

# The law code of king alfred the great



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The Law Code of King Alfred the Great is the largest and best preserved piece of legal documentation made prior to the Norman conquest of 1066 [1], and the first surviving Anglo-Saxon law code since Ine's, nearly two centuries earlier [2], making it an essential document in the study of late Anglo-Saxon law, culture and society. The document's usefulness as a historical source stems not only from its unique existence as a source of law for the Alfredian period, but also from the fact that it was written by Alfred himself; as noted by Wormald, Alfred was 'the only European king of the Early Middle Ages known to have written books' [3], and therefore his Law Codes give historians a unique insight into the political thought of the later Anglo-Saxon kings and the legal system of ninth century England.

Alfred's Law Code also reveals much about the character and personality of its author. For example, the fact that Alfred was unique among Early Medieval rulers in his extensive authorship of books and legal documents [4] shows the King's commitment to learned activity and his understanding of the importance of written record in the efficient and successful running of his kingdom. It is also important to note that Alfred's Law Code was written at a time when no other English king had issued laws for nearly a hundred years [5]. The reasons for this sudden return to the issuing of written law are not expressly stated by Alfred, either in the Preface or Codes themselves, however it can be argued that by issuing his Law Code at such a time, Alfred was showing a genuine concern for the wellbeing of his people, in ensuring fairness and equality for all before the law.

Study of Alfred's Law Code also reveals the author to be a pragmatist in his dealing with the law. For example, while it is clear Alfred would rather prevent the custom of blood feuds, he realises that the Anglo-Saxon world is one of violence, and the feud is a necessary, albeit distasteful, part of this. Therefore Alfred does not seek to make blood feuds illegal but instead to regulate them so as to minimise violence and bloodshed.[6] This practical approach to law-making is also shown in Alfred's preface to his Laws, where he states that a man has no need of law books if he judges fairly and equally [7]. However the fact that Alfred is writing this in his Law Code shows that although in an ideal world such a code would not be needed, he accepts that men are only human and many will require guidance as to what is right and wrong.

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obvious from the accounts of Asser and others, including Alfred himself.

Therefore, while Alfred may have been motivated to write his Laws for the good of his people, it is important to remember that the King had other reasons for writing his Code and the laws serve other purposes other than the direct administration of justice.

One such "unofficial" reason for Alfred's writing of his Law Code, it can be argued, was to assert his royal power and ensure the loyalty of his subjects in a legal document that could not be disputed [12], thereby safeguarding his own position and consolidating his hold over the kingdom. This intentional inclusion of laws designed to ensure loyalty from Alfred's subjects can be seen in the wording of the Law Codes themselves, where treason is portrayed as the most unholy and unforgivable of sins 'only for treachery to a lord they dared not declare any mercy... he [Christ] charged everyone to love his lord as himself' [13]. The reference to Christ in this quote shows the severity of the crimes of treason and treachery, as even the mercy of Christ is not afforded to those who commit these sins. The theory that Alfred's Laws were intended to secure his own position, is given weight by the underlying threat of rebellion that was present for much of Alfred's reign, especially in the case of Aethelwold, rival to the throne and the son of Alfred's predecessor, who led a rebellion in 899[14], which could have been a direct influence upon the emphasis placed on loyalty to the king and lords found in Alfred's Code.

The underlying political agenda of Alfred's Laws is also an important aspect of the text. It is argued by Wormald that Alfred's respectful mentions of the laws of Offa and Aethelbert (previous kings of Mercia and Kent respectively)

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in his preface to his own laws, and his statement that he is influenced by them in his own law making, is an attempt to 'remind Mercians and Kentishmen of his concern for their traditions'[15]. This pandering to the traditions of the other English kingdoms suggests that Alfred was subtly attempting to enhance his own power over the rest of England outside of Wessex, ultimately leading to him being accepted as Anglo Rex, the title eventually bestowed upon his successors. However as Pratt reminds us, the fact that Alfred's Law Code contains a political agenda need not make it irrelevant as a source of honest legal intentions [16]. Pratt's theory is supported by the inclusion in Alfred's Law Code the laws of one of his predecessors, Ine, whose laws deal primarily with 'theft, trading and agricultural matters'. [17] In contrast to this Alfred's laws deal mostly with the breaking of oaths, injuries and sexual offences [18], and so Alfred can be seen to be filling in the blanks in Ine's original laws, therefore honestly trying to better the current legal system.

Religious imagery and language features very heavily in Alfred's Law Codes and there are several arguments as to why this is. Wallace-Hadrill argues that the main reason for the sustained religious imagery in the Law Codes is due to the medieval perception that kingship was a divine right and Alfred's use of religious imagery is another attempt to assert his authority and show his right to the throne, thus making any sin committed against him a sin against God. [19] Similarly it is argued that the use of religious imagery by Alfred is due to the lack of an effective way of enforcing the law in Alfred's kingdom and 'an authority greater than the king or any earthly lord was needed to ensure social order' [20]. However it can also be argued that the

sustained religious imagery in the Law Codes is nothing more than the product of a deeply Christian society, where the natural law of God forms the basis for all perceptions of right and wrong, therefore it is only natural that religion features extensively in a book of law.

In conclusion Alfred's law code is a synthesis of the laws of several other Anglo-Saxon kings [21], along with his own work, created with the intention of codifying and clarifying existing laws, exerting royal authority and promoting the King as leader not only of Wessex but of the " English people".

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[2] P. Wormald, 'The Ninth Century', in J. Campbell (ed.), *The Anglo Saxons* (London, 1991), p. 134

[3] *Ibid.*, p. 135

[4] *Ibid.*

[5] J. M. Wallace-Hadrill, *Early Germanic Kingship in England and on the Continent* (London, 1971), p. 148

[6] R. Abels, *Alfred the Great: War, Kingship and Culture in Anglo Saxon England* (Essex, 1998), p. 276

[7] D. Whitelock, *English Historical Documents Vol. 1* (London, 1955), p. 373

[8] S. Keynes and M. Lapidge, trans, *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources* (London, 1983), p. 45

[9] Whitelock, *English Historical Documents*, p. 331

[10] Keynes and Lapidge, *Asser's Life of King Alfred* p. 25

[11] *Ibid.*

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[12] Ibid. p. 39

[13] Whitelock, English Historical Documents, p. 373

[14] Wormald, 'The Ninth Century' p. 155

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[16] D. Pratt, The Political Thought of King Alfred the Great, (Cambridge, 2007), p. 217

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[18] Ibid

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