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DOMSETTEND, WORULDDEMA OR DEMPSTER? **MEDIEVAL ENGLISH REFERENCES TO THE NOUN** ***JUDGE***

Abstract: The aim of the present brief study is to review selected Medieval English lexical representations of the noun *judge* ‘one who tries cases and interprets the laws’ (MED) and their semantic development in the history of English (cf. OE *domsettend*, *dempster*, *worulddema*). The study uses standard databases, such as Bosworth–Toller’s *Anglo-Saxon Dictionary* (B–T), Clark Hall’s *A Concise Anglo-Saxon Dictionary* (CASD), *Dictionary of Old English Corpus* (DOEC), *Dictionary of the Older Scottish Tongue* (DOST), *Historical Thesaurus of English* (HTE), *The Innsbruck Corpus of Middle English Prose* (ICoMEP), *Middle English Dictionary* (MED), the *Oxford English Dictionary* (OED), *Scottish National Dictionary* (SND), *Thesaurus of Old English* (TOE), *A Thesaurus of English Word Roots* (TEWR), *Collins Dictionary* (CD) and *Merriam-Webster Dictionary* (MWD).

A preliminary search for the terms in question confirms either their decline shortly after being first recorded in Old English (cf. *domsettend*, *gesetla*, *worulddema*) or their survival into the Middle or Early Modern English periods (cf. *doomer*, *doomsman*, *judger*). Only two nouns, *judge* and *jurist*, have survived beyond Medieval English and are frequent in current use.

Keywords: judge, references, lexical category, semantic development, Medieval English.

Streszczenie: Celem niniejszego artykułu jest analiza wybranych staro- i średnioangielskich odniesień do terminu *judge* "sędzia" oraz ich rozwoju znaczeniowego w języku angielskim (np. *domsettend*, *dempster*, *worulddema*). W badaniu zastosowano podstawowe bazy danych, takie jak Bosworth-Toller’s *Anglo-Saxon Dictionary* (B–T), Clark Hall’s *A Concise Anglo-Saxon Dictionary* (CASD), *Dictionary of Old English Corpus* (DOEC), *Dictionary of the Older Scottish Tongue* (DOST), *Historical Thesaurus of English* (HTE), *The Innsbruck Corpus of Middle English Prose* (ICoMEP), *Middle English Dictionary* (MED), the *Oxford English Dictionary* (OED), *Scottish National Dictionary* (SND), *Thesaurus of Old English* (TOE), *A Thesaurus of English Word Roots* (TEWR), *Collins Dictionary* (CD) oraz *Merriam-Webster Dictionary* (MWD).

Wstępne rezultaty analizy poszczególnych terminów sugerują ich zanik krótko po pojawieniu się w języku staroangielskim (np. *domsettend*, *gesetla*, *worulddema*) lub też ich przetrwanie do okresu średnio- lub wczesnonowoangielskiego. Jedyne dwa rzeczowniki, *judge* oraz *jurist* przetrwały poza okres średnioangielski i są powszechnie stosowane w chwili obecnej.

Słowa kluczowe: sędzia, odniesienia, kategoria leksykalna, rozwój semantyczny, staro- i średnio angielski.

Introduction

English legal vocabulary has long been the focus of linguistic research, mainly in the sphere of translation studies. But an in-depth analysis of available sources has revealed that scholars have devoted much attention to the diachronic studies of legal vocabulary whose centuries-old tradition draws from written sources such as law-codes, wills and statutes (cf. Tiersma, 1999, Kohnen 2001, Grover – Hachey – Hughson 2004, Goźdz-Roszkowski, 2011, Rodriguez-Puente 2011, Russell 2018, Schneiderová 2018).

Palmer's (1982: 327-334) glossary of legal terms from the period 1150-1350 provides a detailed insight into terminology characteristic of legal practice (e.g. *advowson*, *amercement*, *appeal*, *assize*). In her brief study, (Buczek 2012: 7), draws a comparison between Old Frisian and Anglo-Saxon legal texts, although, her investigation focuses more on their stylistic rather than semantic aspects. As she states, "Old Frisian laws are, most of the time, the result of the analysis of individual cases which are later on generalised, whereas Anglo-Saxon legal codes are of more organized form, prepared for promulgation by one authority." On the other hand, Iglesias-Rabade (2007) discusses twin collocations in the legal discourse of Late Middle English (e.g. *landes and tenements*, *londes and possessiones*, *trusti and well beloued*), while Fangeo (2017) offers an insight into the history of legal discourse, which, as she asserts, "[...] is a register with a long history" (2017: 54). Similarly, Scotto di Carlo (2015) investigates the history of legal records on the British Isles, tracing their development from the Germanic settlement through the Norman Conquest up to the present day, with particular focus given to the discursive, lexical and syntactic features of legal English.

Legal jargon or, more informally, "legalese" refers to a specialised terminology incorporated into the language of legal documents. A preference to complex syntactic constructions combined with Latin terminology makes these texts understandable only to specific audiences. Therefore, it seems appropriate to agree with Moessner (2020: -), whose study centred on the textual and linguistic dimension of Old English law-codes, and who explains that "The genre of law is characterised as being written, legislative and formal."

Apart from a high degree of formality, legalese contains some specific lexical and syntactic features, characteristic of the language of lawyers. Zozula (2019: 69) argues that "Among the most commonly listed features of *lingua legis*

are: conventionalised sentences, performative verbs, Latinisms, euphemisms and time expressions.” Along similar lines, Alcaraz – Hughes (2002) state that “English legal language is no exception to the universal tendency toward stiffness and formality that marks this form of discourse, a tendency heightened by the unusual density of old-fashioned syntax and antiquated vocabulary.” Not only is syntax a highly formal constituent of legal register. Its lexis owes much to Latin and French, both being the building blocks of English lexicon.

Some remarks on Medieval English legal texts

A centuries-long English legal tradition goes back the 6th century with the appearance of the first written Anglo-Saxon law codes by Æthelberht of Kent (550-616):

As the history of Roman law may be said to begin with the code known as the Twelve Tables, so for the history of our own law, we may very well take as our starting point a code, namely, the code of Ethelbert, king of the Kentish men, when about the year A.D 600, by the counsel of his wisemen, he caused the laws of his people to be set down in writing. (Lefroy 1917: 292)

Fangeo (2017) informs that the laws promulgated by King Ethelbert of Kent (c. 558-635 AD) and various other legal codes which followed them, until Cnut’s decrees of the 11th century, were considered to be the earliest Old English legal texts. The text of the manuscript is claimed to be of great historical and linguistic importance due to frequent Latin admixtures used intertwined with Old English words. Such claims find their confirmation in light of historical evidence which assigns *Textus Roffensis* the role of being the first code of English law and, at the same time, the earliest law code written in any Germanic language, preserved in a manuscript in the Medway Studies Centre in Rochester.

A significant compilation of early English legislative texts, the *Gesetze des Angelsachsen* by Felix Liebermann (1903-1916), collates about seventy pre-Conquest texts. Those written before the Norman Conquest include royal legislation, which embraces codified rules issued after king’s consultations with the royal council, as well as charters, writs, wills, contracts and deeds.

The language used in the Anglo-Saxon legal writings has a strongly conservative character, with a tendency towards the preservation of original word forms and avoidance of any linguistic innovations. The *Leges Barbarorum*, a collection of Germanic tribal law codes, dated to 5th-9th centuries, in which vernacular terms co-occur with Latin ones, illustrates the co-occurrence of foreign and native lexical element. Kremer – Schwab (2018: 246) observe that “Vernacular words potentially occur fully interlaced in the Latin syntax without any visible differentiation between the two tongues, in spite of etymological disparity. They can either be presented with a German or Latin inflection.”

Legal documents drafted over centuries in English courts, serve as an invaluable source of information on the position of law in the public sphere. However, a linguist values them as being the source of the relevant linguistic knowledge of language used at court rather than official regulations to outline a commonly acceptable code of conduct.

Research methodology

The present study aims at offering an analysis of Medieval English nouns belonging to the lexical category JUDGE. Attention is focused on the distribution of terms in texts compiled in the *Dictionary of Old English Corpus* (DOEC) and the *Innsbruck Corpus of Middle English Prose* (ICoMEP), both serving as a basis for the empirical research of Old and Middle English vocabulary.

Based on the information available on the DOE's website, "The Dictionary of Old English (DOE) defines the vocabulary of the first six centuries (C.E. 600-1150) of the English language, using twenty-first century technology" (doe.artsci.utoronto.ca). Its structure relies on an extensive corpus which comprises at least a single copy of Old English surviving texts, including prose, poetry, lives of saints, sermons, charms, wills and charters.

An investigation into the beginnings of DOE forces one to step back to 1981, the year of its first release, to finally reach 2009 when the current version was published under the direction of its editors Antonette diPaolo Healey, Joan Holland, Ian McDougall, and David McDougall from the University of Toronto.

With regard to ICoMEP, it is a compilation of 131 works representing various literary genres, whose thematic scope, apart from religious and secular writings of the Middle Ages, covers private correspondence exemplified by the six volumes of the *Paston Letters* and *Cely Letters*, both being compilations of private letters from the 15th century. ICoMEP, part of *Innsbruck Computer Archive of Machine-Readable English Texts* (ICAMET), is has been compiled by prof. Manfred Markus from the University of Innsbruck, who explains that "On the basis of this concept of compilation, the purpose of the corpus has been to encourage studies of complete texts whether of literary, cultural or linguistic interest" (Markus 2002: 465).

To establish a complete list of words for the present study, several dictionaries and corpora have been searched. Data collected from B-T, HTE, MED, the OED and TOE provide a comprehensive overview of terms employed to denote 'one who tries cases and interprets the laws, a judge' (see above).

The search of available text sources reveals that Medieval English contained a range of terms reflecting the core meaning of the noun *judge*. The list of lexemes includes the nouns of native and foreign origin, which differ as regards their subsequent fates in English. Information from HTE, TOE and the OED confirms that some of them were recorded only in the Anglo-Saxon period, while others survived longer, until Middle or even Early Modern English (*deemer*, *doomer*, *doomsman*).

A search for terms to be taken into consideration in the study has resulted in the following list of lexemes, cf.:

- a) OE terms: *dælend, deme, demend, demere, domsettend, domere, gesetla, lahmänn, scrift, worulddema, unrihtdema, yfeldema*;
- b) ME terms: *arbiter, arbitour, arbitratour, arbitresse, arbitroure, dempster, discoverer, doomsman, doomster, judge, judger, judge-man, jurist, overman, oversman, terminer, trier, umpire*;

Lexemes under (A) and (B) present the body of items selected for the present study. The comparison of terms recorded in each period leaves no doubt that it was in Middle English when the majority of the examined terms entered the language, this being triggered by a large-scale influx of French borrowings, cf.

The impact of the Norman Conquest on the English language, like that made by many Norse-speaking invaders, was largely in the word stock, though Middle English also showed some instances of the influence of French idiom and grammar. Suffice it to say that, as a result of the Conquest, English acquired a new look. (Algeo 2010: 115)

The process of borrowing words is always the result of an extensive language contact, occasioned via linguistic and non-linguistic factors, including military interventions, political conflicts, migration and cultural exchanges, which all have played a role in establishing the current shape of English lexicon. Following Serjeantson (1935: 1), “England has always welcomed the alien, and many hundreds of words of non-English origin are now part and parcel of our vocabulary, indistinguishable from native stock (...).” Apart from French and Latin, English also borrowed from Arabic, Dutch, Spanish and Italian but loans from the two Romance languages were hardly identifiable until the 16th century (cf. Serjeantson 1935: 195).

1. Old English terms in the semantic category JUDGE

Chronologically, the first group of items to be accounted for in the present study are the Old English lexemes listed in section 3, all employed to address ‘a person in a court of law who decides how the law should be applied’ or ‘a person who decides who will be the winner of a competition’ (CD). As may be observed, the Anglo-Saxon legal writings encompassed several nouns being equally representative of the semantic category JUDGE, and thus related to the person in charge of upholding the law, some of which fell out of use shortly after having first entered English, while other survived until Middle English or even later.

The Old English lexicon provides one with a range of terms used with the sense ‘judge.’ As TOE reports, the lexemes *dælend, deme, demend* conveyed the meaning ‘judge,’ while *demere*, the last of the three lexemes with the root *dem-*, made reference to God, thus being introduced with the sense ‘God as judge’ (TOE).

The semantics of *dælend* refers to the verb *dælan* ‘to share, to divide’, from which the noun stems. Information from B–T confirms that *dælend* proved to be very productive as regards the number of its derivatives (cf. *on-dælend* ‘one who imparts’, *dælere* ‘divider, distributor, sequester’, *dæling* ‘a dividing, parting’)¹, all reflecting the concept of sharing and dividing. A search for the entry in HTE and TOE proves *dælend* being rendered as ‘judge, arbiter’ and ‘one who judges; decides,’ however, neither dictionaries nor thesauri cite relevant passages to illustrate the meaning under examination. The presence of *dælend* in the categories above (see HTE, TOE) led to classify the noun as belonging to the category JUDGE.

- (1) Ic ðone **déman** in dagum mínum wille weorpian. [Exon. 41 b]
[‘I will worship the judge in my days.’]

The noun *deme* ‘a deemer, thinker, judge, an umpire’ (B–T) survived in English until the 13th century. Owing to its very scant use in texts, the noun was said to be one of the most peripheral lexemes used with the sense ‘judge,’ with only 10 attestations identified in MED.

The emergence of new words in language involves certain linguistic processes, among which derivation and compounding seem to be most common mechanisms responsible for the creation of new words. The forms *unrihtdema* and *yfeldema* exemplify derivation used to generate new lexemes through the attachment of the negative prefix *un-* (cf. *unrihtdema*) or the addition of the noun *yfel* ‘evil’ (cf. *yfeldema*). The attachment of a negative element led to the pejoration of meaning, the process whereby the semantic status of a word declines.

- (2) Se **Déma** gegaderað ðæt cláene corn into his berne. [Homl. Th. ii. 68, 17: i. 526, 21]
[‘The judge shall gather the pure corn into his barn.’]
- (3) Sceall ághwylc ðær riht gehýran dáeda gehwylcra, þurh ðæs **déman** múþ. [Elen. Kembl. 2564]
[‘There shall every one hear the right of all his deeds, through the judge’s mouth.’]
- (4) Ða **unrihtdéma**, ðe démaþ áfre be ðám sceattum and swá wendaþ wrang tó rihte. [Wulfst. 203, 25: 298, 19.]
[‘The unjust judge that always judges by property and confuses wrong and right.’]
- (5) Be ðám **yfeldémum**. [Nap. 42, 4.]
[‘By the wicked judge’]

¹ For more such examples, see Bosworth – Toller’s *Anglo-Saxon Dictionary*.

The noun *deemer* did not possess an extensive body of records in the OED (only 6 attestations). Irrespective of its low degree of adaptability, *deemer* presented a very regular semantic development, reflecting the gradual evolution of its closely related senses, where the 10th century use ‘a judge’ (OED) paved the way for ‘one who deems, judges, or opines; †one who censures or (unfavourably) criticizes others’ (15c, OED), the latter continued into the 19th century. The relevant passages have been cited under (6-7):

- (6) God riȝtwis **demere**. [1382 J. Wycliffe Psalms]
[‘God, the just judge.’]
- (7) Ðat þowe be not a presumptuose and temerarye **deemer** of oþer men.
[c1410 N. Love tr. Bonaventura Mirror Life Christ]
[‘That who is not a presumptuous and reckless judge of other people.’]

Being the last of all Old English words on the HTE’s list, *domere* (later *doomer*) must be given due attention. Its earliest linguistic evidence goes back to the Anglo-Saxon period with relevant citations in various literary sources, i.a. *Analecta Anglo-Saxonica* or *Laws of King Alfred* and survives until 1580, the period of Shakespeare, Marlowe and their contemporaries. DOEC adduces 7 occurrences of *domer* identified in texts focused on religious and secular matters, i.a. King Alfred’s version of *The Consolation of Philosophy*, *The West-Saxon Psalms* and *Old English Homilies*, while in B–T their number drops to 3 (e.g. *Pastoral Care* by Pope Gregory, *Analecta-Anglo-Saxonica*) cf.:

- (8) Heretogan and **dómeras** hæfdon mæstne weorþscipe [Bt. 27, 4]
[‘Consuls and judges had most honour.’]

The Old English compound *domsettend* serves as another lexical item in the semantic category JUDGE. Evidence from two entries listed in B–T makes it obvious that scribes used the term to designate ‘one who ordains judgement’ and ‘one sitting in judginerit, a judge, a lawyer’. Like the majority of lexemes from the period 500-1100, *domsettend* did not enjoy great popularity, which was further confirmed by its low number of records in dictionaries. As may be observed, DOEC only offers a single instance taken from *Latin-Old English Glossaries* (see 7 below) and so does B–T with a single citation from *A Volume of Vocabularies* edited by Thomas Wright.

- (9) Iurisconsultus, iurisperitus, id est rihtscriffend siue **domsettend**.
[‘The Latin-Old English Glossary in MS. Cotton Cleopatra A.III]
[‘Lawyer, legally-experienced, one making law, or judge.’]

Owing to its absence in DOEC, *(ge-)setla* confirms its status of being marginalised in the history of English. Originally, *(ge-)setla* designated ‘one sitting beside’, ‘one who sits with another’ (B–T) but further evidence points to the meaning ‘assessor, fellow-judge’ (CASD) to be the possible interpretation.

The noun *lahmann* (cf. AmE *lawman* ‘a law-enforcement officer (such as sheriff or marshal)’) (MWD), originally designated a person appointed to declare the law. However, prior to being assigned its current meaning, *lahmann* went through several semantic changes. Under the entry *laue-man*, MED lists three citations denoting ‘one of a number of local magistrates administering in a borough or town’, (MED), the first of which comes from the *Laws of Edward the Confessor*, while the remaining two have been traced in *Slips written from Winchester Chamberlain’s Roll*. According to 13th century sources, the noun came as the formative of surnames, e.g. *Lageman*, *Lauman*, *Lagheman*, *Laghmon* as well as the name *Layamon*, the author of the poem *Brut*. A passage under (10) exemplifies the noun used in its core meaning:

- (10) xii **lahmenn** scylon riht tácean Wealan and Ænglan vi Engliscne and vi Wylisce.
 Þolien ealles ðæs hý ágon gif hí wóh tácen oþþe geláðian hí ðæt hí bet ne cúþon.
 [L. O. D. 3; Th. i. 354, 9]
 [‘XII judges shall teach the law to Welsh and English, vi English and vi Welsh. Let them forfeit all they own if they declare wrong; or clear themselves [on the ground] that they knew no better.’]

Scrift and *worulddema* have been both listed in HTE, TOE and B–T in several categories. As for *scrift*, the noun is rendered as ‘judge’ in B–T, TOE and HTE. Other references made by the noun point to spiritual values such as absolution, penance, punishment and confession.

The compound *worulddema* (*weorold-dema* in B–T) ‘a secular judge’ was, among other terms, almost entirely ignored in the Anglo-Saxon writings. B–T has only its two instances, which may result from the lack of need to introduce the sense ‘secular judge’ in texts. The passage under (11) illustrates the term under discussion:

- (11) Be eorlum. Eorlas and heretogan and ðás **worulddéman** ágan nýðþearfe ðæt hí riht lufian. [Th. ii. 318, 20.]
 [‘By earls, leaders and judges have a need to love right.’]

The fragment comes from Wulfstan’s *The Institutes of Polity* “(...) widely regarded as one of the most remarkable texts of the Old English prose canon” (Reinhard 2020: 1) and which tells about the needs and obligations of judges.

Middle English terms in the semantic category **JUDGE**

Lexemes which passed into English between 1100-1500 were predominantly foreign formations, emerging as a result of a longstanding language contact. As may be observed, the group of Middle English lexemes contains forms morphologically related, for example those built on the morpheme *arbit(r)-* and the preposition *over-*, the latter being a grammatical constituent of the compound *over(s)man*, cf.:

- *ARBITR*²:- *arbitresse, arbitrer/-or, arbitour, arbitrator, arbiter*;
- *DOOM*:- *doomsman, doomster*;
- *JUDGE*:- *judge, judge-man, judge*;
- *OVER*:- *overman, oversman*;
- *Other*: *dempster trier, umpire, discoverer, jurist, terminer*;

The noun *arbiter* produced a range of alternative forms, nonetheless, neither of them gained popularity in the analysed texts. Of all nouns with the Latin root *arbit(r)-* ‘judge’, ‘decided by one’s own discretion or judgement’, 4 attestations of *arbitrer/-or* in the *Paston Letters* (part 2) and its instance in *The Pater Noster of Richard Ermyte* as well as a single record of *arbitrour* in *The Paston Letters* (part 3), identified in ICoMEP, comply with the above claim.

Like *arbiter*, nouns composed with the initial prefixes *doom-* and *over-* developed into new lexemes, being the result of compounding and epenthesis (cf. *doomsman, oversman*), cf.:

- (12) Lest peraventure thin aduersarie take thee to the **domesman**, and the **domesman** take thee to the mynystre, and thou be sente in to prisoun. [c1384 Bible Wycliffite]
[‘By chance your adversary will probably take you to the judge and the judge takes you to the officer and you will be sent to prison.’]
- (13) And if he rigten it ne can, He taune it al his **ouer-man**. [a1325 (► c1250) Genesis & Exodus]
[‘If he cannot set it right, he will show it to the superior.’]
- (14) Thai haue chosin for thame baith to **ouirsman** our Lord Bischoip of Murreff. [1492 Collection Rebus Albanicis]
[‘They have chosen for them our Lord Bischoip of Mureff to be the superior.’]
- (15) Ordeine domesmen and **arbitrouris**. [a1382 Bible Wycliffite]
[‘Arranged judges and arbiters.’]
- (16) Þe seyð arbitrement and ordinaunce of þe seyð **arbitratores**. [1426-7 W. Paston in Paston Letters & Papers]
[‘The said judgement and ordinance of the said arbiters.’]

² *Arbit*[®]- comes from Latin *ad-* ‘to’ and *baetere* ‘to come, go’. *Arbiter* originally denoted ‘one who went to a place to judge’ (TEWR).

With regard to *dempster*, its first record dates back to the 13th century. The analysis of the data from ICoMEP reveals only three uses of the noun in 14th-15th century texts. A single instance found in the 14th century religious treatise *Richard Rolle of Hampole* brought a century later two such attestations in *Prose Life of Alexander* and *Richard Rolle and the Holy Book Gratia Dei* (one instance per text).

Despite its limited usage in Middle English writings, *dempster* fixed its position to survive until the 19th century, to be later assigned a new sense ‘the officer of a court who pronounced doom or sentence definitively as directed by the clerk or judge’ (c1600, OED). Undoubtedly, the presence of the noun *dempster* gave rise to the noun *dempstery/demstary* ‘the office of dempster,’ recorded only once in the history of English in 1551, probably due to its being hardly identifiable in the language, as *dempstery* fell into disuse soon after it entered English. A passage under (17) instantiates a single record of *dempster*:

- (17) [He] sal cum befor þe **demstere**. [a1300 Cursor Mundi]
[‘He shal come before the judge.’]

The fact that another noun, *discoverer*, may formerly raise associations with judging is probably the last one to ever come up, as dictionaries predominantly translate the noun *discoverer* as ‘a person who discovers’ (CD). The meaning ‘a person who or thing which makes known, discloses, or reveals a secret; an informer’ (OED) appears to be the first reference with which the term was used (a1325), but a few decades later *discoverer* shifted to designate ‘a judge at a tournament’ (a1400), the sense preserved until 1548, cf.:

- (18) Taborus and trompours, Herawdes, goode **descouerou[r]s**, Har strokes gon descrye. [c1450 (a1400) Libeaus Desconus]
[‘Drummers and trumpeters, heralds, good judges their strokes began crying out.’]

Doomsman and *doomster*, apart from the common root *doom-*, share the meaning ‘judge.’ Basing on HTE, *doomsman* gained the meaning before 1200, unlike *doomster* which was said to have first been attested more than two centuries later, around 1450. The results of the research show that *doomsman* was richly represented in the ICoMEP (63 attestations), solely in 13th -15th century texts. Its earliest use has been identified in *Vices and Vertues*, a 13th century prose dialogue, the Soul’s confession of its sins.

The following paragraph focuses on the development of the pair of morphologically related nouns *doomsman* and *doomster*, both of which present a large semantic overlap with regard to meanings they gained in time. Having first appeared around 1200, *doomsman* survived until the 19th century (1848). The change which *doomsman* underwent involves the specialization of meaning from the general

understanding of *judge* as a ‘social servant’ towards its religious interpretation: ‘The Supreme Judge.’ Such a shift from a more general towards more specific use of a term is defined as semantic narrowing.

- (19) Thou forsothe chose me king to thi puple, and **domysman** of thi sonus and do3tris. [a1382 Wycliffite Bible]
[‘You really chose me a king of your folk and the judge of your sons and daughters.’]

According to the OED, the noun *doomster* ‘a judge, doomer’ entered English in the first half of the 14th century. Its fairly long presence in English allowed for further meaning alterations as a result of which *doomster* narrowed down to become applied mostly in Scottish law as ‘the official who formerly read or repeated the sentence. According to centuries-old Scottish legal tradition, *doomster* was ‘the official, generally the hangman, who formerly pronounced sentence in Scottish court of law’ (OED), cf.:

- (20) Fadir, Rightwis **domstere!** [c1450 *Cursor Mundi*]
[‘Father, a rightful judge!’]

Beyond doubt, of all nouns under study, the French loanword *judge* (Lat. *iudex* ‘individual appointed to decide a case at law’) ‘adjudicator, arbitrator, public official responsible for administering justice’ (OED) reached the highest frequency in the analysed material. There is a large controversy as regards the origin of the term *judge*, as the term shows some irregular developments, being either a continuation of post-classical Latin *iudicus* or influenced by the French verb *juger* ‘try, judge.’

A search of texts included in ICoMEP presents a tendency towards applying the term in religious contexts, where references to the names of deities are often made. *Judge* becomes the form of addressing Jesus Christ being ‘the supreme arbiter; God or Christ in his anticipated role at the Last Judgment as determiner of human moral worth and of consequent reward or punishment’ (OED). As may be concluded from the passage under (21), texts sometimes employed stylistic devices. In the first line of a passage from *The Revelations of Saint Birgitta*, Jesus Christ is first addressed via an apostrophe, to emphasize a sinner’s apologetic and intimate attitude towards his Saviour, and then compared to a judge. It is also worth to remark that the analysed attestations of *judge* were characterized by the use of emotive adjectives to show a person’s inferiority towards Christ (e.g. *rightful judge*, *high judge*), cf.:

- (21) O lord Ihesu Cryste, ryghtfull **Iugge**, sende thy cherite to hem that gostely haue power in þe werlde; [1450+ (a1475) *The Revelations of Saint Birgitta*]
[‘O Lord, rightful judge, send your charity to those having the spiritual power over the world...’]

- (22) Wycked men schal sey to hylles and stones: Falles 3e on vs and hydde vs fro the face of the **Iuge** syttyng of the hie trone, and fro the ire of the lambe. [1450+ (c1450) *Speculum Christiani*]
 [‘Wicked men shall say to hills and stones: fall on us and protect us from the face of the judge sitting on the throne. And save us from the ire of the Lamb.’]

The social role of judges came to be better established with the advent of the 14th century when the following meanings (1) ‘(...) any of a series of individuals recognized as holding temporary authority over the Israelites, frequently as military leaders in time of war and crisis’ (OED) (2) ‘a public official responsible for hearing and trying cases in a court of law, tribunal, or comparable judicial setting, or for administering justice’ and (3) ‘a person appointed or nominated to decide in a dispute; an adjudicator, arbitrator, or arbiter’ (OED) came into use, cf.:

- (23) Sum **iuge** was in sum citee, which dredde not God, nether schamede of men.
 [c1384 Bible Wycliffite]
 [‘The judge was in the city which feared nor God neither was ashamed of people.’]
- (24) I the forsayde Androw, **juge** betwene the forsayde Syr Robart and John, of their fre assent. [1385 W. Fraser Red Bk. Grandtully]
 [‘I, the aforementioned Andrew, the judge between the aforementioned Sir Robert and John of their free conflict.’]
- (25) And, of the consente of the parties, [there was reserved jurisdiction to the **judges** tocompel the parties] to the kepyng of the saide composicion. [1450+ The English Register of Oseney Abbey]
 [‘And, of the agreement of the parties, there was reserved jurisdiction to the judges to compel the parties to obey the said decision.’]

Having traced the evolution of the noun *judge*, one may notice its derivative *judger* and the compound *judge-man*, developed through derivation and compounding (cf. *unrihtdema* and *yfeldema* in Old English). But probably due to their being considerably underrepresented in literary texts, they quickly fell into disuse, leaving *judge* as the only existent lexeme.

Owing to its absence in ICoMEP texts, the 15th century noun *jurist*³ (F *juriste*, Lat. *jurista*) ‘one who practices in law, a lawyer, a judge’ is said have been

³ Literally, the term *jurist* relates to a person who has a thorough knowledge of law, an expert in the legal system, a legal scholar. With such a reference the term is introduced in the United Kingdom. In the United States, the word applies to a judge. This may be explained by the Latin *iūrisconsultus/jūrisconsultus* ‘one skilled in the law’ (< Lat. *ius* ‘law,’ *consultus* ‘experienced’).

considered as a low-frequency item. The noun has not been evidenced in the corpus material, but the OED delivers two citations in Middle English texts, cf.:

- (26) They..become aduocates and **iuuristes** for to amasse and gadre alway money.
[1481 W. Caxton tr. Myrroure of Worlde]
[‘They became advocates and jurists to earn and gather money.’]
- (27) As wel auntyent nobles as **iuuristes** and other. [1489 W. Caxton tr. C. de Pisan Bk. Fayttes of Armes]
[‘As well/also ancient nobles and jurists and other(s).’]

Through the first two centuries of its presence in English, *jurist* did not witness a large body of written records. The OED points to three citations identified in texts by 1653, though a slight increase in its frequency dates to the 19th century, when *jurist* is attested there four times.

The Middle English noun *overman* and its later epenthetic variant *oversman* present a large degree of semantic overlap. From the more general sense ‘a man having a position of authority or rule over others’ (OED), *overman* specified to designate ‘an arbiter, arbitrator, umpire.’ It seems likely that, to stabilize its position in the language, *overman* developed its alternative form *oversman*, whose emergence led to competition between two closely related forms.

At the end of the 15th century English saw the replacement of *overman* with *oversman* in the sense ‘arbiter,’ which, in consequence, made *oversman* an obvious continuation of its predecessor.

According to Scottish law, an *oversman* was a third arbiter appointed when two previously selected arbiters disagreed. As pointed out in the OED, the first attestation dates to 1492, while the last two instances come from 1987, being recognised in Robert Hunter’s *Law of Arbitration in Scotland*. Item 28 below contains a citation from *Collectanea de Rebus Albanicis*, a compilation of documents relating to the history of the Scottish Isles, cf.:

- (28) Thai haue chosin for thame baith to **ouirsman** our Lord Bischoip of Murreff.
[1492 Coll. Rebus Albanicis]
[‘They have chosen our Lord Bischof of Mureff as their superior.’]

Terminer, *trier* and *umpire* are the last items considered as the representatives of the category JUDGE, and thus accounted for in the study. As HTE renders *terminer* as ‘one who judges/decides,’ a decision was made to include the lexeme among those belonging to the abovementioned category. *Terminer* was often coupled with *oyer*, to form the phrase *oyer and terminer* ‘a judicial procedure regulated by commissioners appointed by the king, for determining quilt

and assessing punishment or damages for various crimes under special circumstances; also the judicial commission itself,' (MED), cf.:

- (29) The forseide Priour and Chanons hav pursued azeyns us a Commission of **oyer and termyner**.
 [The Parliamentary Rolls of Medieval England 1275-1504]
 ['The previously mentioned prior and canons have pursued against us and the comission of oyer and terminer.']

Oyer and terminer came out in English as a full-fledged collocation to name a legal procedure and commission. Judges of assize, being members of that commission, made a detailed inquiry into any misdemeanours and criminal cases, even those punishable by death or life imprisonment.

From the 14th century onwards, the period when the noun *trier* was said to have been first used, it underwent several developments. The meaning 'one who examines and determines a cause or question; one who examines judicially; a judge,' in which *trier* was first recognised, laid foundations for its further evolution, cf.:

- (30) These persons folowyng be ordeyned & chosen to be **triours** within þis Cite to determyn variances betwixt parties with~in þis Cite as touchyng metes & bondes & Gutters & such oþer. [1472 Coventry Leet Book]
 ['The following persons are ordained and chosen to be judges in the city to resolve issues between parties such as establishing doles, watercourses and other things.']

In the 14th century, *trier* became translated as 'a committee appointed by the King to determine to which court petitions should be referred, and if necessary, to report them to the parliament' (OED). Early Modern English witnessed the sense 'members of the House of Lords sitting as a jury at the trial of a peer for treason or felony' (16c), being originally recorded in documents drawn up by King Henry VIII followed by 'one of a body of commissioners appointed in 1654 for the approbation of all public preachers and lecturers before their admission to benefices' (17c).

The lexeme *umpire*, derived from the Old French adjective *nonper* 'odd number, not even', entered English around 1400, being originally used in Lydgate's *Aesop's Fables* and in *Promptorium Parvulorum* in the sense 'one who decides between disputants or contending parties and whose decision is usually accepted as final,' cf.:

- (31) Among these **owmperis** was werre none, ne stryf. [c1400 J. Lydgate *Æsop's Fables*]
 ['There was neither war no strife among these umpires.']

Later in time *umpire* developed meanings associated with arbitration. In the second half of the 15th century, the noun began to be translated as 'a third

person appointed or called upon to decide a matter submitted to arbitrator who cannot agree' (OED), but a century earlier the meaning 'one who decides a matter when arbitrators cannot agree' was recognised (MED).

Conclusions

The present study was planned to offer a review of Medieval English lexis referring to people appointed to make legal decisions and pass judgments. The semantic category JUDGE in Medieval English was represented by a variety of nouns whose fate differed regarding their frequency in the investigated texts and the exact date they were first evidenced. The analysis of the terms in corpora and dictionaries sheds light on the proportion of Old and Middle English terminology in the lexical category under scrutiny, and illustrates possible rearrangements occasioned by the loss or addition of new words.

Considerable discrepancies in the use of the terms are observed predominantly in the Middle English period. Of all investigated lexical items, several ones have not been evidenced, unlike the remaining nouns recognized in texts with a varied degree of frequency. The nouns *trier*, *dempster*, *umpire* and *doomer* seem not to be given due attention by the compilers of the texts. Such low frequency of use confirms their marginal status in literature, which may be caused by the widespread use of *judge* in place of other lexemes, this being a potential factor responsible for the loss of terms. It is appropriate to assert that *judge*, due to its semantic potential, served as the "umbrella term," and therefore pushed the remaining items to the periphery of the lexical category in question.

The group of nouns strongly underrepresented in the corpus texts includes the derivatives of *judge* (*judger*, *judge-man*), *jurist*. Also *arbiter* and its derivatives display a similar tendency to be considerably reduced in number (*arbitresse*, *arbitroure*, *arbitour*, *arbitrator*) or even entirely omitted.

Another observation to emerge from the study leads one to state that *judge* and *doomsman* most frequently occurred with reference to God or Christ (see 16a), contrary to other items mainly confined to address the institution of judge (e.g. *trier*, *umpire*).

The body of records from the 15th century demonstrates that *judge* and *doomsman* gained a vast majority of their religious meanings at the end of the period, which may be explained by the fact that most of the texts compiled in ICoMEP date to the end of the period. But as regards *doomsman*, there is a piece of conclusive evidence that a few such references appeared a century earlier (e.g. *Richard Rolle of Hampole...and his Followers*, *The Middle English Prose Complaint of Our Lady and Gospel of Nicodemus*, *Deonise Hid Diuinite*) but they form only a fraction of all records.

Nouns belonging to the category JUDGE illustrate changes within the English language at the time when its lexical and syntactic systems were not yet standardized. Some Old English words survived into Middle English with a modified spelling

(e.g. *deme*), but lost competition with their synonyms, and thus fell into disuse either in the course of the period or right after it came to an end.

Bibliography

- Aitken, A.J. — W.A. Craigie. — H.D. Watson — J.A.C. Stevenson (eds.).1931. *A Dictionary of the Older Scottish Tongue*. Aberdeen: Aberdeen University Press.
- Alcaraz, E. — B. Hughes. 2002. *Legal Translation Explained*. Manchester: St: Jerome.
- Algeo, J. 1964 [2009]. *The Origins and Development of the English language*. Boston: Wadsworth Cengage Learning.
- Bosworth, J. — T.N. Toller.1898. *An Anglo-Saxon Dictionary*. Oxford: Clarendon Press.
- Buczek, K. 2012. “Old Frisian and Anglo-Saxon legal texts. A stylistic comparison.” *Academic Journal of Modern Philology*, 1: 7-12.
- Clark-Hall, J.R. 1916. *A Concise Anglo-Saxon Dictionary* (2nd ed.). *Collins English Dictionary Online*. <www.collinsdictionary.com> [last access: July-August 2023].
- www.ling.upenn.edu [last access: August 2023].
- D’Amato, A. — S. Presser. 2014. *Anglo — Saxon Law*. Available at: <https://ssrn.com/abstract=2431312>.
- Danner, H.G. 2014. *A Thesaurus of English Word Roots*. Lanham: Rowman and Littlefield.
- Dictionary of the Older Scottish Tongue*. www.dsl.ac.uk [last access: August 2023]
- DiPaolo Healey, Antoinette — Joan Holland — Ian McDougall — Peter Mielke (eds.). 1998. *Dictionary of Old English Corpus in electronic form*. Toronto: DOE Project 2000.
- Fangeo, T. et al. 2017. “The corpus of historical English law reports 1535-1999 (CHELAR): A resource for analysing legal discourse.” *ICAME Journal*, 41(1): 53-82.
- Goźdz-Roszkowski, S. 2011. *Patterns of Linguistic Variation in American Legal English*. Frankfurt am Main: Peter Lang.
- Grover, C. — B. Hachey — I. Hughson. 2004. “The HOLJ corpus: Supporting summarisation of legal texts.” In: S. Hansen-Shirra — S. Oepen — H. Uszokreit (eds.), *(Proceedings of the 5th International Workshop on Linguistically Interpreted Corpora (LINC-04))*: Geneva: University of Geneva.
- Iglesias-Rabade, L. 2007. “Twin lexical collocations in legal Late Middle English.” *Studia Anglica Posnaniensia*, 43: 17-47.
- Kay, Ch. — M. Alexander — F. Dallachy — J. Roberts — M. Samuels — I. Wotherspoon (eds.). 2021: *Historical Thesaurus of English Online* www.ht.ac.uk [last access: August 2023]
- Kohnen, T. 2001. “On defining text types within historical linguistics: The case of petitions/statutes.” In: L. Moessner (ed.), *Early Modern English text types*. Special issue of *European Journal of English Studies* 5: 197-203.

- Kremer, A. – W. Schwab. 2018. “Law and language in the *Leges Barbarorum*: A Database project on the vernacular vocabulary in medieval manuscripts.” In: J. Benham – M. McHaffie – H. Vogt (eds.), *Law and language in the Middle Ages* 25: 235-261.
- Markus, M. 2002. “The Innsbruck Corpus: its concept and usability in Middle English lexicology.” In: J. E. Diaz-Vera (ed.), *A Changing world of words. Studies in English historical lexicology, lexicography and semantics* 141: Brill: 464-483.
- Markus, M. 2008. *Innsbruck Corpus of Middle English prose*. Innsbruck: University Innsbruck [last access: August 2023].
- Merriam — *Webster Dictionary online*. www.merriam-webster.com [last access: July 2023].
- Moessner, L. 2020. “Old English law-codes: A synchronic-diachronic genre study.” *Journal of Historical Pragmatics*, 21(1): 28-52.
- O’Brien, B. — B. Bombi. 2015. (eds.), *Textus Roffensis: Law, Language, and Libraries in Early Medieval England*. Brepols: Turnhout.
- Oxford English Dictionary online*. www.oed.com [last access: July 2023]
- Palmer, R. 1982. *The County Courts of Medieval England, 1150-1350*. Princeton: Princeton University Press.
- Reinhard, B. 2020. “Cotton Nero A. and the Origins of Wulfstan’s Polity,” *Journal of English and Germanic Philology* 119(2): 175-189.
- Roberts, J. — Ch. Kay — L. Grundy (eds.). 2017. *A Thesaurus of Old English*. Glasgow: University of Glasgow [last access: July 2023].
- Rodriguez-Puente, P. 2011. “Introducing the Corpus of Historical English Law Reports. Structure and compilation techniques.” *Revista de Lenguas para Fines Especificos*, 17: 99-120.
- Russell, P. 2018. *The Languages and Registers of Law in Medieval Ireland and Wales*. In: Benham, J. — McHaffie, M., Vogt, H. (eds.), *Law and Language in the Middle Ages*, Brill: Leiden, 83-103.
- Schneiderová A. 2018. “Historical background to English legal language.” *Journal of Modern Science*, 2(37): 117-126.
- Scottish National Dictionary*. www.dsl.ac.uk [last access: August 2023].
- Scotto di Carlo, G. 2015. *Diachronic and Synchronic Aspects of Legal English: Past, Present and Possible Future of Legal English*. Newcastle upon Tyne: Cambridge Scholars Publishing.
- Serjeantson, M.S. 1935. *A History of Foreign Words in English*. Great Britain: Routledge & Kegan Paul.
- Tiersma, P. 1999. *Legal Language*. Chicago: The University of Chicago Press.
- Zozula, D. 2019. “Features of the language of law: A comparative Study of Polish, English and Indonesian legal texts.” *Legal Discourse*, 4(1): 69-86.