Anna D. Havinga
University of Bristol
Anna.Havinga@bristol.ac.uk

VERNACULARISATION OF DOCUMENTARY LEGAL TEXTS IN NORTHERN EUROPE: A COMPARISON OF THE DEVELOPMENT OF SCOTS AND LOW GERMAN IN THE FIFTEENTH CENTURY*

1 INTRODUCTION

Research on vernacularisation, defined as "the movement of vernacular languages into domains of written language that were formerly the exclusive preserve of Latin" by Voigts (1996: 813), allows us to address some fundamental questions of historical (socio)linguistics: how and why does language use change over time? To what extent is language choice shaped by social contexts? Analysing vernacularisation through a comparative approach can contribute answers to these broad questions. As a Europe-wide development, vernacularisation is a particularly suitable phenomenon to study cross-linguistically. The study presented in this article offers such a first, comparative account of vernacularisation processes in two documentary legal texts: the *Aberdeen Council Registers* (1398–1511) and the *Lübecker Niederstadtbuch* (1430–1451). While limited in scope, the focus on specific sources allows us to situate language choice in particular social contexts and evaluate their impact on language use.

In contrast to previous research on vernacularisation, which has largely focussed on English, this article explores languages that have attracted less scholarly attention when it comes to the replacement of Latin, namely Scots (like English, a descendant of the Anglian dialect of Old English)[1] and Low German (which is closely related to Dutch and High German).[2] Both of these Germanic languages can be described as what Smith (2012: 8, original italicisation), in reference to Scots, calls "*elaborated* language, i.e. a variety that could be used in more than one register, including writing as well as speech" in the period under investigation here (1398–1511). Von Polenz (2021: 291)

---

1   As Smith (2012: 8) notes, Scots was not viewed as distinct from English before the late fifteenth century. Until then, the term *Inglis* was used to refer to Scots while *Scottis* referred to Gaelic (Smith 2012: 8). Today, linguists consider Scots to be a language distinct from English.

2   Note, however, that the histories of both languages have been studied extensively by linguists (for Scots, see, for example, *The Edinburgh History of the Scots Language*, edited by Jones (1997); for Low German, see the bibliography of the *Verein für niederdeutsche Sprachforschung* [Society for Low German Studies], which is regularly updated and available here: http://www.vnds.de/de/niederdeutsche-bibliographie.html.

explains that Low German had developed into a "vollgültige Schriftsprache" ['fully valid written language'] in the thirteenth century, with prestige extending to medieval Scandinavian society, according to Mähl (2008: 26). From the sixteenth century onwards, however, both languages were replaced by other vernaculars in written contexts (Scots by English and Low German by High German).[3] Rather than focussing on these languages' decline in usage, this article examines their rise in status to languages that could compete with Latin, the lingua franca across much of Europe at the time. The purpose of this study is to show when, how, and why this rise in status happened in documentary legal texts. Analyses of vernacularisation processes in Scots and Low German sources and their comparisons to existing research on English will allow us to ascertain to what extent previous findings can be generalised beyond specific language contexts. At the same time, such analyses reveal the riches of textual materials in Scots and Low German, along with aspects of medieval culture and heritage.

The following section outlines previous research on vernacularisation; the research questions are presented in Section 1.2. Section 2 deals with the sources and their contexts, before the analytical approach is described in the methods section (Section 3). The findings are presented in Section 4. The discussion and conclusion in Section 5 relate these findings back to the research questions and chart directions for future analyses.

1.1 Research on vernacularisation

Vernacularisation has recently become a more popular research topic. While, as Schendl (2002: 51) notes, earlier studies had focused on monolingual texts to investigate changes in the role, function and status of different languages, more emphasis has been placed on multilingual or "mixed-language texts, i.e. […] texts which show alternation and mixing of languages in various forms" (Schendl 2002: 51) since the 1990s.[4] This more recent work has shown that code-mixing is a common phenomenon in the later Middle Ages and that languages are not necessarily separable or distinct (*cf.* Voigts (1996), Wright (1998, 2000), Schendl (2002), Peersman (2014), Kopaczyk (2018), amongst others). While many of these studies have focused on Britain, vernacularisation "characterizes all of late-medieval Europe", as Voigts (1996: 113) puts it. One recent volume on the rise of vernacular languages in the Middle Ages that goes beyond Britain and even Europe is Kössinger et al.'s (2018) edited volume *Origin Stories: The rise of Vernacular Literacy in a Comparative Perspective*. However, the inclusion of a variety of languages and the contributors' diverse approaches to the topic make comparisons between them rather difficult, as the editors themselves admit:

> Looking back on the contributions, a central observation seems to be the impression of heterogeneity as a connecting element: Languages and their literatures are not easily comparable due to their very different frames of reference

---

3   See, for instance, Corbett et al. (2003: 9–15) for a concise account of the replacement of Scots by English, and Sodmann (2000) for a description of the replacement of Low German by High German in writing and printing.

4   See, for example, the contributions in the volume on *Multilingualism in Later Medieval Britain* edited by Trotter (2000).

and conditions. The results pertaining to a certain area of study cannot be transferred to others without further considerations. Even in their approaches, the individual contributions differ in part substantially from each other. (Kössinger *et al.* 2018: 7–8)

Irrespective of this comparability issue in the volume as a whole, the contributions are, of course, valuable in themselves as each chapter provides information about vernacular literacy in certain contexts; so are many other studies that have focused on specific languages, text types, and/or domains. One domain that has received a fair amount of attention is science and medicine, which comprises a variety of text types, including recipes.[5] In the introduction to her edited volume on *Manuscript Sources of Medieval Medicine*, Schleissner (1995: ix) raises questions about "the function and importance of vernacularization" in medieval medical texts. In her contribution to the volume and in her subsequent work, Voigts (1995, 1996) responds to these questions, noting that "the process of vernacularization [in texts of science and medicine from England] can be traced from about 1375 and can be described as largely complete by 1475" (Voigts 1996: 814). Voigts (1996: 814) also states that code-mixing of Latin and English was "a widely exploited and often effective discourse strategy", providing several examples that support this statement. Taavitsainen and Pahta's (2004) volume on *Medical and Scientific Writing in Late Medieval English* also includes references to vernacularisation. In her contribution to the volume, Carroll (2004), for example, found that Middle English recipes were vernacularised in the fourteenth century.

Another domain that has been explored in some detail is administration. Burke (2004: 10) notes that "Latin was replaced by some vernaculars in the early fifteenth century […], in the fourteenth century, or even, in the case of the chancery of Castile, in the thirteenth century" in the domain of administration. Stenroos (2020) offers a more detailed analysis of the vernacularisation process in local administrative writing in England by investigating records from *A Corpus of Middle English Local Documents* (MELD), a corpus of administrative texts and letters spanning the years 1399–1525. She focusses on administrative texts produced "outside the central government offices: the records of cities, churches, manors, local courts and private transactions" (Stenroos 2020: 39) in order to uncover when and to what extent Latin and French were replaced by English.[6] Based on the collection of systematic data of the "main language"

---

5   Vernacularity and multilingualism have also been investigated in the religious domain; see, for instance, Lutton (2011) and Hume (2013), amongst others. The scope of this article does not allow for further elaboration on this domain.

6   Stenroos (2020: 43) defines administrative texts as being "written for a specific, practical purpose, such as requesting an action or conveying information". This links to the definition of documentary texts used in MELD, i.e. texts relating "to a specific situation at a specific point of time, involving specific people, whether or not all of these are explicitly stated" and having "a pragmatic function – transferring values, recording a decision, communicating information or whatever – not an aesthetic or scholarly or didactic function" (Stenroos 2020: 43). This definition distinguishes documentary texts clearly from literary, scientific, and religious sources and can be applied to the texts under investigation in this article.

(Stenroos 2020: 48) of texts in archival collections that were considered for the MELD corpus and an exploration into the functions of these three languages, Stenroos (2020: 47–55) draws several important conclusions. Firstly, Latin remains dominant and English "a minority language" (Stenroos 2020: 67) in local administrative texts from 1399 to 1525. Secondly, texts in French are rare and can mostly be encountered between 1400 and 1420. This is due to English taking "the functional slots that had been occupied by French: the text types which required an understanding of the contents by lay people, and that were not predictable" (Stenroos 2020: 55).[7] Highly formulaic texts with predictable content, on the other hand, continued to be written in Latin, some of them (such as quitclaims and bonds) even until an Act of Parliament decreed the use of English "for all official information in the law courts" in 1731 (Stenroos 2020: 55). Because most texts in the domain of administration were highly formulaic, it is to be expected that Latin remained dominant (Stenroos 2020: 67). In summary, while there was a trend of English becoming more frequent, this was neither a sudden shift nor a unidirectional process (Stenroos 2020: 50). Stenroos' research highlights the importance of distinguishing between processes of vernacularisation, i.e. the replacement of Latin by a vernacular, and language shift from one vernacular to another. In the archival collections analysed by Stenroos, vernacularisation is a slow, gradual process, whereas the language shift from French to English is completed over a shorter period of time (Stenroos 2020: 55). A similar observation was made by Dodd (2011, 2019), who, in contrast to Stenroos, focuses on branches of central government. Dodd (2019: 26) explains that English replaced French in chancery bills and parliamentary petitions between 1420 and 1450 and adds that this shift "may […] have increased the accessibility of this type of legal process to participants" (Dodd 2019: 27). Latin, on the other hand, remained the foremost "language of the legal written record […] throughout the Middle Ages" and was only replaced by English in 1731, according to Dodd (2019: 17).

Schipor (2018), too, analysed administrative texts from England, more specifically municipal, manorial, and episcopal documentary texts from the Hampshire Record Office dated between 1400 and 1525. She observes that the shift to English was not driven by language policies from above but instead resulted from the language practices of members of the rising middle class, who increasingly needed literacy skills for daily tasks. This conclusion is based on the finding that code selection correlates with domain and text type, with texts in mixed code only occurring in the Winchester City Archives collection and English texts being "proportionally more frequent in manorial texts than in either municipal or episcopal texts" (Schipor 2018: 251). This use of English for daily business was seen in various locations, indicating that it was not restricted to specific places or communities of practice (Schipor 2018: 251). Episcopal texts, on

---

7   Stenroos (2020: 45) explains that French had become a learnt (rather than native) language and that only English can be viewed as the language "used by all parts of the population" in late medieval England. While French may have ceased to be acquired as a native language, it "continued to thrive as a second vernacular" in medieval England and replaced Latin in certain functions, such as letter writing, record keeping, and the law, according to Putter (2016: 135). Putter (2016: 135) further states that "knowledge of French remained a necessity for anyone going to court", even after the Statute of Pleading (1362) "permitted English to be the spoken language in royal and baronial law courts".

the other hand, were almost exclusively written in Latin, which also dominated in the municipal domain (Schipor 2018: 251).

This section provided a mere overview of some of the research on vernacularisation and, more broadly, historical multilingualism. The wide range of studies suggests that these are fruitful topics for further investigation. The analyses presented here will add a new comparative dimension to this field, addressing the research questions listed in the following section.

1.2 Research questions

The research findings outlined in the previous section show that the process of vernacularisation happened at different times and/or a different pace depending on the domain, text type, and region. Consequently, comparisons between different domains, text types, and regions or language contexts are problematic, particularly when research approaches differ. To overcome this issue, this article restricts itself to one domain (law) and one text type (documentary legal texts), using the same quantitative method to investigate the same time period (mainly the fifteenth century). By focussing on two distinct urban centres (Aberdeen and Lübeck), regional sociocultural and socioeconomic conditions can be considered. While my analyses are limited in scope, they offer a first detailed comparison across languages in their local contexts and allow us to address the following research questions:

1. When, how, and why was Latin replaced by vernaculars in the *Aberdeen Council Registers* (1398–1511) and the *Lübecker Niederstadtbuch* (1430–1451)?
2. What similarities and differences in this vernacularisation process can be observed in the two sources?
3. Was the expansion of vernacular languages in these sources initiated by bottom-up language practices (by scribes) or prescribed from above (e.g. by the city council)?

The answers to these questions will provide insights into the development of vernacular languages at the very beginning of the early modern period and expand our understanding of the reciprocal impacts between language and society.

2 SOURCES AND THEIR CONTEXT

This article is based on analyses of two sources: the first eight volumes of the *Aberdeen Council Registers* (1398–1511) and one volume of the *Lübecker Niederstadtbuch* (1430–1451). Both sources are multilingual documentary legal texts, recording various local matters in bound volumes of individual entries.[8]

The *Aberdeen Council Registers* (ACR), "essentially, the records of the burgh's judiciary and government" (Blanchard *et al.* 2002: 137), are the oldest and most complete

---

8   See footnote 7 for a definition of the term "documentary". Both sources belong to the "administrative" domain of urban centres. More specifically, however, they are principally legal records, which is why the term "documentary legal texts" is used here.

run of Scottish civic records. Due to their significance, the first eight volumes (covering the years 1398 to 1511) were inscribed on the UNESCO UK Memory of the World Register and transcribed as well as annotated as part of the *Law in the Aberdeen Council Registers* (LACR) project.[9] These first eight volumes contain almost 30,000 entries, which provide records of the town council, the head, guild and bailie courts,[10] documenting, for example, disputes between citizens, property transfers, rentals of burgh lands, elections of office bearers, cargoes of foreign vessels, and tax rolls. The majority of entries are either written in Latin or Scots, or a combination of the two (mostly in the form of intersentential and intrasentential code-switches). Further details on language use in the ACR are provided in Section 4.

Aberdeen was an important centre for trading in the Middle Ages. It had a unique position in Scotland: relatively "insulated" due to its geographical location in the north-east, but controlling a vast hinterland, with few towns of comparable size that could have been competitors (Dennison *et al.* 2002: xxv). Due to its location, its port on the North Sea, and its trading links across northern Europe, it was considered "one of the 'four great towns of Scotland'" by the fourteenth century, despite its relatively small population (Dennison *et al.* 2002: xxvi).[11] Despite its local significance in Scotland, Aberdeen was certainly less influential than Lübeck in medieval times.

Jahnke (2019: 1) describes medieval Lübeck as "the largest city in Northern Germany and the Baltic Sea region, if not the whole of Northeastern Europe". Dollinger (2012: 26–27) explains that Lübeck quickly rose to the most active, most populated,[12] and one of the most significant towns in northern Europe in the thirteenth century, trading across the Baltic and North Seas with Russia, Scandinavia, and England. Its history is closely linked to that of the Hanseatic League – an association of north German merchants and towns, which reached the height of its prominence around the mid-fourteenth century before declining in significance from the fifteenth century onwards (Dollinger 2012: 76, 103). Indeed, Dollinger (2012: 587) starts his outline of the history of the Hansa with the foundation of Lübeck in 1143 and notes that no

---

9   Further details on the project can be found on the project website: https://aberdeenregisters.org/project/ (Armstrong 2016). The transcriptions can be accessed alongside scans of the original documents via https://sar.abdn.ac.uk/ (Frankot et al. 2019).

10   In the *Dictionaries of the Scots Language*, the term *bailie* (or *baillie*, amongst other spelling variants) is defined as "[a] town magistrate corresponding to an alderman in England" (https://www.dsl.ac.uk/entry/dost/baillie_n_1) and a bailie court is described as "[a] local court held by a bailie" (https://www.dsl.ac.uk/entry/dost/baillie_court).

11   Dennison et al. (2002: xxvi) provide the following population estimates for Aberdeen, noting that the slow increase is due to outbreaks of plague and that the population was probably higher in 1300 than in the following century: 1400: c. 3,000; 1570s: c. 5,500; 1640s: c. 8,300 (comparison to Edinburgh: 1400: c. 4,000; 1570s: c. 13,500; 1640s: c. 20,000).

12   Dollinger (2012: 150–151) provides the following population statistics for Lübeck, making it the biggest town of the northern German area after Cologne: 1300: c. 15,000; 1400s: c. 25,000 (comparison to Hamburg: 1300: c. 5,000; 1400s: c. 16,000). Dollinger (2012: 150–151) notes that Lübeck's prominent status was due to its location (between Rhenish and Prussian towns and with direct access to the Baltic and North Seas) and its relation to Hamburg, which complemented Lübeck's economy.

other town (apart from Cologne) had such a significant place in the Hanseatic League (Dollinger 2012: 159). "As the permanent secretariat and later as the head of the Hanseatic League", Lübeck was also a central hub for the exchange of information (Jahnke 2019: 1). Insights into everyday life of this important town can be gained from the *Lübecker Stadtbücher*.

Stadtbücher (lit. 'town books') or *libri civitatum* are town records kept by the municipal council that record legal transactions, in which the town, the council or households were directly involved (von Seggern 2016: 60).[13] They also record transactions between two people, which were settled before the council for legal certainty (what is known as "voluntary jurisdiction" today) (von Seggern 2016: 60). *Stadtbücher* are, therefore, comparable to council registers. In Lübeck, a general *Stadtbuch* was first created in 1226, but this book of 'mixed contents' was divided into an *Oberstadtbuch* and a *Niederstadtbuch* at the end of the thirteenth century (von Seggern 2016: 65). The *Oberstadtbücher* recorded payment obligations related to real estate and properties (von Seggern 2016: 78); all other obligations were listed in the *Niederstadtbücher*, which can be considered the most significant of all *Stadtbücher* from the late Middle Ages in Germany, according to von Seggern (2016: 53).[14] The analysis presented here focuses on one of the 348 volumes of the *Lübecker Niederstadtbuch* (LNB), covering the period 1430 to 1451, which shows the transition of record keeping from Latin to Low German.

3 METHODS

To trace vernacularisation processes in both sources, quantitative analyses of the main language of entries, i.e. the dominant language in an entry, were carried out. Following Schipor (2018) and Stenroos (2020), the term 'main language' is used here to highlight the fact that the entries under consideration are not necessarily monolingual. This term thus captures both monolingual entries and entries with short intrasentential or intersentential code-switches (e.g. place names in the vernacular within a Latin entry or Latin headings in a vernacular entry). Entries were classified into three categories: 1) entries with Latin as the main language, 2) entries with a vernacular (Scots or Low German) as the main language, 3) entries in multiple languages. If there were clearly more words in Latin, the entry was categorised into group (1); if a clear majority of words in an entry were Scots or Low German, the entry was assigned to category (2). The third category was only used when it was not possible to determine the main language of an entry, i.e. when the entry contained about the same number of words from both languages.

---

13 Von Seggern (2016: 58) notes that *Stadtbuch* is a modern term but does not mention what terms were used for the *Lübecker Niederstadtbuch* in the Middle Ages. It is, however, clear that various terms were employed for different *Stadtbücher*, depending on the time period, language, individual towns, and their purpose or content. On the title page of the *Lübecker Niederstadtbuch* of 1608, for example, the expression *Liber inferior civitatis Lubencensis* is used (while the volume analysed here does not contain a title page). Further research would be necessary to draw up a list of terms that refer to the *Niederstadtbuch*.

14 Interestingly, a similar split happened in Aberdeen in 1484, when a so-called *Sasine Register*, which mainly but not exclusively dealt with property, was introduced to separate these matters from others recorded in the ACR (see Havinga (2021: 90–91) for further details).

This approach of categorising entries based on the language of individual words is not unproblematic, given that abbreviations and loan words do not always allow for a clear division between languages (*cf.* Wright 2000). Typically, however, the dominant language of entries is clear, as the following examples from volume 7 of the ACR show.

(1) Category 1: entry with Latin as the main language
   Andreas andirsone recipitur in liberum burgensem et fratrem gilde prestito solito Juramento et soluet xxx[ti] s' (ARO-7-0039-05)[15]

This entry in Latin documents Andreas Andirsone's admission as a burgess and brother of the guild by swearing the usual oath and in exchange for payment.

(2) Category 2: entry with Scots as the main language
   statutum farine   the samyn day it was ordanit be the aldirman and consaile that nay landman sale gif straik of meile in tyme to Cum And' the tollar' sale haue euere Reddy firlot pek and demi pek (ARO-7-00012-02)[16]

In this entry, the note in the margin summarises the content of the entry (a statute about flour) in Latin. The rest of the entry is written in Scots, which justifies the classification of this entry as "Scots".

(3) Category 3: entry in multiple languages
   Consilium

Alexander chamer de murchill	Dauid menyeis
Alexander menyeis	Dauid mathesone
Robertus blinsell	Androw murray eldar
Alexander Rede	James Colisone
Johannes Cullane	Robert crag
Johannes Colisone	Alexander gray
Thomas prat	Williame blinsele
Johannes Wormet	Williame futhes
Alexander chamer filius	
gilbertus menyes	
(ARO-7-0759-03)[17]	

Lists of council members like the one presented in example (3) are often annotated as entries in multiple languages. Due to the fact that some first names are latinized whereas others are not (*cf. Robertus blinsell* versus *Robert crag*) and there are additions in both Latin and Scots (*cf. filius* and *eldar*), this entry was annotated as an entry in multiple languages.

---

15 Go to https://sar.abdn.ac.uk/doc/show?p=39&v=7 to view the original manuscript for this entry.

16 Go to https://sar.abdn.ac.uk/doc/show?p=12&v=7 to view the original manuscript for this entry.

17 Go to https://sar.abdn.ac.uk/doc/show?p=759&v=7 to view the original manuscript for this entry.

The ACR are transcribed in a machine-readable format and annotated using XML, including tags that identify the language of individual entries, which allows for quick quantitative analysis using XQuery (a language for querying XML documents) via the "Search Aberdeen Registers" platform (Frankot *et al.* (2019); see Havinga (2021) for further details). The LNB, on the other hand, has not been transcribed and was, therefore, analysed manually, i.e. the dominant language of each entry in the rubrics for the years 1430, 1435, 1440, 1445, and 1450 was determined while reading the manuscript in the archives, following the same approach of language annotation as the one used for the ACR. The findings of these quantitative analyses are presented in the following section.

4 FINDINGS

In both sources, an increase in the use of the vernacular (Scots in the ACR; Low German in the LNB) can be observed in the period under investigation. It is important to note that the results presented here do not capture multilingualism in the form of intersentential and/or intrasentential code-switching within individual entries (unless they are categorised as entries in multiple languages).[18] Instead, the results show the increase of the vernacular as the main language of individual entries over time. The quantitative analyses presented here thus have limitations in that they do not fully reflect the multilingualism found in individual entries. Detailed qualitative analyses of multilingual practices and their functions (as exemplified by Havinga 2021, Schipor 2022, and Wright 2000, amongst others) can counter these limitations and complement the findings presented here. The quantitative methods employed in this paper are, however, sufficient to address the research questions posed in Section 1.2. In the following sections, the findings of the ACR are discussed first (Section 4.1), then results of the analysis of the LNB are presented (Section 4.2), before comparing vernacularisation processes in the two sources and offering conclusions in Section 5.

4.1 Vernacularisation in the *Aberdeen Council Registers*

For the ACR, the main language of each entry was determined during the transcription process of the manuscript and the subsequent editing of the transcription, following the approach outlined in Section 3. In addition to entries in Latin/Scots/multiple languages, two entries in Dutch can be found in the ACR (one in 1446 and one in 1481).[19] Once the languages of each entry were annotated, XQuery was used to quan-

---

18   See Havinga (2021) for an analysis of code-switches within individual entries, including a qualitative analysis of code-switches in volume 5.2 of the ACR. With regard to the LNB, von Seggern (2016: 86) notes that the Low German legal language contains Latin phrases, emphasising that Latin influences on the legal vernacular language of the *Niederstadtbuch* make it markedly different from everyday Low German language use of the time: "[…] hinter dem Mittelniederdeutsch des Niederstadtbuchs verbirgt sich ein Latein. Dieses ist ein weiteres Indiz dafür, dass es sich nicht um eine Alltagssprache handelt, sondern um eine juristische Fachsprache". Furthermore, Low German names and place names occur frequently in Latin entries in the volume under investigation here.

19   See Havinga (2020) for further information on these entries and language contact between Middle Dutch and Scots in late medieval Aberdeen more generally. Putter (2021: 101–102) analysed one of these entries in more

tify the number of entries with Latin/Scots/Dutch as the main language as well as entries in multiple languages.[20]

Figure 1 illustrates the results of these queries. In Volumes 1 and 2 (1398–1414) the vast majority of entries are in Latin, with only seven and nine entries in Scots respectively (equating to under 1 % of the entries). In 29 entries, the dominant language could not be determined. These entries (15 in Volume 1 and 14 in Volume 2) were, therefore, categorised as entries in multiple languages. Such entries in multiple languages remain rare in the ACR: five in Volume 4, thirteen in Volume 5, one in Volume 6, three in Volume 7, and one in Volume 8. Volume 3 is missing and can, therefore, not be included here. From Volume 4 (1433–1448) onwards, a gradual and relatively slow increase in the use of Scots can be observed, with the 205 Scots entries accounting for 5.7 % of entries in Volume 4. In Volume 5 (1441–1471), this percentage increases to almost 10 % (542 entries). In contrast to previous volumes, Volume 5 was split into two volumes, with Volume 5.2 (1441–1471) dealing with guild court business while all other burgh business was recorded in Volume 5.1 (1448–1468).[21] While Latin clearly remains the dominant language in both Volume 5.1 and 5.2, it is interesting to note that a considerably higher percentage of entries are written in Scots in Volume 5.2 (21.7 %) than in Volume 5.1 (7.1 %). This suggests that the content of the entries was, at least to some extent, a factor in the scribes' language choice, with Scots being used more frequently for guild court business. More specifically, Gemmill (2005), who provides an edition of the Aberdeen Guild Court records (1437–1468), notes that Latin was the preferred language for "the more routine business, such as the admission of new guild members and burgesses and the prosecution of forestallers" (Gemmill 2005: 4–5), while Scots tended to be used to record one-off decisions by the council, e.g. about trade and privileges (Gemmill 2005: 5). This further indicates that the content of the entries was one factor influencing the scribes' choice of language. Volume 6 (1466–1486) sees another increase in the use of Scots, with 2,033 entries (33.4 %) being predominantly written in the vernacular. The first volume in which entries in Scots outnumber those in Latin is Volume 7 (1487–1501), with 2,726 entries in the vernacular (54.4 %) and 2,280 in Latin. Another increase in the use of Scots can be observed in Volume 8 (3,320 entries) but Latin remains the main language of 36 % of the entries between 1501 and 1511.

detail. There could also be Dutch entries in the LNB, though none are mentioned by von Seggern (2016), who provides the most comprehensive analysis of the LNB to date (although only a short section is dedicated to the language of the LNB and the more detailed analysis focusses on the period 1478–1495).

20   The following XQuery was used (replacing the language and specific entry IDs for each volume accordingly): for $i in //ns:div[@xml:lang="sco"] [@xml:id >"ARO-1-0001-00"] [@xml:id <"ARO-1-0328-02"] return $i.

21   Volume 5 is presented as one volume on the Search Aberdeen Registers platform (Vol. 5.1 ends on p. 644 and Vol. 5.2 starts on p. 645). To ensure transparency and verifiability of the results, Volume 5 is presented as one volume in Figure 1.
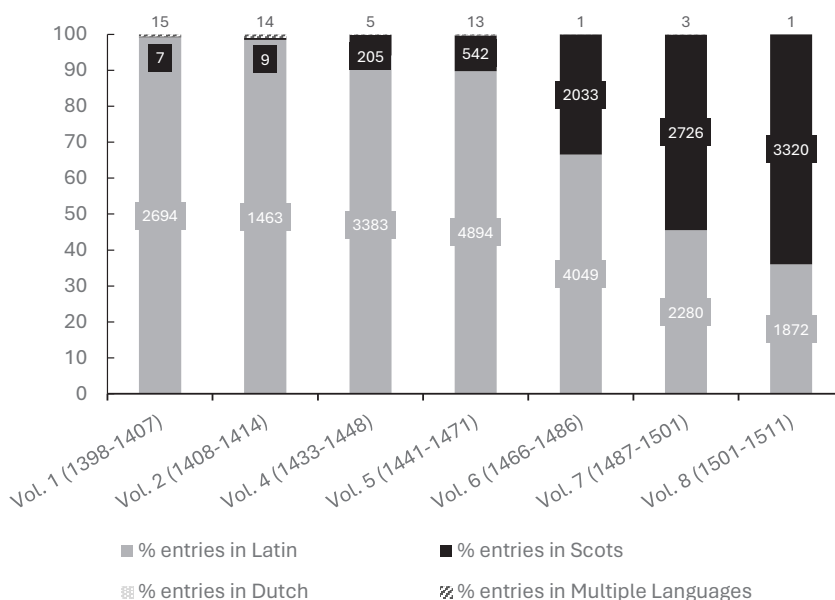
Figure 1. Main language of entries in the ACR (1398–1511)[22]

Overall, it is in the late fifteenth century that Scots becomes the variety more frequently used as the main language in the ACR. The move from Latin to Scots takes over 100 years and is not completed by the end of the period under investigation. Even in the sixteenth century, over a third of the entries in the ACR were written in Latin, many of which were formulaic in nature (e.g. the admission of the burgesses continued to be recorded in Latin). This suggests that Latin remained an important language to record certain burgh business, even if the vernacular gained traction. In comparison to the LNB, the vernacular process in the ACR can be described as slow and gradual, as the following section will illustrate.

4.2 Vernacularisation in the *Lübecker Niederstadtbuch*

Since the LNB has not been transcribed and is not available in machine-readable format, the quantitative analysis was carried out manually in the archives in Lübeck,

---

22 Note that the raw numbers for entries in multiple languages are provided above each bar. The results presented here are based on analyses carried out on and prior to 22 April 2022. They, therefore, differ slightly from the results presented in Havinga (2021), which were based on analyses that were completed before the editorial process of the transcriptions was finished. Differences are mainly due to the grouping of entries rather than categorising them into different languages. The biggest differences can be seen in volume 6, where the total number of entries was reduced from 9,047 to 6,084 in the editing process. However, the proportion of Scots to Latin entries remained similar (32.70 % of Scots entries pre editing versus 33.42 % post editing). The proportional differences were even smaller for the other volumes (with a maximum difference of 0.14 % for Scots entries in volume 4). On the whole, these differences can be considered insignificant.

taking the same approach as the one used for the ACR (see Section 3).[23] Due to this time-consuming process, only entries ordered in five yearly rubrics (1430, 1435, 1440, 1445, and 1450) were analysed. Despite not offering a full account of vernacularisation processes in every year covered by this volume of the LNB, this snapshot provides interesting insights into the shift from Latin to Low German.

Particularly striking is the fact that the vernacularisation process was completed within approximately 30 years in the LNB if the first entry in Low German (dated 1418) is taken into account. As Figure 2 shows, only five entries in the year 1430 had Low German as the main language (1.8 %), compared to 269 entries in Latin (98.2 %). In 1435, the number of entries with Low German as the main language had increased to 25 entries (7 %). In these two years, there were no entries for which the main language could not be determined (see raw numbers above each bar in Figure 2). In the year 1440, two such entries in multiple languages can be found, but Latin remains the dominant language, with 309 entries (71.5 %) categorised as entries in Latin, compared to 121 entries in Low German. Another increase in Low German entries can be observed in 1445. While the raw frequency only increased by two in comparison to 1440, the frequency of Low German entries in relation to entries in Latin (n=190) and multiple languages (n=1) increased from 28 % in 1440 to 39 % in 1445. Between 1446 and 1450, vernacularisation seems to have proceeded rapidly, resulting in no Latin entries in 1450. This, however, does not mean that Latin disappeared completely from the LNB – dates in headings continued to be written in Latin and code-switches into Latin occur within Low German entries in 1450. In fact, the volume closes with a short statement in Latin in 1451 (see footnote 23).
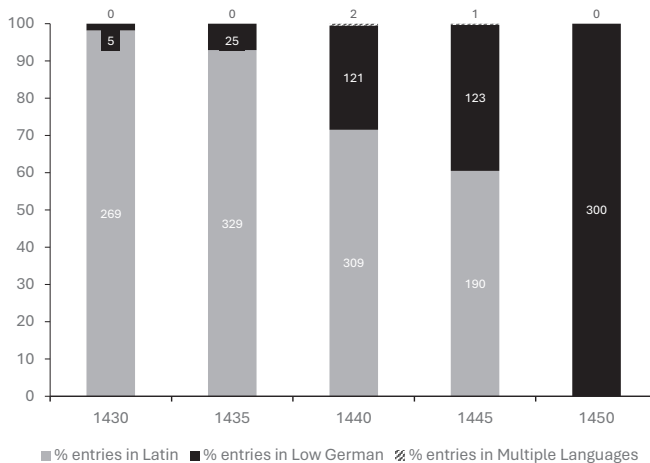

Figure 2. Main language of entries in the LNB (1430, 1435, 1440, 1445, 1450)

23   The *Referenzkorpus Mittelniederdeutsch/Niederrheinisch (1200–1650)* contains the first Low German entry of the *Lübecker Niederstadtbuch* (from 1418; 982 tokens of which 790 are in Low German). Additionally, von Seggern (2016) has transcribed and published a number of entries in print, but only one of them is from the volume covering the years 1430–1451. This entry closes the volume in Latin: *Illos libros continuavit postea socius meus magister Johannes Bracht, anno 51 Petri ab vincula* [1. Aug. 1451]. *Johannes Hertze manu propria* (von Seggern 2016: 118). There is, however, no full transcription of the LNB covering the years 1430 to 1451.

Another interesting observation is that the entries in Low German are not distributed evenly across the year 1440, as Figure 3 illustrates. This graph shows the raw frequency of entries with Low German and Latin as the main language on the y axis and the pages on the x axis (the two entries in multiple languages – one on p. 668 and one on p. 704 – are shown in pattern print). The majority of entries in Low German appear from p. 671 to p. 685. In fact, there is not a single entry with Latin as the main language on and between these pages. One explanation for the change in the main language may be a change in scribe. However, while a change in hand can be observed between p. 670 and p. 671 as well as between p. 685 and p. 687 (p. 686 is empty), the Low German entries between these pages were not written by one scribe alone. Several different hands can be identified on those pages, revealing that it was certainly not just one scribe choosing to write the entries in Low German. There also does not seem to be a change in the person who checked the entries' contents, with von Seggern (2016: 118) listing Hermen vame Hagen as the secretary responsible for the *Niederstadtbuch* from 1434 to 1449 and noting that it was deputies of the secretaries who wrote the entries from 22 July 1434 onward. Another explanation could be that the content of the entries determined the scribes' language choice. However, the most common type of entry – what von Seggern (2016: 142–143) calls "persönliche Bekenntnisse", i.e. quite formulaic entries that record the personal statements of people who step in front of the book and acknowledge some sort of commitment, e.g. to pay someone a certain amount of money – appears in both Latin and Low German in the year 1440. Nevertheless, this explanation deserves further attention through a comprehensive qualitative analysis, which will be carried out in the next stage of the project.
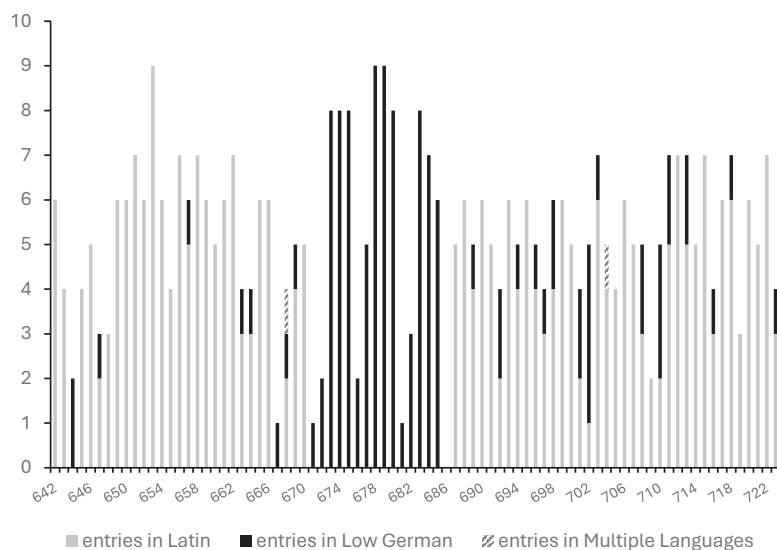

Figure 3. Distribution of Low German/Latin entries on pages 642–723, LNB (1440)

In summary, the vernacularisation process in the LNB happens relatively quickly. Within approximately 30 years, Latin is almost completely replaced by Low German. Furthermore, more temporary shifts to Low German can be observed between 1430 and 1450, as the analysis of the year 1440 has shown. While further research is needed to provide explanations for these shifts, the results presented here offer valuable insights into vernacularisation processes in documentary legal texts. The following section compares these results to those of the ACR and offers some initial conclusions.

5 DISCUSSION AND CONCLUSIONS

Using the same method to analyse the same types of texts belonging to the same domain allows us to draw comparisons across different language contexts, revealing similarities as well as differences in the replacement of Latin. In both the ACR and the LNB, vernacularisation processes can be observed in the fifteenth century. However, the vernacularisation process is considerably slower and more gradual in the ACR than in the LNB. In the former, we can find the first entry in Scots at the end of the fourteenth century, but the vernacularisation process is far from complete by 1511, with over a third of the entries still being classified as Latin at the end of Volume 8. In contrast, the first entry in the vernacular in the LNB is from 1418 (see footnote 23) and the use of Low German remained sporadic in the years 1430 and 1435. After that, however, a rather rapid shift to the vernacular occurred and Latin was replaced as the main language of entries by 1450. Nevertheless, Latin remained visible in the LNB. Dates in rubric headings continued to be written in Latin and code-switches into Latin within vernacular entries remained fairly common in the LNB, as they did in the ACR. These code-switches highlight the multilingual nature of both sources and show that scribes could move comfortably between Latin and the vernacular, both within and between individual entries. Yet, comparatively few entries have been classified as entries in multiple languages, i.e. entries where it was not possible to determine *one* main language. This indicates that, in the majority of cases, one language provided the framework for an entry, even if the other language was then used for individual phrases or expressions, such as Scots street names within Latin entries. Interestingly, Schipor (2018: 150) found that texts with a clearly defined main language (Latin, English or French) outnumbered texts in a mixed code (equivalent to what has been called "entries in multiple languages" in this paper) in the fifteenth-century Hampshire Record Office material she analysed. This suggests that scribes of documentary texts distinguished between languages, used them for different functions, and generally avoided code-mixing.

Another similarity between the ACR and the LNB that links to Schipor's (2018) findings (see Section 1.1) is that the increase in the use of the vernacular seems to be driven by bottom-up language practices, i.e. initiated by scribes and/or the people mentioned in particular entries, rather than top-down language policies. Decrees from the councils prescribing the use of either Latin or the vernacular were neither found for the ACR nor the LNB. However, such a decree does exist in the *Lübecker Oberstadtbuch*, i.e. the town book that contained payment obligations relating to properties and real estate (see Section 2). In 1455, i.e. at a time when the *Niederstadtbuch* was already kept

in Low German, the Lübeck Council prescribed the use of Low German instead of Latin in the *Oberstadtbuch* (Fol. 1r Oberstadtbuch 8a *Jakobi*, 1455–1480).[24] While there were clear guidelines for the *Oberstadtbuch* that were also stringently implemented (Rehme 1895: 16–17, Kuhn 2019), no such decree seems to exist for the *Niederstadtbuch*. Similarly, the gradual and rather slow increase of Scots in the ACR suggests that there was no prescription from above about language selection in the Scottish source. That language policies were not the driving force for vernacularisation and that the replacement of Latin happened gradually is also noted by von Polenz (2021: 288) with regard to German.

While the analyses presented here allow us to identify when and how Latin was replaced by vernaculars in these documentary legal texts, it is more difficult to determine reasons for this change. To establish why scribes shifted from Latin to vernaculars, the sources need to be considered in the context of a more general development towards vernaculars in the fifteenth century – a time when vernaculars were not just employed as spoken but also as written languages. Already in the thirteenth century, Low German was used for important legal texts, such as the *Sachsenspiegel* (c. 1224), the most important book of Saxon customary law, and the so-called *Bardewiksche Codex* (c. 1294), which codified Lübeck law. Furthermore, the Lübeck town charter was translated from Latin into Low German in the thirteenth century (Stedje 2007: 134) and from 1369, the outcomes of meetings between representatives of Hanse towns at the so-called *Hansetage* were written in Low German (Dollinger 2012: 343). A similar, although later development can be observed in Scotland, where the Acts of Parliament of Scotland were recorded in Scots from 1390 and earlier Latin Acts were translated into Scots in 1425 (Corbett *et al.* 2003: 8). These developments indicate changes in the status of and attitudes towards vernaculars in both contexts.[25] Scots and Low German began to be placed on a par with Latin, which was not seen as the sole language of law and administration anymore, even if it retained important functions and continued to be used for specific purposes for years to come. The allocation of languages for specific functions suggests a high level of awareness of separate language varieties; as Burke (2004: 15) notes: "[t]he fourteenth and fifteenth centuries, in particular, were a time of increasing linguistic awareness" across much of Europe. He believes that the expansion of vernaculars "was an act, or succession of acts, of symbolic importance, signalling the rise of new communities or new conceptions of community" (Burke 2004: 75). Whether there were any specific sociocultural changes that led to these acts, the increase in linguistic awareness, and the positive attitudes towards vernaculars remains to be explored.

It is likely that pragmatic reasons played a role in the shift to vernaculars too. Using the vernacular would have broadened the accessibility of documentary legal texts to those unfamiliar with Latin. Schipor (2018: 254) notes that "the literacy skills or

---

24   See Rehme (1895: 16–17) for a transcription of this 97-word paragraph prescribing the use of Latin.

25   *Cf.* Peersman (2014: 647, original italicisation), who states the following about the use of vernaculars vis-à-vis Latin in the Middle Ages: "In order to oppose the *auctoritas* and prestige of the Latin tradition, it is clear that a change in language attitudes was required both towards literacy in general, as well as to the vernacular languages in particular."

linguistic preferences of the persons involved in the production and receptions of the texts" may have influenced code selection in the documentary texts from England she analysed, while Peters (2000: 1411) argues that inadequate Latin skills of classes directly affected by an increasing use of written language drove the replacement of Latin by Low German:

> Die Verschriftlichung weiter Lebensbereiche bewirkte den Schreibsprachenwechsel vom Lateinischen zur Volkssprache. Aus den Schreibbedürfnissen der von der Verschriftlichung betroffenen Schichten heraus, die nicht über ausreichende Lateinkenntnisse verfügten – niederer Adel, Kaufleute, Handwerker –, entstand neben der lat. eine Schriftlichkeit in nd. Sprache. Das Lat. wurde langsam in immer mehr Funktionsbereichen durch die Volkssprache zurückgedrängt. (Peters 2000: 1411)

> The textualization of large areas of life led to a change in the written language from Latin to the vernacular. The writing requirements of the classes affected by this textualization, who did not have sufficient proficiency in Latin – the lower nobility, merchants, craftsmen –, resulted in the development of a written vernacular language alongside Latin. In an increasing number of functions, Latin was slowly replaced by the vernacular. (Peters 2000: 1411, translated by ADH)

While Peters' assessment may oversimplify matters to some extent, pragmatic reasons need to be taken into account when explaining vernacularisation processes. Peter's (2000: 1413) conclusion that Low German replaced Latin in the second half of the fourteenth century in the domains of law, administration, and trade needs to be reevaluated too.[26] While this may be a valid generalisation for many text types from a range of domains, the analysis of the *Lübecker Stadtbücher* has shown that Latin was still the dominant language in this particularly text until the mid-fifteenth century. It remains to be seen whether the *Lübecker Stadtbücher* constitute an outlier in their use of Latin in the Low German context. In the wider European realm, Latin seems to remain an important language in documentary texts from the fifteenth century and beyond, as the results from the *Aberdeen Council Registers* as well as those from Schipor's (2018) and Stenroos' (2020) analyses indicate.

The findings presented here can add to and, in some cases, refute previous statements concerning vernacularisation, but further analyses are necessary to come to more definite conclusions. This research project will investigate the immediate context of the ACR and the LNB further to determine whether the vernacularisation processes in these documentary legal texts are in line with wider developments in their respective geographical areas. Furthermore, qualitative research on the contents of individual

---

26 German quotation: „Erst in der zweiten Hälfte des 14. Jhs. hat sich in der Schriftlichkeit das Mnd. [Mittelniederdeutsche] ganz durchgesetzt" (Peters 2000: 1413). Peters (2000: 1412–1413) provides a range of examples, such as the *Stadtbücher* of Wismar, Aken, and Halle (all written in Low German from the mid-thirteenth century) and charters, in which this statement applies.

entries will be carried out to determine to what extent the subject matter influenced the scribes' choice of language. The names mentioned in entries will be investigated too as their use may reveal whether these people had a say in the choice of language for recording their legal matters. While many questions remain unanswered at this stage, this article will hopefully give further impetus to the study of vernacularisation in medieval and early modern Europe.

References

Primary sources

ARCHIV DER HANSESTADT LÜBECK. Kanzlei. Niederstadtbücher, *Pantaleonis*, 1430–1451.

ARCHIV DER HANSESTADT LÜBECK. Kanzlei. Oberstadtbuch 8a, *Jakobi*, 1455–1480.

FRANKOT, Edda/Anna HAVINGA/Claire HAWES/William HEPBURN/Wim PETERS/ Jackson ARMSTRONG/Phil ASTLEY/Andrew MACKILLOP/Andrew SIMPSON/Adam WYNER (eds) (2019) *Aberdeen Registers Online: 1398–1511*. Aberdeen: University of Aberdeen. https://www.abdn.ac.uk/aro [accessed on 22 April 2022].

Secondary sources

ARMSTRONG, Jackson (2016) "Law in the Aberdeen Council Registers 1398–1511: Concepts, Practices, Geographies." https://aberdeenregisters.org/project/ [accessed on 20 April 2022].

BURKE, Peter (2004) *Languages and Communities in Early Modern Europe*. Cambridge: Cambridge University Press.

BLANCHARD, Ian/Elizabeth GEMMILL/Nicholas MAYHEW/Ian D. WHYTE (2002) "The Economy: Town and Country." In: E. P. Dennison/D. Ditchburn/M. Lynch (eds), 129–158.

CARROLL, Ruth (2004) "Middle English recipes: Vernacularisation of a text-type." In: I. Taavitsainen/P. Pahta (eds), 174–191.

CORBETT, John/J. Derrick MCCLURE/Jane STUART-SMITH (2003) "A brief history of Scots." In: John Corbett/J. Derrick McClure/Jane Stuart-Smith (eds), *The Edinburgh companion to Scots*. Edinburgh: Edinburgh University Press, 1–16.

DENNISON, E. Patricia/David DITCHBURN/Michael LYNCH (eds), *Aberdeen before 1800: A new history*. East Linton: Tuckwell Press.

DENNISON, E. Patricia/David DITCHBURN/Michael LYNCH (2002) "Preface." In: *Ead.* (eds), xxv–xxviii.

Dictionaries of the Scots Language. Scottish Language Dictionaries Ltd. https://dsl.ac.uk/ [accessed on 20 July 2023].

DODD, Gwilym (2011) "The rise of English, the decline of French: supplications to the English Crown, c. 1420–1450." *Speculum* 86, 117–146.

DODD, Gwilym (2019) "Languages and Law in Late Medieval England: English, French and Latin." In: Candace Barrington & Sebastian Sobecki (eds), *The Cambridge Companion to Medieval English Law and Literature*. Cambridge: Cambridge University Press, 17–29.

DOLLINGER, Philippe (⁶2012) *Die Hanse*. New edition by Volker Henn und Nils Jörn. Stuttgart: Kröner.

GEMMILL, Elizabeth (2005) *Aberdeen Guild Court Records 1437–1468*. Edinburgh: Scottish History Society.

HAVINGA, Anna D. (2020) "Assessing the intensity of language contact between Middle Dutch and Scots in late medieval Aberdeen." In: Johanna Kopaczyk/Robert McColl Millar (eds), *Language on the move across domains and communities. Selected papers from the 12ᵗʰ triennial Forum for Research on the Languages of Scotland and Ulster, Glasgow 2018*. Aberdeen: FRLSU, 251–278.

HAVINGA, Anna D. (2021) "The vernacularisation of the Aberdeen Council Registers (1398–1511)." In: Jackson W. Armstrong/Edda Frankot (eds), *Cultures of Law in Urban Northern Europe: Scotland and its Neighbours c. 1350–c. 1650*. London/New York: Routledge, 80–102.

HUME, Cathy (2013) "Lewd Language: English and its Others in Late Medieval Versions of Scripture." In: Judith A. Jefferson/Ad Putter, with assistance of Amanda Hopkins (eds), *Multilingualism in medieval Britain (c. 1066–1520): Sources and Analysis*. Turnhout: Brepols, 273–292.

JAHNKE, Carsten (2019) "Introduction: 'The Queen of the Baltic Coast'." In: Carsten Jahnke (ed.), *A Companion to Medieval Lübeck*. Leiden/Boston: Brill, 1–17.

JONES, Charles (ed.) (1997) *The Edinburgh History of the Scots Language*. Edinburgh: Edinburgh University Press.

KOPACZYK, Joanna (2018) "Administrative multilingualism on the page in early modern Poland: In search of a framework for written code-switching." In: Päivi Pahta/Janne Skaffari/Laura Wright (eds), *Multilingual Practices in Language History: English and Beyond*. Berlin: De Gruyter Mouton, 262–284.

KÖSSINGER, Norbert/Elke KROTZ/Stephan MÜLLER/Pavlína RYCHTEROVÁ (eds) (2018) *Origin Stories. The Rise of Vernacular Literacy in a Comparative Perspective*. Paderborn: Fink.

KUHN, Dominik (14.03.2019) Private correspondence about Niederstadtbücher. Archiv der Hansestadt Lübeck.

LUTTON, Rob (2011) "'Love this Name that is IHC': Vernacular Prayers, Hymns and Lyrics to the Holy Name of Jesus in Pre-Reformation England." In: Elisabeth Salter/Helen Wicker (eds), *Vernacularity in England and Wales, c. 1300–1550*. Turnhout: Brepols, 119–145.

MÄHL, Stefan (2008) *Geven vnde screven tho deme holme. Variablenlinguistische Untersuchungen zur mittelniederdeutschen Schreibsprache in Stockholm*. Uppsala: Kungl. Gustav Adolfs Akademien för svensk folkkultur.

MELD = A Corpus of Middle English Local Documents, version 2017.1 (December 2020) Compiled by Merja Stenroos/Kjetil V. Thengs/Geir Bergstrøm. University of Stavanger. http://www.uis.no/meld [accessed on 22 April 2022].

PEERSMAN, Catharina (2014) "Written Vernaculars in Medieval and Renaissance Times." In: Juan M. Hernández-Campoy/J. Camilo Conde-Silvestre (eds), *The Handbook of Historical Sociolinguistics*. Chichester: Wiley Blackwell, 639–654.

PETERS, Robert (2000) „Soziokulturelle Voraussetzungen und Sprachraum des Mittelniederdeutschen." In: Werner Besch/Anne Betten/Oskar Reichmann/Stefan Sonderegger (eds), *Sprachgeschichte: Ein Handbuch Zur Geschichte der Deutschen Sprache und Ihrer Erforschung*. Berlin/Boston: De Gruyter, 1409–1422.

POLENZ, Peter von (³2021) *Deutsche Sprachgeschichte vom Spätmittelalter bis zur Gegenwart. Band 1: Einführung, Grundbegriffe, 14. bis 16. Jahrhundert*. Edited by Claudine Moulin in collaboration with Maria Backes/Natalia Filatkina. Berlin/Boston: De Gruyter.

PUTTER, Ad (2016) "The linguistic repertoire of medieval England, 1100–1500." In: Tim William Machan (ed.), *Imagining Medieval English: Language Structures and Theories 500–1500*. Cambridge: Cambridge University Press, 126–144.

PUTTER, Ad (2021) "Materials for a Social History of the Dutch Language in Medieval Britain: Three Case Studies from Wales, Scotland, and England." In: *Dutch Crossing*, 45/2, 97–111.

REFERENZKORPUS MITTELNIEDERDEUTSCH/NIEDERRHEINISCH (1200–1650) (2021) *Liste der Texte*. https://www.slm.uni-hamburg.de/ren/korpus/texte.html [accessed on 22 April 2022].

REHME, Paul (1895) *Das Lübecker Ober-Stadtbuch. Ein Beitrag zur Geschichte der Rechtsquellen und des Liegenschaftsrechts*. Hannover: Helwingsche Verlagsbuchhandlung.

SCHENDL, Herbert (2002) "Mixed-language texts as data and evidence in English historical linguistics." In: Donka Minkova/Robert Stockwell (eds), *Studies in the History of the English Language: A Millennial Perspective*. Berlin: Mouton de Gruyter, 51–78.

SCHIPOR, Delia (2018) *A Study of Multilingualism in the late medieval material of the Hampshire Record Office*. [PhD Thesis.] Stavangar: University of Stavanger.

SCHIPOR, Delia (2022) "Multilingual Events in Late Medieval Personal Documentary Texts from the Winchester Diocese Collection in 1400–1525." In: Karen Bennett/Angelo Cattaneo (eds), *Language Dynamics in the Early Modern Period*. New York/London: Routledge, 21–39.

SCHLEISSNER, Margaret R. (ed.) (1995) *Manuscript Sources of Medieval Medicine. A Book of Essays*. London/New York: Routledge.

SCHLEISSNER, Margaret R. (1995) "Introduction." In: M. R. Schleissner (ed.), ix–xii.

SEGGERN, Harm von (2016) *Quellenkunde als Methode: Zum Aussagewert der Lübecker Niederstadtbücher des 15. Jahrhunderts*. Köln/Weimar/Wien: Böhlau.

SMITH, Jeremy (2012) *Older Scots. A Linguistic Reader*. Edinburgh: The Scottish Text Society.

SODMANN, Timothy (2000) "Die Verdrängung des Mittelniederdeutschen als Schreib- und Druckersprache Norddeutschlands." In: Werner Besch/Anne Betten/Oskar Reichmann/Stefan Sonderegger (eds), *Sprachgeschichte: Ein Handbuch*

Zur Geschichte der Deutschen Sprache und Ihrer Erforschung. Berlin/Boston: De Gruyter, 1505–1512.

STEDJE, Astrid (⁶2007) *Deutsche Sprache gestern und heute: Einführung in Sprachgeschichte und Sprachkunde.* New edition Astrid Stedje/Heinz-Peter Prell. Paderborn: Fink.

STENROOS, Merja (2020) "The 'vernacularisation' and 'standardisation' of local administrative writing in late and post-medieval England." In: Laura Wright (ed.), *The Multilingual Origins of Standard English*. Berlin: De Gruyter Mouton, 39–85.

TAAVITSAINEN, Irma/Päivi PAHTA (eds) (2004) *Medical and Scientific Writing in Late Medieval English*. Cambridge: Cambridge University Press.

TROTTER, D. A. (ed.) (2000) Multilingualism in Later Medieval Britain. Cambridge: D. S. Brewer.

VEREIN FÜR NIEDERDEUTSCHE SPRACHFORSCHUNG (2023) *Niederdeutsche Bibliographie*. http://www.vnds.de/de/niederdeutsche-bibliographie.html [accessed on 23 August 2023].

VOIGTS, Linda Ehrsam (1995) "Multitudes of Middle English Medical Manuscripts, or the Englishing of Science and Medicine." In: M. R. Schleissner (ed.), 183–195.

VOIGTS, Linda Ehrsam (1996) "What's the word? Bilingualism in late-medieval England." *Speculum* 71, 813–826.

WRIGHT, Laura (1998) "Mixed-language business writing: Five hundred years of code-switching." In: E. H. Jahr (ed.), *Language change: Advances in historical sociolinguistics*. Berlin: Mouton de Gruyter, 99–118.

WRIGHT, Laura (2000) "Bills, Account, Inventories: Everyday Trilingual Activities in the Business World of Later Medieval England." In: D. A. Trotter (ed.), *Multilingualism in Later Medieval Britain*. Cambridge: D. S. Brewer, 149–156.

Abstract

VERNACULARISATION OF DOCUMENTARY LEGAL TEXTS IN NORTHERN EUROPE: A COMPARISON OF THE DEVELOPMENT OF SCOTS AND LOW GERMAN IN THE FIFTEENTH CENTURY

At the transition from medieval to early modern Europe, vernaculars became more commonly used in writing in various domain, including administration and law. In the late Middle Ages, vernaculars seem to gain status and start to be regarded as suitable languages for recording municipal matters. But how did this vernacularisation progress in such documentary legal texts? When and why was Latin replaced by vernaculars? To answer these questions, this article presents diachronic quantitative analyses of the language choice in individual entries of two documentary legal sources: the first eight volumes of the *Aberdeen Council Registers* (1398–1511) and one volume of the *Lübecker Niederstadtbuch* (1430–1451). The comparative approach to these multilingual texts allows us to trace vernacularisation processes across two language contexts, uncovering similarities and differences between them. In the council registers from Aberdeen,

Scots replaced Latin slowly and gradually – a process that took over a century and was far from finished by 1511. In the text from Lübeck, on the other hand, the shift from Latin to Low German was largely completed within about 30 years. In both cases, language practices of the scribes rather than top-down language policies seem to have driven this development. The scribes' language choices will have been influenced by the use of vernaculars in other texts, including those in the domain of law, pragmatic considerations, and more general socioeconomic developments. By investigating vernacularisation processes in two sources, this article offers a first comparative account that allows for generalisations beyond individual language contexts and serves as the basis for further research in this area.

Keywords: vernacularisation, language choice, historical multilingualism, documentary legal texts, fifteenth century, Scots, Low German

<div align="center">Povzetek</div>

VERNAKULARIZACIJA URADNIŠK PRAVNIH BESEDIL V SEVERNI EVROPI: PRIMERJAVA RAZVOJA ŠKOTŠČINE IN NIZKE NEMŠČINE V 15. STOLETJU

V Evropi so se na prehodu iz srednjega v zgodnji novi vek ljudski jeziki vse splošneje uporabljali v pisnih besedilih z različnih področij, vključno z upravo in s pravom. V poznem srednjem veku so ljudski jeziki statusno napredovali in zdeli so se primerni za zapise v zvezi z lokalnimi zadevami. Toda kako se je vernakularizacija razvijala v tovrstnih uradniških pravnih besedilih? Kdaj in zakaj so ljudski jeziki nadomestili latinščino? Da bi lahko odgovorili na ta vprašanja, predstavljamo diahrono kvantitativno analizo izbire jezika v virih z uradniškimi pravnimi besedili, in sicer prvih osem zvezkov zbirke *Aberdeen Council Registers* (1398–1511) in en zvezek *Lübecker Niederstadtbuch* (1430–1451). Primerjalni pristop k tem večjezičnim besedilom nam omogoča, da process vernakularizacije zasledujemo v dveh jezikovnih okoljih ter spoznavamo podobnosti in razlike med njima. V registrih aberdeenskega mestnega sveta je škotščina nadomestila latinščino počasi in postopno, process je trajal več kot stoletje in je bil do leta 1511 vse prej kot zaključen. Drugače pa je z besedilom iz Lübecka, kjer je bil prehod od latinščine k nemščini dokončan v približno tridesetih letih. V obeh primerih je ta razvoj usmerjala predvsem jezikovna praksa pisarjev, ne pa ukepi nadredne jezikovne politike. Na jezikovne izbire pisarjev so verjetno vplivali raba ljudskih jezikov v drugih besedilih, vključno s pravnimi, nato pragmatične okoliščine in splošnejši družbenoekonomski razvoj. Prispevek proučuje proces vernakularizacije v dveh virih in tako ponuja okvirno primerjalno razlago, s pomočjo katere je mogoče priti tudi do širše veljavnh generalizacij in ki služi kot osnova za nadaljnje raziskovanje.

Ključne besede: vernakularizacija, izbira jezika, zgodovinska večjezičnost, uradniška pravna besedila, 15. stoletje, škotščina, nizka nemščina