchy (2012, 38); Richard fitz Nigel, *Dialogus de Scaccario*, ed. Johnson (1983, 63–64 [book 1, chap. 16]).

linked to translations.¹⁶ All of the attributions to Edward the Confessor and William I are found later, after the 1120s or 1130s, and none is a translation.¹⁷ When these original treatises do begin to evolve – revised and expanded by legal writers in the second half of the twelfth century – they often add selections from the older translations of Cnut's laws. Nevertheless, they never acknowledged that the additional laws were Cnut's. Cnut in fact almost never appears, except in one treatise's discourse on the history of the laws of Edward. There, the author of the *Leges Edwardi* says Edward's laws were Edgar's laws, not Cnut's, and that Cnut was infamous as being one of the kings under whom the laws slept.¹⁸ Instead of being arguably the most important law-giver of the pre-conquest period, Cnut ends up criticized for neglect.¹⁹

Could it be that the *Leges Edwardi*'s condemnation of Cnut as someone under whom law slept is in fact targeting some contemporary translations of Cnut, trying to kill their authority? Perhaps the turn to the composition of original treatises is a sign that the legal standard of the late eleventh and early twelfth centuries had begun to crumble. Seen in this light, the translations were not simply evidence of the movement of these older useful texts into another language. They also reveal the conservative phase of attitudes toward legal texts in the aftermath of the conquest. It shows the Normans slowly coming to understand the status and function of written law in their new kingdom. This shift from translations of one king's laws to compositions of more recent kings marks the next stage in the developing notions of written law, revealing a society trying a century after the conquest to pull away from the rigid adherence to the pre-conquest order that had marked the first wave of legal literature. The shift began with a deauthorizing of the old laws and their replacement by new versions of the *laga Edwardi*.

While texts claiming to represent Cnut's laws with one exception cease to be made after the early twelfth century, the contents of his laws continued to play a role in some of the newer treatises produced during the reign of Henry II (1154–1189). One compiler of a lawbook in the 1170s or early 1180s has extended the reach of the second version of the *Leges Edwardi* by fifty percent by adding at the end of the treatise chapters taken from one of the early twelfth-century Latin translations of Cnut, the *Consiliatio Cnuti* (O'Brien 2012, 61–62). Another editor has translated into Anglo-French around a dozen chapters from an Old English version of the Winchester Code and added them to a copy of the first version of the *Leis Willelme*.²⁰ This French text was itself translated into

¹⁶ Dates are in all cases estimated: see O'Brien (2015a, 232–235); Wormald (1999, 398–415).

¹⁷ These are the *Leges Edwardi Confessoris* and the *Leis Willelme*.

¹⁸ Ecf 34 in O'Brien (1999a, 194–195).

¹⁹ F. W. Maitland noted this discrepancy and thought it so untrue what the *Leges Edwardi* was claiming that it tainted the entire treatise (Pollock and Maitland 1898, 1:103–104).

²⁰ That the translation was directly from an Old English source and not from the Latin *Instituta Cnuti*, as is sometimes claimed, is shown at O'Brien (2003, 185–186).

Latin at some point in the 1180s (Wormald 1999, 407–409).²¹ None of these texts mentions Cnut as the authority behind the additions. The decision to borrow from Cnut's code and not from other sources nevertheless shows that Cnut continued to be seen as an authoritative statement of the laws and customs of England. All of these are work-arounds for writers to deal with English legal conservatism. Cnut's laws are the phalanx in the battlefield – they cannot be ignored. Multiplication of these texts – both translations of Cnut and the treatises of Edward – took off exponentially during the conflict between the archbishop, Thomas Becket, and the king, Henry II. In a conflict over what was and was not the ancient custom of the realm, it is no surprise that clerics, and perhaps the crown, researched law's past in order to justify their stance in the decades after the face-off at Clarendon in 1164 (O'Brien 1999b).

Cnut as an imagined ancient law-giver makes one last appearance in a new pastiche of the late twelfth century (*Die Gesetze*, ed. Liebermann, 1:493–520). A writer in the final decades of the twelfth century used an old Latin translation of Cnut, the *Instituta Cnuti*, to supply the basis for a code of forest law, which he attributes to Cnut. No medieval copy of Cnut's *Constitutiones de foresta* survives. There are also no indirect witnesses to its circulation. It looks like this text gained little purchase among contemporaries. The age when Cnut's name at the head of a code made a text an authoritative statement of the good old law had ended some time before the reign of Henry II. This forest law was Cnut's last hurrah as a legal standard, and it may very well have been a flop (Liebermann 1894; *Die Gesetze*, ed. Liebermann, 1:620–626; Hudson 2012, 455–486).

Translation and the evolving search for legislative authority continued to interact in new and surprising ways in the final years of the twelfth and the start of the thirteenth century. At the same time as the text of Cnut's forest law was being created, a number of texts were translated from Latin into French, some of which is associated with the baronial protest against royal overreach that led to Magna Carta 1215. The texts are in many cases singletons, and so it is difficult to know how each fit into the trends of the time. Someone produced a translation of the third version of the *Leges Edwardi* and the *Ten Articles of William* that read like glosses and not stand alone texts.²² Another translator produced a first French translation of the treatise known as *Glanvill*.²³ French translations of the Latin coronation edicts of Henry I, Stephen, and Henry II were produced likely as part of the development of opposition to the rule of King John (Holt 1992, 474–477). In one manuscript the three charters appear in both Latin original and Anglo-French translation. They preserve evidence of a shift in royal authority. While the coronation edicts of Henry I and of Stephen claim the *laga*

²¹ The Latin translation survives in only one copy: London, British Library, MS Harley 746, fols 55v–59.

²² Cambridge, University Library, MS Ee.1.1, fols 3v–8.

²³ For the French translation of *Glanvill*, yet unedited, see Tullis (2008, 45–51 and 234–235).

Edwardi as their benchmarks, the charter of Henry II cites the laws of Henry I and of no earlier king. The Norman conquest had begun to fade as the measure of the law of the land. Regardless of their individual reasons for their translation into French, they are all part of the first wave of the mass migration of texts into Anglo-French that would dominate the legal world in the thirteenth and fourteenth centuries (Brand 2000; Clanchy, 2012, 199–225). No text attributed to Cnut was translated into Anglo-French. It seems that Cnut's laws were by the second half of the twelfth century seen as relics whose work as a repository of the *laga Edwardi* had been seized by more explicitly Edwardian texts like the *Leges Edwardi* and the *Ten Articles*, both of which end up in French. By the time translators and readers turned to French, the laws of Cnut had fallen from favour; the only parts of Cnut which end up translated into French are those chapters added to the second version of the *Leis Willelme* hiding behind texts attributed to Edward the Confessor and William the Conqueror.

What we have seen is the complicated development of trends in translation in a recently conquered kingdom, which combined with a trend in original composition under influence of a developing process of revision and arrangement from canon law. Much of the influence each of these had on the others and on the results happened behind closed doors. We only see fragments of the results. Nevertheless, what is clear is the general trajectory of English law, and, as importantly, English legal memory over the course of three centuries, from the statements emanating from royal assemblies in the tenth century, to Wulfstan's confessions of the early eleventh century, and finally the complicated development of collection, translation, and composition that marked the end of this fertile period of legal invention and innovation.

Conquest, the military defeat of one power by a force from somewhere else and the occupation or seizure of territory, was certainly an element in the equation that led to these developments in the role of translation, but is not the whole explanation. Politics and culture combined in the decades before and after the Norman conquest to inspire government policies as well as private agendas, where individuals drew unexpectedly from the deep well of English legal language to fill out the administrative Latin of the new elite. Initially, that inspiration held a tight grip around the shape and authority of Cnut's laws. Over time, however, new realities called for new laws. Here, some writers pried themselves off of Cnut to create new treatises, still authorized by the past, but describing current law in a manner helpful to a reader. But translators throughout the government and in the great ecclesiastical institutions which no doubt lie behind the creation of texts like *Quadripartitus* and the *Instituta Cnuti* had done their work. The language of English law had been transformed, and the private creation of guides to contemporary law had become the norm.

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