

KING ALFRED THE GREAT



AND OUR COMMON LAW

by

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In 1892, the famous German Church Historian Rev. Professor Dr.J.H. Kurtz¹ called King Alfred the greatest and noblest of all the monarchs England has ever had. King Alfred ruled from 871 to 901 A.D. He applied all the energy of his mind to the difficult problems of government; to the emancipation of his Christian country by driving out the Pagan Danish invaders and robbers; and then to improving the internal condition of the land.

Alfred is perhaps best of all remembered for his famous Law Code. According to the celebrated former British Statesman and Historian Sir Winston Churchill,² the roots of King Alfred's Book of Laws or Doms (alias his "Deemings") came forth from the (as then already long-established) laws of Kent, Mercia and Wessex. All these attempted to blend the Mosaic Code with the Christian principles of Celto-Brythonic Law and old Germanic customs.

Churchill adds that the laws of Alfred, continually amplified by his successors, grew into that body of Customary Law which was administered [as the 'Common Law'] by the Shire and the Hundred Courts. Cf. Exodus 18:21f. That, under the name of the 'Laws of St. Edward' [the 'Confessor'] — as the A.D. 1042f last Anglo-Saxon Christian King of England — the Norman kings undertook to respect, after their 1066f invasion and conquest of England and hegemony over Britain. Out of that, with much dexterity by feudal lawyers, the Common Law emerged (which was re-confirmed by *Magna Carta* in 1215).

The life and times of King Alfred the Great

Alfred's father was King Ethelwulf, who ruled over the south west of England. He traced his own genealogy all the way back to Noah.³ Professor Warren W. Lehman records⁴ that King Alfred himself boldly traced his own ancestry — *via* the Scythians, to Japheth — and thus right back through the latter's father Noah to Adam. See: First Chronicles 1:1-6 *cf.* Jeremiah 51:27f & Colossians 3:11.

Alfred was born in A.D. 849, at Wantage in Berkshire. This was in the very midst of the decades when the pagan Vikings from Scandinavia were constantly raiding the Christian British Isles in general and even Christian England itself — destroying

¹ J.H. Kurtz: *Church History*, Hodder & Stoughton, London, 1892, I pp. 541f.

² Sir. W. Churchill: *The Island Race*, Corgi, London, 1964, II, p. 219.

³ R. Holinshed: *Chronicles of England, Scotland and Ireland* (1586), AMS Press, New York, 1965 rep., I pp. 662f.

⁴ W.W. Lehman: *The First English Law*, in *Journal of Legal History*, Cass, London, May 1985, p. 29 n. 19.

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churches and their libraries on a huge scale. Though only the fourth son of King Ethelwulf, Alfred showed much Christian dedication and religiosity even when but five years old. His father died in 858, when Alfred was only nine.

Young Alfred could recite many Anglo-Saxon poems by heart even before he was twelve. Only at that age did he learn to read. He entered upon his own public career at the age of seventeen. It was then that he first started to deliver England from the Danes.⁵

In 868, when twenty years old, Prince Alfred married the daughter of an *Ealdorman* or Elder-man. This shows the non-snobbish and mobile nature of the Anglo-British society in England, before the later Norman Conquest from 1066 onwards (which was finally to be reversed by *Magna Carta* in 1215).

Alfred was then attacked by a grievous illness — apparently a serious form of epilepsy. It lasted for at least the next twenty years. Nevertheless, from 870 onward, Alfred still waged many battles against the Danes.

There were nine major engagements, some ending in victories and some in defeats. In 871, his brother King Aethelred died — and the youthful Alfred was called upon to assume all the burdens of 'sole king' — at the very tender age of only twenty-three.

After a tenuous temporary peace lasting some five years, the Danes broke through to the far southwest — and even managed to seize Exeter. But Alfred blockaded them, until they had to withdraw to Mercia (immediately north of Alfred's domain in Southwest England).

Then, in 878 the Danes swooped upon Chippenham — where Alfred had been observing Christmas. State the *Saxon Chronicles*: "Most of the people they reduced, except King Alfred.... He and his little band made his way...by wood and swamp.... After Easter, he...made a fort at Athelney — and from that fort kept fighting against the foe."

While once in hiding, in anonymous disguise, Alfred was over-preoccupied with military strategy. It is during this time that he is alleged to have neglected to keep his eye, as he had undertaken to do, on some cakes being baked in a kitchen. Rebuked for his neglect by the kitchen-maid, King Alfred humbly apologized to her.

Yet all throughout that whole time, he was organizing for victory against the Danes. This is evidenced by another well-known story. He once disguised himself as a blind harpist. As such, he entered the camp of the Vikings — though really in order to reconnoitre it.

In 878, Alfred's armies in Somersetshire and Wiltshire and Hampshire clashed against the Danes. At Edington, the English won a decisive victory. The Danes submitted, and by the Treaty of Wedmore their King Guthrum and about thirty of his Chiefs had to accept

⁵ Art. *Alfred, or Aelfred* (in *Encyclopaedia Britannica*, Britannica, New York, 14th ed., 1929, 1:588f); & art. *Alfred the Great* (in *Encyclopedia Americana*, American, New York, 1951, I:380).

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Christian baptism or to go back to Pagan Scandinavia. This was part of the surrender terms successfully proposed by the Christian King Alfred.

Both Western England, and indeed also Western Europe itself, had now been saved from the danger of being annexed by Pagan Scandinavians. In this, Alfred had played perhaps the key role.

In the year 896, Alfred cut off the Danish ships twenty miles from London. They now withdrew — some to Northumbria, and others back to Europe. Alfred was still only 47.

After the final dispersion of the Vikings, Alfred strengthened the Royal Navy. He himself designed its ships. He did so partly to repress the ravages of the Danes in Northumbria and East-Anglia against his own coast's in Southwest England. He did this also — partly to prevent the landing of fresh hordes of Vikings from Scandinavia.

Alfred then also established the Shire system in those parts of the English Midlands which he acquired. In that sense, Alfred there implemented the Shires, Hundreds and Tithings. Naturally, he inherited this idea from the earlier Christian Monarchs of Southwest England (such as King Ina). Yet Alfred re-inforced it especially from his own reading and massive study of Holy Scripture (Exodus 18:12-21f & Deuteronomy 1:13-16 etc.).

Like a second Moses, Alfred was personally involved in the administration of justice (Ex. 18:12-26). He was particularly concerned about the poor (James 1:27). He co-operated with his *Witenagemot* or Parliament; respected its rights; and even strengthened its power.

Even the sceptical historian Gibbon claimed:⁶ "The wise Alfred adopted as an indispensable duty the extreme rigour of the Mosaic institutions." That he did, tempering it with the grace of the Gospel — through 'the golden rule' in the Sermon on the Mount, and the apostolic injunctions at the Synod of Jerusalem. See Matthew 7:12 and Acts 15:19-29 & 16:4-5.

Internationally, Alfred corresponded with Elias of Jerusalem. He sent ambassadors to Ireland and to Rome — and even to India.

Seeking to promote a national educational system after the Vikings had wreaked havoc by burning down so many libraries, Alfred established a Court School. With such a dearth of English scholars still alive at that time, Alfred even imported certain internationally-famous scholars to teach there. Such included Asser from Wales and John Scotus Eriugena from Ireland — as well as some from the Continent. For King Alfred regarded access to public education, on a Christian foundation, as the birthright of every Englishman.

⁶ E. Gibbon: *The History of the Rise and Fall of the Roman Empire*, Oxford University Press, London, 1907-14 ed., IV p. 115 & V p. 178.

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Though suffering from the great physical infirmity of epilepsy, Alfred left an enduring fame for unselfish devotion to the best interests of his people. He made collections of choice sentences from the Holy Bible and certain Church Fathers. He sent a copy of Gregory's *Pastoral Theology* to every diocese, for the benefit of the clergy.

Furthermore, Alfred translated fifty of the psalms into Anglo-Saxon. It is due chiefly to his influence, that the Holy Scriptures and Service Books of this period were illustrated by so many vernacular glosses in England.

Above all, Alfred put himself to school — making a series of translations for the instruction of his clergy and people. Apart from his now-lost *Handbook* (a common-place anthology), his earliest work was his very own *Preface* to the translation of the *Dialogues of Gregory*. That *Preface*, in Alfred's own Anglo-Saxon, starts as follows:

"I Alfred, endowed with royal dignity by the grace of Christ, have truly understood and often heard through the reading of holy books that the one God has given to us so much greatness of earthly things. There is the greatest need that we for a time should soften and bend our mind to divine and spiritual services, amid this earthly care.... Being confirmed in my mind through this admonition and love, I for a time study these heavenly things amid these earthly troubles."

This was soon followed by Alfred's translation of the great African St. Augustine's A.D. 386 meditative *Soliloquies*. At that time, the king was but thirty-three.

This was then followed by Alfred's close translation from Latin into Anglo-Saxon of the A.D. 731 Bede's *Ecclesiastical History of England*. For Alfred wanted the English to understand in their own tongue how Christ's Church had grown in Britain since very early times, and how England had become a Christian Nation.

Alfred was for England what Charlemagne was for France. He was a Christian ruler, legislator, and educator of his people. He is esteemed the wisest, best and greatest king that ever reigned in England.

Perhaps the most interesting of Alfred's works, is his translation of Boethius's *Consolation of Philosophy* — the most popular philosophical manual of the early mediaeval period. Here Alfred deals very freely with the original. There is much in the work solely by King Alfred, and highly characteristic of his genius. Such includes the following oft-quoted sentence: "My will was to live worthily as long as I lived; and after my life to leave to them who would come after me, my memory in good works."

The last of Alfred's writings is one to which he gave the title *Blostman* or 'Blossoms' (alias *Anthology*). Most of the first half is based mainly on the *Soliloquies* of St. Augustine of Hippo. The rest is drawn from various sources, and contains much that is Alfred's own and which is highly characteristic of him.

The last words of it form a fitting epitaph for that noblest king of England. There, Alfred declares: "He seems to me a very foolish man and very wretched, who will not

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increase his understanding while he is in the World — and [who would not] ever wish and long to reach that endless life where all shall be made clear."

King Alfred on the legal history of Celtic Britain before Anglo-Saxon times there

In the A.D. 880^f King Alfred's version of the earlier Bede's *Ecclesiastical History of the English Nation*,⁷ Alfred states that "Britain is an island of the Ocean, which was of yore named Albion.... In the beginning, the Britons alone were at the first inhabitants of this island — from whom it received its name."

In that same work, Alfred also states:⁸ "The Island 'Britain' was unknown to the Romans, until Caius Caesar by surname Julius sought it with an army...sixty winters ere Christ's coming.... After that, Claudius the [Roman] emperor...again led an army into Britain [during 43 A.D.].... Then Nero [from 54 to 68 A.D.] took to the empire, after Claudius Caesar.... He lost the rule of Britain."

Certainly the Christian Alfred principally meant that the pagan Romans then began to lose their rule over Britain, increasingly — to King Jesus. For the Anglo-Briton Alfred adds: "Then it was from Christ's coming **here**, 156 years.... Lucius King of Britain...prayed and entreated...he might be made a Christian.... And then the Britons received baptism and Christ's Faith — and held that in mild peace,... Britain was then raised very high — in much belief and confession of God."

King Alfred on the history of Britain since the arrival of the Anglo-Saxons

Alfred goes on:⁹ "The Britons...went into the hands of their foes.... It then pleased them all, with their king named Vortigern, that they should call and invite the Saxon Nation from the parts beyond sea for their help. It is certain that this was ordained by the Lord's might.

"Then it was about 449 years from [our] Lord's incarnation that...the [Anglo-Saxon] nation of the English [Angles] and Saxons was invited by the foresaid king, and came to Britain." Subsequently, however, "the Britons...vexed themselves with intestinal broils, and sunk themselves in many sins."¹⁰

By 300 years later, Alfred's Wessex in Southwest England (still flanked by Celtic Culdee Britons immediately to her west and to her north), had herself become a Christian State. This had occurred as a result of the work of Proto-Protestant Brythonic and Anglo-

⁷ Bede: *Ecclesiastical History of the British People* (A.D. 731), I:1-6.

⁸ *Ib.*, I:2-4.

⁹ *Ib.*, I:14^f.

¹⁰ *Ib.*, I:22 (Alfred's chapter heading).

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Saxon evangelists — and through Roman Catholic Missionaries from Kent, from Italy, and from elsewhere in Europe.

Clearly, Alfred of Wessex himself strove to develop a Biblical view of history. He was, to a remarkable extent, consistently Christian in all that he did. Indeed, according to the great Elizabethan chronicler and historian Holinshed,¹¹ it was Alfred who began the University of Oxford around A.D. 875.

Introductory remarks about King Alfred's *Law Code*

However, Alfred's most important work was certainly his *Law Code*. It is preceded by a long introduction.¹² This contains translations not only of the Ten Commandments, but also of many other passages from the book of Exodus.¹³ It is followed by an excerpt from Christ's Sermon on the Mount¹⁴ and by a brief account of apostolic history (with quotations from the apostolic book of Acts).¹⁵ There, Alfred stresses the "jots and tittles" alias the *minutiae* of God's Law and His Prophets (Matthew 5:17f); the "Golden Rule" (Matthew 7:12); and the God-inspired decision of the First General Assembly of the Christian Church — in order to teach God's Law and His Prophets (Amos 9:11f) as well as His Gospel also in the congregations of Christ (Acts 15:15-29 & 16:4f).

Then, King Alfred goes on to trace the growth of Church Law — as laid down by various Ecclesiastical Councils, both Ecumenical and English.¹⁶ The concluding words¹⁷ of his introduction then state that compensations for misdeeds on the part of men were ordained at many such Councils — and written in their records, with varying provisions.

Thus Alfred first sets out the Ten Commandments — *verbatim*. Exodus 20:1-17. Next, from the passage Exodus 21:2 to 23:9, he recites many of the Old Testament case laws. Then, he moves on to the New Testament — citing from Christ's Sermon on the Mount and also from the Acts of His Apostles. Finally, Alfred records his own case laws for medieval England.

Alfred declares that when Christ came to the Mediterranean World (or 'Middle Earth'), He Himself did "approve" the "judgments" alias the judicial laws. Very far from ever having abrogated or destroyed them — He Himself therefore still requires that at least their 'general equity' be observed.

This was clearly also Alfred's own understanding and legislative endeavour. He does, of course, certainly distinguish between the Old-Israelitic format of the judicial laws of Moses on the one hand — and the general equity thereof, on the other. This can be seen

¹¹ R. Holinshed: *op. cit.*, I 247f & 619f.

¹² Chs. 1-48, in ed. R.D. Giles's *Whole Works of King Alfred*, AMS Press, New York, I-IV, 1969.

¹³ Chs. 20-23.

¹⁴ Mt. 5.

¹⁵ Acts ch. 15.

¹⁶ *Law Code*, ch. 49:1-7.

¹⁷ *Ib.*, ch. 49:8.

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by King Alfred's own adaptation of those Old-Israelitic case laws to meet the different conditions of early-mediaeval Anglo-Saxon Britain. Compare, for example, Alfred's own laws 11 & 27 & 44-47. Yet, in so adapting, King Alfred clearly preserves and enforces within English Common Law the general equity of those Old-Israelitic judicial laws.

To prove this — just compare the statements of Mosaic Law with Alfred's Anglo-British Common Law and also with the *Westminster Confession of Faith* and the *Westminster Larger Catechism*. For the New Testament itself — at Matthew 5:5-21f & First Timothy 5:17-21 *etc.*, presupposes *inter alia* Exodus 20:1 to 23:9f in the Old Testament. Alfred cites Exodus 20:1 to 23:9 — as well as Matthew 5:17-19 & 7:1-12 and Acts 11:19-26f & 15:20-29 & 16:4-5. The *Westminster Confession* (19:4f) cites Exodus 21:1 to 22:29, as well as Matthew 5:17f and First Corinthians 9:8-10 *etc.*

After recording Exodus 20:1 to 23:9, King Alfred declares: "These are judgments which Almighty God Himself spoke to Moses and commanded him to keep. Now, since the Lord's only begotten Son our God and healing [Saviour] Christ has come to Middle Earth [alias the 'Mediterranean World'] — He said that He did not come to break nor to forbid these commandments but to approve them well, and to teach them with all mildheartedness and lowlymindedness." Matthew 5:5-19 *cf.* the *Westminster Confession of Faith* 19:5.

"Then, after His throes [or 'sufferings'], before His Apostles had gone throughout the Earth to teach, and while they were yet together — they turned many heathen nations to God. While they were all together, they sent errand-writing to Antioch and to Syria — there to teach Christ's Law [*cf.* Acts 11:19-26f].... This is then that errand-writing which the Apostles sent to Antioch and to Syria and to Cilicia, which is meet for the heathen nations turned to Christ [*cf.* Acts 15:20 & 16:4-5]:

"The Apostles and Elder Brethren wish you health! Now we make known to you, that we have heard that some of our fellows have come to you with our words, and that they have commanded you to bear a heavier way [or 'law'] than we enjoined, and that they have too much misled you with manifold injunctions, and have more perverted than corrected your souls. So we assembled ourselves about this. Then, to all of us it seemed right that we should send [to you] Paul and Barnabas — men who will give their lives for the Name of the Lord. With them, we send Judas and Silas, so that they may say the same to you."

Alfred then shows that also the Apostles, such as Paul and Barnabas (*cf.* Acts 14:4-14f), clearly upheld the 'general equity' of the Law of God. Explained the Apostles: "It seems good to the Holy Ghost and to us, that we should not impose any burden upon you beyond that which was needful to hold — that is, then, that you should refrain from worshipping devil-gods [or 'idols'], and from tasting blood and stranglings, and from fornication!" See: Acts 15:23-29 and *cf.* Exodus 20:2-17.

For it needs to be remembered that Alfred had already: first re-enjoined the Decalogue or the Ten Commandments (Exodus 20:1-17); then illustrated their concrete application by way of case law (Exodus 21:1 to 23:9); and next assured his readers that Christ had

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not come to break the Ten Commandments, but to approve them well (Matthew 5:5-19). Indeed, Alfred had then gone on, together with all of Christ's Twelve Apostles, to enjoin — representatively from the Decalogue — respectively the Second and the Sixth and the Seventh Commandments in the Second Table of God's Law for man. This is seen quite clearly in the apostolic prohibitions enjoining abstinence from idolatry, bloodshed and fornication. Acts 15:23-29.

Clearly, then, Alfred believed that the Apostles here (at the Synod of Jerusalem or the first General Assembly of the Christian Church) enjoined God's Commandments upon all of the Gentile Christians who had heard it — and who indeed should keep it. For here he recalls that also "the **Gentiles**...should **abstain** from pollutions and **idols** and **fornication** and from **blood[shed]**. For Moses has those who preach him in every city from of old, being read out in the meeting-places every weekly sabbath-day." Acts 15:19-21 (*cf.* Genesis 9:5-6 and Exodus 20:1-17).

"Moreover," adds King Alfred, "do not do to other men whatever you wish that other men should not do to you. From this one judgment [or 'doom' alias 'deeming'] — a man may perceive that he should judge everyone rightly. He need keep no other judgment-book.

Let him think [or 'take care'] that, if he seeks to judge another — he should wish [or 'deem'] upon no man that which he would not want to wish [or 'deem' also] upon himself." *Cf.* Matthew 7:1-2,12.

Continues King Alfred (on the general equity in English Law from the previous A.D. 614 King Aethelbeht of Kent onward): "Now then, since it has happened that many nations received Christ's Faith — there were many Synods gathered throughout all the Earth. Also throughout the English race, they received Christ's Faith — from holy Overseers, and also from other exalted Wise-men [*Witan*]. They then set forth, from their mildheartedness, that which Christ taught — as regards almost every misdeed. Consequently, the worldly lords might by their leave — without sin — at the first guilt take the fine [or the 'fee-boot'] which they then appointed.

"Yet in treason against a lord they did not dare to declare any mildheartedness. For God Almighty gave none to those that slighted Him — nor did God's Son Christ give any to him [Judas] who sold Him to death, and whom He bade to love such a Lord as He Himself."

Significantly, the *Preface* to Alfred's own laws then closes with a very important statement about the provisions of the Christian Common Law of Britain **before** his own day. Here Alfred recalls especially the Christian laws made by the very first Saxon King in England to become christianized — Ethelbryte, alias the A.D. 540f Aethelberht King of Kent. Alfred then goes on to refer also to the A.D. 688 Wessex laws of the Christian King Ina in the South West of England, and to the A.D. 755 Mercian laws of the Christian King Offa of the Anglo-British Midlands. The latter were Anglo-Brythonic laws doubtless endorsed also by Alfred's Welsh friend Asser, the extremely learned Celto-Brythonic Scholar.

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Declared the Monarch: "Now I, King Alfred, have collected these laws, and have given orders for copies to be made of many of those which our predecessors observed, and which I myself approved.... I have not dared to presume to set down in writing much of my own; for I cannot tell what [innovations of mine] will meet with the approval of our successors. But those which were the most just of the laws I found — whether they dated from the time of Ina my kinsman, or of Offa King of the Mercians, or of Aethelberht who was the first [Anglo-Saxon or Anglo-Jutish king] to be baptized in England — these I have collected....

"I, Alfred King of the West Saxons have then shewn these to all my Councillors [Members of Parliament'].¹⁸ And they have declared that it met with the approval of all — so that they should be observed."¹⁹

Alfred then lists the laws which he and his Parliament had then developed (**from** Exodus and the Sermon of the Mount and the Acts of the Apostles **to** Aethelberht and Ina and Offa *etc.*). Here, Alfred copiously cites many of the case laws of Ancient Israel — such as Exodus 21:16f & 22:16f; Numbers 25:12-25 & 35:25; and Deut. 1:13f & 19:12f & 22:23f & 24:6-13.

In so doing, King Alfred carefully extracts the "general equity" of those ancient laws — constantly updating especially their penalties specifically for English conditions in the ninth century A.D. See on this all of his laws concerning oaths and weds, church associations, bail-breaking, treachery against a lord, church freedom (including the need for double compensation for thefts perpetrated on Sundays), church stealing, fighting in the King's Hall, fornication, slaying a pregnant woman, seizing hold of a woman, the Elder's Roll, wood-burning, compensation for injuries sustained while working, cattle-rustling, child-care, kid-napping, aiding and abetting assaults, debt, rape, homicide, pledges, fettering, negligence regarding dangerous weapons, house-breaking, immovable property, and wounds *etc.*

Specific details of the Common Law of England in King Alfred's *Law Code*

Here are some excerpts from the *Code of Alfred* (compare Exodus 20:3-17). "The Lord spoke these words to Moses, and said: 'I am the Lord your God. I led you out of the lands and out of the bondage of the Egyptians.'"

1. "Do not love other strange gods before Me!"
2. "Do not call out My Name in idleness! For you are not guiltless with Me, if you call out My Name in idleness."

¹⁸ *ealleum minum Witum.*

¹⁹ *Alf.* 49:9.

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3. "Mind that you hallow the rest-day! You must work six days; but on the seventh you must rest! For in six days Christ made Heavens and Earth, the seas, and all the shapen things in them; but He rested on the seventh day. Therefore, the Lord hallowed it."
4. "Honour your father and your mother whom the Lord gave you — so that you may live longer on Earth!"
5. "Do not slay!"
6. "Do not commit adultery!"
7. "Do not steal!"
8. "Do not witness falsely!"
9. "Do not unrighteously desire your neighbour's goods!"
10. "Do not make gold or silver gods for yourself!"
11. "These are the judgments which you must appoint. If anyone buys a Christian slave²⁰ [or man in bondage], let him be bonded for six years — but the seventh, he must freely be unbought. With such clothes as he went in, with such must he go forth. If he himself had a wife [previously] — she must go out with him. However, if his overlord gave him a wife — she and her bairn [must] go to the overlord. If, however, the bondsman then says, 'I do not wish to go away from my overlord; nor from my wife; nor from my bairn; nor from my goods' — let his overlord then bring him to the door of the church and drill his ear through with an awl, as a sign that he should be a bondsman ever since!" Exodus 21:2-6.
12. "Though anyone sells his daughter as a maidservant, let her not at all be a bondswoman like other women. Nor may he sell her to foreigners. But if he who bought her does not respect her — let her go free, [even] among foreigners. If, then, he [her overlord] allows his son to cohabit with her — let him give her marriage-gifts, and see to it that she receives clothes and the dowry which is the value of her maidenhood! Let him give her that! If he do none of these things to her — then she is free." See: Exodus 21:7f.
13. "The man who intentionally slays another man — let him suffer death [Genesis 9:5-6]! He, however, who slay him out of necessity or unwillingly or involuntarily — as when God may have sent him into his power, and when he had not lain in wait for him — he is worthy of his living and lawful fine, if he [the involuntary manslaughterer] seeks asylum. But if any one presumptuously and wilfully slays his neighbour through guile — drag him from My altar, so that he should suffer death!" See: Numbers 35:11-33.

²⁰ *theow.*

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14. "He who smites his father or his mother — shall suffer death!"
15. "He who steals a Freeman and sells him, and it be proved against him, so that he cannot clear himself — let him suffer death!"
16. "If any one smites his neighbour with a stone or with his fist — if he [the one smitten] may go forth, even though only with the help of a staff: get him medicine; and do his work for him, while he himself cannot!" See: Exodus 21:12-16.
17. "He who smites his own bondservant or bondswoman — if he or she does not die the same day but still lives for two or three nights — he is not at all so guilty [of death]: for it was his own chattel. However, if he or she die the same day — put the guilt upon him [the overlord]!" See: Exodus 21:20-21.
18. "If anyone, while fighting, hurt a pregnant woman — let him pay a fine for the hurt, as the evaluators determine! If she die — let him pay soul with soul!" See: Exodus 21:22-23.
19. "If anyone puts out another's eye, let him give his own for it: tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe!"²¹ See: Ex. 21:24-25.
20. "If anyone smite out the eye of his manservant or his maidservant, so that he makes them one-eyed — for that, he must free them!" See: Exodus 21:26-27.
21. "If an ox gores a man or a woman so that they die — let the ox be stoned to death; but do not let its flesh be eaten! The owner is guiltless — if the ox gores two or three days earlier and the owner did not know about it. However, if he did know about it, and if he did not want to impound it — and if it then slew either a man or a woman — let it be destroyed with stones, and let the owner of the slain or the gored bondsman be paid whatever the Council finds to be right! If it gore a son or a daughter, it is worthy of the same judgment. However, if it gores a bondsman or bondsmen, let thirty shillings of silver be given to the overlord; and let the ox be destroyed with stones!" See: Exodus 21:28-32.
22. "If anyone digs a water-pit; or unties a tied-up animal, and does not tie it up again — let him pay for whatever falls therein; and let him have the dead one!" See: Exodus 21:33-34.
23. "If an ox wounds another man's ox so that it dies, let them sell the [live] ox and share its value — and, similarly, also the meat of the dead one! However, if the owner knew that the ox was goring, but did not wish to restrain it — let him give another ox for it, and keep all the meat for himself!" See: Exodus 21:35-36.

²¹ *lael for lael.*

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24. "If anyone steals another's ox, and slays or sells it — let him give two for it; and four sheep for one! If he does not have anything to give — let he himself be sold for the fee!" See: Exodus 22:1.
25. "If a thief breaks into a man's house at night, and he be slain there — he [the slayer] is not guilty of manslaughter! If he does this after sun-rise, he is guilty of manslaughter; and he himself shall then die — unless he slew out of necessity! If he [the thief] be caught red-handed with what he previously stole — let him pay twofold for it!" See: Exodus 22:2-4.
26. "If anyone harms another man's vineyard or his acres or any of his lands — let him pay the fine as men value it!" See: Exodus 22:5.
27. "If fire be kindled to burn right²² — let him who tinderred the fire then pay a fine for the mischief!" Here, for "fine" Alfred uses the Anglo-Saxon word *bot* (compare the word 'booty'). See: Exodus 22:6.
28. "If anyone entrust livestock to his friend — if he [the friend] himself steals it, let him pay for it twofold! If he does not know who stole it, let him clear himself [from the accusation] that he committed a fraud! However, if it were quick [alias 'live'] cattle — and if he says that the army took it; or that it died of itself; and if he has a witness — he need not pay for it. If he, however, has no witness — and if he [the loser of the livestock] does not believe him [the custodian] — let him then swear!" See: Exodus 22:7-11.
29. "If anyone deceives an unwedded woman and sleeps with her, let him pay for her — and have her afterwards as his wife! However, if the woman's father does not want to let her go — let him [the seducer] give money, according to her dowry!" Cf. Exodus 22:16-17.
30. "Don't let women live who are wont to receive enchanterers and conjurers and witches!" See: Exodus 22:18. Note: these sorcerers and practitioners of witchcraft were usually also murderers and/or kidnappers.
31. "Let him who has intercourse with cattle,²³ suffer death!" See: Exodus 22:19. Note: modern departures from the capital punishments in this and other similar provisions here, are departures **not just** from the Ancient Common Law — but **also** from the Holy Bible.
32. "Also let him who offers sacrifices to the gods — except to God alone — suffer death!" See: Exodus 22:18-20. Note: the cruel earlier extermination by (degenerate) unitarian Judaists or Moslems and also by polytheistic Pagans even of **private** worshippers of the Triune Jehovah as the one and only True God — is here replaced

²² *ryht.*

²³ *niedling.*

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by the humane judicial punishment according to (regenerate) Trinitarian Law not of those who are private but rather of those who are **public** worshippers of false gods.

33. "You must not vex strangers and those who come from afar — for you were strangers, long ago, in the land of the Egyptians!" See: Exodus 22:21. Note: not the unitarian mediaeval Jews but the trinitarian Anglo-Britons are here regarded as the legal continuation of the Ancient Israelites.
34. "You must not scathe widows and step-children, nor harm them anywhere! However, if you do otherwise — they cry out to Me, and I hear them; and then I slay you with My sword. Thus I make **your** wives to be widows, and **your** bairns to be step-children!" See: Exodus 22:22-24.
35. "If you give money as a loan to your comrade who wants to dwell with you — do not pressure him as one in need; and do not oppress him with interest!" See: Exodus 22:25.
36. "If a man has nothing but a single garment with which to cover himself or to wear, and he gives it as a pledge — before the sun sets, give it back to him! If you do not do so — he calls out to Me; and I hear him. For I am very mild-hearted." See: Exodus 22:26-27.
37. "You may not revile your Lord; nor curse the overlord of the people!" See: Exodus 22:28.
38. "Your tithe-monies and your first-fruits of things that go, and things that grow — you must give to God!" See: Exodus 22:29-30.
39. "You may not eat at all of that meat which wild animals leave! Give it to the hounds!" See: Exodus 22:31.
40. "Do not listen to the words of a liar; nor permit his judgments; nor speak to anyone who gives testimony in his favour!" See: Exodus 23:1*f*.
41. "Do not, beyond your right reason, wend yourself to people who are unwise and unrighteous in their wishes, when they speak and cry out — nor to the learning of the most unwise! Do not permit them!" See: Exodus 23:2*f*.
42. "If another man's stray cattle come into your power — though it be your foe — make it known to him!" See: Exodus 22:4*f*.
43. "You must judge very evenly; do not give one judgment to the wealthy, [but] another to the poor! Nor give one judgment to the more beloved — and another to the more disliked!" See: Exodus 23:6.
44. "Always shun lies [alias 'Shun thou aye leasings']!"
45. "You must never slay a righteous [alias 'sooth-fast'] and unguilty man!"

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46. "You must never accept bribes [alias 'meed-monies']! For they all too often blinden wise men's thoughts and turn their words aside." See: Exodus 23:7-8.
47. "Do not act in any way uncouthly toward the stranger from abroad [alias 'out-comer']; nor oppress him with any unrighteousness [alias 'uncouthly']!"
48. "Never swear by heathen gods; nor may you call out to them, in any way!" Ex. 23:9.

As former Harvard Law Professor Harold J. Berman has remarked,²⁴ Alfred's laws are largely a recapitulation of earlier collections made by previous monarchs. Thus Alfred's laws contain such striking provisions as: "Doom very evenly! Do not doom one doom to the rich; another to the poor! Nor doom one doom to your friend; another to your foe!"

These Alfredian provisions do, in fact, reflect the judicial laws of Moses. For: "You shall do no injustice in judgment! You shall not be partial to the poor; nor defer to the great! But you are to judge you neighbour fairly!" Leviticus 19:15. "The stranger [*cf.* the Brythonic Welshman and even the Anglo-Dane] that dwells with you [*viz.* with Alfred's Englishmen], shall be to you as one born among you; and you shall love him as yourself!" Leviticus 19:35.

In all this, Alfred must be regarded as a precursor of the later Westminster Assembly of Britain's Parliaments, which did the same. See *Westminster Confession of Faith* 19:4 & 20:3-4 & 21:2-3 & 23:1-4 & 24:6 — and also the *Westminster Larger Catechism* QQ. & AA. 91-152f.

Professor John Richard Green on King Alfred's many accomplishments

The well-known Professor of English History Dr. John Richard Green records²⁵ that all the "*Angel-cyn*" (or 'English-kind') turned to Alfred — according to the *Saxon Chronicle* — "save those that were under bondage to Danish men." Professor Green explains that the king turned again to his work of restoration. He found time, amidst the cares of State: for the daily duties of religion; for converse with strangers; for study and translation; for learning poems by heart; for planning buildings and instructing craftsmen in gold-work; for teaching even falconers and dog-keepers their business.

"Yet his mind was far from being imprisoned within his own island. He listened with keen attention to tales of far-off lands: to the Norwegian Othere's account of his journey round the North Cape to explore the White Sea; and to Wulfhere's cruise along the coasts of Estonia. Envoys bore his presents to the churches of India and Jerusalem.

"Alfred was pre-eminently a man of business — careful of detail, laborious and methodical. He carried in his bosom a little handbook in which he jotted down things as

²⁴ H.S. Berman: *Law and Revolution: The Formation of the Western Legal Tradition*, Harvard University Press, Cambridge Mass., 1983.

²⁵ J.R. Green: *The Conquest of England*, New York, 1884 ed., pp. 179f.

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they struck him — now a bit of family genealogy; now a prayer; now a story such as that of Bishop Ealdhelm singing sacred songs on the bridge.

"Each hour of the king's day had its peculiar task. There was the same order in the division of his revenue and in the arrangement of his Court. But active and busy as he was, his temper remained simple and kindly.

"Tradition told of his genial good-nature, of his chattiness over the adventures of his life, and above all of his love for song. In his busiest days, Alfred found time to learn the old songs of his race by heart — and bade them be taught in the palace-school. He found comfort in the music of the Psalms.

"What he aimed at, was simply the education of his people. Alfred desired that at least every free-born youth who possessed the means, should abide at his book till he can well understand English writing." Thus Professor Green.

Alfred himself superintended a school which he had established for the young Nobles of his Court. He resolved to throw open to his people in their own tongue the knowledge which had till then been limited to the Clergy. He took his books as he found them. They were the popular manuals of his age: the compilation of Orosius (which was then the one accessible book of *Universal History*); the *English History* of his own people, by Bede; the *Consolations* of Boethius; the *Pastorals* of Gregory.

Alfred translated these works into English. But he was far more than a translator. He was an editor for the people. Here he omitted; there he expanded. Simple as was his aim, Alfred created English literature.

The famous modern Welsh historian and writer G.M. Trevelyan observes²⁶ that Alfred the Great is naturally to be compared to Charlemagne — the European Continent's Charles the Great. Each had many-sided talents. If Alfred's lot was cast in narrower geographic limits than the "Napoleonic" arena of Charlemagne's activities — his work has lasted longer. He and his sons made Anglo-Saxon and Celto-Briton in England — one for ever. The memory of Charlemagne, however, does not suffice to unite Germany and France.

The latter days of King Alfred the Great

After Alfred's defeat of the Danes who lived in Eastern England, and his *Peace Treaty* with them — the cessation of the Danish raids now secured, enabled Alfred to unify his kingdom as never before. The Saxon jurisprudence with its graded judicatures was now also subjected to the equity of Alfred, who willingly heard the complaints of even the very humblest of his subjects.

²⁶ G.M. Trevelyan: *History of England*, Longmans, Green & Co., London, 1926, p. 78.

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The judges' knowledge of the law improved; crimes were speedily punished; and theft and murder almost disappeared. Poetry was stimulated; and social welfare work was done by Englishmen in the Name of Christ to help the poor not only in Britain but also in France and even as far away as India.²⁷

Now at last, Alfred was able to concentrate on the expansion of English culture. Inviting to his court the most distinguished scholars from Britain and from abroad, he himself then mastered literature and opened schools throughout his kingdom. He wished the children of every free man to acquire the three R's — Reading, 'Riting and 'Rithmetic. Also the English clergy were to be trained thoroughly.

That is why, to help promote all of this, Alfred, himself translated the *Psalms of the Holy Bible* and Bede's *Church History* and Boethius's *Consolations of Philosophy* and Orosius's *Universal History* and Gregory's *Pastorals* and *Dialogues* and Augustine's *Soliloquies* — into his mother tongue, Anglo-Saxon. He himself also began the inscripturation of the *Anglo-Saxon Chronicles*. To get all of this done, he rose early and worked at a variety of different tasks, long and hard, and all to the glory of God.²⁸

The Elizabethan chronicler and historian Raphael Holinshed has an extended section on King Alfred. He records²⁹ that to speak sufficiently of the worthy praise due to so noble a prince as Alfred was — might require eloquence, learning, and a large volume. Good laws, among the clinking noise of armour, are oftentimes put to silence. Yet he, perceiving how his people were grieved with the thieves and robbers who grew and increased in those times of war — devised good statutes and wholesome ordinances for punishing all such offenders.

Among other things, he ordained that the Counties should be divided into *Hundreds* and *Tythings* (see Exodus 18:12-21) — that is to say, quarters containing a certain number of Townships adjoining together. Thus, every Englishman living under prescript of Alfred's laws, should have both his own *Hundred* and *Tything*.

The *Tything* was originally a small district where, as in Holy Scripture, one Alder-man or Elder-man was in charge of ten heads of households. And ten such *Tythings* constituted one *Hundred* — where one Hundred-man was originally in charge of ten *Tythings*. The *Hundred* had its own court, and was the intermediate unit of government between the village and the shire.

Initially, each *Hundred* consisted of one hundred *hides* — a 'hide' being the unit of land needed to support one peasant and his whole family. This Biblical system of government is still to be seen even today in the theory of Presbyterian Church Government — with its wards, sessions, presbyteries, and general assemblies.

²⁷ See *Historians' History of the World*, Times, London, 1908, XVIII, pp. 83f.

²⁸ See *ib.*, p. 82f.

²⁹ *Op. cit.* I:674f, citing Polydor.

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In Alfred's England, if any man were accused of any offence, he would have to find surety for his good demeanour. If he could not find such as would answer for him — then he himself would taste extremity from the laws. If any man that was guilty fled before he found such surety, or after — all the inhabitants of the *Hundred* or *Tything* where he dwelt, would be put to that fine.

By this device, Alfred brought his country into good tranquillity. He caused bracelets of gold to be hanged up aloft on hills, where the common highways lay — to see if any dare be so hardy to take them away by stealth. He was a generous prince, especially in all the relief he gave to the poor.

The foundation of the University of Oxford passed all the rest of Alfred's constructions. He began it by the good exhortation and advice of Neotus, in those days highly esteemed by Alfred for his virtue and learning.

King Alfred minded well the commonwealth of his people. In that season when learning was little esteemed among the Western nations, he studied by all means possible to instruct his subjects in the trade of leading an honest life — and to encourage them generally to embrace learning. He would not permit any to bear office in his Court, unless learned.

He was so careful in his office, that he divided the twenty-four hours containing the day and the night — into three parts. Thus he spent eight hours in writing, reading and making his prayers; other eight he employed in relieving his body with meat, drink and sleep; and the other eight he bestowed in despatching business concerning the government of the realm.

He had in his chapel a candle of twenty-four parts, of which every one lasted an hour. The sexton to whom that charge was committed, by burning this candle, ever warned the king how the time passed away. He hastened to help all Britons — whether Anglo-Danes, Anglo-Saxon Englishmen, or Celto-Brythons.

A little before his death, Alfred ordained his last will and testament. He bequeathed half the portion of all his goods, justly gotten, to such monasteries as he had founded. All his rents and revenues, he divided into two equal parts. The initial part, he divided into three. He bestowed the first upon his household servants; the second, to such labourers and workmen as he kept in his works on sundry new buildings; and the third part to strangers.

He was very diligent in enquiring how the Judges of his land behaved themselves in their judgments, and was a sharp corrector of them which transgressed in that way. To be brief, he so lived — that he was regarded in great favour by his neighbours, and highly honoured among strangers. Thus Holinshed.

Some of the last-enacted of all of King Alfred's laws, are those found in the international *Christian Peace Treaty* he signed with his defeated enemy and convert

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Guthrum the Dane. Attenborough explains³⁰ that in 866 there occurred the great Pagan Danish invasion, which eventually put an end to all the existing English kingdoms except Wessex — and in other respects exercised a profound influence on the subsequent history of the country. The crisis of the invasion came when the Danish King Guthrum was defeated by King Alfred in 878. In accordance with the surrender terms, the previously-pagan but now-converted Guthrum submitted to be baptized, together with his leading men, and to evacuate Alfred's kingdom.

Then the Danish army delivered hostages to the King of England, and promised on oath to quit that kingdom. The King of the Danes also agreed to be baptized; and it was done. For Guthrum, the chief of their kings, came to Alfred for baptism; and Alfred became his godfather.

Even the great sceptic Sir David Hume states³¹ that Guthrum was baptized as a Christian, and bound by a solemn peace or *frith*. The peace had, in fact, saved little more than loose confederacies. But in saving Wessex, it saved the English (or rather the 'English-kind'). It also helped 'create' the nation of England.

The longer version of *Alfred and Guthrum's Peace Treaty* declares:³² "This is that peace which King Alfred and King Guthrum and all the *Witan* of *Angle-kind* [alias the English Parliament], and all the [Anglo-Danish] people that be in East-Anglia, have all ordained and fastened [or 'confirmed'] with oaths — who of God's mercy reck[on (or know)] for themselves and for their descendants, both for born and for unborn....

"If a man become slain, we value all even [equally] dear, English and Danes.... If a man accuse the King's Thane [or Headman] of man-slaying, if he dare clear himself — let him do that with twelve King's Thanes [*cf.* the Jury].... We all ordained on that day, that men swore the oaths that neither bond nor free might fare [or go] into the army without leave..., to evidence that men [should] know that man has a clean back" (or 'has acted honestly').

Conclusion: the lasting legacy of King Alfred the Great

There is, further, additional legislation which King Alfred together with King Guthrum, and afterwards also Alfred's son and successor King Edward together with King Guthrum, enacted and agreed upon. This was done, once the West-Saxons and the Anglo-Danes unreservedly entered into relationships of peace and friendship.

That legislation was strongly Biblical and Christian. It covered the worship of the one true Triune God, tithes, sanctuary, clerical transgressions, incest, suicide, Sunday trade, capital punishment, sorcery and prostitution.

³⁰ F.L. Attenborough: *The Laws of the Earliest English Kings*, University Press, Cambridge, 1922, pp. 96f.

³¹ Sir D. Hume: *A History of England from the Earliest Times to the Revolution in 1688*, John Murray, London, 1883 Brewer ed., p. 48.

³² *Alf.*, & *Guth.* 2,3,5. See in Giles: *op. cit.* II pp. 139.

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The great German historian and writer Reinhold Pauli said of Alfred that the qualities of his mind were those of a statesman and a hero. The most unshakable courage was most certainly the first component of his being.

He also possessed a decided turn for invention. The pillars on which Athelney Church was built; the long ships he constructed; the manner in which he turned a river from its natural course; and his ingenious clock of tapers with which to measure the passage of time — afford us just as convincing evidence of his powers of thought, as do the battles which he gained.

Alfred died in 901 A.D. Precisely a millennium later in 1901 A.D., Lord Rosebery³³ said of him at Winchester during the celebration of the Alfred Millennium that with his name England now associates her metropolis, her fleet, her literature, her laws, her first foreign relations, and her first efforts at education. Alfred is, in one sentence, the embodiment of her civilization.

God grant that twenty-first century man may turn away from the poor examples of modern Britain's Prince Charles and U.S. President Bill Clinton! Instead, may men and women everywhere — rather turn back to the likes of good King Alfred, the Great!

³³ Cited in *Historian's History of the World*, XVIII, pp. 90f.