

“TWELVE ANGRY THEGNS”: SOME POSSIBLE OLD NORSE LEGALISMS IN
OLD ENGLISH TEXTS*

«DOUZE THEGNS EN COLÈRE»: POSSIBLES JURIDISMES VIEUX NORROIS
AU SEIN DE TEXTES EN VIEIL ANGLAIS

Denis Sukhino-Khomenko¹

Abstract: The interpretation of the lexeme *þegn* has led to a long-standing controversy in the study of the late-Viking Age rune stones. It is recorded in 46 commemorative inscriptions in Denmark and Western Sweden, 34 of which adhere to a pronounced pattern. The debate goes back to seminal articles by Svend Aakjær (1927) and Karl Martin Nielsen (1945). The former author argued that the lexeme should be read as “king’s retainer, vassal”; the latter dispelled this notion as ungrounded and stuck with the later recorded meaning, “free man in general”, not infrequently attested in, for example, the skaldic verse. Since rune stones are our only contemporary native literary source on social structures in the Viking Age, resolving the question of the lexical meaning of the runic *thegns* is highly desirable. Regrettably, in the absence of newer source material, the debate has until now been recycling the same considerations first put forth decades ago. While hesitating to pass the final verdict, I argue for acknowledging the lexeme’s polysemic nature. A possible way out of the argumentative loop could be found in, first, refraining from the monarchocentric Old English texts and, second, contextual analysis of the *þegn*’s occurrences in other less frequently cited Old English texts pertaining to the Scandinavian part of England. If confirmed, these insights may also be utilised in further source criticism of the Old Norse literary legacy.

Keywords: Thegns; Source criticism; Runology; Law-codes.

Résumé: L’interprétation du lexème *þegn* donne lieu à une ancienne polémique dans l’étude des pierres runiques de la fin de l’ère Viking. Il est retrouvé dans 46 inscriptions

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¹ PhD student at the University of Gothenburg (Sweden), Department of Historical Studies (academic supervisors: Henrik Janson, Lars Hermanson). E-mail: denis.sukhino-khomenko@gu.se

commémoratives au Danemark et en Suède occidentale, dont 34 qui suivent un modèle précis. Le débat s'est construit autour de deux articles-phare, l'un écrit par Svend Aakjær en 1927 et l'autre par Karl Martin Nielsen en 1945. Le premier auteur avance que le lexème devrait être entendu comme « vassal du roi ». Le deuxième trouve cette interprétation infondée et lui préfère une signification retrouvée ultérieurement, celle de « citoyen libre », qui se retrouve d'ailleurs souvent confirmé, par exemple dans le vers scalde. Puisque les pierres runiques sont notre seule source écrite autochtone et contemporaine sur les structures sociales de l'ère Viking, il serait très souhaitable qu'on puisse résoudre la question de la signification du lexème *þegn*. Malheureusement, en l'absence de sources plus récentes, le débat n'a cessé de ressasser les mêmes arguments, avancés il y a déjà plusieurs décennies. Bien que réticent à exercer un jugement final, je plaide pour que la nature polysémique du lexème soit acceptée. Une possible voie de sortie de ces débats stériles pourrait se trouver d'abord en accordant moins d'importance aux textes en vieil anglais, peu cités jusqu'alors, consacrés à la partie scandinave de l'Angleterre. S'ils venaient à être confirmés, ces renseignements pourraient aussi être utilisés dans l'étude d'autres sources du patrimoine littéraire vieux norrois.

Mots clés: Thegns; Étude de source; Runologie; Codes législatifs.

Over the course of past decades, a common place in Viking studies has been that the extant sources cast only so much light on the structure of pre-medieval Scandinavian society (e.g. Lund and Hørby, 1980, pp. 15–32). Foreign records, concerned first and foremost with the Viking piratical activity, only tangentially touch on the matter. More abundant later written sources, both vernacular and Latin, have on many occasions been questioned on their reliability for the reconstruction of the earlier society(-ies). Furthermore, in the second half of the 20th century, former “grand schemes” that often portrayed the “pre-state” Scandinavian social landscape as kin-based community of free farmers, sandwiched between less numerous noblemen and slaves, have been for most part renounced (Kristensen, 1975, pp. 32–37; Syrett, 1998, pp. 249, 252). Archaeological finds, scrutinised with modern methods, continuously offer new raw data but they are most of the time mute on their own and require collation against theoretical frameworks from sister-disciplines with all their potential caveats (Helle, 2009; see response in: Orning, 2010). Against this background, rune stones, *i.e.* memorials decorated with vernacular commemorative inscriptions, can and often do serve a potential way out. With a grand total of above 3,000 for the period, they supply contemporary names, familial relations, landscape contexts, hints about religious and social praxes, information on maritime activities,

and so forth, which has been duly appreciated in modern scholarship (Jesch, 2011; Källström, 2020; Sawyer and Sawyer, 2001; Sindbæk, 2008; Williams, 2008, to name but a few).

The current essay builds on debates surrounding 46 such rune stones mentioning certain *thegns* (ON *þegn*) and scattered across nine Scandinavian provinces in present-day Denmark and Sweden (fig. 1). As of now, they remain a historiographic bone of contention. As with many runic inscriptions, this alleged social status is surrounded by little context that allows only rudimentary interpretation. The common formula would read only a laconic “X raise a stone in memory of Y, X’s father/husband/other relation, a [very] good/best *thegn*”. Seventy-three further stones contain a very similar formula to commemorate certain *drengs* (ON *drengr*), usually brothers (literal or figurative) or sons to the sponsors (see the two lists in: Goetting, 2006, pp. 382–383). Elsewhere, I have argued for the reasons to study the runic *thegns*, and in short, I am of the opinion that regardless of the standing interpretation one prefers, these men and their *vis-à-vis* in contemporary England fall into the modern sociological category of the élite. In the same essay a potential methodology was proposed, as well as a fuller bibliographical overview (Sukhino-Khomenko, 2018b), so I shall only briefly summarise its gist.

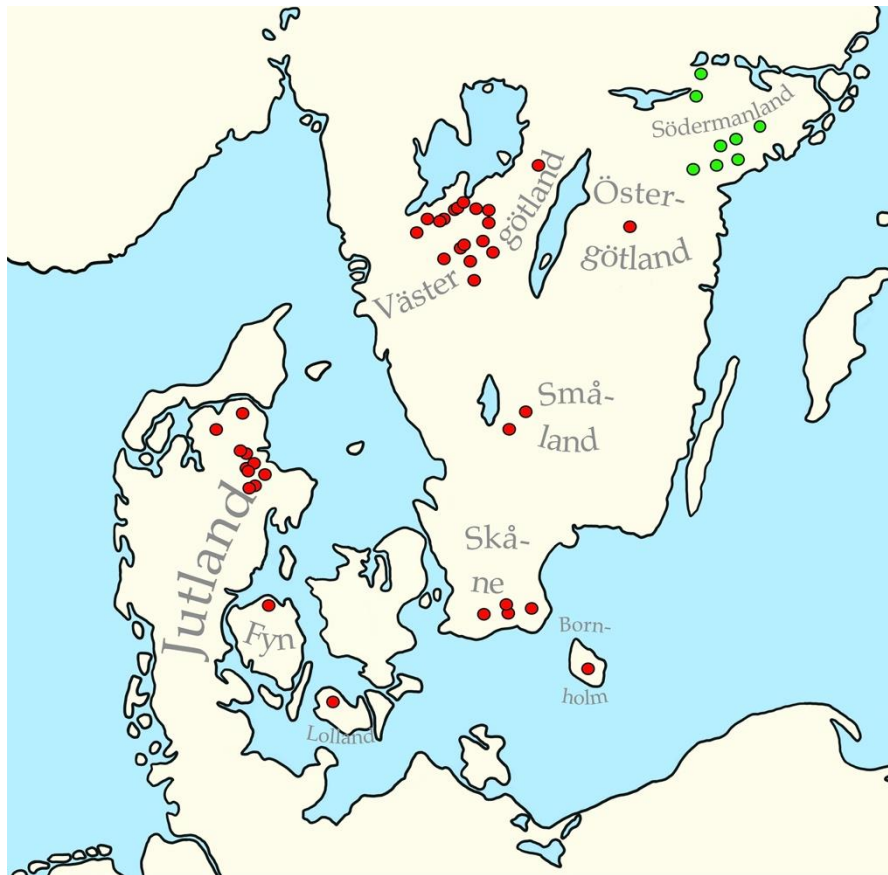


Figure 1. Runic stones commemorating thegns. Red circles indicate the *góðr þegn* formula, green circles mark the *þróttar þegn* formula. Map by the author.

Comparing the same lexemes in the fuller Old English material, Svend Aakjær suggested that the runic *thegns* and *drengs* were members of the royal retinue, the Old Norse *hirð* of the later written sources (Aakjær, 1927). Many historians and archaeologists alike accepted this explanation as it seemingly elucidated the Danish and Swedish processes of state-formation: for the “Aakjærrians” (or “camp vassalage”), as kings’ men the *thegns* and *drengs* from the rune stones filled in the vacuum for the presupposed servile aristocracy and/or state apparatus (Lund and Hørby, 1980, p. 62; Löfving, 1984; Moltke, 1976, pp. 235–236; Randsborg, 1980, pp. 29–44; Sawyer and Sawyer, 2001; see also their other works). However, as early as 1945, the runologist Karl Martin Nielsen opposed this view as unwarranted on the strength of the lacunae in the empirical data, forcefully filled in by comparative methodology. He returned to the previous dictionary definitions, in which *þegn*

and *drengr* stood for “man” pure and simple. The former connoted maturity and, therefore, entitlement to political rights; the latter bore the implications of an active youth and, hence, associated qualities (such as bravery) and social standing (Nielsen, 1945). This opinion has won favour primarily among linguist and philologists. The “Nielsenists” (or “camp local leadership”) see no connections between these runic commemorations and kingship and, when looking at them through a sociological lens, interpret these characters as autonomous magnates and lords, *bondelhøvdinge* in Nielsen’s language (Goetting, 2006; Lindow, 1976, pp. 106–112; Jesch, 1993, 2011, 2013; Syrett, 1998, *et al.*).

The clash of opinions outlined above, the *sine qua non* of the academic research process, does not necessarily call for a reconciliation *per se*, and both interpretations evidently possess certain explanatory merits absent from that of their opponents. Risking a simplification, I nevertheless dare to contend that the apparent stalemate the discussion has reached by the start of the 21st century is likely due to the fundamentally incompatible theoretical premises. By departing from the implicit assumption that everything in the available sources has meaning and therefore can and ought to be explained, the “Aakjærrians” compose a somewhat positivistic narrative that follows an almost mathematical logics (“if $a = b$, and $b = c$, then $a = c$ ”) and frequently calls upon “common sense” in the form of persuasive vocabulary.² On the contrary, the “Nielsenists”, tacitly armed with Ockham’s razor, presuppose the interpretative primacy be vested in the first-hand sources and independent of secondary, even if tempting, material. They refuse to pronounce an overarching judgement, lest it hinge on but one argument which, if removed, renders the whole explanation defenceless.³ The absence of new

² E.g. “Since a rune-stone was a sign of social and economic status *we can assume* that all sponsors were landowners [...] John Gillingham has recently argued that in eleventh-century England we find a local elite (‘thegns’ and ‘knights’) [...] It is *difficult to see* why there should not be an equivalent in Scandinavia, especially at a time when, thanks to Sven Forkbeard and Knut, English influence *must have been* very strong there” (Sawyer and Sawyer 2001, pp. 373–374; my emphasis).

³ Already Nielsen saw this a cornerstone in asserting his argument: “Aakjær has presented comprehensive linguistic material from Norse as well as English and German, and he has provided a thorough historical explanation for the English thegns and drengs’ standing. However, he has not tested the theory against the inscriptions’ own testimony, nor tried to demonstrate that a similar institution should have existed in the Danish Viking-Age society’ (Nielsen 1945, p. 113; all translations are my own unless indicated otherwise). Cf. Lindow 1976, p. 108.

sources on the problem results in, plainly, circular arguments on both sides. Or is there still previously undiscovered source material?

At present, it is probably premature to pass the final verdict which will hopefully become the product of a further research. However, in what follows I would like to share one preliminary observation on a particular (and formerly unnoticed, so it would seem) potential that some less frequently referred to Old English sources may bear for the Scandinavian early medieval studies. Below I will, first, briefly overview the discussions concerning the meanings of *þegn* in Old Norse and Old English and then, second, move on to look at five Old English sources, namely *Walreaf*, a section of the Wantage Code, the Regulation of the *Thegns'* Guild in Cambridge, the Northumbrian Priests' Law, and Archbishop Wulfstan's *Sermo Lupi ad Anglos* ("The Sermon of the Wolf's to the English") and compare them with both Scandinavian and Anglo-Saxon texts. I will, however, reserve the study of the possible social and institutional implications of the reading of these sources for future enquiries. In the narrow sense, I hope to add my tuppence to tackling this one single problem of the lexical interpretation of the runic *thegns* to, perhaps, finally move forward. Beyond that, should these findings pass the test, they might contribute to the source-critical scrutiny of the so-called Scandinavian *Provincial Law-Codes*. Finally, I trust this study may be of use for the further understanding of the interlaced social, linguistical, legal, and cultural continuum that the Viking-Age world is often said to have been.

Setting the scene

In my previous historiographical research (Sukhino-Khomenko 2018a, pp. 46–51), I put forward my reservations concerning the "Aakjærian" views as, among other reasons, built on an untenable association between *thegns* and *drengs*. In brief, when traced to its core, this link was maintained by Aakjær through his misattribuion of the late Anglo-Norman treatise *Constitutiones de Foresta* ("The Forest Regulations") to the reign of King Cnut (r. 1016–1035) and recursive arguments made by Johannes Steenstrup back in 1882 on the same material. For this reason, picking up from Judith Jesch and Søren Sindbæk's research (Jesch, 2011, pp. 41–42; Jesch 2013, p. 89; Sindbæk, 2008, pp. 46–49), I for the most part exclude the *drengs* from the

focus of this study and instead concentrate on the *thegns* only. Equally, I will for the most part leave on side the relevant 11th-century skaldic evidence. First, it has hitherto been convincingly scrutinised before (Jesch 1993; Lindow 1976, 107–112). Second, the “Aakjærian” school rarely made use of this material.

The up-to-date “Aakjærian” vision contextualises the runic *thegns* in Cnut’s so-called “Northern Empire”. Indeed, 34 out of the 46 relevant inscriptions are preserved on the stones located in this short-lived realm⁴ and demonstrate visible concordance to a single pattern. The traditional dating to the “late Viking Age” seems to at first glance support this idea too. It is thus claimed that because Cnut ruled in England, where high-ranking men commended to the monarch are referred to as “king’s *thegns*”, the same interpretation is valid in Denmark (Jutland, Skåne, Lolland, Fyn) and Western Sweden (Västergötland) too. Opinions differ, whether this was a natural lexical development or external influence, but the latter appears more prevalent with archaeologists⁵ and historians.⁶

If we look at the contemporary Old English texts, the expression “king’s *thegn*” or “my [= the king’s] *thegn(s)*” appears frequently in this period. But on closer inspection a common pattern emerges: this idiom occurs predominantly in sources coming out of the royal chancery. Thus, kings’ *ministri* (the Latin *minister* directly translating the Old English *þegn*, literally “servant”; Bosworth and Toller, 1898, p. 1043, s.v. “þegen”, I–II) constantly acted as witnesses in royal charters. No fewer than 32 such authentic⁷ diplomas by Kings Æthelred the

⁴ The status of Bornholm (one inscription) in the early 11th century is somewhat uncertain. Neither Östergötland (one inscription), nor Småland (two inscriptions) were parts of Cnut’s “empire”. The runic formula in eight Södermanlandic inscriptions, “*thegn of strength*” (*þróttar þegn*), bears no resemblance with the rest of the relevant corpus and will therefore not be examined here (more on that, see: Bianchi, 2016).

⁵ “...rune stones with thegns and drengs and the formula ‘hard good’, which I believe is related to an indirect influence from the Danish/English area during the period about 1015–1035” (Löfving, 1999, p. 78).

⁶ “The Danish monuments must have commemorated men who were not simply subjects of the Danish king, but were in some special sense under his lordship, like the ‘king’s thegns’ who were especially close to the king, mentioned in Cnut’s English laws” (Sawyer, 1988, p. 34).

⁷ The authenticity of the Anglo-Saxon royal diplomas is a vexed problem as they lack unconditional indicators to their reliability. Timothy Reuter sardonically remarked in this connection, that “...unfortunately Anglo-Saxon diplomaticists persist in the belief that it is possible to be slightly dead

Undready's (r. 978–1014) and 6⁸ by Cnut further dispensed land to the their "faithful *ministri*", too. Already in the early 960s, King Edgar (r. 957/959–975) proclaimed that his *thegns* were to have their dignity/rank (?) in his reign as they used to in his father's.⁹ In his Wantage law-code of 997,¹⁰ Æthelred reserved for himself the soke rights (*i.e.* legal authority) over his *thegns*.¹¹ Cnut's laws of 1020–1023, mentioned by Sawyer (see footnote 6) and often recalled by the "Aakjærians" and believed to reflect his hypothetical coronation charter (Stafford, 1989), lay down the king's *thegns'* relief (OE *heriot* < *heregeatwa*, literally "war-gear").¹² Finally, the standard address formula of the 11th-century royal writs includes not only the major ecclesiastical and secular functionaries but "all king's *thegns*" in such and such shire (Harmer, 1952, *passim*; Bates, 1998, *passim*). That the formula implied people somehow associated with the monarchy and not the general populace is suggested by a few non-royal writs in which the same formula seemed to have addressed king's *thegns*, too, or lords' own commended men.¹³

At the same time, it has long been noticed that by the early 11th century, the Old English lexeme *þegn* seems to have undergone a semantic widening and acquired a secondary meaning, that of "nobleman in general" (*e.g.* Barlow, 1999, p. 5; Molyneaux, 2011, pp. 266–267).

or partly pregnant, and discussion of royal titles is made much more difficult when there is a subtly graduated range of conditions rather than the standard ones known on the continent: genuine, interpolated, forgery on the basis of a genuine charter, contemporary forgery, later forgery" (Reuter, 2006, p. 297). These numbers, 32 and 6, represent the documents on whose likely authenticity all modern commentators agree.

⁸ Standard reference to Old English charters is to the catalogue by Peter Sawyer (1968): S 839, 844, 847, 848, 852, 855, 856, 858, 861, 862, 863, 864, 870, 871, 872, 874, 960, 883, 886, 878, 887, 898, 900, 902, 910, 922, 923, 924, 931, 931a, 931b, 934, 955, 960, 961, 963, 971, 969.

⁹ IV Ed 2a. All references to the Anglo-Saxon legislation are to the classical critical edition (Liebermann, 1903), in which the Roman numeral stands for the conventional number assigned by the editor, the letters indicate the king's name, and the Arabic numerals the paragraph (Liebermann, 1903, p. xi).

¹⁰ This date is deduced from S 891 which mentions a royal assembly in that town, likely referred to in III Atr Prol.

¹¹ III Atr 11.

¹² II Cn 71. A useful discussion is available in: Lavelle, 2010, pp. 111–129.

¹³ "Odo, Bishop of Bayeux, greets Archbishop Lanfranc and Haimo the sheriff, and all the king's *thegns* [*regis fidelibus* in the Latin recension] of Kent friendly" (RRAN 74; Bates, 1998, p. 332–333, dated by the editor to 1070×1082/83); "The Lady Edith send friendly greetings to Earl Harold my brother and Tofig and all our *thegns* [*ealle ure þeyena* in the Old English version, *omnibus balliuis* in the later Latin translation] in Somerset" (translation by Dr Harmer; S 1240; Harmer, 1952, pp. 283–284, dated by the editor to 1061×1066); "Bishop Ranulf [of Durham] greets well all his *thegns* and *drengs* in Lindisfarne and Norham [*i.e.* Northumberland]" (Liebermann, 1903b, p. 283, dated by the editor to 1099×1128).

How and why this occurred is best reserved for a separate lexicographical study. Suffice it to say here that royal service rewarded by kings' land donations mentioned above generated social prestige and power (both public and private) and so must have been an important contributing factor (a classical and presently still the most comprehensive study of the OE *þegn*'s semantics is Loyn, 1955; see also: Carlton, 2019, pp. 107–128). It could be speculated that, for example, when Ælfric of Eynsham (c. 955–1010) addressed his patron as “Æthelmær the Thegn”,¹⁴ he could have done so because Æthelmær indeed signed royal charters as a *minister regis*. However, such an assumption would hardly hold, for example, in the same author's paraphrase of the Bible (Acts 5: 1–5), in which Ananias, famous for selling his property but not donating all proceeds thereof to the early Christian community, is characterised as “a certain *thegn*”.¹⁵ And the *Anglo-Saxon Chronicle*, which before 917 paired the word “*thegn*” exclusively with “king's” (or “his/her”, implying the monarch), suddenly stops this pattern in the annals 988–1086 (manuscript E contains five further references to king's *thegns* s.a. 1123, 1124, 1127).¹⁶

Potential Scandinavian legalisms in Old English

If the Old English texts are supposed to help solve the runological puzzle in question, this polysemy only complicates the matter. On the surface, neither of the doublet meanings matches the later primary sense of the ON *þegn* as it is deduced from the analysis of the richer literary context:

1. a free-born man, man in general;
2. a monarch's subject;
3. a “husbandman,” good man;

¹⁴ Ælfric's Old English Preface to the *First Series of Catholic Homilies*, line 4 (Wilcox, 1994, p. 108).

¹⁵ *Da wæs sum þegen Annanias gehaten* (Ælfric's *Catholic Homilies I*, 22, line 88; Clemoes, 1997, p. 357).

¹⁶ ASC, manuscripts A, C, D, E (manuscripts B and F have been omitted as repeating the four main ones, save the annal of 1028 in MS F): s.a. 465 (MSS A, C, E), 626, 656 (MS E), 755, 871, 874 (MSS A, C, D, E), 893, 895, 896 (MSS A, C, D), 904, 917 (MSS A), 988 (MSS C, D), 1001 (MS A), 1010, 1013, 1015 (MSS C, D, E), 1028 (MS F), 1036, 1048 [*recte* 1051] (MS E), 1052 (MSS C, D), 1065, 1067 (MSS C, D), 1086, 1123, 1124, 1127 (MS E). Partial translations are available in *EHD I*, pp. 145–261.

4. a lord's servant (Sukhino-Khomenko, 2018b, p. 35; Love *et al.*, 2020, p. 395, s.v. "þægn/þegn/þiængn").¹⁷

This disparity is best encapsulated by the verbal opposition of *thegns* as noblemen to *ceorls* as commoners in certain late Old English texts¹⁸ and, by contrast, by *Rígsþula's* symbolism in making Thegn a son to Karl, the mythological progenitor of the rank-and-file Norsemen (Anonymous, *Rígsþula* 20–25).¹⁹ Despair nevertheless might be precocious, as a few Old English sources, when approached with the Scandinavian perspective in mind, seem to concord to the first of the four Old Norse dictionary meanings surprisingly well. None of them save one is directly connected to the West Saxon monarchy and all indicate traces of Norse influence. Yet what emboldens me to assign these sources primacy in elucidating the parallel runic meaning is not only their unambiguous relation to the Scandinavian part of England²⁰ but their close verbal reminiscence of the later Old Norse texts.

Walreaf

¹⁷ This latter edition, *A Lexicon of Medieval Nordic Law*, is presumably the most up-to-date assessment of the Scandinavian legal language. As an ongoing project, the *Lexicon* forms part of the broader "Medieval Nordic Laws" enterprise based at the University of Aberdeen. The department of Swedish Language and Multilingualism at Stockholm University is responsible for developing a digital counterpart to the *Lexicon* at <<https://www.dhi.ac.uk/lmnl/>> (accessed June 30th, 2020).

¹⁸ S 1461; *Dunsæte* 5 (Liebermann, 1903a, p. 376); *Enchiridion*, III, 2, line 56 (Baker and Lapidge, 1995, p. 14).

¹⁹ Contrary some scholars, e.g. Sverre Bagge (2000), I hesitate to treat this text, preserved as a part of the Poetic Edda in the *Codex Wormianus* (AM 242 fol.) from c. 1350, as faithfully reflecting the Viking-Age society. Here, I am referring to it only for its literary sake. A concise reference-book for some problems surrounding the Poetic Edda as a rather complicated source is, for example, Larrington *et al.*, 2016. It should also be noted that Thegn and Karl's familial relationship is probably not showcasing the inheritance of a social status. Rather the poem represents symbolically the different (contrasting) social levels as developing out of and being born from one generation to the next. I owe this observation to Philip Lavender.

²⁰ For the sake of linguistic convenience and realising the potential anachronism, I will refer to it as the "Danelaw" made of the Five Boroughs, East Anglia, and the Kingdom of York (later Yorkshire), fig. 2. In his recent paper delivered at the online conference *The Borders of Medieval England* (July 11–12, 2020, organised by Dr Ben Guy, Robinson College, Cambridge), Richard Purkiss pointed out the elastic nature of the concept of the "Danelaw" before 1066 and how it was later moulded by the Anglo-Norman jurists. See further: Holman, 2001.

The shortest (one sentence only) and most enigmatic one of these sources is commonly referred to as *Walreaf* in modern scholarship, after its opening word. This source has been preserved in five manuscripts: the *Textus Roffensis*, compiled in Rochester in c. 1122×1124, and the Latin recensions of the *Quadripartitus*, originally compiled in c. 1100×1108 (Wormald, 1999, pp. 236–253). The main problem with this one-liner is its lack of any substantial native context. Patrick Wormald’s reasoning that it was a misplaced clause from Æthelred’s Wantage law-code (on it and its Scandinavian lexis see below), because in the *Quadripartitus* group it and another laconic one-sentence stipulation, *Pax*, are inserted between the said code and the London law-code, should be accepted as the most convincing argument (Wormald, 1999, pp. 320–323, 371–372).

The text runs as follows:²¹

<p><i>Walreaf is niðinges dæde: gif hwa ofsacen wille, do þæt mid eahta 7 feowertig fulborenra þegena.</i></p>	<p>“Corpse robbery is a deed of a <i>niðing</i>: if anyone wishes to cleanse himself [of the accusation of such an act], he should do so with forty-eight <i>full-born thegns</i>” (my translation).</p>
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That the OE *nīðing* is derived from the ON *nīðingr* (“coward”, “utter scoundrel”) is well-known and begs no additional expounding (Pons-Sanz, 2013, pp. 118, 161–162). The case of the OE *wælreāf* is more complicated. Unlike the later Scandinavian *Provincial Law-Codes*, where *valróf* appears on multiple occasions, as a legal term it is attested in this one text only, and its cognates are recorded in other Germanic languages.²² The spelling with an “a” instead of the otherwise expected West Saxon “æ” could point to a possible Norse influence, but Sara Pons-Sanz does not exclude a native development and the conventions of the manuscript orthography (Pons-Sanz, 2013, pp. 48–49). But what seems to have hitherto received little attention is a very similar wording in the Norwegian *Gulapingsløg* in the section stipulating the crimes of a *níðingr*:

<p><i>Nu veitir maðr manne heímsokn oc brytr hus til haní oc drepr hann, þat heiter niðings víg. [...] [Þ]at er oc niðings víg, ef maðr brenner mann inní. [Þ]at er oc</i></p>	<p>“If a man breaks into another man’s house to attack him and kill him, that shall be called a <i>níðing</i> crime. [...] It is also a <i>níðing</i> crime if a</p>
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²¹ Liebermann, 1903a, p. 393.

²² Oic *valrauf*, RunSw *ualraubar*, OSw *valrof*, ODan *valrov*, OHG *walaraupa*.

níðings verc, ef maðr gerer valrof fører mann or klædom oc tecr vapn hans. [P]at er níðings víg, ef maðr myrðir mann. [P]at er oc níðings víg ef maðr hefnír þíova. Syni með settar eíði (GL § 178; my emphasis).

man burns another to death [in his house]. It is also a nothing crime if a man robs a [fallen] man on the battlefield by stripping off his clothes and taking his weapons. It is also a nothing crime if a man murders a man. It is also a nothing crime if a man takes revenge for thieves; let him deny the charge with a sixfold oath" (Larsson, 1935, p. 137).

The phrases, granted, are not identical. Scholars, however, have identified many other instances of likely verbal parallels between the Anglo-Saxon and Norwegian legislation. One is, for example, the *Gulapingslög's* combination of two seemingly unrelated crimes – burning a man to death and avenging thieves – into one paragraph. One finds a very close parallel in King Æthelstan's (r. 924–939) Grately code:²³

Da blysieras ond þa ðe ðeof wrecen, beon þæs ilcan ryhtes wyrðe (II As 6.2).

"Incendiaries, and those who avenge a thief, shall be subject to the same law" (Attenborough, 1922, p. 131).

A three-clause legal fragment, assigned a provisional title *Blaserum* and treated by Wormald as if it has "cropped up in the midst of Æthelstan's Grately code" (Wormald, 1999, p. 367), provides another parallel, for it reads:

§1. *We cwædon be þam blaserum 7 be þam mordslyhtum, þæt man dypte þone að be þryfealdum 7 myclade þæt ordalysen, þæt hit gewege þry pund, 7 eode se man sylf to, þe man tuge. §2. 7 hæbbe se teond eyre, swa wæterordal swa ysenordal, swa hwæðer [swa] him leofra sy. §3. Gif he þone að forðbringan ne mæg, 7 he þonne ful sy, stande on þæra yldesta manna dome, hweðer he lif age þe nage, þe to þære byrig hyran (Liebermann, 1903a, p. 388; my emphasis).*

"With regard to incendiaries and those who secretly compass death, we have declared that the oath shall be augmented threefold and the weight of the iron used in the ordeal shall be increased until it weighs three pounds. And the man who is accused shall go to the ordeal, and the accuser shall choose either the ordeal by water or the ordeal by iron—whichever he prefers. If he [the accused] cannot produce the oath and is proved guilty, the chief men of the borough shall decide whether his life shall be" (Attenborough, 1922, p. 171).

²³ I owe this finding to: Álvarez and Antón, 2008, p. 42.

Without delving into the question of the direction across the North Sea and at what time such and other²⁴ obvious legal repetitions travelled, I nevertheless believe that they warrant treating the Scandinavian and Anglo-Saxon legislation together.

Walreaf's usage of *þegn* is rather peculiar, since nowhere else in the Anglo-Saxon legislation do we find groups of *thegns* this large acting in any legal capacity whatsoever. From the Old English context alone, the word *fullboren* is also somewhat hard to assign a definitive meaning, as it occurs only four times in the whole corpus of Old English: in the translation of Gregory the Great's *Cura Pastoralis* (2x), the *Metrical Charms*, and *Walreaf* itself. The editors of the *Toronto Dictionary of Old English*, drawing parallels with Old Frisian and Langobardic, concede the sense of "lawfully begotten, legitimate" or "noble-born". This also follows from the contextual analysis of the compound's element. Bearing in mind that both *níðingsverk* and *valróf* make numerous appearances in the Scandinavian *Provincial Law-Codes* (Love *et al.*, 2020, p. 252, s.v. "níþingsværk/nithingsværk/níðingsverk; p. 356, s.v. "valrof/valrov/valrof"), it seems not too far-fetched to see *Walreaf* as a separate clause of Nordic legislation recorded in Old English some two hundred years prior to the earliest native Scandinavian legal manuscripts. If this interpretation is indeed correct, the forty-eight *full-born thegns* in *Walreaf* should be interpreted as four cohorts of twelve legally entitled witnesses (see below) and not as either king's "vassals" or magnates in a more general sense. I would like to avoid going into the debate about whether the *Gulapingsløg* and the *Frostapingsløg*, full copies of which are preserved only in 13th-century manuscripts (Strauch, 2011, pp. 114–135), were composed under direct influence from England. That these composite text certainly reflect many layers of legislation (Bagge, 2010, pp. 179–182), some of which according to the later tradition *could* theoretically go back to the reign of Hákon the Good (r. c. 934–961) raised at Æthelstan's court, has been suggested (e.g. Helle, 2001, pp. 34–36; Williams, 2001; Sawyer, 1999; Álvarez and Antón, 2008).²⁵ Yet arguing which of these particular clauses should be attributed to the reign

²⁴ Álvarez and Antón also point out a potential parallel set of penitentials for theft by slaves (flogging) in II As 19 and GL § 259, as well as annual manumission of slaves in As Alm 1 and GL § 4. Knut Helle further found the following rhyming pairs: Ine 12, II As 1 – GL § 253; II Em 6 – GL §§ 142, 178; Ine 40 – GL § 82; Af 24 – GL § 82; Af 42.7 – GL § 160; II As 20 – GL §§ 3, 131 (Helle, 2001, p. 35).

²⁵ Note, however, the latter three authors' rather simplistic and unnuanced exposition.

of this king inevitably stretches the evidence. For my purposes it is important to demonstrate that *Walreaf* should perhaps be looked at in a broader Scandinavian perspective to compensate for the wanting Anglo-Saxon context. Further arguments to adopt such a view follow below.

King Æthelred's Third Law-Code

Unlike the obscure *Walreaf*, the Wantage code (III Atr), has been blessed with unceasing scholarly interest ever since its Latin Anglo-Norman renditions had been made available to British legal historians. The reason behind it is contained in §3.1 which at times gets the nomination for the first record on English soil of trial by jury, the “true palladium of our liberties”, according to the jurist and politician Sir William Blackstone (1723–1780). Listing all historiographical contributions to the study of this institute that have made use of King Æthelred's third law-code would significantly divert the current essay from its selected course. Such an enterprise is moreover superfluous given recent in-depth surveys by Eric G. Stanley (2000, pp. 113–139) and Mary Rambaran-Olm (2014, pp. 779–787). To recap and capitalise on them, the main controversy surrounded the “national” origin (English/*Urgermanisch* vs. Norman/Carolingian) and inception date (997 in Wantage vs. 1166 in Clarendon, where Henry II promulgated his famous assize) of the English trial by jury. With the publication of Felix Liebermann's second volume of the Anglo-Saxon legislation in 1906 it became apparent that the Wantage code is packed with Old Norse lexis.²⁶ Since then, the dispute acquired an additional dimension, to wit whether the code was a “flagrant encroachment on the legal autonomy of the Danelaw” (Lund, 1976, p. 194), or rather a codification of the local Scandinavian legal customs to the extent that were in agreement with the “general policy of King Æthelred to suppress unjust practices, a policy expressed in his fifth code, written after the Wantage Code” (Neff, 1989, p. 310).

²⁶ The preamble: *lagu* (< *lǫg*), *landcōp* (< *landkaup*), *lahcōp* (< *lǫgkaup*), *witword* (< *vitvord*); §1: *grið* (< *grið*); §3.1: *saclēas* (< *saklauss*), *sac* (< *sekr*); in §13.2: *sammæle* (< *sammáli*); §13.3: *cost* (< *kost*) (Neff, 1989). Pons-Sanz (2013, pp. 110, 431) further indicates *uncwydd* and *uncrafod* in §14 (probably, < *kveðja* and *krefja* respectively) and *bōtlēas* (< *bótlauss*) in §1, overlooked by Neff. The appearance of an “earl” in §12 instead of the otherwise expected “ealdorman” (as in §1.1) could also be attributed to the circulation of its Old Norse cognate, *jarl*, in the Scandinavian zone of cultural influence.

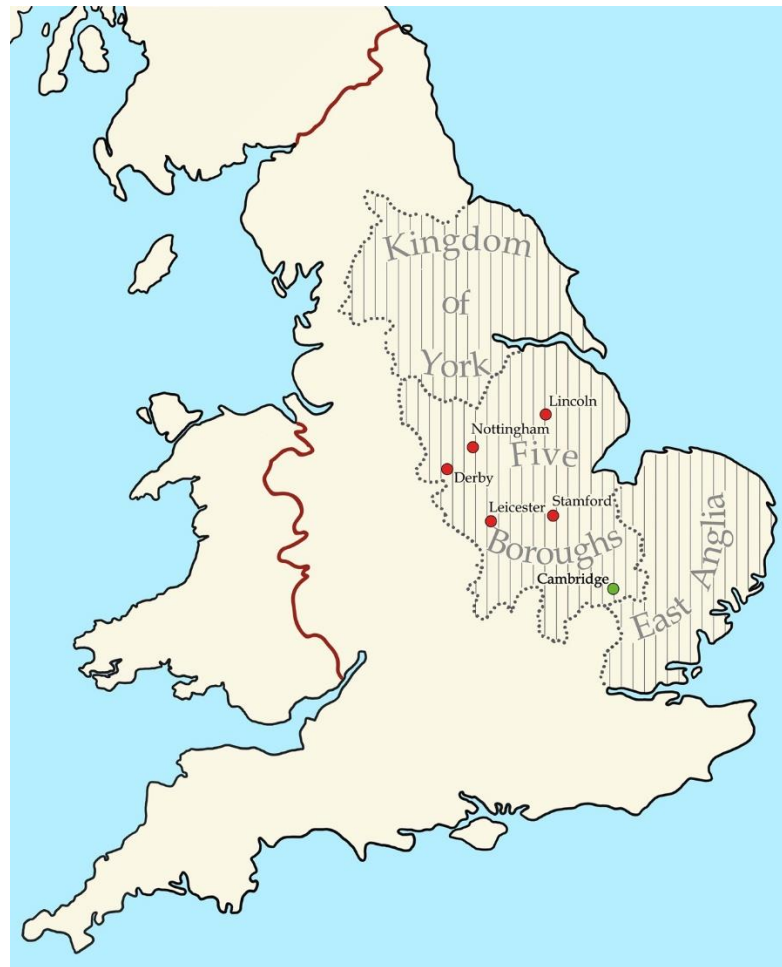


Figure 2. The map of the “Danelaw” in the 10–11th centuries. The Five Boroughs are marked in red, Cambridge is marked in green. The red line marks England’s modern borders. Map by the author.

Thegns get six mentions in this text, and to provide clear context for further arguments they deserve a quotation in full:

§3.1: 7 þæt man habbe gemot on ælcum wæpentace 7 gan ut þa yldestan XII þegnas 7 se gerefa mid, 7 swerian on þam haligdome, þe heom man on hand sylle, þæt hig nellan nænne saclean man forsecgean ne nænne sacne forhelan.

§3.4. 7 ælc tihþysig man gange to þryfeldan ordale oððe gilde feowergilde.

§4.1: Gif se hlaford þonne hine ladian wylle mid twam godum þegenum, þæt he næfre þeofgild ne gulde, siððan þæt gemot wæs on Bromdune, ne he betihlod nære, gange to anfealdum ordale oððe gilde IIIgilde.

“3.1. And a court shall be held in every wapentake, and the twelve leading thegns along with the reeve shall go out and swear on the relics which are given into their hands, that they will not accuse any innocent man or shield any guilty one.

3.4. And every man of bad repute shall go to the triple ordeal or pay fourfold [the value of the goods involved].

4.1. If, however, his lord is willing to clear him, [swearing], along with two good thegns, that he has neither been convicted of theft nor been

§11: 7 nan man nage nane socne ofer cynges *þegen* buton cyng sylf.

§12: And æt cynges spæce lecge man VI healfmarc wedd 7 æt eorles 7 biscepes XII oran wedd 7 æt ælcum *þegene* VI oran wedd.

§13.2–3. 7 þæt *dom* stande, þar *þegenas* sammæle beon; gif hig sacan, stande þæt hig VIII secgād; 7 þa þe ðær oferdrifene beoð, gilde heora ælc VI healfmarc. 7 þar *þegen* age twegen costas, lufe oððe lage, 7 be þonne lufe geceose, stande þæt swa fæst swa se *dom* (my emphasis).

accused since the assembly was held at Bromdun, he shall go to the simple ordeal or pay threefold [the value of the goods involved].

11. And no-one shall have jurisdiction over a thegn of the king except the king himself.

12. And in the case of an action brought by the king, 6 half-marks shall be deposited as security, and in the case of one brought by an earl or a bishop, 12 ores, and one brought by a thegn, 6 ores as security.

13.2–3. And a verdict in which the thegns are unanimous shall be held valid; if they disagree, the verdict of eight of them shall be valid, and those who are outvoted in such a case shall each pay 6 half-marks. And where a thegn has two alternatives before him—amicable agreement or legal proceedings—and he decides upon the former, it shall be as binding as a legal decision” (Robertson, 1925, pp. 64–70).

Of these, §11 raises no questions as regards its meaning (see above). The West Saxon “royalist” interpretation is also suggested for §12, as a *thegn* here stands in line with an earl (= ealdorman) and bishop, both relied upon by the monarchy as their local agents (Molyneaux, 2015, pp. 109–112, 172–173).²⁷ It is §§3.1, 4.1 and 13.2–3 that deserve our attention in light of the current topic.

Contrary to my academic predecessors, I shall for the most part leave to one side the legal institutional genealogy of the twelve-man legal panel as irrelevant for this study and resort to it only inasmuch as it helps me illustrate my lexicographical points. Similarly, I evade the problem of the differentiation of the panel’s functions as oath-helpers, testimony-givers, executive officers, verdict-makers, and the like.

Charlotte Neff believed that the “twelve leading *thegns*” of the wapentake (III Atr 3.1, 13.2–3) had been directly influenced by the Nordic legal system with its Danish *nefningæ*, Swedish *næmd*, Norwegian *dómr*, and Icelandic *tólfakviðr*, all being panels of twelve men

²⁷ A very similar listing appears in, for example, IV As 6.2a (instead of a bishop the text reads abbot) and VI As 11 (a *thegn* is substituted for a reeve).

acting in the court of law. Her reasoning is not without good arguments. First, though similar twelve-man colleges are known in England both before and after 997, they are institutionally more removed from the “twelve leading *thegns*” than the Scandinavian counterparts. Secondly, “providence is always on the side of the big battalions”. The occurrence of the twelve-man judging (*sic*) tribunal throughout all of Scandinavia and, conversely, only once England before the Norman Conquest (1066) is easier to explain under the assumption that it was a Scandinavian legal praxis already during the Viking Age imported into England and not *vice versa*. The weaker points in this argumentation are, of course, the late date of the Scandinavian *Provincial Law-Codes* and the very number twelve, the cornerstone of the whole system. Apart from the Icelandic *búakviðr*, Anglo-Saxon and medieval Scandinavian jurors normally fulfilled their various rôles in groups of twelve or its multiples. Ferdinand von Mengden has argued from the linguistic point of view that the Germanic counting system, despite the long-accepted orthodoxy, had in fact not been duodecimal. He conceded that for the purpose of reckoning and for the sake of convenience in everyday arithmetical operations decades could be counted in multiples of twelve, but linguistically it remained a decimal system, to which even the supposed “long hundred” (12×10, not 12×12) stands a testimony (von Mengden, 2005; *cf.* a different opinion in: Ullf-Møller, 1991). If this assertion is correct, the only remaining inspiration for the number twelve in the legal panel ought to be the Bible or the Roman precedent, which does not sit too well with Neff’s rather categorical conclusions.

As mentioned above, she concentrated first and foremost on the Scandinavian lexis of the Wantage code (see footnote 26). Though she admitted the English precursors to some of the functions of the “twelve leading *thegns*”, the corresponding language (both Old English and Old Norse) in which such twelve-man panels had been described was not made the focus of her seminal article. However, an additional lexical analysis points to three conclusions:

- a) Old English included a set expression/concept of the “leading men” to describe the upper echelons of a given community before and after the legislation at Wantage;²⁸

²⁸ *Blaseras* 3 (see above); II As 20.1–4 prescribes *þa yldestan men to ealle þe to þære byrig hiron* (“all the leading men who belong to the borough”) to confiscate the property of an absentee from the town’s meeting and put him under surety; ASC (s.a. 917 in MS A; s.a. 915 in MSS C, D) mentions that *þa ieldstan*

- b) the Anglo-Saxon legislation prescribed groups of twelve (or their multiples) to act in various legal capacities;²⁹
- c) the apposition of the qualifier “leading” (*yldest*) and the noun “thegn” is recorded only after the promulgation of the Wantage code.³⁰

But most striking is the lexical choice of the Norwegian *Gulatingsløg* and the Icelandic *Grágás*, the latter, according to the literary tradition found in Ari the Wise’s *Íslendingabók*, modelled on the former in c. 930 (Strauch, 2011, pp. 221–227). In some of the passages covering the legal responsibilities of the sworn jurors, these law-codes describe them as *thegns*, and moreover, on two occasions we read of a *xii. þegna domr* (“the judgement of twelve *thegns*”), which immediately makes one recall III Atr 13.2–3 and its *dóm* that the *thegns* must pronounce:

[E]r þeir scolo annatt tveggja veðia æða af lata annartveggja af sinu male. En ef þeir vilia hava .xii. þegna dom .vi. af hvarstveggja hende. þa scolo þeir reiða aura .ij. hverr þeirra. þat ero aurar .xii. er þeir scolo leggja undir iamna hond. oc skirskota veðian sinni undir valenkunna menn er utan standa við dóm (GL § 266; my emphasis).

“At that moot, either side shall offer to make a wager or shall cease from its contention. If they want to have a doom of twelve thegns, six for each side, each one of them shall hand over two oras, twelve oras in all, to be placed in the hand of a disinterested man. And they shall call their wager to the attention of reliable men who are standing outside the group of doomsmen” (Larsson, 1935, p. 172).

Hann [= goði] scal þar coma fyrir midian dag oc nefna sva *domin*. oc sva scolo þeir menn coma er þar scolo lögscil af hendi leysa. þar scal vera *xii. þegna domr*. *Dom þan scal ryðia sem xii. quið* (Gg (*Konungsbók*), *Þing skapa þattr* 48; my emphasis).³¹

“The chieftain is to come there before midday and nominate the court, and those men who have to discharge legal duties there are also to come by that time. It is to be a court of twelve good men and true. That court is to be challenged like a

men [ealle mæste] þe to Bedanforde hierdon (“[most of] the leading men pertaining to Bedford”) submitted to King Edward (r. 899–924); S 1497, the will of one Ælfgifu (990×1001), records among its 2,000 (*sic*) witnesses *ealle þa yldestan men to Bedanforda 7 to Heortforda 7 heora wif* (“all the chief men, belonging to Bedford and Hertford, and their wives”, Whitelock, 1968, p. 14); in 1093×1109, the *yldesta men* (“leading men”) of a merchant guild in Canterbury witnessed an agreement with the convent of the Christ Church (Pelteret, 1990, p. 96, no. 90).

²⁹ AfGu 3 (878/886×890); II As 11 and IV As 6.2b (the 930s); IV Ed 3–6 (the 960s); *Dunsæte* 3.2 (the 990s; on the dating see: Molyneaux, 2011); II Cn 48 (1020×1021); the *lagemannni* or *judices* in Lincoln, Stamford, York, and Chester, according to the *Domesday Book*; ASC (MS E) records that when in 1048 (*recte* 1051) accused of treason, Earl Godwine was commanded to attend the meeting with the king in the presence of twelve men. See further: Fleming, 1998, pp. 11–35.

³⁰ S 1409 (1051×1055); S 1422 (1007×1014); ASC (MSS C, D, E, s.a. 1015).

³¹ Cf. §§20 and 45 in the same section.

panel of twelve” (Bessason and Glendinning, 1980, p. 90).

What this suggests to me is that in the Five Boroughs, covered by the Wantage legislation and, in all likelihood, *Walreaf*, the word *þegn* for some reason replaced the broader Old English *mann* in reference to twelve-man panels, be those introduced *de novo* or codified by Æthelred and his councillors. Perhaps, *þegn* was semantically a particular case of *mann*/*maðr* or simply the latter’s synonym, as is suggested by their mutual exchangeability in some manuscript evidence (see below). It is also noteworthy that as a multiple of twelve, the number of forty-eight *full-born thegns* in *Walreaf* is mirrored in III Atr 13 that prescribes thirty-six oath-helpers for anyone accused of providing rations to peace-breakers. Going the full path of audacity, I might even hypothesise that *yldest* could be best understood in the literal sense of physical age, because this is the sense conveyed in *Frostþingslög*:

Ef menn etiaz vitnum á fyrir aups sacar eða sveitar um hvatki mál er þat er oc hefir annarr tveim váttum fleira, þá nemni þeirþegar á stemnu .xij. böndr hina gegnstu oc hina ellztu innan fylkis oc þá er engan lut hafí átt í með þeim .vj. hvárrtveggia þeirra (FL XIII, 24; my emphasis).³²

“If men compete in presenting witnesses for the love of strife or [to please] their supporters, whatever the dispute may be, and the one has two witnesses more [than the other], there shall be appointed at once at the hearing twelve of the oldest and most worthy freemen in the fylki, six for either side, men who have had no interest in the controversy” (Larsson, 1935, p. 388).

Þat er forn réttr at ármaðr or fylkium öllum scoló gera vebönd her á þingvelli. En svá við scoló vera vebönd at hafí rúm fyrir innan at sitia er í lögrétto ero nefndir. ármenn scoló nefna í lögrétto svá marga sem mælt er or fylki hverio. Nefna scal innan or Þrándheimi .iiij. tígo manna or fylki hverio. en utan or Þrándheimi .vj. tígo manna or fylki hverio. oc þá menn scal í lögrétto nefna er ellztir ero oc gengstir (FL I, 2; my emphasis).

“It is old law that a bailiff from each of the various shires shall set up an enclosure here at the thingstead. And the enclosure shall have sufficient space so that all who are appointed to the law court shall have ample room to sit within it. The bailiffs shall appoint to the law court as many from each fylki as is stated [below]. From Inner Trondheim forty men shall be named from each fylki and from Outer Trondheim sixty men from each fylki; and the men who are appointed to the law court shall be those who are oldest and most capable” (Larsson, 1935, p. 223).

³² *Nota bene* that the rest of the paragraph also stipulates the action in case the panel is not unanimous in its decision, reminiscent of III Atr 13.2.

This possibility, however, is somewhat of a stretch, of course, not least because the Old English adjective *ealdor*, according to the *Toronto Dictionary of Old English*, can mean both a senior rank and age, but also because in practice the leading people were most likely the oldest. It is likely that a semantic overlap was at hand.

The Regulation of the Thegns' Guild in Cambridge, the Northumbrian Priests' Law, the "good thegns", and Archbishop Wulfstan's nordicisms

The final, admittedly indirect evidence that the Wantage code and *Walreaf* used the lexeme *thegn* in the Old Norse sense comes from the a few sources associated with the "Danelaw".

The so-called Regulation of the *Thegns' Guild in Cambridge*³³ (*gerædnisse [...] þegna gilde on Grantabrycge*), preserved on a single leaf from a gospel-book, probably from Ely (Gneuss and Lapidge, 2014, pp. 36, 299), cannot be chronologically attributed with any certainty beyond the dating of its script to c. 970×999. The text elucidates the rules of an otherwise unknown community in Cambridge, such as provisions for the burials of the deceased members, almsgiving, mutual assistance, fundraising to paying the wergild, feuding obligations, and others. Because Cambridge lies in the Five Boroughs region (fig. 2), the Regulation can be expected to bear certain Scandinavian influence. And indeed, it employs the West Saxon monetary system (pounds, shillings, pence) alongside the Nordic (marks and *orae*). Dorothy Whitelock, following Felix Liebermann, further suggested that the £8 (= 1,920 pence) of a guild-member's wergild are equivalent with the "twelve hundred of silver [*orae*]" in III Atr 1.1 (fine for breaching the peace established at the court of the Five Boroughs), reckoning 16 pence to the an *ora*, 120 of which make a "[long] hundred of silver" (*EHD I*, pp. 439, 604). A sense of Scandinavian cultural influence might also be perceived in the two "bench-comrades" (*gesetlan*) acting as witnesses and oath-helpers and resembling the "bench-mates" (*sessar*) from

³³ The only available modern edition is that of Benjamin Thorpe (1865, pp. 610–613), but a better translation with comments is available in *EHD I*.

GL § 187 who witness in trials on cases of drunk quarrels in alehouses (Neff, 1989, p. 306). Beyond the £8-pound wergild (which matches none of the otherwise reliably known Anglo-Saxon man-price tariffs)³⁴ there is not much that sheds light on who the Cambridge *thegns* were, only that they could be lords (*hlafordas*) to certain servants (*cnihhtas*). What speaks against associating these *thegns* with the West Saxon monarchy is, first, the absence of definitions such as “king’s *thegn*” and second, stipulations on the feuding obligations, something campaigned against by the monarchy at that time (Lambert, 2012). Finally, the first clause of the Regulation, namely that they *ælc oþrum aþ on haligdome sealde soþre heldrædenne for Gode 7 for worulde*³⁵ sets this text next to III Atr 3.1 that expects the “twelve leading *thegns*” of the wapentake to *swerian on þam haligdome* (“swear on the relics”). So does mentioning of the reeve as an official to whom the *thegns* turn in some cases.

The Northumbrian Priests’ Law (Liebermann, 1903, pp. 380–385) was once ascribed to the pen of the York Archbishop Wulfstan (d. 1023), although at present scholars agree that the text was likely composed by one of his successors (Pons-Sanz, 2013, p. 384 and references therein). The text shows certain lexical overlapping with the Wantage code in, for example, its use of *healfmarc*, *lagu*, *wæpengetæc*, *witword*, *landcēap*, *lahcēap*, *landrīca*. Essential for us though is the passage:

<p><i>7 we willað, þæt man namige on ælcon wæpengetace II triwe þegnas 7 ænne mæssepreost, þæt hi hit [= ælc Romþæni] gegaderian 7 eft agifan, swa hi durran to swerian (LawNorthu 57.2; my emphasis).</i></p>	<p>“And we ordain that two trustworthy thegns and one mass-priest in each wapentake be chosen to collect it [St Peter’s penny] and deliver it again, as they dare to swear to it” (Rabin, 2015, p. 205).</p>
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These “two trustworthy *thegns*” responsible for collecting “St Peter’s penny” are rather reminiscent of the “two good *thegns*” standing as oath-helpers to a lord willing to defend his suspected commended man (III Atr 4.1). This is all the more remarkable because just like the

³⁴ The only potential confirmation for this wergild that I have been able to find is situated in the Anglo-Norman *Leis Willeme* 3.3 (“The [so-called] Laws of William I”, c. 1150?). The text states that in the “Danelaw” theft must be exculpated by paying £8, of which seven are the king’s share and the rest goes “in lieu of the head” (*pro capite*; Robertson, 1925, p. 255). Note, however, the questionable reliability of this source: Wormald, 1999, pp. 407–409.

³⁵ “Each was to give to the others an oath of true loyalty, in regard to religious and secular affairs, on the relics”; *EHD I*, p. 604.

Wantage code (III Atr 11), the Northumbrian Priests' Law speaks of the "king's *thegns*" as well (*LawNorthu* 48, 51, 52), but not on this one occasion.

Wulfstan's own literary legacy, permeated with Old Norse borrowings, seems to contain independent evidence of the early existence of certain Scandinavian legalisms. The Archbishop's Nordic vocabulary has been exhaustively scrutinised by Sara Pons-Sanz (2007), which is why here I will concentrate only on one such case. In his famous *Sermo Lupi ad Anglos* (c. 1012×1014), Wulfstan condemns the violation of the social order due to the great chaos of his time:

7 la, hu mæg mare scamu þurh Godes yrre mannum gelimpan þonne us deð gelome for agenum gewyrhtum? Deh þræla hwoylc hlaforde æthleape 7 of cristendome to wicinge weorþe, 7 hit æfter þam eft geweorþe þæt wæpngewrixl weorðe gemæne þegene 7 þræle, gif þræl þæne þegen fullice afylle, licge ægylde ealre his mægðe; 7, gif se þegen þæne þræl þe he ær ahte fullice afylle, gylde þegengylde (Wulfstan, *Sermo*, lines 102–108; my emphasis).

And lo! how can greater shame befall men through God's anger than often does us for our own deserts? Though any slave runs away from his master and, deserting Christianity, becomes a viking, and after that it comes about that a conflict takes place between thegn and slave, if the slave slays the thegn, no wergild is paid to any of his kindred; but if the thegn slays the slave whom he owned before, he shall pay the price of a thegn (*EHD* I, p. 932).

This passage has been studied many times (e.g. Pons-Sanz, 2007, pp. 181–189), so what matters here is, first, the obvious opposition of a *thegn* to a *thrall* (< ON *þræll*, "slave") and, second, Wulfstan's usage of the otherwise unattested Old English compound *þegengylde*. The alliterative collocation of *þegn* and *þræl* is characteristic of Wulfstan's language. Although consonant expressions (e.g. *þegn* and *þeow*) are known in Old English, it is the Old Norse corpus that the exact same formula occurs multiple times as an umbrella term for "all members of this and this community", as is evidenced in the *Ordbog over det Nørøne Prosasprog* ("The Dictionary of Old Norse Prose"). The question arises then, which sense Wulfstan implied in his exhortation. It can, of course, be the case of juxtaposing the lowest and highest strata of the society to convey the most dramatic aura, given Wulfstan's fixation on the orderly society. Yet that the *Sermo* likely addressed an audience exposed to Scandinavian influence, that Old

English offered the Archbishop a whole array of analogous native alliterative expressions,³⁶ and that later Old Norse sources vest this opposition in precisely the same terms – all this suggests that we may be dealing with the contrast “slave *vs.* freeman” and that *thegn* is best understood in the Old Norse sense. The *þegengyld* thus may mean a “(full) *wergild* of a rank-and-file person”, something normally denied to the unfree population. This proposition is further reinforced by the occasional recombination of the compound’s elements in Old Norse: thus, where the AM 68 4° manuscript of the *Eidsivapingslög* reads *en kononge halft mannz gilldi* in Chapter 3.4, all other manuscripts have *en kononge [halfuan] þægn[gildi]* (“and [half] the *wergild* to the king”; EL III.3.4; my emphasis). It is probably impossible to definitively locate the birthplace of this compound. On the one hand, using Charlotte Neff’s reasoning, it is feasible that the lack of further presence of this word in the Old English corpus and the word’s simultaneous proliferation in Old Norse (Love *et al.*, 2020, p. 391, s.v. “þiængsgæld/thæghngjald/þegngildi/þingsgæld/þiængsgæld”) point to Scandinavia. Moreover, *þegn-* seems to have been a productive first element in other related compounds more so in Old Norse³⁷ than in Old English, where it is more often the second element.³⁸ On the other hand, Sara Pons-Sanz suggests that Wulfstan could have coined *þegengyld* on the model of *ðeofgyld* (“payment for theft”, e.g. in the Woodstock code (I Atr 1.2), echoed III Atr 4.1; on their connection see below; Pons-Sanz, 2013, pp. 459–460). In any case, I am inclined to see a Scandinavian legalism (or potentially two) in this fragment from Wulfstan’s *Sermo* regardless of the coast of the North Sea on which it was first generated.

The last but not least evidence that the Old English texts, such as those examined above, could provide written testimony of the accepted Scandinavian meaning of the lexeme *þegn* is the apposition of “good” and “*thegn*”. It has been suggested by some “Aakjærrians” that persons commemorated “good *thegns/drengs*” in the runic inscriptions held a special position

³⁶ E.g. *ge ceorle(-isc)*, *ge eorle(-isc)* in Af 4.2 and IV As 3; *ceorlum and eorlum* in the Old English *Menologium* in line 31 (Karasawa, 2015, p. 74); *twelfhunde oððe twyhynde* and *twelfhynde 7 twihynde* in VI As Prol and 8.2 and S 985 respectively; of them, Wulfstan himself used the phrase *ceorl wyrð to earle* (“a *ceorl* becomes an *earl*”) in his *Institutes of Polity* (WPol 6.2, 137; Jost, 1959, p. 257).

³⁷ E.g. *þegnskylda* (“duty of a subject”) and *þegnsbani* (“murderer”).

³⁸ E.g. *hrægelþegn* (“keeper of vestiments”), *burhþegn* (“chamberlain”), *discþegn* (“steward”), *horsþegn* (“marshal”), etc.

within the *hirð* (cf. later *goðir menn*, “a more or less well defined group of men acting as advisors to and representatives of the king”; Love *et al.*, 2020, p. 128). A closer look at the texts in England, however, dispels such a notion, as here we too read of certain “good *thegns*” in contexts that imply no connection with the king’s court whatsoever. The *Anglo-Saxon Chronicle* (MSS C, D, E) reports among the casualties of 1010 *feala oþera godra þegna 7 folces ungerim* (“many other good *thegns* and countless people”), and further *.xxx. godra ðegna buton oðre folce* (“thirty good *thegns* besides other people”) killed by Earl Harold during his raid in Devonshire and Somerset in 1051 (MSS C, D). Verbal parallels with the runic inscriptions can further be found in legal proceedings. A record of a land dispute, brought to the court in 990×992 (S 1454), lists *menig god þegen 7 god wif* (“many good *thegns* and women”) among the witnesses, and *swiðæ manega oðra ðegen*a (“very many good *thegns*”) confirmed a land purchase in 971×980 (S 1216). Given that “all the chief men, belonging to Bedford and Hertford, and their wives” witnessed Ælfgifu’s will (see footnote 28), may we even suppose that a similar translation is valid for S 1454? If anything, the Sawyers’ bold idea that the *goðir menn* in the runic inscriptions (263 individuals in total) “are best understood as the equivalent of the *boni homines*³⁹ familiar in other parts of early medieval Europe” (Sawyer and Sawyer, 2001, p. 378), seems more plausible. The authors’ argumentation rests on a rather speculative ground though. From a circumstantial piece of evidence, it may equally follow that the appellation “good *thegn*” could have been simply a formulaic epithet, because the list of the Västergötlandic *logmenn* and bishops calls the seventh bishop, Rodulvard (or Rodvard), “the worst of all *thegns*”⁴⁰ in c. 1081 (fig. 3).

³⁹ Whom they, following the glossary from Davies and Fourace, 1986, understand as “men acknowledged as trustworthy members of local communities who had a leading role in local affairs, for example in assemblies, in making legal decisions, and as witnesses” (*ibid.*, p. 379). But in the same article they exclude the *thegns* and *drengs* from this category and treat the runic ON *þegn* and *drengr* as titles qualified by the adjective *góðr*. In their exposition, normally “good people” were the equivalent with the continental *boni homines* but not the *good thegns* and *drengs*, who were high-ranking members of the king’s retinue.

⁴⁰ *Syundi war Rodolwardær aldre þæghnæ wærstær* (VL, p. 203).

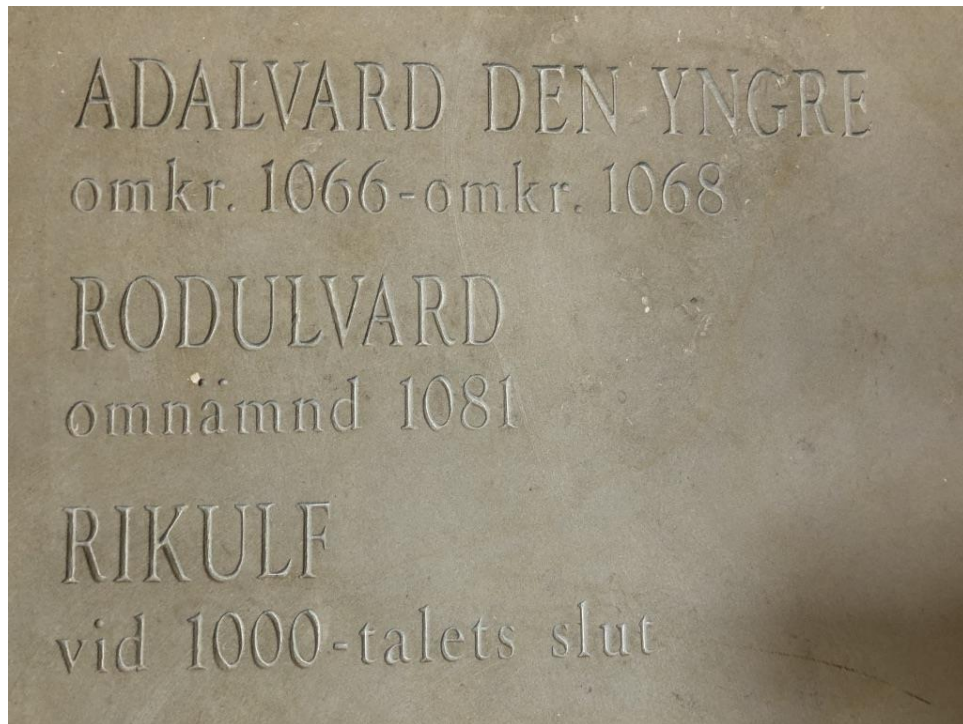


Figure 3. Rodulvard (Rodvard) in the list of Västergötlandic bishops. Decorative carving on the wall of the Skara cathedral. Picture by the author.

Possible Objections

Karl Popper's famous philosophical principle dictates a scholarly hypothesis be exposed to falsifiability, and in fact, I am able to name two objections to my argumentation.

First, it cannot be denied that in the charters, *thegns* are recorded as legal actors as early as the 970s and they carry on playing this rôle well into the 11th century without much trace of the Old Norse lexical influence.⁴¹ Second, I Atr 1.2 repeats III Atr 4.1 almost verbatim, only substituting the *twam godum þegenum* with *twegen getreowe þegenas* and, more importantly, the *wæpentac* with *hundred*, i.e. the smallest administrative unit in the English part of the kingdom.

⁴¹ S 1216 (971×980); S 1454 (990×992); S 1456 (995×1005); S 1461 (1016×1020); S 1462 (1016×1035); S 1399 (1033×1038); S 1394 (1042); S 1530 (1042×1043); S 1476 (1043×1046); S 1403 (1047×1053); S 1406 (1046×1053); S 1234 (1052×1070, possibly 1054); S 1495 (1053).

From these facts it may follow that *þegn* should not be counted for a Scandinavianism in III Atr 3, 4.1, and 13.2–3.

Upon a closer inspection, though, I observe certain subtle differences between the pointed-out cases. For one thing, it has been long postulated that the Woodstock code was the English counterpart to the Wantage code and that they both had from the start been designed as a tandem law-code for the two parts of the kingdom (Wormald, 1999, pp. 328–330). Given Charlotte Neff’s conclusion that Æthelred and his councillors were pursuing a single unificatory legal policy, it cannot be fully excluded that I Atr 1.2 reflected III Atr 4.1 and not *vice versa*. Noteworthy is Wulfstan’s replacement of *þegn* with *mann* in his recycling of the same provision in II Cn 30.1.⁴² This suspicion becomes even more reasonable given that a similar lexical paraphrase can be read in of the Northumbrian Priests’ Law (*LawNorthu* 57.2). It and the older recension of the Västergötlandic Law (Jørgensen, 1967, p. 440) expected the two *thegnly* tax collectors and members of the twelve-man *næmd* respectively to be “trustworthy” (*triwe* and *tryggiæ*), whereas similar provisions, as far as I am aware, are absent from the Old English corpus besides I Atr 1.2.⁴³ For the other thing, the charter evidence agrees more with the royal writs. In it we read of *thegns* of a given shire, while both the Wantage code and the *Provincial Laws* speak of twelve-man panels in smaller constituent units. Either we could surmise that the Wantage code and *Walreaf* preserved a meaning original to Old Norse, or we could suspect that the English-speaking promulgators wilfully or not “scaled down” the importance of a *thegn* as a legal actor in the “Danelaw”.

⁴² ...*nime se hlaforð him twegen getrywe men to innon þam hundrede* (“...he (the lord) shall choose two trustworthy men within the hundred”; Robertson, 1925, p. 191; my emphasis).

⁴³ I Atr 1.8 (later recycled by Archbishop Wulfstan in II Cn 31.1a) expects a lord (*hlaforð*) to invite five *thegns* as oath-helpers to cleanse himself of the accusation that his commended man committed a crime at the lord’s behest. The only recorded case (S 1460) of two *thegns* (not qualified as “good” or “trustworthy”) acting as sworn witnesses occurred in Worcestershire in 1010×1023, after the promulgation of the Woodstock and Wantage codes.

Conclusion: Runic *Thegns* as Kings' Vassals – and Redundant Assumption?

In this article it has not been my intention to finalise the long-lasting controversy surrounding the exact meaning of the runic *þegn* for good. Instead I have tried to present some observations on certain Old English texts that had eluded the debate between the “Aakjærrians” and the “Nielsenists” but might nevertheless help solve this protracted argument. There are too few sources to provide a statistically conclusive result, but when put together, even the available Anglo-Saxon literary fragments dealing with the “Danelaw” point in the direction that the extant Scandinavian medieval texts might indeed preserve certain words or meanings thereof that had been in circulation a few centuries prior.

That *thegns* and *drengs* “have at times been viewed as a type of military or social rank, but this hypothesis seems to be losing favour” (Love *et al.*, 2020, p. 396) appears a sound judgement, but with the native written sources being so removed in time, the “Nielsenists” objections lacked the definitive argumentative thrust. Hopefully, my lexicographical examination has offered one. My learned conclusion in this essay matches my previous historiographical survey: Aakjær’s idea, as cunning as it is, was probably built on certain untenable assumptions, and not merely due to his regretful mistake concerning the *Constitutiones de Foresta* but also because of a simpler answer to his posed questions. That by the time the 34 relevant rune stones were put up the ON *þegn* had already probably acquired at least one of its later attested meaning (“a free and independent practitioner of all rights of a person, fully vested with liberties”; Hertzberg, 1890, p. 266) is presumably independently attested on the western coast of the North Sea. This seems to follow from the Norse verbal reminiscences surrounding the “twelve leading/eldest (?) *thegns*” in the “Danelaw” and somewhat less direct indication in other sources that make these characters (probably angry at the long misidentification) match Hertzberg’s definition rather well. This surmise is further corroborated by Judith Jesch’s analysis of the relevant skaldic evidence, itself preserved in later texts but supposedly pertaining to the Viking Age. On the whole, she concluded that the skaldic *þegnjar* connoted men of local prominence often in conflict with the growing royal power, not in its service (Jesch 1993).

For now, I wilfully step aside from the question of institutional and social influences in the North Sea basin around the year 1000 and their probable directions, though this is certainly a promising avenue for future investigation. My study instead is first and foremost of a lexicographical nature, and I have been trying to substantiate the view on this region as a linguistic continuum in which (cognate) words, phrases, and single senses could potentially travel to and fro. This in turn invites further research, as I hope to have provided students of Old Norse some data to consider when discussing the relationships between it and Old English, as well as when assessing texts in Old Norse proper. If, for instance, my observations are correct, the presence of the ON *þegn* might serve a dating parameter for a given text (cf. Molyneaux 2011, pp. 266–267). Nevertheless, much remains to be scrutinised, such as tracing the semantical evolution of *þegn* as a lexical unit attested in the two languages. Thus, the mind-boggling question of how and why the word that by all accounts stood for “servant” in Old English chronologically before all things shifted its semantics so that it came to mean something rather unrelated calls for a further untangling (cf. Carlton 2019, pp. 107–128).

With all those opening prospects for future investigation, I will be the first one to revisit my findings, should subsequent scholarship (my own including) provide evidence which leads to a different conclusion. But for the time being, against the collected arguments it might be simply superfluous to resort to Cnut’s empire as likely “medium” through which an otherwise alien Old English (and by then not the only one) meaning of *þegn* as a “king’s vassal” made its way into Denmark and Västergötland only to then disappear without much lexical trace.⁴⁴ To quote Count Laplace’s famous apocrypha, *je n’ai pas eu besoin de cette hypothèse*.

⁴⁴ A further potential obstacle to this idea might lie in the chronology of the relevant Danish “post-Jelling” rune stones that, according to Marie Stoklund (1991), ought to be dated to c. 975–1025, slightly earlier than Cnut secured his overlordship in Scandinavia following the Battle at the Holy River (1027). Anne-Sofie Gräslund, on the other hand, generally dates the Västergötlandic stones broadly “before the middle of the 11th century” (Gräslund, 2014, p. 52). Since the rune stones demonstrate stylistic similarity, it is only logical to assume that the older Danish runic tradition influenced the younger Western Swedish one. But fitting the *thegns* as a social and not cultural phenomenon into this explanation only extends the sequence of mutually dependable concessions and overloads the whole explanatory scheme.

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