Reading between the lines: Old Germanic and early Christian views on abortion

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ARTICLE VIII


[Elsakkers 2010, forthcoming]
Most Old Germanic law-codes contain laws on poisoning. On the continent only a few Germanic law-codes lack laws on poisoning, but, because the tribes concerned lived under Frankish rule, Salian law was probably applicable. It seems reasonable to expect a law on poisoning in one of the Anglo-Saxon law-codes, because poisoning is a serious crime. However, strangely enough, there does not seem to be a simple, general law on the subject. This article discusses the Anglo-Saxon laws that might qualify as laws on poisoning and it leads us to the ambiguous words lybblac, maleficium and veneficium.

The Anglo-Saxons were the first Germanic tribe to write their laws down in the vernacular. The early medieval continental Old Germanic laws were all written in Latin. The earliest Old English laws, the laws of king Aethelbert of Kent, date back to the late sixth or early seventh century. Many of Aethelbert’s successors also issued laws in the Old English vernacular. Although the language used differs, Old English and continental Old Germanic law have many general Old Germanic legal principles in common, such as wergeld, ‘the price for a man’ and tariff lists to determine the punishment for injuries. This short study of Anglo-Saxon law on poisoning is a by-product of my research on early medieval abortion law. In the continental law-codes we usually find the laws on intentional abortion and abortifacients near or in the same section as the laws on poisoning, because abortifacients were classed as poisons. Most laws only punish aiding and abetting, that is, supplying the often poisonous drugs that were used as abortifacients. Continental laws without prohibitions of abortifacients probably punished ‘supplying’ under their laws on poisoning. Poisoning is a serious crime that is punished as murder, if the attempt succeeds. Old English law was studied in order to complement my investigation of the laws on poisoning in the continental Germanic law-codes. However, despite the fact that there are many Old English law-codes, there does not appear to be a general Old English law on poisoning. The Old English laws that might qualify as condemnations of poisoning will be discussed below.

1 This article is for Jacqueline. Many thanks are due to Sandor Chardonnens, Bryan Carella and Michael Satlow.
2 The Alamans, Saxons, Chamavian Franks, Thuringians and Frisians, Germanic tribes who lived in the more northern and central parts of the Frankish empire in the early medieval period, do not have laws on poisoning of their own. All five tribes have relatively short law codes with supplementary laws for special cases, like the Thuringian law on poisoning one’s husband (LThur 52). There were probably also oral customary laws on poisoning that are now lost.
KING ALFRED’S DOMBOC

West Saxon king Alfred (c. 848-899) incorporated a translation of ‘the best part of chapters 20 to 22 of Exodus’ into the prologue of his Domboc.6 Alfred’s prologue constitutes a recognition of ‘higher’ law that was included in order to provide his book of secular law with extra authority. His own laws are in the Domboc proper. Alfred’s Old English translation of Mosaic law includes Ex. XXII.18, the biblical condemnation of those who engage in magic and/or poisoning. Alfred’s source was the Vulgate, the Church father Jerome’s fourth-century, Latin translation of the Bible. Jerome translated the book of Exodus straight from the Hebrew and he used the ambiguous word maleficus to denote the ‘poisoners’ and/or ‘magicians’ that are condemned.

Vulgate
Ex. XXII.18 maleficos non patieris vivere.7

Ex. XXII.18 is usually translated as ‘thou shalt not permit poisoners / magicians to live’. But, although Alfred’s source is the Vulgate, his Old English translation deviates significantly from his source.8

First of all, Alfred does not punish malefici. He imposes the death penalty on women who consort with (and probably consult) malefici. Secondly, Alfred seems to focus on the meaning ‘magician’, using three different Old English nouns to explain the word maleficus and the kinds of magicians that women should not associate with: gealdorcræftiga, ‘enchanter, charmer’, scinnlæca, ‘deceiver, illusionist, necromancer, sorcerer’ and wicca, ‘wizard, witch, sorcerer, soothsayer’. None of these words has anything in particular to do with poisoning. Alfred’s usage of three different words for ‘magician’ seems to indicate that he did not want to make any exceptions; his message seems to be that all ‘magicians’ are evil and should be avoided. Alfred’s emendation of Ex. XXII.18 is puzzling and it seems to point to usage of other sources. One of Alfred’s sources is closer by than one might think. The Septuagint specialist John William Wevers points us in the right

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9 Alfred, Domboc, Prologue (Af)
[El. 30] Þa fæmnan þe gewuniað onfon [anfon] gealdorcræftigan [galdorcræft] 7 scinlæcan 7 wiccan, ne læt þu ða libban.9

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9 Alfred, Domboc, Prologue (Af)
[El. 30] Þa fæmnan þe gewuniað onfon [anfon] gealdorcræftigan [galdorcræft] 7 scinlæcan 7 wiccan, ne læt þu ða libban.9

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9 Alfred, Domboc, Prologue (Af)
direction. Wevers notes that Ex. VII.11 lists ‘three classes of people: experts, mixers of magical potions and enchanters, all presumably magicians of some sort’. It looks like Alfred used part of Ex. VII.11 in order to define the word *maleficus* more accurately.

Why Alfred only punishes women who associate with ‘magicians’ seems to be a mystery. In spite of the gender neutral word *maleficus* in the Latin Vulgate Alfred chose to specifically punish women. Neither the Vulgate nor the (Septuagint-based) *Vetus Latina* versions of Ex. XXII.18 that were available in the early medieval period mention women. Women are only mentioned in the Hebrew text of this verse, which is usually rendered as ‘You shall not let a sorceress live’. There are no records (that I know of) of Jewish communities or Jewish biblical scholars in England before the arrival of William the Conqueror in 1066, so it does not seem likely that Alfred had direct or indirect access to the Hebrew text of Exodus. On the other hand, there was regular contact between England and the continent at least since Roman times (Roman garrisons, Anglo-Saxon missionaries, visiting scholars such as Theodore of Tarsus, etc.), even though this contact may have been (partially?) interrupted when the Angles and the Saxons settled in England. Jews were often international merchants and thus part of the early medieval economic system. We might therefore assume that there were small Jewish communities in some of the Anglo-Saxon ports, cities or towns, so that Alfred may have been able to consult someone on the Hebrew Bible. If this is true, it might explain why Alfred’s

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10 John William Wevers, Notes on the Greek Text of Exodus, Septuagint and Cognate Studies Series, Society of Biblical Literature, 30 (Atlanta GA, 1990), p. 97. This passage in Ex. VII is about magicians who are able to change their staffs into snakes. The version in the Vulgate is as follows: Ex. VII.11 *Focavit autem Pharaoh sapientes et maleficos, et fecerunt etiam ipsi per incantationes aegyptiacas et arcana quaedam similiter*. In some versions in Brepols’s *Vetus Latina Database* (cf. note 12) we find *incantatores* for *incantationes*. The translations usually mention ‘wise men’ and ‘magicians’, for instance: ‘Da forderte Pharaoh die Weisen und Zauberer, und die ägyptischen Zauberer taten auch auch mit ihrem Beschwören’ (Luther’s Bible), ‘Then Pharaoh also called the wise men and the sorcerers: now the magicians of Egypt, they also did in like manner’ (Douay-Rheims Bible). Cf. [http://www.biblegateway.com](http://www.biblegateway.com) and [http://www.drbo.org](http://www.drbo.org) (both last accessed 28 November 2009).

11 Many thanks are due to Michael Satlow for giving me his take on this strange problem (email correspondence May 2009).


13 The Hebrew text of Ex. XXII.17 (= XXII.18) reads: יָרֵעַ וְלֹא *mekashephah lo thechayyeh*, cf. A Hebrew - English Bible according to the Masoretic Text, published by the Jewish Publication Society, 1917 edition ([http://www.mechonmamre.org/p/pt/pt0.htm](http://www.mechonmamre.org/p/pt/pt0.htm); last accessed 28 November 2009); see also: [http://www.ccel.org/ccel/bible/hetran.titlepage.html](http://www.ccel.org/ccel/bible/hetran.titlepage.html) (last accessed 28 November 2009) Bretherton explains that the Hebrew ‘feminine term’ is usually translated as ‘sorceress’ and that it means ‘either a mixer of drugs or a cutter up of poisons (...). The root verbal term also signifies “to mutter” and consequently “to mutter charms” whilst cutting up herbs or drugs in order to produce a magic brew; a process which may just as well refer to healing potions as well as to harmful concoctions. In terms of mood, tense and gender, it can also quite simply and effectively be translated “a woman practising magic”’ (Donald J. Bretherton, ‘An Invitation to Murder? A Re-interpretation of Exodus 22:18 “You Shall Not Suffer a Witch to Live”, The Expository Times 116 (2005), pp. 145-152, at p. 147).

14 Cf. also Liebermann, ‘King Alfred and Mosaic Law’, p. 22: ‘about the year 890 there probably was no soul living in Britian that knew Hebrew’.

15 In the early medieval period, from at least the eighth century onwards, Jews were actively involved in international trade. There are no references to their presence in Anglo-Saxon England, but ‘on the other hand, in a period when the Jewish
translation of Ex. XXII.18 seems to betray some knowledge of the Hebrew Bible. Other possibilities are that Alfred was influenced by early penitential articles on maleficia, or that he used unknown exegetical sources. Or perhaps Alfred simply chose to deliberately deviate from the standard text of Ex. XXII.18. Although we cannot determine why Alfred chose not to punish malefici, but to punish the women who consorted with them, it is clear that Alfred interpreted the ambiguous word maleficus as ‘magician’, not as ‘poisoner’. The connection between women and magic in Ex. XXII.18 persists to this day. Most (early) modern vernacular translations of the Bible contain the same association of women with magic we find in the Hebrew text, for example, the New King James Bible, reads: ‘You shall not permit a sorceress to live’. However, we know that most (early) modern translators, including Luther, were able to consult the Hebrew text. The question - intriguing as it is - why the ninth-century king Alfred introduced women into his text and only punished consorting with magicians must therefore remain unanswered for the time being.

ÆLFRIC

Despite Alfred’s rendering of Ex. XXII.18 we know that the gender-neutral Vulgate version of Ex. XXII.18 was known in Anglo-Saxon England. The early eleventh-century Old English translation of the Heptateuch (the first seven books of the Bible) commonly attributed to the abbot Ælfric (c. 955 - c. 1010) was also based on the Vulgate. It contains a literal, gender-neutral rendering of Ex. XXII.18:

Ælfric, Heptateuch

traders were so active in international trade it is improbable that none visited England’ (S. Schwarzfuchs, ‘France under the Early Capets’, The Dark Ages; Jews in Christian Europe 711-1096, ed. Cecil Roth, (New Brunswick, 1966), pp. 143-161; 410-412, at p. 160). There are interesting references to the early medieval merchant scholars Dematus or Domatus and Meshullam ben Moses of Mainz in some sources, cf. Cecil Roth, ‘Economic Life and Population Movements’, The Dark Ages, ed. Roth, pp. 13-48 at pp. 34, 42.

Agus explains that ‘the professional rabbi was entirely unknown in the Rhine communities of the early Middle Ages’ and that ‘Talmudic scholarship was not the possession of a small elite group, but was rather the preoccupation of a large portion of the population’ (I.A. Agus, ‘Rabbinic Scholarship in Northern Europe’, The Dark Ages, ed. Roth, pp. 189-209 at p. 189). Roth informs us of a ‘system of universal education’ among Jews and tells us that ‘by now every Jew within certain limitations was able to read, was able to write (…) and had at all events a smattering of Hebrew’ (Roth, ‘Economic Life’, p. 22). Although there is no proof that Alfred consulted Jewish scholars, this information indicates that it was not impossible.

Women are regularly associated with maleficia in the penitentials. Carella analysed two sources they may have been used by Alfred for the introduction to his Domboc (cf. Carella, ‘The Sources of the Prologue’, passim). He concludes that the Collatio Legum Romanarum et Mosaicarum was not one of the Alfred’s sources - as Wormauld claims (Wormaud, Making of English Law, pp. 418 ff.), but that the Liber ex lege Meysi may have been used. The Collatio does not contain a version of Ex. XXII.18; the Liber does (cf. Fournier, Liber ex lege Meysi, p. 230). Bryan Carella kindly sent me excerpts from the edition of the Liber he is preparing. Its version of Ex. XXII.18 is identical to the Vulgate text (email correspondence, June 2009) and can therefore not have been Alfred’s source.

Liebermann proposes the ‘standard’ - in my view too simple - solution to this problem: ‘Sorcery was considered by many Teutonic peoples as a crime to which women seemed particularly prone’ (Liebermann, ‘King Alfred and Mosaic Law’, p. 26). However, he concedes that this solution may not be convincing enough: ‘If these facts, taken together with Alfred’s strict orthodoxy, fail to explain this alteration, we must fall back on the ingenious hypothesis of Professor Turk, who points out that the words “women are wont to receiv e” form in the Vulgate the conclusion of the preceding verse and may, by a mere blunder of punctuation, have been mistaken for the beginning of the next’ (p. 26); see also: Otto B. Schlatter, ‘King Alfred’s Interpretation of Exodus XXII,18’, Modern Language Notes 41 (1926), pp. 177-178, who agrees with Turk. Another emendation is proposed by Bretherton. He suggests that Ex. XXII.18 should be read together with the following verse, so that the verses combine into a condemnation of necromancy: ‘A woman practising magic must not engage in necromancy’ (Bretherton, ‘An Invitation to Murder?’, p. 152). If either of these readings is correct the Church Fathers and centuries of biblical commentators missed them. Both suggestions seem to underestimate biblical learning in ninth-century Anglo-Saxon England.

Ælfric does not mention women, enchanters, illusionists, wizards or witches. He renders **maleficos** as *þa þe geunlybban wircun*, ‘those who make poison / work magic’, so that it denotes either a male or a female **maleficus**. His choice of the word **geunlybba** seems to indicate that he meant to retain the ambiguity of the word **maleficus**, because (**ge)unlybba** has the same double meaning.\(^{19}\) Although the two Old English versions of Ex. XXII.18 given above are translations of the same Bible verse, their context and time frame is different. Alfred’s translation is in the preface to his late ninth-century book of secular law and Ælfric’s is in his early eleventh-century Bible translation. Ælfric uses the word **geunlybba**, which can denote both ‘magic’ and ‘poisoning’, but Alfred uses three words that are specifically linked to magic. If **gealdorcreftiga**, **scinnlacca** and **wicca** include poisoners, which in itself is not unreasonable, because magic and poisoning are both secretive and deceitful.


(1) The late tenth- or early eleventh-century Old English translation of Egbert’s *Penitential* contains the words **lybblac** and **attorcraft**. The Latin version quoted in Thorpe reads: *Cave tibi a maleficetis et veneficetis, and was rendered in OE as and bebeorh de wið lyblacac and attorcraftas*, ‘and you must beware of magic and poisoning’, cf. Benjamin Thorpe, *Ancient Laws and Institutes of England* (London, 1840; rpr. Clark NJ, 2003), pp. 132-133, and Robert Spindler (Hrsg.), *Das altenglische Bussbuch (sog. Confessionale Pseudo-Egberti)*; ein Beitrag zu den kirchlichen Gesetzen der Angelsachsen (Leipzig, 1934), p. 171. Maleficiuin was rendered as **lybblac** and **veneficiuin** as **attorcraft**. Apparently there was a difference in meaning between **attor** and **lybblac**.


crimes, Alfred’s translation of Ex. XXII.18 might also - albeit vaguely and implicitly - refer to poisoning.\textsuperscript{20} Alfred’s specific choice of words does not seem to support this, and, moreover, he did not include a separate general law on poisoning in his Domboc proper.

TENTH-CENTURY OLD ENGLISH LAW

When looking for Anglo-Saxon laws on poisoning, we expect to find Old English words associated with \textit{at(t)or, at(t)ere}, ‘poison, venom’, \textit{lybb}, ‘medicine, drug, poison, charm’, \textit{lybblac}, ‘sorcery involving drugs or potions’, derivatives of \textit{lybb(lac)}, as in Ælfric’s translation of Ex. XXII.18, or the Latin words \textit{maleficium} and \textit{veneficium}.\textsuperscript{21} The words \textit{at(t)or} and \textit{lybb} do not occur in Old English law and \textit{lybblac} only occurs in two late Old English laws.

The oldest law with the word \textit{lybblac} is Aethelstan’s early tenth-century \textit{Æt Greatanleage (Grately Code)}. It contains the ‘dooms’ or laws enacted during a council held at Grately (Hampshire) between 925 and 930.\textsuperscript{22}

\begin{quote}
\textit{Æt Greatanleage (II As)}
[6] Be wiccecræftum. Ond ond cwæden be ūm wiccecræftum 7 be liblacum 7 be morðdædum, gif mon ūær acweald wäre, 7 be ūs ætsacan ne mihte, ārte he beo ūs feores scylldig.\textsuperscript{23}
\end{quote}

Article 6 punishes \textit{wiccecræft}, \textit{liblac} and \textit{morðdæd}, ‘witchcraft, \textit{liblac} and secret murder’, with the death penalty.\textsuperscript{24} Modern translators interpret OE \textit{lybbac} as ‘magic’; Liebermann translates \textit{liblacum} as ‘Verhexungen’ (‘bewitchments’) and Whitelock has ‘sorceries’. The early twelfth-century \textit{Quadripartitus} - a Latin translation of Old English secular and Church law that was compiled under King Henry I (c. 1068-1135) - contains a Latin translation of Aethelstan’s \textit{Grately Code}:

\begin{quote}
\textit{Æthelstan, Æt Greatanleage, Quadripartitus (II As Q)}
[6] De sortilegis et liblacis. Decreuimus etiam de sortilegis et liblacis et mortem dantibus, si hominem occidant et negare non possint, uiue suse culpa indicetur.\textsuperscript{25}
\end{quote}

\textit{Quadripartitus} transformed the list of ‘crimes’ in the Old English version into a list of ‘criminals’: \textit{de sortilegis et liblacis et mortem dantibus}, ‘concerning soothsayers, \textit{liblac} and those who cause death’. The \textit{Quadripartitus} translator seems to have found the OE word \textit{lybbac} difficult to translate and, taking the easy way out, he

\begin{footnotesize}
\textsuperscript{20} There is an interesting Salian law on ‘magical transportation’ that forbids the use of \textit{maleficia} to convey a person to another place (PLS 19.3). In this article \textit{maleficia} can be interpreted as ‘magic spells’, but also as a ‘herbal concoction’ or psychodelic drug that can cause hallucinations. This law can be interpreted as a law against magic, poisoning or both, cf. Karl August Eckhardt (Hrsg.), \textit{Pactus Legis Salicae}, Monumenta Germaniae Historica, Leges Nationum Germanicarum, 4.1 (Hannover, 1962), pp. 81-82, and Elsakkers, ‘Abortion, Poisoning, Magic and Contraception’, pp. 252-257.


\textsuperscript{22} On the date, cf. Wormald, \textit{Making of English Law}, p. 113.


\textsuperscript{24} \textit{Morðdæd} means ‘a deed which causes destruction (of body or soul)’, cf. Bosworth & Toller, \textit{Anglo-Saxon Dictionary}, p. 698 under \textit{morð} and \textit{morðdæd}. It probably involves some form of secrecy. Liebermann translates \textit{morðdædum}, as ‘verstohlene Lebensgefährdungen’ and Whiteklock translates ‘secret attempts on life’.

\textsuperscript{25} Liebermann, \textit{Gesetze der Angelsachen}, vol. 1, p. 153; Æthelstan, \textit{Æt Greatanleage} (II As), \textit{Quadripartitus}, '[6] On diviners and \textit{liblac}. We have also decreed about diviners (soothsayers) and \textit{liblac} and those that cause death that, if they kill a man and cannot deny [it], [their] guilt will be punished [judged] with their life’.

On \textit{Quadripartitus}, cf. Felix Liebermann (Hrsg.), \textit{Quadripartitus; ein englisches Rechtsbuch von 1114} (Halle am Saale, 1892) and Patrick Wormald, ‘Quadripartitus,’ in his \textit{Legal Culture}, pp. 81-114. See also: table 1.
\end{footnotesize}
converted it into a Latin word. The OE dative plural *liblacum* was rendered as the Latin dative plural *liblacus*, a noun that denotes ‘a person who engages in *lyblac*’.

The second attestation of the OE word *lyblac* is in a near contemporary Church council canon from a London Council held between 942 and 946.

> Eadmund, *London Synod (I Em)*
> 6. (Be mænswormor 7 liblacum). Da þe mænsweriað 7 liblac (liblat) wyrcæð, beon hi a fram ææcum Godes dæle aworpene, buton hi to rihre dædbote gecirran þe geornor.26

Perjurers and those who *wyrcæð liblac*, ‘engage in or practice *liblac*’, are punished with excommunication, Church law’s equivalent of the death penalty. For this passage *Quadripartitus* construed the accusative singular neuter Latin loan word *liblatum* for OE *lyblac* (liblac), again apparently for want of a better word.

> Eadmund, *London Synod, Quadrripartitus (I Em Q)*
> [6] Qui falsum iurabunt uel liblatum facient, sint in eternum a Dei consortio segregati, nisi ad dignam satisfactionem per omnia revertantur.27

Modern translations of *II As 6* and *I Em 6* render the OE word *lyblac* as ‘magic’ or ‘sorcery’, although Liebermann admits that “Gift” ist hier mitgemeint’ in his notes to *II As 6*.28 The Latin *Quadripartitus* translations of *lyblac* in *II As Q 6* and *I Em Q 6* ignore the obvious choices *maleficus* (*maleficium*) and *veneficus* (*veneficium*) and use new formations. Only manuscript T of *II As 6 Q* has *maleficus* instead of *liblacis* - which is interesting, because it shows us that the copyist hesitated, and, apparently rejecting the Latin new formation, chose a more current Latin word.29 Liebermann suspects that OE *lyblac* was ‘nicht verstanden’ by the *Quadripartitus* translator, but the problem is probably more complex.30 By inventing the Latin loan words *liblacus* and *liblatum* the *Quadripartitus* translator indicated that the words *maleficus* (*maleficium*) and *veneficus* (*veneficium*) were not felt to be completely synonymous with *lyblac*, and that it was difficult to find a Latin equivalent. As a consequence we cannot be certain whether the OE word *lyblac* means ‘poison’ or ‘magic’ or both in these laws. Cf. table 1, column 4, rows 1-5.

**ELEVENTH-CENTURY OLD ENGLISH LAW**

We can also look at the problem from a different angle, and try to determine the meaning of the words *maleficus* (*maleficium*) and *veneficus* (*veneficium*) in some of the other Old English laws with Latin translations.31 *Veneficus* seems to be used as a translation of OE *mordwyrhta* or *mordorwyrhta*, a word that means ‘secret murderer’, that is, someone who contrives to kill another person by secret means, such as witchcraft, magic or...
poisoning.\textsuperscript{32} We find the word \textit{mordwyrhta} in four variant versions of a law that punishes magicians, perjurers, murderers and prostitutes, cf. table 1, column 5, rows 6-14. The oldest article is in the second \textit{Alfred 7 Guthrum} treaty (\textit{EGu}; c. 1005-1006):

\textbf{Cnut 1020-1021 (II Cn)}

\[5\] And [we] forbeodað eornostlice ælcne hæðenscipe.

\[5.1\] Hæðenscipe byð þæt man deofolgyld [idola] weorði ge, þæt is þæt man weorðige hæðene godas 7 sunnan oððe monan, fyr oððe flod, waterwyllas oððe stanas oððe ænieges cynnus wudutreowa, oððon wiccecræft lufige oððon morðweorc gefremme on ænige wisan, oððon on blote oððon fyrhte, oððon swylcra gewinere æmig þinga dreoge.\textsuperscript{36}


\textit{Alfred 7 Guthrum}, cf. table 1.

\textsuperscript{35} There is one Latin version of Aethelred’s \textit{Ad Eanham (VI Atr)}, Cnut 1018 and Cnut 1020-1021 - have slightly different lists of ‘criminals’.\textsuperscript{34} The Latin versions all translate OE \textit{mordwyrhta} as \textit{veneficus} except the twelfth-century \textit{Instituta Cnuti} which has \textit{maleficus}.\textsuperscript{35} The ambiguous words \textit{veneficus} and \textit{maleficus} are apparently both associated with ‘secret murder’. Two of the Latin texts add an explanation of the word \textit{veneficus} that confirms its association with murder: \textit{mortem facientes and murdi operari}, ‘those who commit murder’. Secret practices and secret murder can be associated with both ‘magic’ and ‘poisoning’, but no specific word for ‘poisoning’ is used in these laws. Again, despite usage of the words \textit{veneficus} and \textit{maleficus} in the Latin versions of these laws it is not clear whether these laws are concerned with magic or poisoning or both.

Article 5.1 in \textit{Cnut 1020-1021 (II Cn)} is clearer about the meaning of the words \textit{veneficus} and \textit{maleficus}. It contains a prohibition of various kinds of \textit{haebensecip} or ‘paganism’, and its Latin versions use the words \textit{veneicum} and \textit{maleficium} as equivalents of the word \textit{wiccecraft}.

\textit{Cnut 1020-1021 (II Cn)}

\[5\] And [we] forbeodað eornostlice ælcne hæðenscipe.

\[5.1\] Hæðenscipe byð þæt man deofolgyld [idola] weorði ge, þæt is þæt man weorðige hæðene godas 7 sunnan oððe monan, fyr oððe flod, waterwyllas oððe stanas oððe ænieges cynnus wudutreowa, oððon wiccecræft lufige oððon morðweorc gefremme on ænige wisan, oððon on blote oððon fyrhte, oððon swylcra gewinere æmig þinga dreoge.\textsuperscript{36}


\textit{Alfred 7 Guthrum}, cf. table 1.

\textsuperscript{35} There is one Latin version of Aethelred’s \textit{Ad Eanham (VI Atr)}, and there are three Latin versions of \textit{Cnut 1018} and \textit{Cnut 1020-1021} (in \textit{Quadripartitus}, the twelfth-century \textit{Instituta Cnuti} and \textit{Consiliatio Cnuti}). See also: Wormald, \textit{Making of English Law}, pp. 350-351.

The early eleventh-century *Quadripartitus* version of *II Cn 5.1* translates *wiccecræft lufige*, ‘delights in (practices) witchcraft’, as *wicceancreft diligat*, again creating a loan word (or, alternatively, leaving OE *wiccecræft* untranslated). The younger twelfth-century Latin versions of *II Cn 5.1* in *Instituta Cnuti* and *Consiliatio Cnuti* render *wiccecræft lufige* as *maleficia exercere* and *veneficium diligat*, thus indicating that *maleficium* and *veneficium* were both still associated with ‘magic’ in the twelfth century.\(^{37}\) Cf. table 1, rows 15-18.

**CONCLUSION**

As we can see in table 1, the Latin words *maleficium* (*maleficus*) and *veneficium* (*veneficus*) have a broad spectrum of meaning that ranges from ‘magic’ and ‘witchcraft’ to ‘secret murder(er)’ (*morðdæd, morðwyrhta*) in Old English law. *Maleficus* is occasionally used in connection with *lybblac*. The question now remains whether *maleficium* and *veneficium* (still) also denote ‘poisoning’ in Old English law, or, to put it differently, whether *wiccecræft, morðdæd, morðwyrhta* and especially *lybblac* have anything to do with poisoning. In Aethelstan and Edward’s laws we find the word *lybblac* in lists of crimes that include witchcraft, perjury and *morðdæd* - all crimes that have to do with underhanded, devious or deceitful ways of injuring, slandering or killing another person.\(^{38}\) The same goes for the crimes involving magicians, perjurers and *morðwyrhtan* in the four versions of *EGu 11*. The common denominator between all these crimes is their devious, secretive and life-threatening nature. Qualities that fit both poisoning and magic. It is therefore probable that the laws discussed above also (implicitly) punish poisoning, especially the laws that condemn *lybblac* in Aethelstan and Edward’s codes. Further research of attestations of the words *lybblac, veneficium* and *maleficium* in non-legal Old English and early medieval Anglo-Latin texts is necessary in order to more accurately be able to determine their meaning, and possible regional differences and shifts in meaning that took place in the course of the Old English period.

This short search for Old English laws on poisoning does not seem to have uncovered any laws that clearly punish poisoning. Alfred seems to have missed his chance of including a general law on poisoning in his *Domboc*. Compared to the other Old Germanic law codes, it seems strange that Old English law does not have its own law on poisoning and that it seems to be so preoccupied with ‘magic’. This, of course, does not mean that poisoning was condoned. It was probably punished under the laws on injuries. However, the lack of a simple, general law on poisoning is a strange omission in pre-conquest Old English law.\(^{39}\)

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\(^{37}\) One of the *Quadripartitus* manuscripts adds the explanatory note: *incantationis artem*, ‘the art of incantation’ (Liebermann, *Gesetze der Angelsachsen*, vol. 1, p. 313 plus note 7).

\(^{38}\) In Old Germanic law ‘secret murder’ is usually a more serious crime than openly committed murder.

Table 1: Old English laws on perjury, magic, lybblac, secret murder, prostitution and idol worship

<table>
<thead>
<tr>
<th>Old English law</th>
<th>perjury</th>
<th>witchcraft, soothsaying, incantation, sorcery, necromancy</th>
<th>lybblac</th>
<th>secret murder(er)</th>
<th>prostitution</th>
<th>idol worship</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Aethelstan</td>
<td>II As art. 6</td>
<td>wicccecreftum</td>
<td>liblacum</td>
<td>morðdeadium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 II As Q art. 6</td>
<td>sortilegis</td>
<td>liblacis</td>
<td>mortem dantibus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 II As Q art. 6 (MS T)</td>
<td>malefics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Eadmund</td>
<td>I Em art. 6</td>
<td>manswertad wyrcad</td>
<td>liblac wyrcad</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 I Em Q art. 6</td>
<td>falsum iurabunt</td>
<td>liblat wyrcad</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Eadward &amp; Guthrun</td>
<td>EGu art.11</td>
<td>mansworan</td>
<td>mordwyrhtan</td>
<td>horcwenan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 EGu Q art.11</td>
<td>periuri</td>
<td>sortelegi, incantatrices</td>
<td></td>
<td>unefici (uel mortem facientes)</td>
<td>meretrices</td>
<td></td>
</tr>
<tr>
<td>8 Aethelred</td>
<td>VI Atq art. 7</td>
<td>mansworan</td>
<td>wiccan, wigleras, scincraeqicen</td>
<td>mordwyrhtan</td>
<td>horcwenan</td>
<td></td>
</tr>
<tr>
<td>9 VI Atq art. Latin version</td>
<td>incantatores, magos, phithonicos</td>
<td></td>
<td>uneficos</td>
<td>idolorum cultores</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Cnut 1018 (D) art. 7</td>
<td>wiccan, wigleras</td>
<td>mordwyrhtan</td>
<td>horcwenan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Cnut 1020-1021 II Cn art. 4a</td>
<td>wicccean, wigleras</td>
<td>mordwyrhtan</td>
<td>horcwenan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 II Cn Q art. 4a</td>
<td>sage, incantatrices</td>
<td></td>
<td>unefici (aut murdri operarii)</td>
<td>meretrices</td>
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<tr>
<td>13 In Cn art. 4a</td>
<td>incantatores, incantatrices</td>
<td></td>
<td>malefici</td>
<td>meretrices</td>
<td></td>
<td></td>
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<tr>
<td>14 Cons. Cn art. 4a</td>
<td>magi</td>
<td></td>
<td>venefici, latrones-homicide</td>
<td>meretrices</td>
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<td></td>
</tr>
<tr>
<td>15 Cnut 1020-1021 II Cn art. 5.1 [hæbenscip]</td>
<td>wiccecref lufege</td>
<td>mordweore gefremme</td>
<td>Ænig þinge dreoge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Cnut 1020-1021 II Cn Q art. 5.1</td>
<td>wicceancreft (incantationis artem) diligat</td>
<td>mordri opus sectetur</td>
<td>sacrificio (...)</td>
<td></td>
<td></td>
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<tr>
<td>17 In Cn art. 5.1</td>
<td>maleficia exercere</td>
<td></td>
<td>morthurum amare</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 Cons. Cn art. 5.1</td>
<td>veneficum diligat</td>
<td></td>
<td>homicidium furtiuam efficat</td>
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</tr>
</tbody>
</table>

In.Cn = Instituta Cnuti; Cons Cn = Consiliatio Cnuti

40 Liebermann, Gesetze der Angelsachsen, vol.1, pp. 152-153. The word malefics is in the text heading.
43 Note that incantatrices, ‘female enchanters’, are mentioned in three of the Latin versions (EGu 11 Q, II Cn 4a Q, In.Cn 4a), but that there is no reference to women in the Old English texts.
44 Liebermann, Gesetze der Angelsachsen, vol.1, pp. 248-249. The Latin version is in the same manuscript.