

THE ART OF DYING: MAKING A WILL IN OLD ENGLISH  
AND ITS SOCIOLINGUISTIC CONTEXTOLGA TIMOFEEVA<sup>1</sup>

## ABSTRACT

This paper explores the potential of legal documents for the study of the sociology of Old English. It gives a rationale for the use of legal genres, or charters, and introduces research databases and tools that may elucidate the interconnections between practitioners of legal Old English and their linguistic practices. A series of short case studies on wills illustrates what legal genres tell us about the correlation between linguistic variation, supralocalisation, and change and such variables as archive and gender.

Keywords: Old English; wills; historical sociolinguistics; archive; gender; curses.

## 1. Introduction

In about 1050 Wulfgyth, widow of Ælfwine, had her last will recorded, in which she made multiple bequests of land in Essex and East Anglia and property, including one purple garment and two ornamented horns, to the religious houses of Christ Church and St Augustine's, Canterbury, Bury St Edmunds, and Ely, as well as to her children and to King Edward, Earl Godwine, and Earl Harold. The will was announced in the presence of the king and contained the following curse (also called anathema) at the end, preserved in a thirteenth-century manuscript at Christ Church, Canterbury:

- (1) and se þe mine quyde beryaui þe ic nu biqueþen habbe a godes ywithnesse beriaued he worþe þises erthliche meryþes and ashireyi hine se almyti dryyten þe alle shepþe shop and ywroyte uram alre haleylene ymenesse on domesday. and sy he bytaty Satane þane deule and alle his

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awaryede yueren into helle Grunde and þer aquelmi and godes withsaken bute ysweke and mine irfinume neuer ne aswenche (S1535; CCC, 1044x1053)<sup>2</sup>

‘And he who shall detract from my will which I have now declared in the witness of God, may he be deprived of joy on this earth, and may the Almighty Lord who created and made all creatures exclude him from the fellowship of all saints on the Day of Judgement, and may he be delivered into the abyss of hell to Satan the devil and all his accursed companions and there suffer with God’s adversaries, without end, and never trouble my heirs.’ (trans. by Whitelock 2011 [1930]: 87)

The anathema ends on a personal note: *and mine irfinume neuer ne aswenche* ‘and never trouble my heirs’, which reveals Wulfgyth’s foremost anxiety that her children may lose the bequeathed property. From the earlier part of the will we learn, that after the death of her husband Ælfwine, Wulfgyth had to secure the rights to land of three sons (Ælfcytel, Ketel, and Wulfcytel<sup>3</sup>) and three daughters (Gode, Bote, and Ealdgyth). Her son Ketel’s will (S1519), produced about a decade later, informs us that their extended family also included Edwin and Wulfric, likely brothers of the deceased Ælfwine, and Godric, another brother of Ketel’s, not mentioned by Wulfgyth (Williams 1995: 109; Timofeeva 2022). S1519 also makes clear that three of her children, Ketel, Gode, and Bote, were still alive in around 1060 and in possession of the estates bequeathed by their mother. Besides the bequests in favour of the male kinsmen just mentioned, Ketel makes provisions for both sisters and records their mutual agreements concerning four estates in East Anglia, two of them inherited from Wulfgyth, in the event of one of the siblings surviving the other. In fact, Ketel may have outlived them all, as the estates bequeathed to Gode and Bote are still recorded as Ketel’s in 1066 in the Domesday Book, while no women with these names appear as landowners.<sup>4</sup> Although about as detailed on the bequests of

<sup>2</sup> ‘S1535’ refers to the entry in Peter Sawyer’s seminal catalogue *Anglo-Saxon charters: An annotated list and bibliography*, published by the Royal Historical Society in 1968 (London). “It was the first comprehensive listing of all surviving charters from the Anglo-Saxon period, containing over 1850 separate entries. The original 1968 catalogue soon came to be known in academic parlance as ‘Sawyer’, and references to charters are now conventionally given in the form ‘S 000’, where ‘000’ represents the number of the charter in Sawyer’s catalogue” (<https://esawyer.lib.cam.ac.uk/about/about.html>). This reference system is adopted below.

<sup>3</sup> Although it is possible that *Wulfcytel* is a misspelt form of *Ælfcytel* (Whitelock 2011 [1930]: 198; *PASE*, Wulfgyth 5).

<sup>4</sup> When the Domesday survey was completed in 1086, all Ketel’s lands in Norfolk and Suffolk and one estate in Essex had passed on to Norman landholders (see *Open Domesday*, Ketil (Alder), <https://opendomesday.org/name/ketil-alder/>). He may have died or been dispossessed between 1066 and 1086.

property as Wulfgyth's, Ketel's will may suggest that he took a good course much less seriously than his mother:

- (2) And gif ani man si so disi þat wille mine quide bereuen. god him fordo on domesday and alle his halegan. (S1519; Bury, 1052x1066)  
'And if anyone be so foolish as to wish to detract from my will, may God and all his saints destroy him on the Day of Judgment.' (trans. by Whitelock 2011 [1930]: 91)

His anathema contains only a short indirect prayer and a conditional clause pointing out that only a foolish person would attempt to detract from a will. Is this because, as a man, Ketel felt more secure about his land rights? Could it also be that Ketel was less superstitious about the power of maledictions, construing them as formal elements of wills rather than potent performative acts? Perhaps most importantly for the sociolinguistic analysis below, is there any other evidence that Old English male and female donors perform differently linguistically, in other words, can we uncover correlations between socio-linguistic variables and linguistic behaviour?

To answer these questions, and also to address the larger problem of sociolinguistic research into the Old English period, I shall first of all describe the methodological challenges associated with early medieval material, before arguing for the use of legal genres, or charters, as proxy data, presenting several case studies based on Old English wills, and offering my conclusions.

## 2. Challenges and possible solutions

About a decade ago, when the Helsinki research unit for *Variation, Contacts and Change in English* (VARIENG) were revising their pioneering *Helsinki Corpus of English Texts* (covering diachronic development of English from c.730 to 1710) for an XML edition<sup>5</sup>, they decided to keep its Old English component untagged for sociolinguistic parameters. To quote Matti Rissanen and Merja Kytö, the argumentation behind this decision was that “[t]hese parameters apply from Middle English on: even if we possess some information on such Old English authors as King Alfred or Archbishop Wulfstan, this information is too occasional to offer a basis for sociohistorical generalizations” (Kytö & Rissanen 2011 [1993]: 4.3). In the same vein, even though Old English texts are assigned to text types (e.g., ‘law’ or ‘homily’) or to prototypical text categories (e.g., ‘statutory’ or ‘imaginary narrative’), none of them is tagged for

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<sup>5</sup> <https://varieng.helsinki.fi/CoRD/corpora/HelsinkiCorpus/>; <https://helsinki Corpus.arts.gla.ac.uk/>.

its relationship to spoken language, the tacit assumption being that they all represent written mode.

This common understanding of the Old English linguistic-record situation is based on the underlying belief that we may only engage with historical social dialectology when one has a substantial corpus of private correspondence at one's disposal. This effectively means that sociolinguistic variables may only be studied from the fifteenth century onwards, to which another Helsinki resource bears witness – the CEEC family of corpora (*Corpus of Early English Correspondence*<sup>6</sup>, spanning from 1403 to 1800), and so are such seminal studies as Nevalainen & Raumolin-Brunberg, now available in the second, revised edition of 2016, examining personal letters from the Tudor and Stuart period, and Bergs (2005), dealing with the correspondence of the Paston family. More recently, however, another research team, based at the University of Stavanger, has tackled the problem of historical sources with a new corpus of proxy genres, *A Corpus of Middle English Local Documents* (MELD)<sup>7</sup> and offered unique insights into the language of real people through the lens of administrative documents, for now from the East and South of England (Stenroos, Thengs & Berstrøm 2020). Like letters, these Late Middle English documents (1399–1525) may normally be dated and localised quite precisely. Their language may therefore catalogue linguistic variation and change, as well as local and supralocal standardising processes with exceptional detail. The compilers and the first users of the corpus argue that legal documents may also be employed as proxies to spoken language and see them as various types of speech-related genres (Stenroos & Thengs 2020), i.e., as texts based on or designed to be like speech (Culpeper & Kytö 2010). My suggestion would then be to extend this kind of approach into the Old English period.

The advantages of using Old English charters as proxies to letters or even fieldwork are numerous. These documents are represented by several sub-genres and include grants, leases, contracts, writs and mandates, bequests and wills. In the surviving corpus, i.e. both in the original single-sheet charters and in later cartulary copies, they account for about 9 per cent of the total record of Old English prose. Several electronic resources for the study of Anglo-Saxon charters are already available. For example, digitised images of single-sheet charters may be accessed at the British Library<sup>8</sup>; all charters from the *Sawyer Catalogue* are available for browsing by Sawyer number, date, king, archive, manuscript, bibliography, and translation, or searched by charter, manuscript, and bibliography in the *Electronic Sawyer*<sup>9</sup>; individual components of charter

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<sup>6</sup> <https://varieng.helsinki.fi/CoRD/corpora/CEEC/>.

<sup>7</sup> <http://www.uis.no/meld>.

<sup>8</sup> <https://blogs.bl.uk/files/list-of-anglo-saxon-charters.pdf> (as of July 2018).

<sup>9</sup> <https://esawyer.lib.cam.ac.uk/about/index.html>.

protocol, such as names, invocations, proems, dating clauses, dispositive words, curses, and places of promulgation, may be compared across time and region in the *Anglo-Saxon Charters* project (ASChart), an XML edition of “charters written in Anglo-Saxon England before A.D. 900”.<sup>10</sup> A wealth of sociological information on the Anglo-Saxon period is also provided by the online *Prosopography of Anglo-Saxon England*.<sup>11</sup> This resource is based on literary and documentary Latin and Old English texts, e.g., chronicles, saints’ lives, charters, *libri vitae* of religious houses, inscriptions, the Domesday Book, and coins. It lists all the names mentioned in those sources and facilitates searches according to a variety of social criteria, such as name, authorship, education, occupation, office, personal relationship, property, and geographic location, with a total of 19,807 persons (named and anonymous) with 87,611 recorded names, and information on their office (112,055 entries), possession (42,827), and much more being included in the database (for more details see Timofeeva 2022).

As with Middle English documents, the geographical distribution of charters is generally precise, also representing regions and scriptoria from which no other texts survive. Figure 1 demonstrates the geographical spread of Anglo-Saxon wills, taking the archives preserving them as pinpoints.



Figure 1. Geographical distribution of Anglo-Saxon wills by archive (based on Tollerton 2011: 12)

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<sup>10</sup> <http://www.aschart.kcl.ac.uk/index.html>.

<sup>11</sup> <http://pase.ac.uk/>.

Chronologically, charters enjoy more even distribution than other genres, spanning from c.600 and up to 1150, with wills being attested between c.805 and c.1070 (Tollerton 2011: 13). Charters can offer us insights into sociological parameters of gender and social status and, in combination with the PASE database, into the social networks of individual donors, beneficiaries, or witnesses.

The advantage of using charters as linguistic data also rests on their close reliance on oral practices of legal declaration in this period, as the preceding or subsequent public announcement of their contents was of vital legal and performative importance to the validity of the recorded transactions. This oral component is apparent both in the lexical terms that denote wills and in the verbs of speaking that are frequently used in the opening clauses. For example, a late tenth-century joint will of Brihtric and Ælfswith (ex. 3) is defined as *cwide*, literally ‘speech, utterance’, and the performance of the two donors in front of their relatives (*on heora maga gewitnæsse*) is described as *cwædon* ‘they spoke’, a verb from the same lexical family.

- (3)    Dis is Byrhrices 7 Ælfswyðe his wifes nihsta **cwide**. ðe **hi cwædon** ...  
       **on heora maga gewitnæsse**. (S1511; Rochester, 975x987)  
       ‘This is the last will of Brihtric and his wife Ælfswith, which they  
       declared ... in the presence of their relatives.’

Charters may thus be seen as both speech-based and speech-purposed genres, and in this capacity, they are representative of oral practices, even though these practices were highly ritualised, as we are going to see. The orality of these documents has been appreciated by several earlier scholars, who have used them to reconstruct such speech acts as curses (Danet & Bogoch 1992, 1994) and the sociocultural context of charters more generally (Sheehan 1963; Schwyter 1996; Drout 2000; Tollerton 2011).

All in all, if we take advantage of modern electronic resources and accept charters as proxy genres, the sociolinguistic information that they offer may not look so occasional after all, and, perhaps, some sociohistorical generalisations, albeit tentative, may be possible. To demonstrate the potential of this approach, we shall focus on one of the charter sub-genres and undertake a correlational analysis of two sociolinguistic variables: archives and gender.

### 3. Will corpus

The corpus of Anglo-Saxon wills comprises about seventy documents (Table 1). Its geographical distribution (Figure 1) shows a concentration of wills in southern

archives, with records being much sparser in the Midlands, and no wills survive from the north. The quantitative distribution by archive is very uneven. The archive of Bury St Edmunds lists up to 20 wills, Canterbury, Christ Church – 14, Winchester, New and Old Minster – 9 and 7 respectively. For all other archives, the figures are lower, and about a half of them preserve only one will from the period (Table 1). Chronologically, the vast majority of wills are dated to after 900. The evidence for vernacular wills comes from the early ninth century. The earliest bequests recorded in Latin date to the second half of the eighth century. The corpus of vernacular wills amounts to about sixty documents, and a dozen wills survive in Latin translations (Sawyer 1968: 414–431; Drout 2000: 7–8; Tollerton 2011: 16–22, 285–288; cf. Table 1).

Table 1. Distribution of Anglo-Saxon wills by archive

	N (Drout)	%	N (Tollerton)	%
Bury	16	27.1	20	26.7
Canterbury, Christ Church	9	15.3	15	20.0
Winchester, New Minster	7	11.9	9	12.0
Winchester, Old Minster	7	11.9	7	9.3
St Albans	3	5.1	4	5.3
Ramsey	3	5.1	0	0.0
Rochester	2	3.4	3	4.0
London, Westminster	2	3.4	2	2.7
Canterbury, St Augustin's	1	1.7	4	5.3
Worcester	1	1.7	3	4.0
Other <sup>12</sup>	8	13.6	8	10.7
<b>Total</b>	<b>59</b>	<b>100.0</b>	<b>75</b>	<b>100.0</b>

As with other legal documents, the transmission of wills poses problems. Only a third of them are preserved in manuscripts written before 1066, with many being copies of earlier documents. The majority are even later and survive in cartularies (books containing copies of charters and other records of a religious house),

<sup>12</sup> The archives of Abingdon, Bath, Burton, Ely, Exeter, London, St Paul's, Peterborough, Shaftesbury, and Thorney preserve one will each.

whose contents can be substantially abbreviated (Tollerton 2011: 16–22 and appendices).

Functionally, wills are notifications of a bequest of land or property. They may be addressed to all the friends and witnesses, to a patron, typically a king, or to no one in particular. Although wills are written on behalf of donors, their production is more likely to be initiated by beneficiaries, i.e., religious houses, and executed by scribes from the same establishments (Tollerton 2011: 61). The voices of donors are thus almost always mediated. Two types of wills are traditionally distinguished in literature: single-gift and multi-gift bequests. The former is a bequest to a single beneficiary, while the latter lists a number of bequests to multiple beneficiaries. Both types typically take effect on the death of the donor (Whitelock 2011 [1930]). Linda Tollerton also includes a third type, i.e., bequest-agreement, in her analysis, “an arrangement by donor and beneficiary, acknowledging the beneficiary’s claim on an estate while allowing the donor to retain a life interest in the land, until such time as reversion to the beneficiary will take effect” (Tollerton 2011: 10). As explained below, I treat bequest-agreements as a separate text type and omit them from this analysis.

An exceptional feature of the will corpus is that a sizeable number of these documents was commissioned by women. Although more than two thirds of the surviving wills are by male donors, the number of documents produced on behalf of women (nearly 30 per cent) is extremely high compared to other legal genres, let alone to the overall textual record in Old English. Within this sub-category, up to 19 per cent of wills were made by women and up to 12 per cent were made jointly by a husband and wife. The distributions are slightly different if bequest-agreements are included (Table 2; Drouot 2000: Appendix 1; Tollerton 2011: Appendix 1). Bequests by female donors are typically made by widows, and, as such, are a marked indication of the importance of wills as assertions of widowed women to perform a new social role (Tollerton 2011: ch. 4 and 5).

Table 2. Distribution of Anglo-Saxon wills by gender

	<b>N (Drouot)</b>	<b>%</b>	<b>N (Tollerton)</b>	<b>%</b>	<b>N (Timofeeva)</b>	<b>%</b>
Male	43	72.9	54	72.0	41	70.7
Female	11	18.6	12	16.0	11	19.0
Joint	5	8.5	9	12.0	6	10.3
<b>Total</b>	<b>59</b>	<b>100.0</b>	<b>75</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>



Finally, as far as the diplomatic, or text structure, is concerned, the will consists of two obligatory elements (donor and bequest, i.e. who bequeaths what) and up to six optional elements (Moessner 2018: 107)<sup>13</sup>. A typical sequence includes an invocation, notification, donor identification, religious motive, bequest/dispositive clause, endorsement, authentication/witnessing clause, witness list, sanction clause/anathema. Invocations feature in about 20 per cent of wills and typically use the formula ‘in the name of the Lord’ in Old English or, more commonly, in Latin. In many wills, notification and donor elements merge and may even include a dispositive verb ‘in this bequest N has announced a gift...’. Motives ‘for the salvation of my soul’ become increasingly important in wills from the tenth century onwards (Drout 2000). Dispositive clauses are frequently augmented by the endorsement of a patron or an appeal for such. Authentication may include a reference to chirograph copies<sup>14</sup> and to persons or places where they are preserved. It may also relate to a public occasion during which the will was proclaimed before witnesses. A witness list, if it survived, would be included at this point or at the end, following a sanction clause, which often combined a sanction with a curse, or anathema.<sup>15</sup>

Below, we shall consider a selection of diplomatic elements and their components better to understand variation, supralocalisation, and change within the will genre of the Anglo-Saxon period. Even though the will diplomatic is affected by conventionalisation, especially after 900, wills are by their nature local documents that detail the bequests of local donors to local beneficiaries. The first focus, therefore, is on regional variation, while the second case study is an attempt to correlate linguistic variables with gender.

#### 4. Data

For this study, I collected data from 58 will documents (Table 2). I used the lists of wills in Drout (2000: Appendix 1) and Tollerton (2011: Appendix 1) to compile this dataset. The two lists overlap to a great extent, but some discrepancies concern bequest-agreements and wills surviving in Latin translations. To concentrate on Old English linguistic features and on documents with similar textual structure, both Latin wills and bequest-agreements were

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<sup>13</sup> Sheehan (1963) sees sanction clauses as compulsory elements.

<sup>14</sup> Two or three copies of the same document would be written on the same sheet, with a word *chirographum* between the copies, and cut through to produce the individual parts. The authenticity of wills could be established both by putting the copies of the chirograph (preserved by donors, beneficiaries, and patrons) together and by calling upon witnesses.

<sup>15</sup> For a detailed catalogue of the diplomatic elements and their patterns, see Moessner (2018). Her analysis is based on the first 23 wills of Whitelock’s edition.

omitted from the data. The *Electronic Sawyer* as well as Dorothy Whitelock's edition were consulted during data collection and supplemented with searches in the *Dictionary of Old English Corpus* (DOEC). The tokens of individual word forms and constructions were collected both manually and semi-automatically. These consisted of instances of Old English dispositive verbs, constructions containing the verb *(ge)unnan* and the noun *land(es)*, and the adverbial phrases *æfter POSS dæge* and *ofer POSS dæg* 'after one's death'. The data on endorsements and curses were obtained manually and assessed qualitatively.

## 5. Case studies

### 5.1. Variation by archive

Michael Drout's study (2000) has already identified some archive-specific preferences in the diplomatic of wills. In particular, a prefatory element formed by the notification and the opening part of the dispositive clause displays four distinct patterns, correlated with the archives of Bury St Edmunds, Christ Church, Canterbury, St Albans, and the two Winchester minsters. For instance, the majority of Christ Church wills adopt type 1 as their prefatory clause (*ic/N kithe ... an/unnen* 'I/N inform ... grant'), while Old Minster, Winchester shows a preference for type 3 (*Her/ic swutelath on thisse ge/write ... an ... aihte* 'Here/I it is declared in this will ... grant ... possessed'). Bury St Edmunds wills display both templates with more or less equal frequency. Even though the token numbers are low, Drout insists that the distributions are not merely coincidental (2000: 12–14). He also compares the observed differences to other features of will diplomatic and remarks upon chronological developments:

There are similar patterns in the term used for soul ("gast" is used interchangeably with "sawel" in 9th-century wills, but never in the later wills), dispositive verbs, presence or absence of symbolic or verbal invocation, presence or absence of anathema, sanction or blessing, and ratio of third person to first person in diplomatic. It is thus to some degree possible to distinguish by analysis of diplomatic between what elements of the will are required legal framework and what represent the choices of individual bequestors. (Drout 2000: 14)

In other words, the phrasing of particular elements of wills is a combination, or perhaps a compromise, between the concerns of an individual (as announced by a donor) and the dictates of an archive (as maintained and recorded by scribes). Mention of remediation of ancestors' souls might reflect the former, while prefatory clauses are an effect of the latter. Apart from the prefatory clauses, Drout does not substantiate his claims with numerical values. I intend to give

them more weight, by comparing the diplomatic elements across archives. More specifically, we shall concentrate on dispositive verbs and the complementation patterns of *(ge)unnan* ‘to give, grant’.

### 5.1.1. Dispositive verbs

Bequests may be expressed in many different ways: by verbs of giving and granting (*agiefan*, *sellan*, *unnan*); by verbs of receiving or possession in the subjunctive (*fon*, *habban*) within a *that*-clause, typically in combination with a volitional verb (*bebeodan*, *willan*) in the main clause; by verbs of bequeathing (*becwæþan*); or with no verb (‘this piece of land/property to N’) (cf. Moessner 2018: 108). The absolute and relative frequencies of dispositive strategies are given in Table 3.

Table 3. Distribution of dispositive verbs in Old English wills by type (arranged alphabetically)

Dispositive verb	N	%
<i>agiefan</i>	4	4.9
<i>becwæþan</i>	5	6.1
<i>dælan</i>	1	1.2
<i>fon</i>	4	4.9
<i>gan</i>	2	2.4
<i>habban</i>	3	3.7
<i>sellan</i>	9	11.0
<i>(ge)unnan</i>	47	57.3
no verb	7	8.5
Total	82	100.0

Most of the dispositive verbs occur between 1 and 9 times, but the preterite-present verb *(ge)unnan*, typically in the present tense (cf. Moessner 2018: 119), occurs 47 times. The count in Table 3 includes the number of types per will. Although *(ge)unnan* appears to be the default option, in 17 wills, especially in multiple bequests, donors alternate between two or more dispositive verbs. Of these, 13 wills still feature *(ge)unnan* as either a majority or a minority variant. The variation is much higher in wills dating to before 900 (Table 5). With the exception of two Winchester wills, the majority of these early documents come from Kent (4 from CCC and 1 from Rochester, see Table 4 and cf. Table 1).

For instance, in S1482 (830s, CCC), four more dispositives (*fon*, *sellan*, *habban*, and *agiefan*) are used alongside *(ge)unnan*. In wills produced after 900, the variation between *(ge)unnan* and other dispositive verbs decreases significantly, especially in the more sizeable archives of Bury St Edmunds and Winchester, which account for the majority of the attestations from East Anglia and Wessex (Table 4). These distributions and their statistical significance suggest that after 900, *(ge)unnan* emerges as a genre-specific verb (cf. Wojtyś 2017: 93–104) and that the archives of East Anglia and Wessex adopt it as the default dispositive (Timofeeva 2022).

Table 4. Distribution of *(ge)unnan* by region;  $\chi^2$ :  $p = .045201$

	<i>(ge)unnan</i>	other verbs	Total
Kent	6	12	18
Mercia	6	7	13
Wessex	18	10	28
East Anglia	17	6	23
Total	47	35	82

Table 5. Variation between *(ge)unnan* as majority variant and other verbs by subperiod;  $\chi^2$ :  $p = .01109$ , Fisher exact:  $p = .0164$ .

	<i>(ge)unnan</i> as majority type	other verbs +/- <i>(ge)unnan</i>	Total
before 900	1	6	7
after 900	33	18	51
Total	34	24	58

### 5.1.2. *(ge)unnan* + *land* objects

The most frequent collocate of *(ge)unnan* is the noun *land* (Wojtyś 2017: 93): *ic/he (ge)an þæs landes* with *land* in the genitive (ex. 4) or *ic/he (ge)an þæt land* in the accusative ‘I/he grant(s) the land’ (Table 6). In Germanic and early Old English, the verb *(ge)unnan* takes genitive objects (Bammesberger 1998: 15). In later Old English, however, variation between genitive and accusative objects arises (Mitchell 1985: i, §1092, 464; i, §§1338–1342, 561–565), a trend that is also recorded for many other verbs, including verbs of granting, and, ultimately, resolves with the reanalysis of genitive objects as accusative objects in early Middle English (Mustanoja 1960: 87–88, 108–110; Allen 1995: 217–219). Wojtyś remarks that for the Old English period, it is “difficult to note any

difference in the interpretation of the sentences in which *unnan* is followed by the object in genitive and those where the object is in accusative” and that “the two constructions rather seem to be interchangeable” (2017: 97). While my observations concur with this statement, I would like to suggest that in some archives the innovative accusative construction is adopted earlier than in others.

Table 6. Distribution of *landes*-GEN vs. *land*-ACC after *(ge)unnan* by archive;  $\chi^2$ :  $p = .000022$ .

	CCC	OM or NMW	Bury	Other	Total
<i>ic/he (ge)an þæs landes</i>	5	13	2	7	27
<i>ic/he (ge)an þæt land</i>	1	1	13	1	16
Total	6	14	15	8	43

Table 6 displays the distribution of the noun *land* in the genitive vs. accusative across the archives. It shows a clear preference for the older genitive construction in the archives of Christ Church, Canterbury (CCC), the two Winchester minsters (OMW and NMW), and most other archives. Bury St Edmunds stands out with its use of the newer accusative construction, which is attested here as early as 942,<sup>16</sup> even though the other archives continue to use the genitive into the middle of the eleventh century. Given that legal texts tend to be rather conservative in their use of grammar and vocabulary, it is remarkable that this innovation is adopted at Bury at the expense of the older genre convention.

## 5.2. Variation by gender

As has been mentioned above, invocations are not obligatory elements of wills. Their use is more pronounced in Bury wills and in the Kentish archives, especially in the early period. All except one will with invocations use the formula ‘in the name of the Lord’. Of these, four are in Old English and seven in Latin (Timofeeva 2022). Women’s wills stand out, as they never use invocations in either language. Below, we shall examine other correlations between gender

<sup>16</sup> The wills surviving in the archive of Bury St Edmunds (Table 1) are dated to between 942 and 1070. The three other wills that feature the innovative accusative construction are S1535 (CCC, 1042x1053), Whitelock 39 (Peterborough, 1066x1069), and S1504 (OMW, 946x947). The latter may indicate a near contemporary use of *(ge)unnan þæt land* in Old Minster, Winchester; the prefatory clause in which it appears (*Her geswutelad þæt Eadred cing geuþe þæt land æt Wilig ...* ‘Here it is declared that King Eadred gave the land at Wiley ...’) is, however, at odds with the contents of the will, that mentions Ealdorman Æthelwold as donor, and is likely to be a later addition (cf. exx. 4 and 5 below), also because S1504 comes down to us in a twelfth-century cartulary.

and linguistic behaviour in wills. The first case study concerns innovation within the adverbial phrase ‘after one’s death’ and its possible early adoption by female donors, while the second study is a qualitative evaluation of women’s politeness strategies in bequests.

### 5.2.1. ‘after my death’ adverbials

Another frequent component of dispositive clauses is the adverbial phrase ‘after my/his/her day’, referring to the point in the future after which the bequest will be valid. For example, Ealdorman Wulfgar, owner of land in Wiltshire (fl. 928-944; PASE, Wulfgar 11), expresses this future reference as *ofer minne dæg* ‘(lit.) over my day’:

- (4) + Ic Wulfgar *an þæs landes* æt Collingaburnan **ofer minne dæg** Æffan hiere dæg (S1533, 931x939, Old Minster, Winchester)  
 ‘+ I, Wulfgar, grant the land at Collingbourne after my death to [my wife] Æffe for her lifetime.’

On a further eight occasions in his will, Wulfgar (or his Old Minster scribe) goes on using the same phrase. Within a hundred years of this will, a different hand adds a rubric to the document:<sup>17</sup>

- (5) Her swutelap þæt Wulfgar geuþe Hamme into Ealdan Mynstre **æfter Æffan dæge hys wifes**  
 ‘Here it is declared that Wulfgar granted Ham to Old Minster after the death of his wife Æffe.’

The later scribe uses another, more frequent, construction ‘after one’s day’. The variation between *ofer* POSS *dæg*-ACC and *æfter* POSS *dæge*-DAT is attested in many other wills. As in Wulfgar’s will, there is typically a preference for one or the other type. For this case study, I have considered 40 wills that include one or both types of the adverbial in their dispositive clauses, or a total of 136 tokens. Of these, 16 favour the *æfter*-type, 9 – *ofer*, and 15 use both types interchangeably. I was unable to detect significant preferences by region or archive, but a comparative analysis of the two constructions in wills and charters suggests that the *æfter*-construction correlates with charters and is probably the older type, while wills use both constructions with equal frequency if the data on wills displaying variation are adjusted by the majority type. It is possible that the *ofer*-type originated in wills and had a closer connection with spoken language

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<sup>17</sup> [http://www.bl.uk/manuscripts/Viewer.aspx?ref=cotton\\_ch\\_viii\\_16\\_f001r](http://www.bl.uk/manuscripts/Viewer.aspx?ref=cotton_ch_viii_16_f001r)

(Timofeeva 2022). The data also hint at a correlation between the innovation of the *ofer*-type and gender. In Table 7, the two constructions are cross-tabulated by male (M) and female (F) donor, with data from joint wills being counted at first towards the category of women and then towards the category of men, the latter given in the brackets.

Table 7. Distribution of *æfter* POSS *dæge*-DAT vs. *ofer* POSS *dæg*-ACC in wills by gender (by token);  $\chi^2$ :  $p = .14$  (.04), Fisher exact:  $p = .16$  (.06).

	M	F	Total
<i>æfter</i> POSS <i>dæge</i>	44(49)	19(14)	63
<i>ofer</i> POSS <i>dæg</i>	42(45)	31(28)	73
Total	86(94)	50(42)	136

The number of the *ofer*-type is higher among female donors, which may suggest that this linguistic innovation is correlated with female speakers. This finding is in line with many historical and modern English studies of gender variation that document earlier adoption of new linguistic features by women (e.g., Nevalainen & Raumolin-Brunberg 2016). Statistical testing, however, indicates that the results should be interpreted with caution, as only one chi-square test, performed on the total number of occurrences in the will corpus and counting joint wills in the category of men, returned a  $p$ -value of .04. Let us consider whether any other linguistic features may be associated with female donors.

### 5.2.2. Endorsements

At the sociopragmatic level, with circumlocution, hedging, and politic behaviour, women's wills are often phrased differently from men's. For example, it is not uncommon for both men and women to seek royal protection, or the protection of other patrons, for their will (Moessner 2018: 110–111). Donors do this both explicitly in the main text of the will and implicitly by bequeathing property to kings and soliciting their authority as witnesses and keepers of chirographs. With explicit endorsement, male donors occasionally refer to the royal permission for making the bequest or simply inform the king of their testament and its conditions. These strategies are demonstrated in examples (6) and (7).

- (6) Her is geswutelod an ðis gewrite hu ælfheah ealdorman his cwidæ gecwæðen hæfð **be his cynehlafordæs gepafuncge** (S1485; Winchester, Old Minster, 968x971)  
 'Here in this document it is declared how Ealdorman Ælfheah has announced his will by his royal lord's permission.'

- (7) Leof, Æþelwold ealdarman **cyþ his leofan cynehlaforde Eadred cynge** hu ic wille ymbe þa landare þe ic æt mine hlaforde geearnode. (S1504; Winchester, Old Minster, 946x947)  
 ‘Sire, Ealdorman Æthelwold informs his dear royal lord King Eadred, how I wish to deal with the estates which I have acquired from my lord.’

In both cases, the reference to the king-patron includes an honorific *cynehlaford* ‘royal lord’, and in (7), the name of the king, too. In (6) *gecwæðen hæfð* indicates that the will has already been performed by royal permission, while in (7) Ealdorman Æthelwold informs the king about his intentions.

Six other instances in which royal protection is explicitly solicited contain direct requests expressed by a verb of utterance and the subjunctive clause *þæt min cwyde standan mote* ‘that my will may stand’. Three of these instances are found in bequests by male donors, two in bequests by female donors and one in a joint will (Timofeeva 2022). In the will of Thegn Ælfhelm Polga (PASE, Ælfhelm 8; S1487), the request is placed towards the end of the document before the anathema (ex. 8). It may alternatively be placed at the beginning, following the notification.

- (8) Nu bydde Ic þe leof hlaforð. þæt min cwyde standan mote. & þæt þu ne geþauige. þæt hine man mid wuo wende. (S1487; Westminster, 975x1016)  
 ‘Now I pray you, dear lord, that my will may stand, and that you do not permit it to be wrongfully altered.’

This endorsement includes a performative *bydde* as the main verb, *leof hlaforð* as an honorific, and three embedded subjunctive clauses, including *þæt min cwyde standan mote*. A different strategy is adopted by two widows making their bequests in the second half of the tenth century. The clause that they use to solicit royal protection is *cwides wyrðe beon* ‘to be worthy of/ to be entitled to one’s will’.

- (9) Þis ys Ælfgyfæ **gegurning to hiræ cinehlaforðæ**. þæt is þæt heo hyne **bitt** for godæs lufun and for cynescypæ **þæt heo mote beon hyre cwydes wyrðæ**. (S1484; Winchester, Old Minster, 966x975)  
 ‘This is Ælfgyfu’s request of her royal lord [King Edgar]; that is, she prays him for the love of God and for the sake of his royal dignity, that she may be entitled to [make] her will.’
- (10) Ic Wulfwaru **bidde minne leofan hlaforð Æþelred kyning him to ælmyssan**. þæt ic mote beon mines cwydes wyrðe. Ic kyðe þe leof her on ðisum gewrite (S1538; Bath, 984x1016)



‘I, Wulfwaru, pray my dear lord King Æthelred of his charity that I may be entitled to make my will. I make known to you, Sire, here in this document...’

As in example 8, the two utterances use a performative phrase in the main clause (respectively *bitt* and *bidde*), reinforced by appeals to the love of God, charity, and royal dignity (*for godæs lufun and for cynescypæ* and *to ælmyssan*), accompanied by honorifics (*hiræ cinehlafordæ* and *minne leofan hlaford Æþelred kyning*), and mitigated by the modal *motan* and the humility formula *cwides wyrðe beon*. In spite of some structural differences (e.g., the personal pronouns *heo ... hyre* vs. *ic ... mines*), the pragmatic strategies are very similar and may point to the existence of a template (possibly also an oral one) associated with women’s wills, at least in Wessex, that reflected contemporary expectations of social hierarchy, gender roles, and politic behaviour. In the substantially larger corpus of men’s wills, the formula *cwides wyrðe beon* is attested only once and in a different syntactic context (S1483): the donor states that he was told (*me kidde*) that he might make his will.

Although these two isolated examples cannot give us much certainty about the pragmatic strategies women used in soliciting patronage, the combined will corpus, together with the evidence of other charters on litigations and disputes, suggest that women’s bequests were subject to greater kindred pressure and predation as land was typically passed down the male line. Linda Tollerton demonstrates that widows’ and daughters’ land rights were often contested, especially by the late husband’s or father’s male kin (Tollerton 2011: ch. 13). This may have been on Wulfgyth’s mind when she was making provisions for her children (ex. 1). We should also remember that her son Ketel mentions several male relatives as his heirs (ex. 2). In this context, it is understandable that female donors were particularly eager to secure the protection of the most prominent men in the country, and to achieve that they were prepared to formulate their requests with more elaborate strategies of mitigation and politeness. Of the 11 women’s wills in my corpus, 7 (64 per cent) contain one or multiple endorsements (13 in total). Six of these wills formulate them as explicit appeals for permission or protection, using the performative verb *biddan* ‘to pray, ask’ (with a total of 9 occurrences), often in combination with one of the formulas of clausal humility discussed above (4 occurrences) or with the adverb *eadmodlice* ‘humbly’ (1 occurrence in S1486). By comparison, 15 men’s wills out of 41 (37 per cent) have one or multiple endorsements (20 in total). Nine of these wills ask for explicit permission to make bequests or solicit protection of their arrangements from the king or another patron, with the performative *biddan* being used in 9 of them (with a total of 10 occurrences) and clausal humility formulas in 4. On average, female donors therefore appear to be at least twice as likely to seek patronage and protection for

their bequests and almost four times as likely to use humility formulas. It should, however, be born in mind that none of these distributions reach the level of statistical significance and must be interpreted tentatively.

### 5.2.3. Curses

The curse of Wulfgyth in example (1) may now be put into the same perspective. It is possible that social and economic vulnerability induced women to use stronger and more emotional language in anathemas. Most men's curses follow a standard pattern, the malediction being articulated by a short subjunctive clause, which contains an implicit prayer to God to realise the curse on the Day of Judgement, should the conditions of the will be broken by an evil-wisher. We have observed this strategy in the curse by Ketel in the introduction. I reproduce it here for convenience.

- (2) And gif ani man si so disi þat wille mine quide bereuen. **god him fordo on domesday and alle his halegan.** (S1519)  
 'And if anyone be so foolish as to wish to detract from my will, may God and all his saints destroy him on the Day of Judgment.'

The curse of Ketel's mother Wulfgyth (ex. 1), by contrast, extends to the earthly life of the potential transgressor (*beriaued he worþe þises ertliche meryþes* 'may he be deprived of joy on this earth'), the damnation after death placing him in the deepest regions of hell (*helle Grunde* 'the abyss of hell') and inflicting upon him never-ending torture (*aqueلمي ... bute ysweke* 'suffer without end'). Not uncommonly (in 5 men's wills and 1 woman's will), the anathema also includes a rectification clause which revokes the curse in the event of repentance or restitution of property (Danet & Bogoch 1992: 151). Wulfgyth's curse, however, leaves no option for such a rectification. In the whole will corpus, this is the only curse with such emotional gravity and also the only one to contain an explicit worry about the land rights of one's heirs. The sociology of curses (e.g., James Scott's fieldwork among the poor peasants of Malaysia) reveals that they are generally weapons of the weak and vulnerable, their last resort to take control over their lives and fortunes, an impotent attempt to redress the imbalance of political and economic power (Scott 1986; cf. Britt 2007). It may make sense to see S1535 in this light: the gender of the donor, interconnected with the social vulnerability of widowed women, may have dictated the choice of linguistic strategies that seek to counteract the imbalance and vulnerability, especially in the context of will-making when donors are acutely aware that earthly matters shall soon forever be out of their control. On the other hand, it should be pointed out that individual elements of Wulfgyth's curse are not without parallel in men's

wills. For example, maledictions intended to invoke harm or punishment in this life are to be found in at least four of them: to diminish the worldly wealth of the transgressor in the will of Ealdorman Alfred (S1508); to confiscate his estate in the will of King Eadred (S1515); to destroy him in this life in the will of Thurstan, son of Wine (S1531); and to remove him from the communion of all Christians in the will of Wulfric (S1536). In fact, they appear more realistic and enactable, threats rather than curses, whose contents could be enforced should the heirs and beneficiaries be willing to do so. Perhaps women had to rely more on the eternal punishment after all. While hell and doomsday are routinely mentioned in men's curses, their descriptions are never as vivid as that of Wulfgyth's; nor do they refer to Satan and his companions. Two other women making their bequests in c.1000, Æthelflæd (S1495, St Paul's London) and Æthelgifu (S1497, St Albans), are also explicit in their invocations of damnation in the afterlife, comparing will-breakers to Judas, who are loathsome to God (S1497) and condemned to the deepest pit of hell (S1495). This strategy is unknown in men's curses, but, again, given its low frequencies and the small size of the will corpus, it is hard to appreciate its distribution in relation to gender statistically.

## 6. Conclusions

The Old English charter data analysed in this study show that the role of scriptoria as a sociolinguistic variable in defining and maintaining bureaucratic norms is crucial. We have seen that wills as a genre tend to develop supralocal norms after c.900. In this process, the verb (*ge*)*unnan* emerges as the default dispositive verb. Drout's observation on local norms in prefatory templates (2000) is strengthened by the case study on the innovative (*ge*)*unnan* + accusative construction, which has a clear correlation with the archive of Bury St Edmunds. The gender variable has also returned insightful results. The sociolinguistic behaviour of female donors is tentatively shown to be distinct: women seem to display a more vested interest in politeness strategies, in more frightening, although less economically potent, curses, and, possibly, in more innovative phraseology, such as *ofer minne dæg*. These findings suggest that on the one hand, wills as a genre are rigid in the context of societal hierarchies and expectations (and that bequests clearly remain only a proxy to what real Anglo-Saxon men and women would have said on such occasions), but on the other hand sufficiently flexible to allow for minor linguistic innovations perhaps associated with gender and scriptorium. Sociolinguistic research into Old English will doubtless remain methodologically challenging but these preliminary results suggest that it can and should be undertaken<sup>18</sup>.

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<sup>18</sup> An extended version of this study is now available as chapter 6 in Timofeeva (2022).

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