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 *lybblic*, *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.

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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. 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

Alfred, Domboc, Prologue (Af)
[El. 30] 30 ba fiemn on gewuniað onfon [anfon] gaeldorcræftigan [galdorcræft] 7 scinlaecan 7 wiccan, ne læt þu ða libban.9

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: gaeldorcræftiga, ‘enchanter, charmer’, scinlaecca, ‘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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8 There are no variants or variant versions in the Vulgate editions by Francis Aidan Gasquet & Henricus Quentin (eds.), *Biblia Sacra iuxta Latinam Vulgatam versionem ad codicum (...)*, 18 vols. (Rome, 1926-1999), vol. 2, Exodus - Leviticus, ed. Henricus Quentin (Rome, 1929), p. 193, and Bonifatius Fischer, Jean Gribomont e.a. (eds.), *Biblia Sacra iuxta Vulgatem Versionem, vol. 1, Genesis - Psalms*, 2nd ed. emend. (Stuttgart, 1975), p. 108. The Brepols Cetedoc Library of Christian Latin Texts (CLCLT) contains thirteen quotations of the Vulgate version of Ex. XXII.18 (XXII.17), ranging from Augustine’s *Speculum* to Thomas of Aquinas’ *Summae Theologicae* - all exactly the same (Cetedoc last accessed 28 November 2009). In spite of Wormald’s advice: ‘When noting deviations from the Latin original, one must look out for variants in the several families of early medieval Vulgate texts’ (Wormald, Making of English Law, p. 418) no variants were found.

Liebermann also comments on the differences between the Vulgate text and Alfred’s renderings of the Vulgate: ‘This version [of the Vulgate] suffers from several gross mistakes in the chapters here in question’ (Felix Liebermann, ‘King Alfred and Mosaic Law’, The Jewish Historical Society of England 6 (1908), pp. 21-31, at p. 22); he suspects that Alfred ‘therefore must have used some text besides the Vulgate, which, however, seems now not to be known’ (p. 22).

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 Vocavit autem Pharao 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 fordiste Pharao die Weisen und Zauberer, und die ägyptischen Zauberer taten auch auch mit ihrem Beschöwiren’ (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 and 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).


The card index of the Vetus Latina Institut at the Abbey of Beuron contains seven Latin versions of Ex. XXII.18. Two versions contain the Vulgate text and most of the other versions resemble the Vulgate, for instance: maleficos non sinetis uiuere or venenarios non sintitis uiuere. The words substituted for maleficos are: blasphemum, venenum, and venenarios. It is obvious from the variants that both poisoners and magicians were meant. Brepols made the Vetus Latina card index available in the Vetus Latina Database, see also: http://www.vetuslatina.org/ (last accessed 28 November 2009) and http://www.vetuslatina.de/ (home page of the Vetus Latina Institut at Beuron; last accessed 28 November 2009). The version in Sabatier’s edition of the Vetus Latina is identical to the Vulgate version of Ex. XXII.18, cf. Petrus Sabatier (ed.), Bibliorum Sacrorum Latinae Versiones Antiquae seu Vetus Italia (…), 3 vols. (Remis, 1743; rpr. München, 1976), vol. 1, p. 179. None of the Latin versions of Ex. XXII.18 that have come down to us and were available in the early medieval period refer to female malefici.

13 The Hebrew text of Ex. XXII.17 (= XXII.18) reads: יִתְנַה יְבֹנָי נַתִּים (mekaspehah 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/p00.htm; last accessed 28 November 2009); see also: 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 crater 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.\textsuperscript{16} 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.\textsuperscript{17} 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.

\textsuperscript{16} 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 Wormald claims (Wormald, \textit{The Making of English Law}, pp. 418 ff.), but that the Liber ex lege Moysi may have been used. The Collatio does not contain a version of Ex. XXII.18; the Liber does (cf. Fournier, \textit{Liber ex lege Moysi}, 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 receive” 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’, \textit{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.

\textsuperscript{17} Luther’s Bible (1545) reads: ‘Die Zauberinnen sollst du nicht leben lassen’, and the seventeenth-century King James Bible or Authorized Version translates: ‘Thou shalt not suffer a witch to live’. Only the (Catholic) Douay-Rheims version has a genderless noun: ‘Wizards thou shalt not suffer to live’. Cf. \textsc{http://www.biblegateway.com/} and \textsc{http://www.drbo.org/} (both last accessed 28 November 2009). Ex. XXII.18 became an important text when the witch hunts started in the late medieval period.

\textit{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:

\begin{quote}
Ælfric, \textit{Heptateuch}
\end{quote}
Ælfric does not mention women, enchanters, illusionists, wizards or witches. He renders maleficos as þa þe geunlybban wirecon, ‘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.


\(^{19}\) (Ge)unlybba (m.) means ‘poison, particularly when used in witchcraft’, cf. Joseph Bosworth, An Anglo-Saxon Dictionary: Based on the Manuscript Collection of Joseph Bosworth, ed. and enlarged by T. Northcote Toller (Oxford, 1898), pp. 462, 1120, and Jane Roberts, Christian Kay & Lynne Grundy, A Thesaurus of Old English, 2 vols., King’s College London Medieval Studies, 11 (London, 1995), vol. 2, p. 1151. It is related to the word lybbllac or liblac (n., m.), which means ‘sorcery, witchcraft, the art of using drugs or potions for the purpose of poisoning, or for magical purposes’ (Bosworth & Toller, Anglo-Saxon Dictionary, p. 649, Roberts, Thesaurus of Old English, vol. 2, p. 1151). These words are derived from lybb (n.), ‘medicine, drug, simple, in a bad sense poison’, ‘drug, poison, charm’, ‘pharmacy, curing with salves’, and related to Old High German lubbe, ‘poison’ (Bosworth & Toller, Anglo-Saxon Dictionary, p. 649). J.R. Clark Hall, A Concise Anglo-Saxon Dictionary, 4th ed. (Toronto, 1960), p. 223, Roberts, Thesaurus of Old English, vol. 2, p. 1151). The word attor also means ‘poison’, Latin venenum, cf. Bosworth & Toller, Anglo-Saxon Dictionary, pp. 59-60. Lybb, lyblac and (ge)unlybba all seem to have the same double meaning as the words maleficium and veneficium. There are interesting attestations in Ælfric’s Homilies, the Old English Leechdoms, the Old English Herbarium, the Blickling Homilies, Egbert’s Penitential and Wulstan’s Homilies. The three examples given below show how difficult it is to pinpoint the meaning of these words.

(1) The late tenth- or early eleventh-century Old English translation of Egbert’s Penitential contains the words lybbllac and attorcraeft. The Latin version quoted in Thorpe reads: Cave tibi a maleficiis et veneficiis, and was rendered in OE as and bebeorh de wol ylbllacs and attorcraeftas, ‘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. Maleficium was rendered as lybllac and veneficium as attorcraeft. Apparently there was a difference in meaning between attor and ylbllac.

(2) Another interesting example is in the Legend of St. Andrew in Cambridge, Corpus Christi College 198, where we find the words attor and lybcræft in a passage about St. Matthew. Matthew was sent to Marmadonia to evangelize; the people there were cannibals and and he sealdon attor drincan þæt mid myclum lybcræfte wæs geblanden; ‘and they gave him poison to drink that was mixed with powerful poisons / magic’, cf. James W. Bright, (ed.), A Concise Anglo-Saxon Dictionary, vol. 2, p. 1151. The word lybbllac or liblac (n., m.) contains the words at(t)or and lybblac. Apparently there was a difference in meaning between attor and ylbllac.

(3) The third example has unlybba and attor and is in Ælfric’s homily on St. Benedict (homily II.11): and þa at nextan readdan þæt hi mid attor hine acwealdon; Gemengdon þa unlybban to his drencce, and se þen stod fœroran mid amun glæsenum fæte on ðam wæs wines drenc mid þam cwelmberum attre gemænged ‘and at last counselled to kill him with poison. They mingled then venom in his drink and the servant stood at a distance with a glass vessel, in which was a drink made of wine mingled with deadly poison’, cf. Ælfric, Ælfric’s Catholic Homilies: the Second Series, ed. Malcolm R. Godden, Early English Text Society (London, 1979), p. 94, and Ælfric, The Homilies of the Anglo-Saxon Church; The First Part Containing the Sermones Catholici or Homilies of Ælfric, ed. Benjamin Thorpe, vol. 2 (London, 1846), p. 159. Ælfric’s source for this passage is Gregory the Great’s Dialogues (II.3.5-39): Qui, inito consilio, venenum vino miscuerunt. Et cum vas vitreum, in quo ille pestifer putus habebatur (Malcom R. Godden, Ælfric’s Catholic Homilies: Introduction, Commentary and Glossary, Early English Text Society (Oxford, 2000), p. 432). Here both onlybba and attor have the meaning ‘poison’.

Ex. XXII.18 Ne læt þu lybban þa þe geunlybban [unlybban] wirecon.\(^{18}\)
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}, \textit{at(t)ere}, ‘poison, venom’, \textit{lybb}, ‘medicine, drug, poison, charm’, \textit{lybblac}, ‘sorcery involving drugs or potions’, derivatives of \textit{lybblac}, as in Ælfric’s translation of Ex. XXII.18, or the Latin words \textit{maleficia} 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 Æthelstan’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{flushright}
\textit{Æt Greatanleage (II As)}
\end{flushright}

\begin{flushright}
[6] Be wiccecræftum. Ond wæs wæs þæm wiccecræftum 7 be liblacum 7 be morðdædum, gif mon þær acweald wære, 7 be his ætsacan ne mihte, þæt he beo his foeres scyldig.\textsuperscript{23}
\end{flushright}

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{lybblac} 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 Æthelstan’s Grately Code:

\begin{flushright}
\textit{Quadripartitus (II Q)}
\end{flushright}

\begin{flushright}
[6] De sortilegis et liblacis. Decereceimus etiam de sortilegis et liblacis et mortem dantibus, si hominem occidunt et negare non possint, uiue suæ culpæ indiciætur.\textsuperscript{25}
\end{flushright}

\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{lybblac} difficult to translate and, taking the easy way out, he

\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 psychedelic drug that can cause hallucinations. This law can be interpreted as a law against magic, poisoning or both, cf. Karl August Eckhardt (Hrsg.), \textit{Gesetze der Angelsachsen}, vol. 1, pp. 152-153; Æthelstan, \textit{Æt Greatanleage (II As)}, pp. 81-82, and Elsakkers, ‘Abortion, Poisoning, Magic and Contraception’, pp. 252-257.

\textsuperscript{21} Cf. Felix Liebermann (Hrsg.), \textit{Gesetze der Angelsachsen}, vol. 1, p. 131.

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


\textsuperscript{24} 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 Whitelock translates ‘secret attempts on life’.

\textsuperscript{25} Liebermann, \textit{Gesetze der Angelsachsen}, vol. 1, p. 153; Æthelstan, \textit{Æt Greatanleage (II As)}, \textit{Quadripartitus}, [6] On diviners and \textit{liblacis}. 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.
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 *lybblac*’.

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

Eadmund, *London Synod (I Em)*

6. (Be mánsworum 7 liblacum). Da ðe mansweriað 7 liblac (liblat) wyrcað, beon hi a fram ælcum Godes daele aworpene, buton hi to rihtre dædbote gecirran þe geornor.26

Perjurers and those who *wyrcað 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 *lybblac* (libblac), again apparently for want of a better word.

Eadmund, *London Synod, Quadripartitus (I Em Q)*

[6] Qui falsum iurabunt ut liblatum facient, in eternum a Dei consortio segregati, nisi ad dignam satisfactionem per omnia reuetantur.27

Modern translations of *II As 6* and *I Em 6* render the OE word *lybblac* 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 *lybblac* in *II As Q 6* and *I Em Q 6* ignore the obvious choices *maleficus* (*maleficium*) and *veneficus* (*veneficum*) and use new formations. Only manuscript *T* of *II As 6 Q* has *maleficis* 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 *lybblac* 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* (*veneficum*) were not felt to be completely synonymous with *lybblac*, and that it was difficult to find a Latin equivalent. As a consequence we cannot be certain whether the OE word *lybblac* 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* (*veneficum*) in some of the other Old English laws with Latin translations.31 *Veneficus* seems to be used as a translation of OE *mordwyrrhta* or *mordorwyrrhta*, a word that means ‘secret murderer’, that is, someone who contrives to kill another person by secret means, such as witchcraft, magic or

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27 Liebermann, *Gesetze der Angelsachsen*, vol. 1, p. 187; Eadmund, *London Synod (I Em Q)*, ‘6. Those who swear falsely and make *liblatum* will in eternity be separated from the community of God, unless they set everything right through suitable reparation.’ On *liblatum*, see also: note 30.


31 Note that the word *venenum*, ‘poison’, is not used in pre-conquest law. See also: note 39.
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 Alfred 7 Guthrum treaty (\textit{EGu}; c. 1005-1006):

\begin{quote}
Eadward, \textit{Alfred 7 Guthrum} (\textit{EGu}; c. 1005-1006)

[11] Gif wiccan oððe wigleras, mansworan oððe mordwyrhtan oððe fule, afylede, æbære horcwenan awhar on lande wurkan agyntene, donne fysi hi man of earde 7 clænsie pa ðeode [W ðeode], oððe on earde forfare hy mid ealle, buton lig geswican þe deoppor gebetan.\textsuperscript{33}
\end{quote}

\textit{EGu} 11 punishes wiccan oððe wigleras, mansworan oððe mordwyrhtan oððe fule, afylede, æbære horcwenan, ‘wizards/witches or diviners, perjurers or secret murderers, or dirty, depraved, public prostitutes’, with exile or the death penalty. The three early eleventh-century variant versions - in 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 murdri 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 Cnut 1020-1021 (\textit{II Cn}) is clearer about the meaning of the words \textit{veneficus} and \textit{maleficus}. It contains a prohibition of various kinds of \textit{hæðensecpi} or ‘paganism’, and its Latin versions use the words \textit{veneficum} and \textit{maleficum} as equivalents of the word \textit{wiccecræft}.

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


[5.1] Hawæñscipe bŷ þæt man deofolgyld [dola] weordigæ, þæt ætæ þæt man weordigæ hæðene godas 7 sunnan oððe monan, fyr oððe flod, waterwylisas oððe stanæ oððe ængæs cynnes wyldreowæ, oððon wiccecræft lufigæ oððon mordwoerc gefrenæ on ængæ wisan, oððon on blotæ oððon fyrhtæ, oððon swyleræ gewidwæra ængæ þinge dreogæ.\textsuperscript{36}

\begin{footnotesize}
32 Cf. Bosworth \& Toller, \textit{Anglo-Saxon Dictionary}, p. 699: ‘morþ-wyrhta, an; m. One who causes death (by witchcraft or poison)’, that is, ‘secret murder’, and ‘morþ-woerc, es; n. An act which causes death (by witchcraft or poison)’. The words \textit{mordwyrhta} and \textit{mordwoerc} remind us of the word \textit{morðdeād}, ‘secret murder’, that we came across in Aethelstan’s \textit{Grately Code}. The exact difference between these two words is not clear; perhaps the former denotes ‘intention’ and the latter the ‘deed’.

33 Eadward, \textit{Alfred 7 Guthrum}, ‘[11] Wenn Zauberer oder Wahrsager, Meineidige oder heimliche Mordstifter oder schmutzige, verderbte, offenbare Hure nweiber irgendwo im Lande betroffen werden, dann jage man sie ausser Landes und auf Fluth, Wasserquellen oder Steine oder Waldbäume irgend welcher Art, oder Hexenkunst pflegt oder heimliche Mordstiftung

34 Æthelred, \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{veneficus} as \textit{maleficus} 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 murdri 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.

35 There is one Latin version of Aethelred’s \textit{Ad Eanham}, \textit{Instituta Cnuti} and \textit{Consiliatio Cnuti}. See also: Wormald, \textit{Making of English Law}, pp. 350-351.

36 Cf. Bosworth \& Toller, \textit{Anglo-Saxon Dictionary}, p. 699: ‘morþ-wyrhta, an; m. One who causes death (by witchcraft or poison)’, that is, ‘secret murder’, and ‘morþ-woerc, es; n. An act which causes death (by witchcraft or poison)’. The words \textit{mordwyrhta} and \textit{mordwoerc} remind us of the word \textit{morðdeād}, ‘secret murder’, that we came across in Aethelstan’s \textit{Grately Code}. The exact difference between these two words is not clear; perhaps the former denotes ‘intention’ and the latter the ‘deed’.

33 Eadward, \textit{Alfred 7 Guthrum}, ‘[11] Wenn Zauberer oder Wahrsager, Meineidige oder heimliche Mordstifter oder schmutzige, verderbte, offenbare Hurenweber irgendwo im Lande betroffen werden, dann jage man sie ausser Landes und säubere das Volk, oder man vernichte sie gänzlich im Lande, es sei denn, sie lassen [vom bösen] ab und büssen um so tiefer’ Liebermann, \textit{Gesetze der Angelsachsen}, [1935], vol. 1, pp. 134-135). Whitelock translates: ‘[11] If wizards or sorcerers, perjurers, or murderers or foul, polluted, manifest whores are caught anywhere in the land, they are then to be driven from this country and the nation is to be purified, or they are to be completely destroyed in this country, unless they desist and atone very deeply’ (Whitelock 1981, vol. 1.1, p. 312). Cf. also Attenborough 1922, p. 202.

Liebermann dated \textit{EGu} to ‘921-938?’, and Wormald redated the text to 1005-1006, because Whitelock demonstrated that it was probably written by archbishop Wulfstan (\textit{Quadripartitus}; c. 1005-1006). The texts, too, were probably all written by bishop Wulfstan (\textit{Quadripartitus}; c. 1005-1006). These laws, too, were probably all written by bishop Wulfstan (\textit{Quadripartitus}; c. 1005-1006). The texts, too, were probably all written by bishop Wulfstan (\textit{Quadripartitus}; c. 1005-1006).
The early eleventh-century Quadripartitus version of II Cn 5.1 translates wiccecræft lufige, ‘delights in (practices) witchcraft’, as wiccæcreft 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 lyblac. 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 lyblac have anything to do with poisoning. In Æthelstan and Edward’s laws we find the word lyblac 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 lyblac in Æthelstan and Edward’s codes. Further research of attestations of the words lyblac, 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.\(^{39}\)
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>
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<tbody>
<tr>
<td>1 Aethelstan II As art. 6</td>
<td>perjure</td>
<td>wiccecræftum</td>
<td>liblacum</td>
<td>morðdeædum</td>
<td></td>
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<tr>
<td>2 II As Q art. 6</td>
<td></td>
<td>sortilegis</td>
<td>liblacis</td>
<td>mortem dantibus</td>
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<tr>
<td>3 II As Q art. 6 (MS T)</td>
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<tr>
<td>4 Eadmund I Em art. 6</td>
<td></td>
<td>manskewlæd wyrcad</td>
<td>liblac wyrcad</td>
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<td></td>
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<tr>
<td>5 I Em Q art. 6</td>
<td></td>
<td>falsum iurabunt</td>
<td>liblatum facient</td>
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<tr>
<td>6 Eadward &amp; Guthrun EGu art.11</td>
<td>mansworan</td>
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<td>7 EGu Q art.11</td>
<td>periuri</td>
<td>sortilege, incantatrices</td>
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<td></td>
</tr>
<tr>
<td>8 Aethelred VI Atr art. 7</td>
<td>mansworan</td>
<td>wiccan, wigeleras, scincræftcan</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>9 VI Atr art. Latin version</td>
<td></td>
<td>incantatores, magos, phithonicos</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>10 Cnut 1018 (D) art. 7</td>
<td></td>
<td>wiccan, wigleras</td>
<td>morðwyrtan</td>
<td></td>
<td>horcwenan</td>
<td></td>
</tr>
<tr>
<td>11 Cnut 1020-1021 II Cn art. 4a</td>
<td></td>
<td>wiccean, wigleras</td>
<td>morðwyrtan</td>
<td></td>
<td>horcwenan</td>
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<tr>
<td>12 II Cn Q art. 4a</td>
<td></td>
<td>sage, incantratrices</td>
<td></td>
<td></td>
<td>meretrices</td>
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</tr>
<tr>
<td>13 In.Cn art. 4a</td>
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<td>incantatores, incantratrices</td>
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<td>14 Cons. Cn art. 4a</td>
<td></td>
<td>magi</td>
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</tr>
<tr>
<td>15 Cnut 1020-1021 II Cn art. 5.1 [hæbenscip]</td>
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<td>wiccecræft lufige</td>
<td>morðweorc gefremme</td>
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<td>ænig þinge dreoge</td>
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<td>16 Cnut 1020-1021 II Cn Q art. 5.1</td>
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<td>wicceanæcræft (incantationis artem) diligat</td>
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<tr>
<td>17 In.Cn art. 5.1</td>
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<td>maleficia exercere</td>
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<td>morðrum amare</td>
<td>sacrificio (…)</td>
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<tr>
<td>18 Cons. Cn art. 5.1</td>
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<td>veneficium diligat</td>
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In.Cn = Instituta Cnuti; Cons Cn = Consiliatio Cnuti

40 Liebermann, Gesetze der Angelsachsen, vol.1, pp. 152-153. The word maleficis is in the text heading.
43 Note that incantratrices, ‘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.