

Law | Book | Culture in the Middle Ages

Edited by

Thom Gobbitt



BRILL

LEIDEN | BOSTON

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More than Language: Law and Textual Communities in Medieval Frisia

Rolf H. Bremmer Jr

For linguists, there is no doubt: language united the Frisian part of the North Sea littoral in the Middle Ages above anything else.¹ The Frisian language, though closely related, differed significantly from that of the neighboring Saxons and Franks. While they went *ter kerke*, the Frisians went *to there tsierke* “to (the) church”; what was a *dag* “day” for their neighbors, was a *dei* in Frisia. A chest was opened with a *slotel/slötel* “key” by Frank and Saxon, the Frisian used her *kei*.²

Not only did the language of the Frisians distinguish itself from those of their neighbors, even within the Frisian language space some remarkable varieties may also be discerned. For the High Middle Ages, Frisia can be roughly divided into three dialect regions: the districts between the rivers Vlie and Lauwers to the west, covering about the same area as the modern Dutch province of Friesland; the region in the middle, between the Lauwers and what was for a long time an almost impenetrable stretch of marshland, north of Aurich; and the lands east of this marshland up to the Weser estuary.³ These three regions probably had very ancient roots. Such a supposition follows not merely from the fact that the groups that lived within them had developed different varieties of Frisian; other indications support it. In the course of the eighth century, each of the three regions became the target of a different missionary project.

1 This paper is a translated, adapted and extended version of my valedictory lecture as Professor (by special appointment for the Fryske Akademy) of Frisian Language and Literature, entitled “Meer dan taal: tekstgemeenschappen in het middeleeuwse Friesland,” delivered at Leiden University on 16 June 2017. An English version was presented as a guest-lecture at St Andrews University, Institute of Medieval Studies, 7 October 2019. I would like to thank Oebele Vries and Jenneke Janzen for their valuable comments on drafts of this paper.

2 For a detailed physiognomy of Old Frisian in relation to its immediately neighboring languages, see Rolf H. Bremmer Jr, *Introduction to Old Frisian. History, Grammar, Reader, Glossary* (Amsterdam: John Benjamins, 2009), § 204.

3 For further information on the dialectal differences, see Bremmer, *Introduction to Old Frisian*, §§ 205–13.

Apparently, they differed not just in dialect, but probably also formed slightly differing social and political unities. Consequently, each of these three regions came to resort under a different episcopal see, namely Utrecht, founded by Willibrord in 690; Münster, with Liudger consecrated as its first bishop in 805; and Bremen, chosen by Willehad in 787. Utrecht and Münster belonged to the archbishopric of Cologne, Bremen fell under that of Hamburg. As a result, Frisia was not overarched by one pastoral supervisor and hence intrinsically lacked a unifying ecclesiastical superstructure.

Admittedly, medieval Frisia was a shrinking territory. From the Scheldt estuary in the south, Frisian had been forced to retreat from the late seventh century before the steadily expanding Frankish tongue, more or less the precursor of Modern Dutch. The disappearance of Frisian from the county of Holland was caused by changing political circumstances. Because the ruling elite, that is the count and his entourage, directed themselves to the Frankish conquerors, they also adopted their language. How exactly this shift of language took place is difficult to establish, because it was already almost complete when the production of vernacular documents started to accelerate in Holland in the thirteenth century. Nevertheless, especially in personal names and place-names the Frisian residue remained visible for a long time, although by 1300 Frisian had well-nigh been given up west of the mouth of the former Zuyder Zea (now IJsselmeer).⁴

The districts situated between the Vlie and the Weser, on which this contribution will focus, remained Frisophone for a long time. Originally, they were divided over some four counties, which had been granted by the Holy Roman Emperor to feudal counts who lived far away from their Frisian fiefs. As a result of various circumstances, the Frisians had managed to pull out of this comital system in the course of the eleventh and twelfth centuries and became virtually independent. Government was decentralized and the area fell apart into some twenty factually independent lands (called *terrae* or *universitates* in contemporaneous Latin documents), each of which organized their own judicial system.

Even though these lands differed in the details of how each was organized, in general they had in common that their administration was entrusted to the allodial landowners, who each in turn held office on a board of judge-administrators. Such boards also functioned as the government of the land in

4 Cf. Michiel de Vaan, *The Dawn of Dutch. Language Contact in the Western Low Countries before 1200* (Amsterdam: John Benjamins, 2017), chapter 6; for traces of Frisian in former Frisian territory in particular, see chapter 6.5.

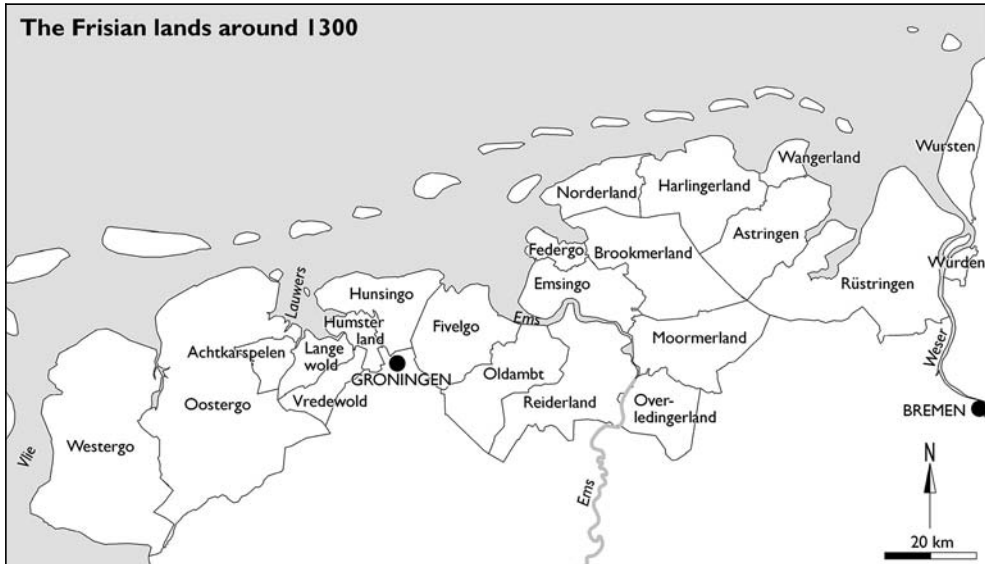


FIGURE 4.1 The Frisian lands around 1300. Groningen and Bremen lie outside Frisian territory, but are given for orientation.

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their dealings with the outside world.⁵ While on the one hand the Frisians were united in having the same language, on the other their fragmented governmental administration did not contribute well to fostering an organic Frisian unity. It is true, efforts had been staged to create a kind of supra-Frisian federation, but the desired effect had been limited. In the thirteenth century, representatives of all the Frisian lands convened at regular intervals at the *Upstallesbam*, a tree on a natural elevation near Aurich in Brokmerland, not far from the present-day border between the Netherlands and Ostfriesland, Germany. Here complaints could be presented concerning cases that had proved too difficult to be solved by judges of a regional assembly. However, more concrete information about the activities and efficacy of this supra-regional assembly are almost completely absent.⁶ Accordingly, there was hardly a question of an intra-Frisian judicial community either.

5 Oebele Vries, *Het Heilige Roomse Rijk en de Friese vrijheid* (Leeuwarden: De Tille, 1986), 14–21.

6 Hendrik D. Meijering, *De Willekeuren van de Opstalsboom (1323). Een filologisch-historische monografie* (Groningen: V. R. B.-Offsetdrukkerij, 1974), 288–97; cf. Wolfgang Schwarz, “Die Stätte des Upstalsbooms: die archäologische Wahrnehmung des Upstalsbooms,” in *Die Friesische Freiheit des Mittelalters—Leben und Legende*, ed. Hajo van Lengen (Aurich: Ostfriesische Landschaft, 2003).

Given the apparent disunity in ecclesiastical, administrative, and judicial arenas, was there anything more than language that united the medieval Frisians? My answer is brief and clear: yes. From the quantity of Frisian texts that have come down to us it can indeed be concluded that a number of them constitute the beginning of a pan-Frisian canon. By reference to these texts I shall argue that, in addition to a Frisian language community, there was also a Frisian textual community. I shall first explain what I mean with the latter term.

The concept of the “textual community” was developed in the 1980s by the Canadian historian Brian Stock in his study of the rise of heterodox movements at the end of the twelfth century.⁷ Since then, the notion underlying this concept has greatly gained popularity and, sometimes with further adaptations and modifications, it has been applied with much success. According to Stock, a textual community concerns the identity of a group, usually sectarian, which is determined by subscribing to and studying a well-defined corpus of texts. Literacy was a dominant feature of such groups, and it was precisely the exponential growth of the level of literacy in the twelfth century that enabled the rise of such communities.⁸

Textual communities often sprang up around a charismatic person. Brian Stock actually developed his theory on the occasion of an investigation into Peter Waldo, who in Lyons around 1175 started a movement that later was to be named after him: the Waldensians. The young merchant Waldo was taken in by Christ’s appeal in the Gospels to the rich young man to give all his possessions away to the poor (Matthew 19, Mark 10, Luke 18). He therefore encouraged that the New Testament be translated into Occitan/Provençal, the vernacular of southern France. In the writings of the Evangelists and Apostles he and his followers found plenty of matter for their criticisms of Church and society alike. Waldo proclaimed and divulged his tenets in a brief profession of faith, including his conviction that the text of the Bible should be strictly adhered to and that its interpretation was not necessarily depending on what the Church Fathers had expounded.⁹ This profession became central to the Waldensian

7 Brian Stock, *The Implications of Literacy. Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton: Princeton University Press, 1983).

8 Robert I. Moore, “Literacy and the Making of Heresy, c. 1000–c.1150,” in *Heresy and Literacy, 1000–1530*, ed. Peter Biller and Anne Hudson (Cambridge: Cambridge University Press, 1994), 6–7.

9 On the Waldensians, see, e.g., Euan Cameron, *Waldenses: Rejections of Holy Church in Medieval Europe* (Oxford: Blackwell, 2000).

community. Briefly then, in a religious textual community the text, the written word, is the center around which their common identity revolves. The text also affects the lives of semi-literate and illiterate adherents, because the principal figures of a community spread and interpret the contents of the text both orally and in written form. The members of the community in their turn accept this interpretation, internalize it through memorization and thus “c[o]me to understand their identities.”¹⁰

However, a textual community can also come into being in other ways, for example, around a monastic reformer like Bernard of Clairvaux, who remained within the fold of the Church,¹¹ or on account of kinship or solidarity with a particular district. This last possibility will prove relevant for my argument. The common denominator in this process is a group desiring to distinguish itself from the broader community of which it is a part. In their endeavor to become completely different, the members of a group are directed or driven by an appeal to a closely demarcated text corpus.¹² Therefore, deviation from society at large, for whatever reason, also presupposes a degree of literacy. A textual community is moreover characterized by a certain chain of leadership and authority that is based on an expertness in dealing with texts. In this last-named aspect philological and political skills come together, as the German Egyptologist Jan Assmann wittily remarked.¹³ Leadership accrues to the person who is most knowledgeable and who has developed the skill to explain the core text most lucidly and in doing so is able to bind people to him- or herself and to one another.

By way of an exploration I will apply the concept of the textual community to thirteenth-century Frisia. Whatever literature has come down to us from that period is almost entirely confined to texts of a juridical nature. I shall try to answer a number of questions. Firstly, which group (or groups) can be detected and what are the basic texts at their core? Next, can any coherence be detected between these core texts? Finally, to what extent is the group leadership involved with the authoritative explanation of core texts?

10 Stock, *Implications of Literacy*, 90; quotation from C. Annette Grisé, “The Textual Community of Syon Abbey,” *Florilegium* 19 (2002): 149.

11 On textual community and the Cistercians, see Constance Hoffman Berman, *The Cistercian Evolution: The Invention of a Religious Order in Twelfth-Century Europe* (Philadelphia, PA: University of Pennsylvania Press, 2000), 97–99.

12 Cf. Nikolaus Staubach, “Die *Devotio moderna* als Textgemeinschaft,” in *Schnittpunkte. Deutsch-Niederländische Literaturbeziehungen im späten Mittelalter*, ed. Angelika Lehmann-Benz, Ulrike Zellmann, and Urban Küsters (Münster: Waxmann, 2003).

13 Jan Assmann, *Religion und kulturelles Gedächtnis. Zehn Studien* (Munich: Beck, 2000), 96.

Before turning to what I consider to be the core texts, some further historical context is required for a better understanding of the situation. Around the year 1200 withdrawal from the Holy Roman Empire was largely completed and the Frisian lands had become *de facto* independent, albeit not *de jure*. They no longer tolerated any territorial, feudal lord—whether duke or count—above them, and recognized only the Holy Roman Emperor as their immediate superior. Consequently, the Frisians should not be considered as seceded in a religious respect, but can be regarded as a group of political secessors. The dominant faction within this group consisted of the allodial landowners. Free from territorial lordship they governed their own territories by means of judges whom they elected from their own ranks. In fact, their liberation, and with it their position outside what was held to be a God-given political-feudal constellation, was unheard of within western Europe at the time. This position therefore urgently required justification. Indeed, vindication was found before long and depended on the quickly growing level of literacy in western Europe which had also just reached Frisia around that time.¹⁴

As Brian Stock has pointed out, heterodox and monastic deviant movements based themselves on their own authoritative texts, of which the leader or a leading elite had an exclusive right of interpretation. An appeal to these authoritative texts was necessary to justify the group's reasons for breaking away from the established tradition. But then it had also to be demonstrated that these texts were superior to those claimed to be truth-holding by widely respected traditions and imposing institutions. The Frisians indeed appear to have possessed such authoritative texts which I would like to dwell on now. The most important of these are undoubtedly two legal codes which, like a conjoined twin, always come inseparably, one after the other, in the manuscripts in which they were written down: the *Seventeen Statutes* and the *Twenty-four Landlaws*. The *Seventeen Statutes*, a collection of seventeen legal rules claiming to carry royal approval, sum up how the Frisians arranged their relationship with the head of the Holy Roman Empire and what rights they are entitled to concerning the ownership of long-held familial land, freedom of feudal authority structures, and the peace to live a life according to their own traditions, customs and jurisdiction. The *Twenty-four Landlaws* regard the legal rules that were in

14 On the coming of, especially pragmatic, literacy to medieval Frisia, see my '*Hir is eskriven. Lezen en schrijven in de Friese landen rond 1300*' (Hilversum: Verloren, 2004); for a succinct account, cf. Marco Mostert, "The Early History of Written Culture in the Northern Netherlands," in *Along the Oral-Written Continuum. Types of Text, Relations and Their Implications*, ed. Slavica Ranković (Turnhout: Brepols, 2010), 473–86.

force in the Frisian lands. They establish especially the mutual rights and obligations of the allodial landowners. Although we do not know where exactly, when, or by whom, these two collections of statutes and landlaws were drafted and subsequently linked together, it is striking that they are found in the entire Frisian territory, from the east to the west, and well before 1300.

The *Seventeen Statutes* and *Twenty-four Landlaws* stand out within the corpus of Old Frisian legal texts on account of their proliferation. They have been handed down integrally in six manuscripts and one incunable: R₁, E₁, H₁, H₂, U, J and D.¹⁵ Many more manuscripts must have existed, though, because surviving copies of the linked texts of the *Seventeen Statutes* and *Twenty-four Landlaws* are based on two different redactions,¹⁶ while the Low German translation preserved from the land of Rüstringen was made from yet another redaction.¹⁷ Om,¹⁸ a late fourteenth-century fragment of the *Seventeen Statutes* from the Ommelanden—the Frisian lands between the Lauwers and the Ems—also testifies to a wide dissemination, as does the “discovery” of a lost tenth Statute.¹⁹ Further evidence is presented through early modern textual collations with redactions from now lost manuscripts, penned in the margins of E₁ and H₂ by, presumably, legal antiquaries.²⁰

We may assume, because there are sufficient indications for doing so, that social life in Frisia before the arrival of, especially pragmatic, literacy was organized according to oral traditions.²¹ Tradition by its very nature leads to the rise and continuation of customs, within this context of legal customs. Such common conventions should not be subjected to critical analysis by those who adhere to them, because they have become time-honored cornerstones of social life. Typically, traditions are not written down, but firmly anchored

15 For the sigla conventionally used for manuscripts in Frisian Studies, see, e.g. Bremner, *Introduction to Old Frisian*, § 14.

16 Bremner, ‘*Hir is eskriven*’, 112.

17 Nicolaas E. Algra, *Zeventien Keuren en Vierentwintig Landrechten* (Doorn: Graal, 1991), 55.

18 Leeuwarden, Tresoar, MS Hs 150/g; cf. Rolf H. Bremner Jr, “Codifying the Law: Frisian Legal Manuscripts around 1300,” in *Vernacular Manuscript Culture 1000–1500*, ed. Erik Kwakkel (Leiden: Leiden University Press, 2018), 176–77.

19 Johanneke Krolis-Sytsema, “De weirekke tsiende Kêst. Oer in ûnbekende ferzy fan de 17 Kêsten,” *It Beaken* 55 (1993): 83–95.

20 See Pieter Sipma, ed., *De Eerste Emsinger Codex*. Oudfriese Taal- en Rechtsbronnen 4 (The Hague: Martinus Nijhoff, 1942), 34, and Jelle Hoekstra, *De Eerste en de Tweede Hunsinger Codex*. Oudfriese Taal- en Rechtsbronnen 6 (The Hague: Martinus Nijhoff, 1950), 14–15, respectively.

21 Rolf H. Bremner Jr, “The Orality of Medieval Frisian Law,” in *Directions for Old Frisian Philology*, ed. Rolf H. Bremner Jr, Stephen Laker, and Oebele Vries, *Amsterdamer Beiträge zur älteren Germanistik* 73 (Amsterdam: Rodopi, 2014).

in life and passed on by repeaters of the past.²² However, when they are written down, the very act is indicative of a break from tradition, or at least of a crisis, according to Assmann.²³ Traditions are implicit, internalized, incarnate in the individual bearers who set the example and pass them on to the next generation. However, traditions are, above all, lived and modeled in rites and customs; the very moment traditions are fixed in writing, they become explicit, tangible, objective and what is more, they become fixed. Recording them in writing breaks the chain of living transmission. The push for writing them down, according to Assmann,²⁴ must come from outside and when it comes, these very traditions will start to change.

The question therefore is: which particular event occasioned the Frisians to entrust these statutes and landlaws to parchment, and with it, to give a start to their canonization? Even though the Frisian lands, as we have seen, did not at all together constitute a political unity, now, with the appropriation of these two legal texts, from the Vlie in the west to the Weser in the east, the Frisians expressed their language-transcending interconnectedness. This hypothetical sequence can also be turned around: after these two codes had been drafted at a certain time and place in one of the Frisian lands, they exercised such an attraction that by embracing them a supraregional Frisian textual community could come about. It is precisely through the acceptance of those *Seventeen Statutes* and *Twenty-four Landlaws* that a district endorsed for itself a Frisian identity. With it, a district also distinguished itself politically with reference to the Holy Roman Empire. What occasioned the adoption of these two legal codes by the individual lands must have been the Frisians' dissolving their feudal ties with the Empire. It is salient to note that while accepting and copying both texts, the numbers seventeen and twenty-four were reverently preserved. Because they were apparently so greatly respected, it makes sense to dwell a moment on these numbers.

Whether the integers seventeen and twenty-four were arbitrarily chosen or purposefully adopted because they were taken to be imbued with some deeper significance—that they form part of the canonization of the *Seventeen Statutes* and *Twenty-four Landlaws* can hardly be seen otherwise. Quite remarkably, scarcely any attention has been devoted to these two numbers in the standard scholarly literature, if at all. In his doctoral thesis on the *Seventeen Statutes* defended in 1940, Jelle Hoekstra presented an extensive survey of what ideas

22 Cf. Walter J. Ong, *Orality and Literacy. The Technologizing of the Word*, 3rd ed. (London: Routledge, 2002), 41.

23 Assmann, *Religion und kulturelles Gedächtnis*, 82.

24 Assmann, *Gedächtnis*, 82.

and interpretations had been expounded on these sources of law with respect to the place of their origin, the time when they had been conceived, their historical reliability and so on. But he did not spend a word on the number seventeen itself.²⁵ And when Nicolaas Algra, more than fifty years after Hoekstra's study, published a hefty tome on the subject, he broached neither the problem of the number of statutes nor of the landlaws.²⁶

Seventeen and twenty-four may not be particularly meaningful integers to the average legal historian. However, the more arithmetically gifted among their ranks will certainly know that seventeen is a prime number, that is a number greater than one, divisible only by itself and by one. Those who are really at home in mathematics know that twenty-four is the factorial function of four—a phenomenon that is indicated algebraically with an exclamation mark: $4!$ —that is to say twenty-four is the outcome of the multiplication of the descending series $4 \times 3 \times 2 \times 1$.²⁷

In the Middle Ages people looked differently at numbers; they were especially intrigued by the symbolism that might lie hidden behind the quantity they expressed. A rich scholarly tradition had evolved around the importance of number symbolism. Numbers belonged to God's creation and consequently it was held that they were charged with a deeper significance. Surely, Solomon expressed a feeling of profound awe when he addressed God in the (deuterocanonical) Book of Wisdom (10:20): "Thou hast ordered all things in measure, and number, and weight" (Douay-Rheims). The exegete was tasked with laying bare the subtle implications which the Almighty had invested in numbers, essential for gaining soul-saving truths. Perhaps the most influential theologian in this respect was Church Father St. Augustine of Hippo (354–430). In various places, in ever changing contexts and detail, he brings up the number seventeen in connection with the Miraculous Catch of Fish which five disciples experienced shortly after Christ's resurrection. According to the Evangelist John (21:11), in a pericope to be read during Holy Week, Simon Peter hauled 153 fish from the water. Why this specific number, Augustine wondered. Mathematically he knew that 153 was a triangular number: if an equilateral triangle is filled with seventeen objects on the baseline, which are decreased by one in each subsequent layer until there is only one object left at the top, they add exactly up to 153.²⁸

25 Jelle Hoekstra, *Die gemeinfriesische siebzehn Küren* (Assen: van Gorcum, 1940), 13–26.

26 Algra, *Zeventien Keuren en Vierentwintig Landrechten*.

27 I gratefully acknowledge guidance by my son Rolf (III) in this point.

28 E.g., Aurelius Augustine, *Psalmum XLIX Enaratio. Sermo ad plebem*, in *Enarrationes in Psalmos* (001–079), ed. Jacques-Paul Migne, PL (Paris: Imprimerie Catholique, 1844–1855)

What was special too, according to Augustine, was that seventeen was the sum of ten and seven. A man cannot obtain eternal bliss without observing the Ten Commandments, but he can only keep them with the help of the Seven Gifts of the Holy Ghost. Hence, seven is the number of bliss. For that reason, God blessed the seventh day and sanctified it (Exodus 20:11). Church Father St. Gregory the Great (c. 540–604) took a somewhat different route in his exegesis of the Miraculous Catch. He, too, believed that ten and seven were perfect numbers, together amounting to seventeen. Moreover, he argued, if seventeen is multiplied by the holy number of the Trinity, the outcome is fifty-one; if this multiplication is repeated, the result is 153.²⁹ These and more methods of explaining 153 with the number seventeen were also put forward by other *patres*, such as Jerome, Isidore of Seville and the Venerable Bede. Later medieval theologians, too, including the famous Thomas Aquinas, joined their voices of consent to this chorus, as extensively discussed by Robert Stein in an article on the question of why the Low Countries in the Later Middle Ages counted precisely seventeen provinces. Stein also draws attention to the eleventh-century historiographer Adam of Bremen who remarked that Frisia consists of seventeen districts;³⁰ Stein furthermore briefly mentions the *Seventeen Statutes*.³¹

In addition to the number seventeen, twenty-four also had a deeper meaning to medieval theologians. The number was especially discussed in commentaries on the Revelation of St. John. In chapter four, John describes how around God's heavenly throne he beheld twenty-four thrones on which twenty-four elders were seated. He also saw four living creatures before God's throne, each of whom had six wings. The sum can quickly be made: $4 \times 6 = 24$. The four creatures looked as follows: the first one resembled a lion, the second appeared as a young ox, the third had a face like a man, and the fourth was similar to a flying eagle. They were taken to represent the four Evangelists. The Church

36:570–72, §9; Aurelius Augustine, *Sermones Ad Populum. Classis II. De Tempore*, ed. Jacques-Paul Migne, 248.5, 249.3, PL 38: 1161a, 1163c; 250.3, PL 38:1167b, and 270.7, PL 38: 1245a.

29 Gregory the Great, *Homiliarum in Evangelia Libri Duo* 24.4, ed. Jacques-Paul Migne, PL 76: 1168c.

30 Adam of Bremen, *History of the Archbishops of Hamburg-Bremen*, trans. Francis J. Tschann, with new introduction by Timothy Reuter (New York: Columbia University Press, 1959; repr., 2002), Book IV.x Schol. 118: "Frisia is a coastal region, inaccessible because of impassable swamps, and it comprises seventeen districts."

31 Robert Stein, "Seventeen: The Multiplicity of a Unity in the Low Countries," in *The Ideology of Burgundy: The Promotion of National Consciousness 1364–1565*, ed. Jonathan D.B. D'Arcy and Jan R. Veenstra (Leiden: Brill, 2006), 255–58, 249–50, respectively.

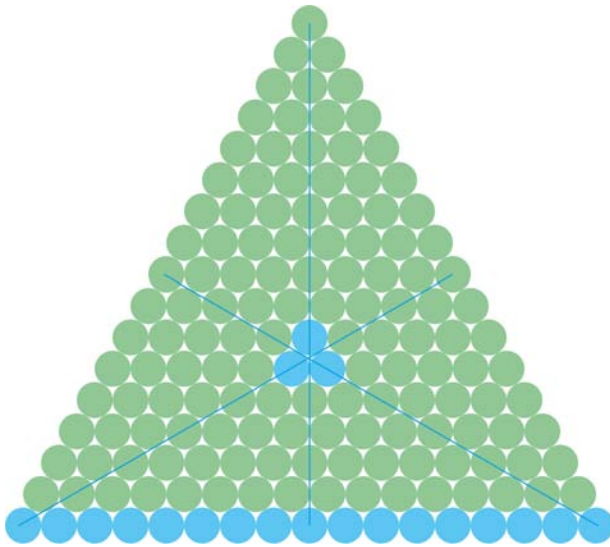


FIGURE 4.2 153 is the triangular number of 17.

Father Victorinus (d. 304) explained the number twenty-four in this vision as a reference to the twenty-four books of the Old Testament, according to the traditional Jewish count,³² which supported the testimony of the four Evangelists. Victorinus also held that the number twenty-four referred to the twelve tribes of the Israelites and to the twelve apostles. The number was also associated with priesthood: King David appointed twenty-four families from whom the courses of priests were taken that had to serve in the temple (1 Chronicles 24 [!]). Following this interpretation, the twenty-four elders in John's vision reflected the twenty-four priests from the old dispensation. All such interpretations serve to emphasize the supposed unity of the Old and New Testaments. Similar opinions as held by Victorinus were also expressed by Caesarius of Arles (ca. 468–542) and the Venerable Bede (672–735).³³ The twelfth-century Hugh of St. Victor, one of the most influential theologians of the High Middle Ages, also concurred with this interpretation.³⁴ Moreover, the Hebrew and

32 Cf. Edmon L. Gallagher, *Hebrew Scripture in Patristic Biblical Theory: Canon, Language, Text* (Leiden: Brill, 2012), 52–53.

33 C. William Weinreich, ed. and trans., *Commentaries on Revelation by Victorinus of Petovium, Apringius of Beja, Caesarius of Arles, and Bede the Venerable* (Downers Grove, IL: Intervarsity Press, 2011).

34 Cornelia Linde, "Twelfth-Century Notions of the Canon of the Bible," in *Reading the Bible in the Middle Ages*, ed. Jinty Nelson and Damien Kempf (London: Bloomsbury, 2015), 11.

Greek alphabets consisted of twenty-four characters, expressing a complete fullness. Finally, and perhaps again not coincidentally, $17 + 7$ (the holy number) = 24. In conclusion, then, it can be established that the *Seventeen Statutes* and *Twenty-four Landlaws* during their transmission from one manuscript to the next, rather than being extended in response to new social demands, retained their respective numbers because a deep symbolic, and probably even holy value was attached to them.³⁵

What else made the *Seventeen Statutes* and *Twenty-four Landlaws* take up such a special position? This was, remarkably, the attribution of the Frisians' independence from feudal landlords and their right to establish for themselves the rules according to which their social life was to be arranged to a favor granted by Charlemagne. Time and again, for example, in the version contained in the First Rüstring Manuscript,³⁶ when the individual statutes of the *Seventeen Statutes* are enumerated, it is mentioned that they were King Charles's (i.e. Charlemagne's) gift. This is how the first statute begins:

Thit is thiv forme liodkest and thes kyning Kerles ieft and londriucht allera Frisona ...³⁷

[This is the first people's statute and King Charles's gift and landlaw of all Frisians ...]

The historical irony, of course, is that four hundred years earlier Charlemagne had violently subjected the Frisians and annexed their territory into his ever-expanding empire, whereas here he is put down as an impressively obliging benefactor. Also, immediately following the twenty-fourth landlaw, there is a short epilogue, in which it appears that these two legal texts belong inextricably together. Their importance is once more fully expounded to the reader/listener:

Thit send tha siuguntine liodkesta and tha fiuwer and twintich londriucht, ther alle Frisa mith hiara fia kapadon and mith riuchte bruka skilun,

35 On the role of numbers in the structure of Old Frisian texts, see also Concetta Giliberto, "Theological and Doctrinal Texts in the Old Frisian *Thet Autentica Riocht*," *Philologia Frisica anno 2014* (2015): 136–53.

36 Oldenburg, Niedersächsisches Staatsarchiv, MS Bestand 24–1, Ab. Nr. 1; c. 1300.

37 Wybren Jan Buma and Wilhelm Ebel, eds., *Das Rüstringer Recht*. Altfriesische Rechtsquellen 1 (Göttingen: Musterschmidt, 1963), R₁ 111.1. All translations are mine, unless otherwise stated. Words added between square brackets are intended to make the sometimes terse legal prose more understandable.

ief se moton. Hwande thi kinig Kerl bed thet se alle riuchte thing hilde and ouonade, alsa longe sa se lifde, and hwasia hia (thes riuchtes) birauade, thet hi (alra nethena) birauad wrde fara Godis achnon and fara alle Godis heligon, ther an himulrike send and an irthrike.³⁸

[These are the *Seventeen Statutes* and *Twenty-four Landlaws* which all Frisians purchased with their money and will lawfully use, when they can. For King Charles ordered them to observe and apply all legal decrees, as long as they lived, and [he declared that] whoever would rob them [i.e. the Frisians] from this law, that he [i.e. the perpetrator] himself would be robbed of all grace before God's eyes and before all God's saints, who are in heaven and on earth.]

This is quite something to claim, and it is moreover stated with great authority. It is therefore doubtless to conclude that behind these words a strategic leader can be detected, someone of the stature to whom Assmann ascribes a role in bringing about a textual community. The assertion of the epilogue's author is all inclusive, as appears from the threefold use of the word "all". By means of a material transaction King Charles had endowed *all* Frisians with these rights. Next, Charlemagne had ordered the Frisians to observe *all* their legal decrees for *all* their lives, just like God wished the Israelites would keep His commandments (Deuteronomy 5:29). Observance of this order results in bonding the group internally. So holy were these two legal codes that the outsider who dared violently deprive the Frisians from them, was not threatened with counter-violence but with a malediction, under invocation of the highest and most powerful authority there conceivably was: God and *all* his saints.³⁹ The addition "in heaven and on earth" lends an almost eschatological dimension to the curse and conjures up associations with Judgement Day. A contemporaneous translator into Latin interpreted this passage slightly differently, however, making Charlemagne already pronounce the verdict in the here and now:

38 Buma and Ebel, *Das Rüstringer Recht.*, R₁ IV. 25. I have added the words between angular brackets to indicate emendation of what I take to be a defective text. The emendation is based on the testimony of this passage in the First Emsingo Manuscript, see Wybren Jan Buma and Wilhelm Ebel, eds., *Das Emsinger Recht*, *Altfriesische Rechtsquellen* 3 (Göttingen: Vandenhoeck & Ruprecht, 1967), A 111.18. I owe gratitude to Ton Hilhorst for helping me understand this passage and its Latin version.

39 Cf. Peter T. Leeson, "'God Damn': The Law of Economics of Monastic Malediction," *Journal of Law, Economics and Organization* 30.1 (2012): 193–216.

... et quicumque eos petitionibus spoliarent, illos iudicauit et condempnauit coram Deo et omnibus sanctis suis in celesti regno et terrestri. Amen.⁴⁰

[... and whoever would deprive them of these statutes, he (i.e. Charles) judged and condemned in the presence of God and of all his saints both in the celestial and the terrestrial kingdom. Amen.]

The conclusion is inescapable: this menacing imprecation against those who would wish to harm the Frisians' law, punctuated in the Latin version with a heartfelt "amen," aimed at effectuating a closing of Frisian ranks against the big, bad world out there.⁴¹ Such an interpretation concurs with Stock's reasoning that within dissenting groups there is "a parallel use of texts, both to structure the internal behaviour of the groups' members and to provide solidarity against the outside world."⁴²

Other advocates of the Frisian cause likewise seized the opportunity anonymously to provide the *Seventeen Statutes* and *Twenty-four Landlaws* with an afterword and in so doing invested them with historical remembrance and hence foregrounded their importance. The redaction contained in the two Hunsingo codices offers an appropriate example. The epilogist opens with a rather business-like summation, in prose:

Thise riucht keren Fresa and bad him thi keneng Kerl ti hebbane and te haldane, to help and to nethum alle Fresum.

[The Frisians chose these rights [i.e. the *Seventeen Statutes* and *Twenty-four Landlaws*] and King Charles ordered them to be preserved and observed as a help and profit for all Frisians.]

Again, the inclusive word "all" is being deployed here when the advantage of following the two legal codes is proffered. But then the author gets the spirit, nay, he becomes lyrical, and concludes with a four-line poem. Not with a threatening curse this time, as we have seen above, but by utilizing the "we" form.

40 Hoekstra, *De Eerste en Tweede Hunsinger Codex*, 111.5–7.

41 On threatening with excommunicating curses elsewhere in Frisian law, see Rolf H. Bremmer Jr, "From Alien to Familiar: Christ in Language and Law of Medieval Frisia," in *Myths, Martyrs, and Modernity. Studies in the History of Religions in Honour of Jan N. Bremmer*, ed. Jitse Dijkstra, Justin Kroesen, and Yme Kuiper (Leiden: Brill, 2010), 543.

42 Stock, *Implications of Literacy*, 90.

Thus, he appeals to, and at the same time reinforces, a feeling of togetherness in combination with a presence of the sacred:

Forth scele wi se halda
and God scel urse walda
thes teddera and thes stitha
and alle vnriuchte thing scele wi formitha.⁴³

[From now on we shall observe them and [then] God will rule us, the weak and the strong, and we shall avoid all unlawful things.]

With some imagination one can hear resonating in these words an echo of Moses delivering God's law to the Israelites in the desert and the covenant that was concluded between God and His people, with both a promise and an obligation. The individual Frisian observing the statutes and landlaws is not the one who matters, but rather the Frisian people as a whole, both weak and strong—that is the poor and the rich, widows and housewives, orphans and parented, servants and landowners. They must carry the responsibility for upholding and abiding by the law; in return the blessing of God's rule will be bestowed upon His people.

Notwithstanding the attribution to Charlemagne to make the *Seventeen Statutes* and *Twenty-four Landlaws* radiate authority, someone in the second quarter of the thirteenth century seized the opportunity conspicuously to secure the importance of these two legal sources. To this end he (assuming the author was male) composed an extensive Prologue, thus lending a new dimension to their special character. This anonymous was a literate man and well versed in various contemporaneous works, among which there must have been versions of imperial and universal chronicles such as were gaining popularity in Germany at the time.⁴⁴ He begins his lengthy introduction with an exposition of the very beginning of Frisian law. In this way he filled as it were the time gap that preceded the days of Charlemagne. His argument opens with the following words:

43 Wybren Jan Buma and Wilhelm Ebel, eds., *Das Hunsingoer Recht*. Altfriesische Rechtsquellen 4 (Göttingen: Vandenhoeck & Ruprecht, 1969), III.26.

44 Brian Murdoch, "Authority and Authenticity: Comments on the Prologues to the Old Frisian Laws," in *Approaches to Old Frisian Philology*, ed. Rolf H. Bremner Jr, Thomas S.B. Johnston, and Oebele Vries, *Amsterdamer Beiträge zur älteren Germanistik* 49 (Amsterdam: Rodopi, 1998).

Hir is eskriuin thet wi Frisa alsek londriiht hebbe and halde, sa God selua sette and ebad, thet wi hilde alle afte thing and alle riuhte thing. Efter thes bedon hit ande bennon alle irthkiningar efter Romulo and Remo—thet weron tha tvene brother ther Rume erost stifton—Julius and Octavianus; also hiton tha forma fiuwer kiningar ther to Rume kiningar weron. Thit riuht skref God selua, use Hera.⁴⁵

[Here is written that we Frisians have and hold such landlaws as God himself ordained and commanded, [namely] that we observe all legal matters and all lawful matters. After this all earthly kings ordered and proclaimed it after Romulus and Remus—these were the two brothers who first founded Rome—[and] Julius [Caesar] and Octavian [Augustus]; thus were called the first four kings who were kings in Rome. This law was written by God himself, our Lord.]

In this passage Charlemagne is no longer the origin of Frisian law, but the role of prime legislator is now ascribed to God himself. It is impossible, one would think, to pride oneself on a more exclusive beginning. But no, a divine lawmaker was not yet sufficient, as it appears, for the Highest of all is given the company of mortal potentates who are here called the first Roman kings. In this way the author combines both divine authority and the dignity of the Roman past with the unquestionable authoritative tradition of the Frisian legal customs themselves. Immediately following this grand overture, the author lists the Ten Commandments, each commandment given first in Latin and then followed by a Frisian translation. The commandments are concluded by an improvisation on Christ's summary of the Law (Matthew 22:37–40; Mark 12:30–31; Luke 10:27–28), viz. that one must love God with a pure heart and one's fellow Christian like oneself. In a manner of afterword to the Ten Commandments the author reminds his audience of the journey which the people of Israel made through the desert on their winding way to the land flowing "fon melokon and fon hunige", with milk and honey, to the Holy Land, to Jerusalem. Next a tropological interpretation is given to this major episode in the history of salvation: God will lead everyone who observes the (Frisian) law to the celestial Jerusalem; however, those who fail to do so He will lock up in hell, just as He had confined the Egyptians in the Red Sea.⁴⁶ This interpretation already contains the germ

45 Buma and Ebel, *Rüstringer Recht*, 1.1.

46 Cf. Murdoch, "Authority and Authenticity," 224–25.

of a conviction that was to be elaborated in later narratives: the Frisians are a chosen people, called by God—the Israelites of the new dispensation.⁴⁷

After his moral explanation of the desert journey, the author continues with an account of all who ordered these laws to be observed: the prophets who lived before Christ's birth: "thi goda Moses and sin brother Aaron", Joshua and Samuel, Isaiah and Jeremiah. These six suffice, for there follow twenty-five Old Testament kings by name,⁴⁸ of whom only Solomon is honored with an epithet, viz. "thi wisa" (the wise). These biblical authorities are trodden on their heels after Christ's birth by a sheer endless row of named rulers—105 in all—who maintained the tradition of confirming the law. The list is a real *tour de force* and would have been pretty boring if the author had not interspersed, and thus structured, his enumeration with small pieces of information of church history, on such characters as Emperor Decius, "ther bredda lit sancte Laurentius" [who ordered St. Lawrence to be roasted] or the (Eastern) Roman Emperor Archadius, "vnder sine tidon was sancte Augustinus, thi heliga biscop" [in his days lived St. Augustine, the holy bishop]. Likewise, we are informed in passing that during the reign of Emperor Phocas, St. Gregory (the Great) organized the conversion of England; we learn as well of the four bishops who in the days of the noble Charlemagne, son of Pepin, turned the Frisians into Christians: Boniface, Willibrord, Willehad, and Liudger (in this order). The enumeration ends with the Holy Roman Emperor Frederick II of Hohenstaufen (1194–1245).⁴⁹ This last name suggests that the Prologue was written during or shortly after his reign.

The number of emperors and kings varies from redaction to redaction. While the Rüstring Prologue parades the names of 105 rulers, starting from Julius Caesar, that of the Hunsingo Manuscripts mentions only forty-seven, and in manuscript Jus the tally ends at forty-three.⁵⁰ For the man who penned the Pro-

47 See Johannes A. Mol and Justine Smithuis, "De Friezen als uitverkoren volk. Religieus-patriottische geschiedschrijving in vijftiende-eeuws Friesland," *Jaarboek voor Middel-eeuwse Geschiedenis* 11 (2008): 165–204; cf. Mary Garrison, "Divine Elections for Nations—A Difficult Rhetoric for Medieval Scholars?" in *The Making of Christian Myths in the Periphery of Latin Christendom* (c. 1000–1300), ed. Lars B. Mortensen (Copenhagen: Museum Tusculanum Press, 2006).

48 Based on Jesus's genealogy as given in Matthew 1:6–17, see Murdoch, "Authority and Authenticity," 233.

49 For a detailed discussion of the kings and emperors as they appear in this listing, see Murdoch, "Authority and Authenticity," 234–40.

50 Buma and Ebel, *Rüstringer Recht*, 1.14; Buma and Ebel, *Hunsingoer Recht*, 1.6; and Wybren Jan Buma, Wilhelm Ebel, with Martina Tragter-Schubert, eds., *Westerlauwersches Recht 1: Jus municipale Frisonum*, 2 vols. *Altfriesische Rechtsquellen* 6 (Göttingen: Vandenhoeck & Ruprecht, 1977), VII.2, respectively.

logue into the First Emsigo Manuscript the task of cataloguing all those names seems to have been too daunting, yet he found an ingenious solution: “Thiu fiuwer and fiuwertich kenega and othere moneghe, therā send alle soghentech, hebbet to Rome kenegar ewesen.” [These forty-four kings (he actually lists forty-three names, RHB) and many others, of whom there are seventy in all, were kings in Rome.]⁵¹ No list in any of the redactions of the Prologue adds up to this sum, yet seventy can hardly have been chosen arbitrarily: the solemn number recurs time and again, both in the Bible and beyond, to define a sizeable yet limited group. For example, the Babylonian confusion of tongues resulted in the rise of seventy peoples (Genesis 10); Moses appointed seventy elders to help him rule the Israelites (Numbers 11:6); Christ dispatched seventy disciples to spread his Gospel (Luke 10:1–24);⁵² in seventy days, seventy wise scribes translated the sacred books from Hebrew into Greek—hence this translation is known as Septuagint. Evidently, the Emsingo scribe-redactor applied his learning here to even more firmly tie the Frisians up into the great tradition of the Christian and Roman past.

Returning to the First Rūstring Manuscript, the Prologue finishes with a brief conclusion:

Thesse kiningar hebbath ewesen kiningar to Rome efter Kerstes berthe. Hia vrie von alle Frison efter thes kining Kerles ieft frihalsa and fria spreka, and setton and stedgadon allera kininga ieft, thet send allera Frisona kesta and londriucht. *Hic expliciunt Reges.*⁵³

[These kings have been kings in Rome after Christ's birth. They granted all Frisians, in line with King Charles's privilege, freedom [from feudal obligations] and free jurisdiction, and instituted and confirmed the privileges of all kings, namely the statutes and landlaws of all Frisians. *Here end the Kings.*]

Framed between an opening in which “we Frisians” observe their law given by God himself and a conclusion in which “all Frisians” are privileged by “all kings” to live sovereignly in their own judiciary system according to the statutes and

⁵¹ Buma and Ebel, *Emsiger Recht*, 11.6.

⁵² Seventy disciples according to some manuscript witnesses, seventy-two to others, cf. Bruce Metzger and Bart D. Ehrman, *The Text of the New Testament: Its Transmission, Corruption, and Restoration* (Oxford: Oxford University Press, 2005), 340–42.

⁵³ Buma and Ebel, *Rūstringer Recht*, 1.15. The Latin explicit is a scribal addition, only found in the Rūstring version of the Prologue.

landlaws of “all Frisians”, the prologist has delivered a highly seductive narrative. Around it he rallied an audience that was all too willing to imbibe his profession of Frisian exclusiveness and to subscribe to it.

The Prologue and the *Seventeen Statutes* and *Twenty-four Landlaws* comprise the canon around which the Frisian textual community grouped itself. Even though the various Frisian lands experienced different developments as a result of adopting all kinds of local laws, this supraregional community proved coherent enough to last for a long time. For despite the often-deficient survival of medieval Frisian manuscripts, there is still sufficient evidence of a lively exchange of other legal texts between the Frisian lands. Not only did this circulation disregard natural barriers, such as ditches, canals, rivers, lakes, and marshes, it also ignored diocesan borders. A fine example in point is the *Rüstring Dike Law*, which begins as follows:

Thet is ac londriucht, thet wi Frisa hagon ene seburgh to stiftande and to sterande, enne geldene hop, ther umbe al Frisland lith.⁵⁴

[This is also landlaw, that we Frisians must found and fortify a sea stronghold, a golden hoop, which lies around all Frisia.]

Until recently, it was held that this law text ordering the Frisians to build and maintain a dike was typically drafted for Rüstringen, the easternmost of the Frisian lands, until Thomas Johnston discovered some time ago that the same text was also circulating in Humsterland, situated immediately on the east bank of the Lauwers.⁵⁵ Johnston also demonstrated that this dike law showed further—intertextual—indications of a supra-regional character, since it contained expressions and phrases that also occur in other texts from west of the Lauwers, such as the *Elder Skeltanariucht*. However, since Johnston was particularly concerned with the political-ideological implications of his discovery,⁵⁶ he seems to have overlooked its religious dimension. The dike law concludes, as it happens, with a humble statement of dependence on the Lord and, through the heavenly key-bearer, on His representative on earth, the Pope: “ief us God

54 Buma and Ebel, *Rüstringer Recht*, x.10.

55 Thomas S.B. Johnston, “‘Ene zie borch tho bouwenn’: A New Look at the Pan-Frisian Dike Law of a Low German Ommeland Version,” *Us Wurk* 44 (1995): 1–37.

56 Cf. Thomas S.B. Johnston, “Old Frisian Law and the Frisian Freedom Ideology: Text and Manuscript Composition as a Marketing Device,” in *Approaches to Old Frisian Philology*, ed. Rolf H. Bremner Jr, Thomas S.B. Johnston, and Oebele Vries, *Amsterdamer Beiträge zur älteren Germanistik* 49 (Amsterdam: Rodopi, 1998).

helpe wili and Sante Peder” [If God and Saint Peter will help us].⁵⁷ Building and maintaining dikes was clearly not just a secular, feet-in-the mud necessity for “us Frisians”, but appears to have been deeply intertwined with the transcendental.

To sum up briefly, by way of an interim conclusion: a first application of the concept of textual community, as developed by Brian Stock, together with the notion of canonization advanced by Jan Assmann, has brought to light how in the thirteenth century anonymous authors exploited supra-regional Frisian laws, notably the *Seventeen Statutes* and the *Twenty-four Landlaws*, by enveloping them in historically and religiously enhanced prologues and epilogues. It was these authors’ express intention to inspire and unite a select following—the land-owning elite—by providing them with a justification for a *status aparte* that vied in holiness with that of the Holy Roman Empire of which it remained officially a part.

Sometimes a legal textual community can be seen operating within a smaller geographical space, such as Frisia west of the Lauwers. I shall demonstrate this claim with the help of the *Book of Rudolf*, sometimes called the book of “keyser Rolluf” or even “keyser Rolf”.⁵⁸ Briefly summarized, this book, most likely written around the middle of the thirteenth century,⁵⁹ narrates how one—not further specified—day the Frisians were summoned to appear in a place called Bordeus before Emperor Rudolf in order to receive from him a collection of legal rules of a variegating nature.⁶⁰ Between the regulations, but also into the decrees themselves, the anonymous author has managed to weave a sizeable history of the Frisians, of their liberty, their loss of it, and how they received this liberty back again from Charlemagne. The historical matter in the *Book* is usually presented in verse. This author, too, mentions the promise of heaven for abiding by the law and the threat of hell for the law-breakers, with reference to the fate suffered by the Egyptians in the Red Sea.⁶¹ In all likelihood, therefore, he was familiar with the Prologue to the *Seventeen Statutes* and *Twenty-four Landlaws*.

57 Buma and Ebel, *Rüstringer Recht*, x.10.

58 Buma, Ebel and Tragter-Schubert, *Jus municipale Frisonum*, II, 309.

59 Pieter Gerbenzon, *Zeer voorlopige lijst van de belangrijkste middeleeuwse rechtsbronnen uit het Groot-Friese gebied tussen Vlie en Wezer*, 2nd ed. (Groningen: Juridisch Instituut, Rijksuniversiteit, 1975), no. 133, decides for the second half of the twelfth century, while Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, 511–12, argue for the first half.

60 For an extensive summary, see Henny S.E. Bos-van der Heide, *Het Rudolfsboek* (Assen: van Gorcum, 1937), 11–17.

61 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, xviii.1c (end).

Especially towards the end of his book, the author frequently refers to the Bible and he always does so in Latin. With this choice of language he impresses the reader as having enjoyed a solid clerical education. Remarkably, his quotations from the Bible tend to be rather free, sometimes consisting of parts of different verses pasted together, and they seem not always to have been taken from a current version of the Vulgate. It also looks as though the author has drawn from as yet unsourced apocryphal texts, such as his claim that the Acts of the Apostles relate how Pilate, after his perverse judgements, left his palace in order to go to hell and never return from there: “Vnde jn Actibus apostolorum: Egressus est Pilatus a pretorio suo post praua iudicia sua ad infernum ire et nunquam redire.”⁶² According to the current opinion about his death, based on medieval apocryphal texts, such as the anti-Jewish *Vindicta Salvatoris* and *Mors Pilati*,⁶³ and sustained, for example, in the famous *Aurea legenda* by Jacques de Voragine (1228–1298), Pilate committed suicide.⁶⁴ Clearly, then, the person behind the *Book of Rudolf* was not afraid to take up an independent position. He also, somewhat abruptly, finishes his book with a Latin quotation, this time with a legal maxim that enjoyed quite some popularity in his day: “Conscientes et agentes malum equali pena puniantur” [Acting and consenting parties are liable to the same punishment].⁶⁵ By the way, the word “book” in the *Book of Rudolf* should not give occasion to thoughts of a sizeable tome. In the most recent edition, it takes up only seventeen pages of spaciouly printed text, and is divided by the editors into exactly twenty-four sections.⁶⁶ Coincidences happen, don’t they?

62 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, xviii.24, 382 (bottom).

63 J.K. Elliott, ed., *The Apocryphal New Testament. A Collection of Apocryphal Literature in an English Translation* (Oxford: Clarendon Press, 1993), 213–16 and 216–17, respectively.

64 Alexander Murray, *Suicide in the Middle Ages*, vol. 2: *The Curse on Self-Murder* (Oxford: Oxford University Press, 2000), 339–343. I would like to thank Brandon Hawk and Martin Foy for guidance in this point.

65 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, xviii.24, 384. Cf. Peter D. Clarke, “Peter the Chanter, Innocent III and Theological Views on Collective Guilt and Punishment,” *Journal of Ecclesiastical History* 52 (2000): 14: “a commonplace of late twelfth-century canonistic discourse.” William Langland (ca. 1330–1387?) also used the sentence in his hugely popular *Piers Plowman* (B- and C-versions); for a helpful discussion, see Nick Gray, “Langland’s Quotations from Penitential Tradition,” *Modern Philology* 84 (1986): 54–55. On the role of maxims and proverbs in Old Frisian legal texts, see most recently Rolf H. Bremmer Jr., “The Fleeing Foot is the Confessing Hand: Proverbs in the Old Frisian Laws,” in *La tradizione gnomica nelle letterature germaniche medievali*, ed. Marina Cometta et al., Collana Di/Segni 13 (Milan: Ledizioni, 2018), and, briefly, Bremmer, “Orality of Medieval Frisian Law,” 30–32.

66 Buma, Ebel and Tragter-Schubert, *Jus municipale Frisonum*, xviii.

The *Book of Rudolf* enjoyed considerable esteem and, as a result, exercised its influence in Frisia west of the Lauwers and even further, to the east of that river. It survives in three manuscripts, J, U, and D,⁶⁷ and in an incomplete transcription made by the early-modern Frisian historian Bernard Furmerius (1544–1601) of what looks to have been an early-fifteenth-century manuscript.⁶⁸ The *Book* was referred to as an authoritative legal source in various later texts, one of which is the *Excerpta legum*, a fifteenth-century vernacular collection of Roman and canon law, provided with comments.⁶⁹ In a rule concerning nightly burglary—after sunset, when fire in the hearths has been covered with ashes and the doors are locked—it is stated that the burglar may be executed on the spot. The commentator first appeals to a landlaw—not one of the *Twenty-four Landlaws*, but rather a thirteenth-century tract rubricated as “Fan en schaeckraef” [About violent robbery]⁷⁰—that clearly [claerlick] implies this punishment, and next refers to the law of Emperor Rudolf [keyser Rudolphi riucht] that is even clearer [claerlicker] on this point.⁷¹ Another collection of Roman and canon law, together with an admixture of traditional Frisian laws, is the *Jurisprudentia Frisica*, a late-fifteenth-century composition. In many respects this work can be considered an adapted version of the *Excerpta*, and like it, despite their Latin titles, it is written in Frisian, but with frequent references to or quotations from Latin sources.⁷² Here, too, on several occasions, reference is made to “keyser Roleffs riucht,” each time with due respect.⁷³ The *Book* was also received east of the Lauwers, outside the immedi-

67 On these sigils, see n. 15.

68 The text according to the three manuscripts was diplomatically edited by Bos-van der Heide, *Rudolfsboek*; the Furmerius-fragment by Pieter Gerbenzon, ed., *Rudolfsboek-materiael*, Estrikken 32 (Groningen: Frysk Ynstitút, Rijksuniversiteit Groningen, 1961), 1–39.

69 Extensively discussed in Pieter Gerbenzon, *Excerpta legum. Onderzoekingen betreffende enkele Friese rechtsboeken uit de vijftiende eeuw* (Groningen: J.B. Wolters, 1956).

70 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, xvi. On the various meanings of the word *londriucht*, see Oebele Vries, “*Thet is ac londriucht*. Landrechte und Landrecht im mittelalterlichen Friesland,” in *Directions for Old Frisian Philology*, ed. Rolf H. Bremmer Jr, Stephen Laker, and Oebele Vries, *Amsterdamer Beiträge zur älteren Germanistik* 73 (Amsterdam: Rodopi, 2014).

71 Wybren Jan Buma, Pieter Gerbenzon, and Martina Tragter-Schubert, eds., *Codex Aysma. Die altfriesische Texte herausgegeben und übersetzt* (Assen: van Gorcum, 1993), *Excerpta legum* 1.24. Other references to the *Book of Rudolf* to be found in *Excerpta* 1.53 and 1.260.

72 Pieter Gerbenzon, “Aantekeningen over de *Jurisprudentia Frisica*, een laat-vijftiende-eeuwse Westerlauwers-Friese bewerking van de *Excerpta legum*,” *Tijdschrift voor Rechtsgeschiedenis/Legal History Review* 57 (1989): 21–67 and 339–84 (with summary in English 373–74).

73 Montanus Hetteema, *Jurisprudentia Frisica, of Friesche Regtskennis*, 2 vols. (Leeuwarden: H.C. Schetsberg, 1834–35), Tituli 26.28, 50.24, 50.26.

ate political sphere of influence of the lands west of that river, as is evidenced by the Fivelgo Manuscript. In it, a fifteenth-century tract on inheritance succession closes its last regulation with a rule taken from the *Book*, a source which is duly acknowledged:

Dat riucht bibiuth vs to halden keyser Rolf in sine boke by vs lif and bi vser sele ende bida leste ordele. Ende Spegel van Sassen sprecht ac ther destelike alsa dervan.⁷⁴

[Emperor Rudolf orders us to observe this rule [about succession] in his book on [pain of] our body and our soul and the Last Judgement. And the Saxon Mirror, too, speaks in the same manner of this rule.]

Clearly, the audience is enjoined here to not disregard the Emperor's decree with a threat of eternal, that is religious consequences. To make the full weight of its importance understood, the narrating legislator places the book on the same level as the far more famous and influential *Sachsenspiegel*. Finally, as a testimony to the high regard in which it was held by later generations, the *Book of Rudolf* survived the shift from Frisian to Low German that took place in the lands east of the Lauwers in the course of the fifteenth century. It was diligently translated into Low German, and survives in three different redactions in some thirty sixteenth-century manuscripts.⁷⁵

Contrary to its evident medieval popularity, the *Book of Rudolf* was poorly received by scholars in modern times. One of the first to call attention to it was the late-eighteenth-century East Frisian legal historian Tilemann Dotias Wiarda (1746–1826). In his criticism he did not spare the whip. The *Book* was to him a monstrosity [Missgeburt] from the Late Middle Ages, patched together from passages lifted from other legal texts.⁷⁶ The greatest scholar of Old Frisian law from the nineteenth century, Karl Freiherr von Richthofen (1811–1888), was plainly damning in his judgement of this “fabricated” work. He deemed it a “concoction” [Machwerk], a chaotic “*Mixtum compositum*”, which had been assembled “without purpose” [sinnlos] in the fifteenth century from the Bible, from Roman and canon law, as well as from a wide variety of older Frisian legal

74 Wybren Jan Buma and Wilhelm Ebel, eds., *Das Fivelgoer Recht*. Altfriesische Rechtsquellen 5 (Göttingen: Vandenhoeck & Ruprecht, 1972), xix.13.

75 See Gerbenzon, *Rudolsboekmateriael*, 67.

76 Tilemann D. Wiarda, *Asega-Buch. Ein Altfriesisches Gesetz-buch der Rüstringer* (Berlin: Friedrich Nicolai, 1805), lx.

sources.⁷⁷ As a pupil of the Romantic scholar Jacob Grimm, von Richthofen would have been charmed especially by legal texts that presumably found their origin in “the people.”⁷⁸ Scholarly legal compositions, on the other hand, compared most unfavorably in his eyes with the “real stuff” from popular tradition. Sometimes a positive judgement is passed, such as that by Pieter Sipma. In addition to a good deal of criticism of the author’s lack of historical knowledge and critical capacity, Sipma praised the *Book of Rudolf* for its unity in structure and even called it a tiny piece of art.⁷⁹ The last to have expressed themselves critically on the *Book* were Wybren Jan Buma and Wilhelm Ebel. Seeking a middle position, they were willing to agree a little with Sipma, to the extent that they thought the legal decrees were rather well composed. Unfortunately, however, in their opinion these decrees were overgrown by the tangleweed of historical and mythical digressions. In fact, with a semblance of reluctance, Buma and Ebel echoed von Richthofen’s authoritative opinion.⁸⁰ All of these scholars, with the exception perhaps of Sipma, approached the *Book* as legal historians and initially took it at face-value. When they concluded that its contents could not be verified and abounded with fictive claims and rules, they rejected it as an aimless treatise. They deplored from their positivist perspective that, in the words of Buma and Ebel, “the defense of the Frisian Freedom and the sacredness of law [...], which must have been pleasing to the Frisians’ tribal consciousness, to our taste were so long-windedly presented.”⁸¹

That the *Book of Rudolf* is confronting us with a special kind of legal literature is crystal clear. First of all, there is the narrator who introduces the book. He presents Emperor Rudolf as an industrious researcher who has studied the legal books of both the Roman Emperor and the Pope.⁸² In other words, Emperor Rudolf is fully at home with what we now call Roman and canon law, and with this quality attributed to him the author expects the Emperor to inspire trust in the reader/audience when he performs as a legislator. Sometimes the author stages the Emperor in the third person, sometimes, so as to increase authen-

77 Karl von Richthofen, *Untersuchungen über friesische Rechtsgeschichte*, 3 vols. (Berlin: Wilhelm Hertz, 1882–1886), 1, 327.

78 See, e.g., Kaius Tuori, *Lawyers and Savages: Ancient History and Legal Realism in the Making of Legal Anthropology* (Abingdon: Routledge, 2015), 37–39.

79 Pieter Sipma, *Bijdrage tot de kennis van Het Rudolfsboek* (The Hague: Martinus Nijhoff, 1930), 27.

80 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, 313.

81 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*: “die Verteidigung der friesischen Freiheit [und] die Heiligkeit des Rechtes [...] dem Stammesbewußtsein der Friesen zusagen mußten, nach unserem Geschmack so weitschweifig dargestellt werden.”

82 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, xviii.2 and 17.

ticity, he has him deliver his regulations to the gathered Frisians in the first person.⁸³ Towards the end of the book, Rudolf takes his leave from the Frisians in the first person and soon afterwards, according to the narrator, he dies. The narrator then continues in the first person,⁸⁴ thus, almost unnoticed, tacitly adopting Rudolf's role as legal expert. Put differently, we can also regard the author of the *Book of Rudolf* as a strategic philologist as defined by Assmann.⁸⁵ The narrator and his alias Rudolf have a well-defined audience before their mind's eye—the Free Frisians—that is constantly addressed with the plural “you”. In this manner a bond is being constructed, as if between leader and followers, a typical characteristic of a textual community. Even in his first address, the narrator has Emperor Rudolf declare that his prime concern is “dae era dis Fresiska fridomes.”⁸⁶ It is this honor which is the rallying point around which the audience is assembled.

Scholars, beginning with Francis Junius and Jan van Vliet in the seventeenth century,⁸⁷ have racked their brains over the historicity of an Emperor Rudolf who supposedly granted a collection of rights to the Frisians. Was it Rudolph of Swabia (1077–1080) or Rudolph of Habsburg (1273–1291)? Nor did it appear possible to trace the whereabouts of “Bordeus,” the place to where Rudolf summoned the Frisians before him. Likewise, efforts to identify the author of the book have remained without generally accepted results.⁸⁸ The problem of historicity can therefore be better moved aside and replaced by the question after *auctoritas*.

In order to build credibility with readers and audience, medieval writers were expected to appeal to authoritative authors.⁸⁹ This phenomenon is also

83 For example, Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, XVIII.1a and 1c, respectively.

84 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, XVIII.23.

85 See above, n. 13.

86 Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, XVIII.1a; cf. Oebele Vries, “*Frisonica libertas*: Frisian Freedom as an Instance of Medieval Liberty,” *Journal of Medieval History* 41 (2015): 235.

87 See Kees Dekker, “The Old Frisian Studies of Jan van Vliet (1622–1666) and Thomas Marshall (1621–1685),” in *Approaches to Old Frisian Studies*, ed. Rolf H. Bremner Jr, Thomas S.B. Johnston, and Oebele Vries, *Amsterdamer Beiträge zur älteren Germanistik* 49 (Amsterdam: Rodopi, 1998), 119.

88 The arguments for the various positions are briefly discussed in Buma, Ebel, and Tragter-Schubert, *Jus municipale Frisonum*, 310–12, who decide in favor of Rudolph of Swabia and accept a date of composition between 1215 and 1217. I am not convinced by their reasoning, though.

89 Jan Ziolkowski. “Cultures of Authority in the Long Twelfth Century,” *Journal of English and Germanic Philology* 108 (2009): 421–48, especially at 438–39.

found in Old Frisian literature. For example, two different descriptions of the month-by-month growth of the fetus are attributed to St. Augustine, “thi hilige biscop”;⁹⁰ an account of the five keys of wisdom is put in the mouth of Solomon, “who was the wisest of all earthly men”;⁹¹ a description of the fifteen signs of Doomsday is ascribed to St Jerome “who found them written in the books of the Jews,”⁹² while *Thet Freske Riim*, a fifteenth-century imaginative account of Frisian history in verse, is attributed to a “Master Alwyn.”⁹³ Nobody in Frisian Studies today would in all seriousness credit these four authorities with these pieces; it can indeed be demonstrated that the attributions are fictive: the oldest known version of the Latin text on the growth of the fetus, of which a variant is also recorded for Old English, is found without an attribution in a St. Gall manuscript of ca. 800; the earliest mention of the five keys is included anonymously in the *Collectanea* by Sedulius Scotus, a ninth-century Irish scholar; the oldest enumeration of the Fifteen Signs of Doomsday appears in the early ninth-century *Collectanea* of Pseudo-Bede, but the text is attributed for the first time to Jerome by Peter Damian in the eleventh century; “Master Alwyn” is explained as a corruption of “Alcuin”, but surely this Anglo-Saxon scholar (ca. 735–804), for all his learning, cannot be accounted for having written a fifteenth-century Old Frisian poem.⁹⁴ Staging Emperor Rudolf as the author of a number of Frisian legal regulations should therefore be seen in the light of such fictive attributions.

The suggestion that the staging of Emperor Rudolf as a legislator at Bordeus is fanciful can be further underpinned. The authorship that is being pretended for the *Book of Rudolf* strongly resembles the case in which Geoffrey Chaucer staged a certain Lollius as *auctour*, his authoritative source, for his romance *Troilus and Criseyde*. Dozens of articles and chapters have been devoted to iden-

90 Buma and Ebel, *Emsiger Recht*, A v.19 and C 1.199, respectively.

91 Buma and Ebel, *Hunsigoer Recht*, IV.1.

92 Buma and Ebel, *Rüstringer Recht*, XI.1.

93 Alistair Campbell, ed., *Thet Freske Riim. Tractatus Alvini* (The Hague: Martinus Nijhoff, 1952), 2–3.

94 See, respectively, Rolf H. Bremmer Jr, “Leiden, Vossianus Lat. Q. 69 (Part 2): Schoolbook or Proto-Encyclopaedic Miscellany?” in *Practice in Learning: The Transfer of Encyclopaedic Knowledge in the Early Middle Ages*, ed. Rolf H. Bremmer Jr and Kees Dekker (Leuven: Peeters, 2010), 33–34; Vivien Law, *Wisdom, Authority and Grammar in the Seventh Century* (Cambridge: Cambridge University Press, 1995), 42 and n. 3; Martin MacNamara, “The (Fifteen) Signs of Doomsday in Irish Tradition,” *Warszawskie Studia Teologiczne* 20.2 (2007): 225, and Concetta Giliberto, “The Fifteen Signs of Doomsday in the Rüstring Manuscript,” in *Advances in Old Frisian Philology*, ed. Rolf H. Bremmer Jr, Stephen Laker, and Oebele Vries, *Amsterdamer Beiträge zur älteren Germanistik* 64 (Amsterdam: Rodopi, 2007), 130–35; for Alcuin, see previous note.

tify this so-called Roman historian, but without any trustworthy result. Today it is generally agreed that Chaucer was making fun of the conventional idea of his day that in order to be a good writer one must appeal to an established author from the past.⁹⁵ Instead, Chaucer made up his own authority. Something similar, I would argue, can be seen in action here, too. The author of the *Book of Rudolf* created a fictive Emperor Rudolph, who at a fictive place called Bordeus summoned the Frisians before him. Such a scenario enabled the author to construe a narrative through which to deliver his message, of which the basic tenor is “the honor of the Frisian freedom.” This message is wrapped up in a narrative that for its form is ambitious, namely in prosimetrum—partly prose, partly verse.⁹⁶ As for its contents, the *Book of Rudolf* consists of a fabricated past, an unequally divided quantity of legal rules, and a religious discourse. The half-dozen Latin quotations from the Bible and one from canon law provided an added aura of authority, for the unlearned people as much as for the literate professionals. With this blend the author, through his narrator, intended to bring his Frisian audience/readership together in order to enhance their conviction that they, under God’s guidance, were a special people, different from all others.

Looking back at the examples of textual communities grouped around a select number of Old Frisian legal texts, it is striking to observe that their strategic leaders took up a modest stance. What their names were, whereabouts they lived, what their position was in daily life—we are given no clue whatsoever. They were certainly no big shots of the calibre of a Peter Waldo or a Bernard of Clairvaux. Yet, they should be credited with the knack of seizing an opportunity when they saw it. In the situation of political ambiguity that had arisen by the *de facto* independence within the Holy Roman Empire of the Frisian lands, these men (I presume) deployed their Latinate learning to produce historical and theological arguments with which to bolster the pretentious claims of Frisian separateness. In doing so, they assumed the role of textual patrons of the free Frisians.⁹⁷ In contrast to the grandness of their assertions, their anonymity reveals an unpretentiousness that befits that of Old Frisian literature, which has to make do without big names and is lacking in smash hits

95 See the editor’s introduction to Geoffrey Chaucer, *Troilus and Criseyde*, 1.395 and elsewhere. In *The Riverside Chaucer*, ed. Larry Benson, 3rd ed. (Oxford: Oxford University Press, 1988; repr., 2008), 1022, and, e.g., Bella Millet, “Chaucer, Lollius, and the Medieval Theory of Authorship,” in *Studies in the Age of Chaucer*, Proceedings, No. 1: *Reconstructing Chaucer*, ed. Paul Strohm and Thomas J. Heffernan (1984): 93–103.

96 Cf. Joseph Harris and Karl Reichl, eds., *Prosimetrum: Crosscultural Perspectives on Narrative in Prose and Verse* (Cambridge: D.S. Brewer, 1997).

97 Cf. Stock, *Implications of Literacy*, 10.

such as *Beowulf* or the *Nibelungenlied*. Anyone who aspired to be a writer in medieval Frisia, it seems, had to release his creative energy in namelessly drafting laws and legal treatises and, occasionally, in imaginative national history. However, when such legal texts and historiographic narratives are scrutinized under a magnifying glass, as I hope to have demonstrated, ever new aspects of the medieval Frisian writing and reading culture jump to the eye. Not epoch making, perhaps, nor grand or compelling, but in harmony with the modest Old Frisian text corpus.